



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

400 Seventh St., S.W.
Washington, D.C. 20590

FEB 28 2005

Mr. Paul Reamy
504 Misty Lane
N. Fort Myers, FL 33903

Ref. No. 04-0284

Dear Mr. Reamy:

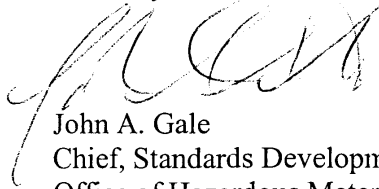
This responds to your December 7, 2004 letter requesting clarification on transporting Class 7 radioactive materials under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask how to properly ship Class 7 radioactive materials that are not intended for use in or incident to, research, medical diagnosis or treatment by passenger aircraft under the HMR.

As your letter notes, radioactive materials that do not exceed a transport index or criticality safety index of 3.0 and intended for use in or incident to research, medical diagnosis, or treatment may be transported on board passenger-carrying aircraft in accordance with §§ 173.448(f) and 175.700(c).

However, § 175.700(c) does provide exceptions for the radioactive materials that are shipped in accordance with §§ 173.4, 173.422 and 173.423. Radioactive materials that are packaged in accordance with §§ 173.4, 173.422, or 173.423 may be shipped by passenger carrying aircraft, and are not subject to any other requirements of the HMR, including §§ 173.448(f) and 175.700(c).

I hope this answers your inquiry.

Sincerely,



John A. Gale
Chief, Standards Development
Office of Hazardous Materials Standards



040284

173-448
175-700

December 7, 2004

Mr. Edward T. Mazullo, Director
Office of Hazardous Materials Standards, DHM 10
Research and Special Programs Administration
400 7th Street SW
Washington, DC 20590

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\$175.700
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04-0284

Dear Ed;

This correspondence is in relation to 49 CFR 173.448 and 49 CFR 175.700.

Section 173.448(f) clearly states that "no person shall offer for transportation or transport aboard a passenger aircraft any Class 7 (radioactive) material unless that material is intended for use in, or incident to research, medical diagnosis or treatment".

Section 49 CFR 175.700 © contains the exact same language except that if the material is packaged in accordance with 49 CFR 173.4, 173.422 and 173.423 the air carrier may transport the Class 7 (radioactive) material on a passenger aircraft.

Please note that section 173.448(f) does not provide for the same packaging exceptions as does 175.700 ©.

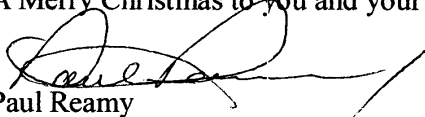
My first question is, how does the shipper of the Class 7 (radioactive) material offer a Class 7 (radioactive) material to a carrier that is OTHER THAN a Class 7 (radioactive) material that is intended for use in, or incident to, research, medical diagnosis or treatment? Example: Exit signs for aircraft from the manufacturer to the user.
My second question relates to 49 CFR 173.422 (b).

If the shipper of the same Class 7 (radioactive) material, packages the Class 7 (radioactive) material in accordance with 173.422(b), is the shipment then only subject to 173.422(b)(1-3) and therefore would not be subject to 173.448 (f) or any other part of subchapter C and may be offered and transported on a passenger aircraft?

A prompt response to this matter would be greatly appreciated.

Ed, we did survive 4 hurricanes and we are still putting things back together. But we are safe.

A Merry Christmas to you and your entire staff.


Paul Reamy
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