



U.S. Department
of Transportation

Pipeline and Hazardous Materials
Safety Administration

1200 New Jersey Ave., SE
Washington, DC 20590

OCT 31 2008

Mr. John E. Martiney
Republic Airways Holdings
8909 Purdue Road, Suite 300
Indianapolis, IN 46268

Ref. No. 08-0250

Dear Mr. Martiney:

This responds to your letter dated October 1, 2008 requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to hand held point-of-service devices containing lithium batteries.

According to your letter these devices allow flight attendants to charge in-flight meals and beverages to a credit card. You state these devices are similar in nature to consumer electronic devices containing lithium batteries currently authorized for carriage aboard aircraft in checked or carry-on baggage in accordance with § 175.10(a)(17). You request we revise § 175.10 to permit these devices and spare batteries for these batteries aboard an aircraft.

Since these devices are intended for use by the aircraft operator they would be appropriately described as operator equipment. Currently the exceptions for operator equipment in § 175.8 do not apply to the devices you describe and therefore would not be permitted under the HMR. However, we intend to discuss this matter in a future notice of proposed rulemaking. When we publish a proposed rule, you may comment on the rulemaking in accordance with the procedures in Part 106, Subpart B.

In the interim, you may apply for a competent authority approval from the Office of Special Permits and Approvals. Procedures for applying for an Approval are in Part 107, Subpart H in the HMR. The Office of Hazardous Materials Approvals may be reached by telephone at (202) 366-4511.

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

Sincerely,

Susan Gorsky
Acting Chief, Standards Development
Office of Hazardous Materials Standards



Leary
§ 175.10(a)(17)
Batteries
08-0250

Shuttle America

Chautauqua Airlines

Republic Airlines

October 1, 2008

US DOT PHMSA Office of Hazardous Materials
Attn: Standards PHH-10
US Department of Transportation, East Building
1200 New Jersey Avenue, SE
Washington, DC 20590-0001

Subject: "Personal Use" Electronic Equipment

Dear Sir / Madam,

The airline industry is quickly moving towards the implementation and use of electronic hand held, point-of-sale devices containing Lithium batteries. These HHD's allow the flight attendants to charge passenger meals and beverages on board an aircraft in flight with a credit card instead of cash. The time and transaction security benefits and savings are a great help to a carrier's bottom line.

As these devices are no different from the devices allowed to be carried on board aircraft in flight by passengers and crewmembers, we ask that this same paragraph apply to hand-held devices containing lithium batteries, and their spares, under the provisions of 49 CFR 175.10(a)(17), for use by our flight attendants.

If any questions, please contact me.

Sincerely

JEMartiney

(Signed)
John E. Martiney
Director, Hazmat/EPA & OSHA Compliance
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8909 Purdue Road, Ste 300
Indianapolis, IN 46268

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JEM/