



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

· 1200 New Jersey Ave, SE
Washington, D.C. 20590

APR 21 2010

Ms. Nancy Finkenkeller
Staff Specialist – Dangerous Goods
United Airlines
1200 East Algonquin Road
Elk Grove, IL 60007

Ref. No. 10-0050

Dear Ms. Finkenkeller:

This responds to your February 22, 2010 email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) regarding quantity limitations and cargo location for carriage by aircraft under § 175.75 and United States (U.S.) Variation 13 in the International Civil Aviation Organization (ICAO) Technical Instructions. Specifically, you request clarification on the 75 kg net weight limitation of Division 2.2 materials stowed in an inaccessible manner as it applies to articles.

For each package containing a hazardous material acceptable for carriage aboard passenger-carrying aircraft, no more than 25 kg (55 pounds) net weight of hazardous material may be loaded in an inaccessible manner. In addition to the 25 kg limitation above, an additional 75 kg (165 pounds) net weight of Division 2.2 (non-flammable compressed gas) may be loaded in the same compartment. In the case of articles containing a Division 2.2 material, the 75 kg net weight limit applies to the amount of hazardous material contained in the article.

I hope this answers your inquiry. If you have further questions, please do not hesitate to contact this office.

Sincerely,

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

Drakeford, Carolyn (PHMSA)

From: Leary, Kevin (PHMSA)
Sent: Wednesday, March 03, 2010 8:04 AM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: NRT experiencing difficulty 016-12271092 RNG 2.2
Attachments: RNG 2.2 NET-wt MAX restriction01.pdf; RNG 2.2 TTL NET exceeds MAX.JPG

Importance: High

Carolyn,

Please log this for an interp. The email string and the attachments.

Kevin

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

From: Finkenkeller, Nancy [WHQQA] <Nancy.Finkenkeller@united.com>
To: Kelley, Shane (PHMSA)
Cc: Finkenkeller, Nancy [WHQQA] <Nancy.Finkenkeller@united.com>
Sent: Tue Mar 02 08:32:55 2010
Subject: RE: NRT experiencing difficulty 016-12271092 RNG 2.2

Shane,

I don't have much more information for you, but NRT sent the below.

I can't get the attachment to send but it is just an invoice with the same gross weight

Nancy

Let me know what you find out.

We contacted Shipper "KOMATSU LTD" in Tokyo this evening and obtained Packing list, summary sheet of said UN3164 package and MSDS documents as attached. But unfortunately, we could not find exclusive Net wt of Non Flammable gas contained in this Articles.

Each package ttl 24pcs Gross wt is shown on "ATTACHED SHEET" far in the right corner shows ttl gross wt of contents articles. But it is not the exclusive Net wt of Non Flammable gas I believe. Home page of STABILUS GMBH is shown on MSDS documents.

it says: www.stabilus.com
<<https://mail.ual.com/exchweb/bin/redir.asp?URL=http://www.stabilus.com>>

Thanks for your patience but this is all we can do at this end

Nancy Finkenkeller
Sr Staff Rep- Auditor
Dangerous Goods
847 700-5641

Leary
\$171.22
\$172.101
\$172.204
Shipping Papers
10-0050

From: shane.kelley@dot.gov [<mailto:shane.kelley@dot.gov>]
Sent: Tue 2/23/2010 5:58 PM
To: Finkenkeller, Nancy [WHQQA]
Subject: RE: NRT experiencing difficulty 016-12271092 RNG 2.2

Nancy,

I have raised the issue to our Standards and Tech folks. The issue is whether the term "net weight of hazardous materials" would apply to the gas or to the pneumatic articles. Could you find out from the shipper the total content in grams of the gas only? I am hopeful that we can resolve this by agreeing that the gas content is the net weight we are concerned with - likely the net weight of gas is < 75 kg. In my view the clear intent of the Regulations is to limit the quantity of material and not count the package weight - for example a shipment of Nitrogen in cylinders would be limited based on the net weight of Nitrogen. I'll let you know as I progress in obtaining a consensus here.

-Shane

From: Finkenkeller, Nancy [WHQQA] [<mailto:Nancy.Finkenkeller@united.com>]
Sent: Tue 2/23/2010 6:54 PM
To: Finkenkeller, Nancy [WHQQA]; Kelley, Shane (PHMSA)
Subject: RE: NRT experiencing difficulty 016-12271092 RNG 2.2

Shane,

Any advice on the UN3164 and gross weight?

thanks
Nancy

Nancy Finkenkeller
Sr Staff Rep- Auditor
Dangerous Goods
847 700-5641

From: Finkenkeller, Nancy [WHQQA]
Sent: Mon 2/22/2010 1:59 PM
To: shane.kelley@dot.gov
Cc: Finkenkeller, Nancy [WHQQA]
Subject: FW: NRT experiencing difficulty 016-12271092 RNG 2.2

Shane,

Here is the shippers dec.

