



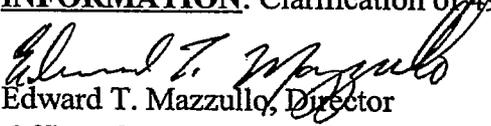
U.S. Department
of Transportation
**Research and
Special Programs
Administration**

Memorandum

Date: **SEP 15 2000**

Reply to Attn. of: Ref. No. 00-0130

Subject: **INFORMATION:** Clarification of 49 CFR 175.85

From: 
Edward T. Mazzullo, Director
Office of Hazardous Materials Standards

To: William Wilkening, Manager
Dangerous Goods Program and Cargo Security

This is in response to your memorandum dated April 25, 2000, on whether a passenger-carrying aircraft can transport hazardous materials in a main deck cargo compartment that is certificated under 14 CFR 23.

49 CFR 175.85(a) states that "hazardous materials may be carried in a main deck cargo compartment of a passenger-aircraft provided that the compartment is inaccessible to passengers and that it meets all certification requirements for a Class B cargo compartment as provided in 14 CFR 25.857(b)." A main deck cargo compartment of a passenger-carrying airplane that has been certificated under 14 CFR part 23 is not likely to have been shown to meet the requirements of 14 CFR 25.857(b). In any event, reconfiguring a part 23 airplane to incorporate a Class B cargo compartment would likely be a major change in type design, which would require an amended or supplemental type certificate. In that case, there would be a record of a Federal Aviation Administration (FAA) approval, and the certification basis of that approval would state whether the change complies with 14 CFR 25.857(b). Therefore, hazardous materials may only be carried on a main deck cargo compartment of a passenger-carrying aircraft that is certificated under 14 CFR Part 23 if there is a FAA amended or supplemental approval stating that the cargo compartment complies with 14 CFR 25.857(b).

I trust this satisfies your inquiry. This response was coordinated with the FAA's Office of the Chief Counsel.

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U.S. Department
of Transportation
Federal Aviation
Administration

Memorandum

GAR
& 175.85

00-0130

Subject: **ACTION:** Interpretation of 49 CFR 175.85 as it applies to Part 135 Operators of Small Aircraft.

Date: APR 25 2000

From: Manager, Dangerous Goods and Cargo
Security Division, ACO-800

Reply to
Attn. of:

To: Edward Mazzullo, Director, Office of
Hazardous Material Standard, DHM-10

49 CFR Part 175.85 states that "hazardous material may be carried in a main deck of a cargo compartment of a passenger-carrying aircraft provided that the compartment is inaccessible to passengers and that it meets all certification requirements for a Class B aircraft cargo compartment as provided in 14 CFR 25.857(b).

Part 135 operators utilize aircraft that are certificated under the airworthiness standards of 14 CFR, Part 23, not Part 25.

The question is whether an operator can carry passengers and hazardous materials simultaneously in an aircraft certificated under 14 CFR, Part 23 that does not, and is not required to meet the requirements set forth in 14 CFR 25.857(b).

If this office can be of further assistance, please contact us.

William G. Wilkening



Memorandum

U.S. Department
of Transportation

Federal Aviation
Administration

Subject: **ACTION:** Civil Aviation Security Enforcement
of 49 CFR Subpart 175.85

Date: April 14, 2000

From: Manager, Civil Aviation Security Division, ASO-700

Reply to
Attn of: Hunter
404-305-6862

To: Manager, Dangerous Goods/Cargo Security Program,
ACO-800

The following is a question posed to the Southern Region, Civil Aviation Security Division, by a Principal Operations Inspector.

Is the following subchapter, 175.85, enforceable when an FAR Part 135 air carrier utilizes an aircraft certified under Part 23, and the main deck cargo compartment does not meet certification requirements of 14 CFR 25.857(b)?

The following regulations have been added for your convenience:

49 CFR subchapter 175.85

175.85(a)

a) Except as provided in §175.10, no person may carry a hazardous material subject to the requirements of this subchapter in the cabin of a passenger-carrying aircraft or on the flight deck of any aircraft. Hazardous materials may be carried in a main deck cargo compartment of a passenger-aircraft provided that the compartment is inaccessible to passengers and that it meets all certification requirements for a Class B aircraft cargo compartment as provided in 14 CFR 25.857(b).

