



U.S. Department of Transportation  
**Pipeline and Hazardous Materials  
Safety Administration**

1200 New Jersey Ave, S.E.  
Washington, D.C. 20590

APR 23 2009

Mr. Marvin A Sudduth  
Fed Ex Express  
3670 Hacks Cross Road  
Building G, 2<sup>nd</sup> Floor  
Memphis, TN 38125-8800

Ref. No.: 09-0047

Dear Mr. Sudduth:

This is in response to your March 2, 2009 letter requesting information on the regulatory requirements applicable to a lithium battery-powered package tracking device designed to continuously monitor high value cargo while in transportation. Specifically you ask if this device may be placed into a package and transported aboard an aircraft while the electronic device is in an operational mode.

The Hazardous Material Regulations (HMR; 49 CFR Parts 171-180) do not prohibit the transport of a battery-powered device in an operational mode provided the device is packaged to prevent sparks and the evolution of a dangerous quantity of heat. Provided the lithium battery contained in the package tracking device meets all of the applicable requirements of § 172.102(c), Special Provision 188, the device is not subject to any other requirements of the HMR by any mode of transportation, including aircraft. You should note the Federal Aviation Administration (FAA) prescribes additional requirements for portable electronic devices aboard aircraft and may require evidence that this device will not cause interference with the navigation or communication system of the aircraft on which it is to be used. For further assistance, you may contact Mr. Terry Pearsall of the FAA General Aviation & Avionics Branch (AFS-350) by phone at (202) 385-6432.

I trust this satisfies your inquiry. If we can be of further assistance, please contact us.

Sincerely,

Charles E. Betts  
Chief, Standards Development  
Office of Hazardous Materials Standards



Leary  
\$175.10  
\$173.185  
Battery  
09-0047

March 2, 2009

Mr. Edward Mazzullo  
Director  
Office of Hazardous Materials Standards  
Pipeline and Hazardous Materials Safety Administration  
U.S. Department of Transportation

Re: Request for Interpretation Regarding In flight Operation of a Lithium  
Battery Powered Package Tracking Device

Dear Mr. Mazzullo,

The purpose of this communication is to request an interpretation on whether a service enhancement being initiated by FedEx Express could be in conflict with standing regulatory restrictions regarding in flight operation of a sensor device containing a cell phone.

FedEx Express is preparing to initiate a new service enhancement later this year called Smartpackage.

This enhancement's purpose is to be able to create a sensor network and the infrastructure to support high value packages for a continued monitored service.

This project is currently being developed for a September rollout.

This service will be available to customers that have either an environmental or security requirement that drives the need for additional tracking information for their package.

FedEx Express customers utilizing this service will place sensor devices into selected packages offered to us for transportation.

**Request for Interpretation**

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The aforementioned sensor device will be powered by lithium ion batteries and the device is designed to be shipped in an 'on' position to preserve the integrity of the environmental and location indices that the device is designed to track.

The device will contain a cell phone but it will not be in a transmission mode during flight .

The procedure as described is designed not to violate standing regulatory requirements regarding in flight radio transmissions that could interfere with avionics equipment aboard an aircraft.

The regulatory reference is FAR 121.306.

FedEx Express is requesting an interpretation to state that if the inflight operation of this device will not interfere with aircraft avionics then it would be consistent with standing regulatory restrictions to be able to have this device operational during normal flight activity.

If there are any additional questions that you may have or information on the devices themselves that you require then please do not hesitate to contact me.

Sincerely,



Marym Sudduth

Manager

Dangerous Goods Administration

FedEx Express Corporate Safety Department

901-434-9566