We are concerned with the gross/ net weights and USG 13

Nancy Finkenkeller -OPCQA

United Airlines

Sr. Staff Auditor- Quality Assurance Airline Operations

! : 847-700-5641 7: 847-700-1684

*: nancy.finkenkeller@united.com

From: Kelley, Shane (PHMSA)
Sent: Monday, February 22, 2010 4:40 PM
To: Leary, Kevin (PHMSA)
Cc: Pfund, Duane (PHMSA)
Subject: FW: NRT experiencing difficulty 016-12271092 RNG 2.2
Importance: High

Here's what I got from United who was referred to us by the info center. Your insights as to whether the net weight of the article or the net weight of the gas applies would be appreciated. It seems that our intent has always been to limit the weight of the actual material – but for listed articles it gets a bit muddy.

Shane C. Kelley
International Transportation Specialist
Office of Hazardous Materials International Standards
Pipeline and Hazardous Materials Safety Administration
U.S. Department of Transportation
Voice: 202-366-4359
FAX: 202-366-5713

From: Finkenkeller, Nancy [WHQQA] [mailto:Nancy.Finkenkeller@united.com]
Sent: Monday, February 22, 2010 2:59 PM
To: Kelley, Shane (PHMSA)
Cc: Finkenkeller, Nancy [WHQQA]
Subject: FW: NRT experiencing difficulty 016-12271092 RNG 2.2
Importance: High

Shane,

Here is the shippers dec.
We are concerned with the gross/ net weights and USG 13

Nancy Finkenkeller -OPCQA

United Airlines

Sr. Staff Auditor- Quality Assurance Airline Operations

☎: 847-700-5641 📠: 847-700-1684

✉: nancy.finkenkeller@united.com

Shipper **TW**

KOMATSU LTD.
2-3-6, AKASAKA, MINATO-KU
TOKYO, JAPAN
TEL NO. 03-5561-2839

Waybill No. 016-1227 109Z NEC-1111 9205

Page 1 of 2 Pages
Shipper's Reference Number
(optional)

Consignee

KOMATSU AMERICA CORP
NEWBERRY MANUFACTURING OPERATION
6414 SC HWY 219. NEWBERRY SC 29108



Two completed and signed copies of this Declaration must be handed to the operator.

WARNING

Failure to comply in all respects with the applicable Dangerous Goods Regulations may be in breach of the applicable law, subject to legal penalties.

TRANSPORT DETAILS

This shipment is within the limitations prescribed for:
(delete non-applicable)

Airport of Departure

PASSENGER AND CARGO AIRCRAFT

CARGO AIRCRAFT ONLY

NARITA

Airport of Destination :

ATLANTA

Shipment type : (delete non-applicable)

NON-RADIOACTIVE ~~RADIOACTIVE~~

NATURE AND QUANTITY OF DANGEROUS GOODS (see sub-Section 8.1 of IATA Dangerous Goods Regulations)

Dangerous Goods Identification				Quantity and type of packing	Packing Inst.	Authorization
UN or ID NO.	Proper Shipping Name	Class or Division (Subsidiary Risk)	Pack-ing Group			
UN1066	NITROGEN, COMPRESSED	2.2		1 FIBREBOARD BOX X 0.27KG OVERPACK USED X 1 TOTAL NET QUANTITY PER OVERPACK 0.27KG (C/NO.A9YG620-0003)	200	
UN3164	ARTICLES,PRESSURIZED, PNEUMATIC	2.2		1 FIBREBOARD BOX X 469.0KG G OVERPACK USED X 1 TOTAL QUANTITY PER OVERPACK 469.0KG G (C/NO.A9YG620-0002)	208	

GROSS

Additional Handling Information

011-81-3-3583-0340

24-hour emergency telephone number:
(including country and area code)

I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labelled / placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. I declare that all of the applicable air transport requirements have been met.

Name / Title of Signatory
M. KISHI / MANAGER

Place and Date
TOKYO, JAPAN FEB.12,2010

Signature
(see warning above)



AIR WAYBILL HAZ PT ITM PART 1 OF 1
HAZAWB/ 016NRT12271092 / RNG/ 1/ 2/
24 HOUR PHONE / 11-81-3-3583-04340/ EXT:
UN/ID / UN 3164 / RNG / NONFLAMMABLE GAS
PSN-TECH NAME / ATRICLES,PRESSURIZED,PNEWMATIC
/
CLASS/DIV / 2.2 / TI/ / HEIGHT/
SUB RISK / NA
PACKING GROUP / NA
DRILL CODE / 2L
NUMBER OF PCS / 1
NET / GROSS WT/ 938 LBS / GROSS
DESTINATION / IAD / SP/ NA
REMARKS / OVERPACK USED

ERR: RNG TOTAL WEIGHT EXCEEDS MAXIMUM

Pg=1 Row= 1 Col= 1

POLL