



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

NOV 14 2007

1200 New Jersey Avenue, SE  
Washington, D.C. 20590

Mr. Robert Savini  
Vice President  
Lixi, Inc.  
11980 Oak Creek Pkwy.  
Huntley, IL 60142

Ref No. 07-0180

Dear Mr. Savini:

This is in response to your letter dated September 11, 2007 requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to excepted packages of radioactive materials transported by aircraft. Specifically, you ask whether an excepted package of UN 2911 "Radioactive material, excepted package – instruments *or* articles" may be transported as carry on or checked baggage on board passenger-carrying aircraft.

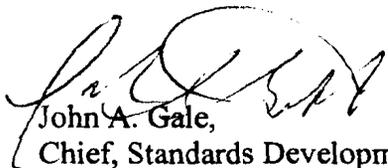
Section 175.75 specifies that, except as provided in the HMR, no person may carry a hazardous material in the cabin of a passenger-carrying aircraft or on the flight deck of any aircraft, and the hazardous material must be located in a place that is inaccessible to persons other than crew members. However, § 173.422 excepts from the provisions of § 175.75 –among others - a package containing a Class 7 material that is prepared for shipments under the requirements found in §§ 173.421, 173.422, 173.424, 173.426, and 173.428. Therefore, provided these requirements are met, there is nothing in the HMR to prohibit a package of UN 2911 "Radioactive material, excepted package – instruments *or* articles" from being transported as carry on or checked baggage on board passenger-carrying aircraft.

It should be noted that the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods (ICAO TI) specifically prohibits passengers from carrying excepted radioactive materials in the cabin or in checked baggage (see ICAO TI 8; 1.1.1). Many commercial airlines follow the International Air Transport Association's (IATA) Dangerous Goods Regulations which are based on the ICAO TI. Therefore, even in the US, airlines may choose to prohibit the carriage of excepted radioactive materials in the cabin and checked baggage based on these ICAO international regulations or IATA industry standards.

In addition, a US air operator's ability to carry excepted radioactive materials may also be limited by its operations specifications issued by the Federal Aviation Administration (FAA).

I trust this response satisfies your inquiry.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Gale". The signature is fluid and cursive, with a large loop at the end.

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

LIXI

Foster  
§ 173.421  
§ 173.422  
§ 173.424  
RAM  
07-0180

September 11, 2007

Mr. Edward Mazullo, Director  
Office of Hazardous Materials Standards (DHM-10)  
Research and Special Programs Administration  
U.S. Department of Transportation  
400 Seventh St., SW  
Washington, DC 20590-0001

Subject: Clarification of shipping regulations for "excepted packages" of radioactive material by domestic commercial passenger aircraft.

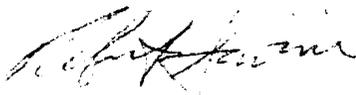
Dear Mr. Mazullo,

Our company, Lixi, Inc., manufactures gauging and imaging equipment that uses up to 1 Curie of the radioactive isotope Gadolinium-153 in sealed source form as a gamma source. The exposure control device, with this source, on our equipment when packaged, conform to the conditions and limitations specified in 49 CFR 173.424 for "Radioactive material, excepted package -- instruments or articles, UN2911."

In 1984, Lixi, Inc. requested and received a letter (attached) from the U.S. Department of Transportation (USDOT) clarifying that an "excepted package" of radioactive material may be transported on board passenger carrying aircraft as carry-on or checked baggage provided it complies with the applicable requirements under the Hazardous Materials Regulations. However, today we are faced with the problem that personnel at various airlines see the UN2911 marking on our package and refuse to accept it as checked or carry-on baggage on passenger aircraft. They advise us that we must process the package as a cargo shipment to get it on the same aircraft as the passenger.

We request a response in writing from the USDOT that restates excepted packages containing UN 2911 radioactive material that comply with 49 CFR Sections 173.421, 173.422, 173.424, and 173.425 may be transported as checked or carry-on baggage on board passenger carrying aircraft.

Regards,



Robert Savini  
Vice President  
email: [rsavini@lixicom](mailto:rsavini@lixicom)  
847-961-6666 ext. 225



US Department  
of Transportation

Research and  
Special Programs  
Administration

RECEIVED

APR 28 1984

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

APR 26 1984

Mr. Robert J. Savini  
Executive Vice President  
Lixi, Inc.  
1438 Brook Drive  
Downers Grove, Illinois 60515

Dear Mr. Savini:

Thank you for your letter of December 27, 1983, which describes the Lixi-scope devices containing a maximum of 500 millicurie of Iodine 125.

The requirements for such packages are provided in 49 CFR Sections 173.422 and 173.423. The information in your letter indicates that the Lixi-scope packages can comply with these requirements, and if they are otherwise prepared and offered for shipment as required by 49 CFR 173.421-1, the packages are excepted from most other requirements of the Department's Hazardous Materials Regulations.

A properly packaged Lixi-scope with the notice required by 49 CFR 173.421-1 may be legally carried aboard a passenger carrying aircraft as carry-on or checked baggage (reference §173.421-1(b)).

I hope this information is useful to you and your customers.

Sincerely,

Richard R. Rawl  
Chief, Radioactive Branch  
Office of Hazardous Materials  
Regulation  
Materials Transportation Bureau