



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

DEC 28 1999

Ref. No. 98-0335

Mr. T.G. Hobbs
Chief, Health Physics
National Institute of Standards and Technology
Gaithersburg, MD 20899-0001

Dear Mr. Hobbs:

This is in response to your letter dated November 3, 1998 regarding the transportation of a limited quantity of radioactive material in the cabin of a passenger-carrying aircraft and the definition of the term "research". I am sorry for the delay and hope this has not caused you any inconvenience.

Section 175.85(a) states that no person may carry a hazardous material in the cabin of a passenger-carrying aircraft. However, 49 CFR 173.422 excepts from the provisions of 175.85 - among others - a package containing a Class 7 material that is prepared for shipment under the provisions of 173.421, 173.423, 173.424, 173.426, or 173.428. Therefore, radioactive material which is classed as Class 7 and is prepared for shipment under the provisions of 173.421, 173.423, 173.424, 173.426, or 173.428 may be transported in the cabin of a passenger-carrying aircraft.

Section 171.8 defines "research" as the investigation or experimentation aimed at the discovery of new theories or laws and the discovery and interpretation of facts or revision of accepted theories or laws in the light of new facts. However, it is the opinion of this Office that "research" does not include the application of existing technology to industrial endeavors. For example, the use of radioactive material to detect the cracks in oil field pipelines is not considered research but the application of existing scientific knowledge.

I hope this satisfies your request.

Sincerely,

Thomas G. Allan
Senior Transportation Regulations Specialist
Office of Hazardous Materials Standards



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UNITED STATES DEPARTMENT OF COMMERCE
National Institute of Standards and Technology
Gaithersburg, Maryland 20899-0001

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98-0335

November 3, 1998

Mr. Edward T. Mazzullo, Director
Office of Hazardous Materials Standards
Research and Special Programs Administration
U.S. Department of Transportation
Washington, D.C. 20590

Dear Mr. Mazzullo:

We would appreciate a statement providing the current regulatory citations and a recapitulation of the Department's positions on the terms "research" and "limited quantity" with respect to carry-on or checked baggage on passenger aircraft. These refer to a DOT memorandum, dated August 11, 1987, with subject "Interpretation of 49 CFR 175.500(c)", from Thomas J. Carlton, Chief, Standards Division, DHM-10, to Walter G. Greiner, Manager, Dangerous Goods/Explosive Security Branch, ACS-120, and to a letter, dated March 19, 1991, from Mr. Patrick McDonnell of the Office of Civil Aviation Security Operations, USDOT, to Mr. Carlton Kammerer, Director of State Programs at USNRC. Please send your response to me at NIST, 100 Bureau Drive, Stop 3541, Gaithersburg, MD 20899-3541. My telephone number is 301-975-5800.

Thank you for your attention to this request.

Sincerely,

T. G. Hobbs, Chief
Health Physics
Occupational Health and Safety Division

NIST