

241

RECORD #241

TITLE: Transportation of Limited Quantities of Radioactive
Materials on Passenger Carrying Aircraft

241

AUG 8 1991

(LMS)

HPPOS
J. O. Lubenau
J. O. Lubenau

Ref: SP/JOL

ALL AGREEMENT STATES

TRANSPORTATION OF LIMITED QUANTITIES OF RADIOACTIVE MATERIALS ON PASSENGER CARRYING AIRCRAFT (SP-91-107)

Attached are copies of correspondence exchanged by our Office and the U.S. Department of Transportation (DOT) concerning transportation of limited quantities of radioactive materials on passenger carrying aircraft. Essentially, DOT's March 19, 1991 letter provides an affirmative response (subject to conditions) to the question of whether it is acceptable practice to carry small check or calibration sources or other small quantities of radioactive materials. We stress, however, that a full reading of the letter is required by anyone contemplating such carriage to assure that all applicable DOT requirements have been satisfied.

Original signed by:
J. O. Lubenau for

Vandy L. Miller, Assistant Director
for State Agreements Program
State Programs
Office of Governmental and Public Affairs

Enclosures:
As stated

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FC :SP:SA	:SP:SA:AD	:SP:AD	:	:	:	:	:
AME :J. O. Lubenau:dd	:VMiller	:CKammerer	:	:	:	:	:
ATE :8/7/91	:8/7/91	:8/7/91	:	:	:	:	:

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

January 18, 1991

Mr. Raymond A. Salazar, Director
Office of Civil Aviation
Federal Aviation Administration
800 Independence Avenue
Washington, DC 20591

Dear Mr. Salazar:

On September 25, 1989 Alfred Grella of the NRC wrote to Walter Greiner, FAA, regarding the regulation applicable to carriage of a limited quantity radioactive materials package in the passenger area of a passenger-carrying aircraft or as checked baggage (enclosed). It is our understanding that a response was never sent. This issue has again been raised in our training programs for Agreement State personnel as to whether or not it is permissible to carry a limited quantity radioactive materials package (49 CFR 173.421) or an excepted material/article (173.422) in the passenger area of a passenger-carrying aircraft or as checked baggage. Most typically, situations where the need to do this would involve placing a small source or sample in a briefcase, carriage of a radiation detection instrument (geiger counter) containing an integral check source, or small quantities of environmental samples for laboratory analysis.

Our understanding of the 49 CFR regulations is that such carriage is permissible due to the provisions of Section 49 CFR 173.421-1(b). This section states that any limited quantity radioactive material or excepted device package which has been prepared for shipment under the provisions of Section 173.421, 173.422, 173.424, 173.427, or 173.421-2 is not subject to the requirements of the subchapter, except for the incident reporting requirements.

It is also our understanding that such carriage is permissible regardless of the end-use for the material. NRC does advise that if one does perform such carriage, that they also have in their possession a shipping document which restates the authority of the above-mentioned paragraphs and also contains the certification statement prescribed in Section 49 CFR 173.421-1(a), as well as the certification that the shipment is within the limitations prescribed for passenger aircraft.

Raymond A. Salazar

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JAN 18 1991

I would appreciate hearing from you soon with a confirmation as to whether our understanding of the subject regulation is correct.

Sincerely,

original signed by Vandy L. Miller

for

Carlton Kammerer, Director
State Programs
Office of Governmental and Public Affairs

Enclosure:
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U.S. Department
of Transportation
Federal Aviation
Administration

FEB 13 1991

Mr. Carlton Kammerer
Director, State Programs
Office of Governmental and Public Affairs
United States Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Kammerer:

This is in response to your letter of January 18, requesting clarification on the requirements of 49 CFR 173.421 and 173.421-1 regarding the transportation of limited quantities of radioactive materials. We were of the understanding that the original request was answered by Mr. Edward Mazzullo of the Department of Transportation's Office of Hazardous Materials Transportation.

Within the Department of Transportation, the Research and Special Programs Administration (RSPA) is the agency assigned responsibility for developing and interpreting the Hazardous Materials Regulations (HMR: 49 CFR Parts 100-199). The Federal Aviation Administration (FAA) responsibility for the HMR is limited to enforcing those parts of the HMR that apply to the air transportation of hazardous materials. Additionally, the regulations governing the transportation of radioactive materials have undergone several revisions.

In order to provide you with an accurate reply, it will be necessary for us to coordinate our answer with the technical division at RSPA. We expect to be able to provide you with this information not later than February 22.

Sincerely,

Patrick T. McDonnell
Director, Office of Civil Aviation
Security Operations

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CFA/SLIP



U.S. Department
of Transportation
**Federal Aviation
Administration**

MAR 19 1991

Mr. Carlton Kammerer
Director, State Programs
Office of Governmental and Public Affairs
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Dear Mr. Kammerer:

This is in reference to our February 13 interim response to your letter of January 18 requesting clarification on the requirements for the transportation of limited quantities of radioactive materials.

You are correct in your understanding of 49 CFR 173.421-1(b). With the exception of incident reporting requirements, radioactive materials prepared for shipment under the provisions of 49 CFR 173.421 or 173.422, are not subject to the requirements of the Hazardous Materials Regulations (HMR: 49 CFR Parts 100-199) when transported by air. Therefore, limited quantities of radioactive materials (49 CFR 173.421) or excepted instruments or articles (49 CFR 173.422), may be transported in carry-on or checked baggage on a passenger aircraft. You are also correct in your understanding that a passenger carrying the radioactive material may hand-carry the documentation required by 49 CFR 421-1(a).

In addition, radioactive materials prepared in accordance with 49 CFR 173.421 or 173.422, may be carried on a passenger aircraft regardless of the end use of the material. The provision in 49 CFR 175.700(c) that limits the carriage of radioactive material in carry-on luggage to materials intended for use in, or incident to, research, medical diagnosis or treatment, would not apply.

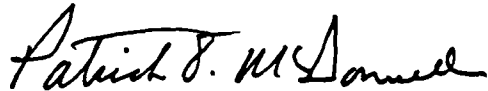
Please note that under the provisions of 49 CFR 171.11(a), shippers are given the option of preparing shipments of hazardous materials in accordance with the International Civil Aviation Organization (ICAO) Technical Instructions for The Safe Transport of Dangerous Goods by Air, commonly referred to as the ICAO Technical Instructions. In addition, 49 CFR 175.30(a) permits air carriers to accept shipments offered in compliance with the ICAO Technical Instructions. Since most domestic air carriers prefer shippers to use the ICAO Technical Instructions, you should be aware of ICAO requirements as well.

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The requirements for excepted packages of radioactive materials are found in Part 2;7.9 of the ICAO Technical Instructions. The provisions of Part 2;7.9 except limited quantities, instruments, and manufactured articles from regulatory requirements in a manner similar to 49 CFR 173.421-1(b).

I trust that this answers your questions. If we can be of further assistance, please contact us.

Sincerely,

A handwritten signature in cursive script, reading "Patrick T. McDonnell".

Patrick T. McDonnell
Director, Office of Civil Aviation
Security Operations