14 CFR Part 25.857

Cargo compartment classification. 25.857(a)

(a) Class A. A Class A cargo or baggage compartment is one in which- 25.857(a)(1)

(1) The presence of a fire would be easily discovered by a crewmember while at his station; and

25.857(a)(2)

(2) Each part of the compartment is easily accessible in flight. 25.857(b)

(b) Class B. A Class B cargo or baggage compartment is one in which- 25.857(b)(1)

(1) There is sufficient access in flight to enable a crewmember to effectively reach any part of the compartment with the contents of a hand fire extinguisher;

25.857(b)(2)

(2) When the access provisions are being used, no hazardous quantity of smoke, flames, or extinguishing agent, will enter any compartment occupied by the crew or passengers;

25.857(b)(3)

(3) There is a separate approved smoke detector or fire detector system to give warning at the pilot or flight engineer station.

25.857(c)

(c) **Class C.** A Class C cargo or baggage compartment is one not meeting the requirements for either a Class A or B compartment but in which- 25.857(c)(1)

(1) There is a separate approved smoke detector or fire detector system to give warning at the pilot or flight engineer station; 25.857(c)(2)

(2) There is an approved built-in fire extinguishing or suppression system controllable from the cockpit. 25.857(c)(3)

(3) There are means to exclude hazardous quantities of smoke, flames, or extinguishing agent, from any compartment occupied by the crew or passengers; 25.857(c)(4)

(4) There are means to control ventilation and drafts within the compartment so that the extinguishing agent used can control any fire that may start within the compartment. 25.857(d)

(d) [Reserved] 25.857(e)

(e) **Class E.** A Class E cargo compartment is one on airplanes used only for the carriage of cargo and in which- 25.857(e)(1)

(1) [Reserved] 25.857(e)(2)

(2) There is a separate approved smoke or fire detector system to give warning at the pilot or flight engineer station; 25.857(e)(3)

(3) There are means to shut off the ventilating airflow to, or within, the compartment, and the controls for these means are accessible to the flight crew in the crew compartment; 25.857 (e)(4)



Jackson Smith


Gale, John

Keep (FAA on clearance)

From: Carol Toth [Carol.Toth@faa.gov]
Sent: Monday, September 11, 2000 1:06 PM
To: Gale, John <RSPA>
Subject: Re[2]:

John, I have reviewed the letter and see that it incorporates Carey Terasaki's edits. Thus, I have two minor edits and then I am okay with the letter -- last line of the second paragraph states "approval stating that the cargo compartment . . ." should read "amended or supplemental approval stating that . . .". And the name of the office should be corrected to read "Office of the Chief Counsel" not Office of the General Counsel.

Carol Toth

Reply Separator

Subject: RE:
Author: "Gale John" <John.Gale@RSPA.dot.gov> at SMTPGate
Date: 9/8/00 7:47 AM

No. I am only interested in my letter on the Class B cargo compartment.

John

-----Original Message-----

From: Carol Toth [mailto:Carol.Toth@faa.gov]
Sent: Thursday, September 07, 2000 6:48 PM
To: Gale, John <RSPA>
Subject: Re:

I am not ignoring you. I am waiting for comments from Dave Catey who received the document last week but has been out all this week and will be in on Monday. Since you asked for comments by 9/15 can we assume I am not late on this??? Thanks, Carol.

Reply Separator

Subject:
Author: "Gale John" <John.Gale@RSPA.dot.gov> at SMTPGate
Date: 8/31/00 1:37 PM

Carol:

Attached is the latest version of Docket HM-224B, the RSPA rule that will propose the ruggidized overpack for cylinders of compressed oxygen, for FAA comment. Please provide your comments by 9/15/00.

We are in the final stages of this rule and pending your comments will be ready to place it in final concurrence. However, the regulatory evaluation/Regulatory Flexibility Act requirements are not yet completed. Please let us know when FAA's Office of Policy will be able to complete these documents so that the rulemaking can proceed further.

Thanks, John