



U.S. Department  
of Transportation

Pipeline and Hazardous  
Materials Safety  
Administration

1200 New Jersey Avenue, SE  
Washington, DC 20590

MAR 03 2017

Mr. E.A. Altemos  
HMT Associates, L.L.C.  
4165 Shackleford Road  
Norcross, GA 30093

Ref. No. 16-0097

Dear Mr. Altemos:

This responds to your May 24, 2016 e-mail requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180 applicable to the accessibility requirements prescribed in § 175.75(d)(1) as they relate to the use of fire containment covers (FCCs), and the use of unit load devices (ULDs). Your questions are paraphrased and answered as follows:

Q1. You state it is your understanding that if hazardous materials are placed on a pallet and then covered with a FCC, and provided the pallet is otherwise loaded on the aircraft so as to meet the requirements for accessibility as prescribed in § 175.75(d)(1), the palletized and covered packages covered by a FCC qualify as accessible for the purposes of § 175.75. Furthermore, you state that the FCC can be unclipped from the pallet and lifted to allow access to the packages.

A1. Section 175.75(d)(1) defines "accessible" as "on passenger-carrying or cargo-only aircraft that each package is loaded where a crew member or other authorized person can access, handle, and, when size and weight permit, separate such packages from other cargo during flight, including a freight container in an accessible cargo compartment when packages are loaded in an accessible manner." It is the opinion of this Office that the presence of a FCC, as described in your inquiry, does not preclude a particular location from otherwise being considered accessible under 175.75(d)(1).

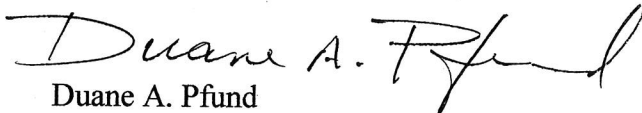
Q2. You state that § 175.75(d)(1)(i) provides that a package may be considered accessible when loaded on a cargo-only aircraft if it is loaded in a cargo compartment certified by the FAA as a Class C aircraft cargo compartment. It is your understanding that the use of a ULD does not preclude a package as being considered to be loaded accessibly in a Class C compartment of a cargo-only aircraft under the provisions of § 175.75(d)(1)(i).

A2. You are correct. Section 175.75(d)(1)(i) allows packages transported on a cargo-only aircraft in a cargo compartment certified by the FAA as a Class C aircraft cargo compartment as defined in 14 CFR 25.857(c) to be considered accessible. The use of a ULD does not invalidate this allowance.

Please note that the discussion above addresses only minimal regulatory standards. Operators should conduct a safety risk assessment to ensure that their aircraft systems, equipment, procedures, and other mitigation measures ensure an acceptable level of safety relative to the hazardous materials that they transport. See FAA Safety Alert for Operators 16001 *Risks of Fire or Explosion when Transporting Lithium Ion or Lithium Metal Batteries as Cargo on Passenger and Cargo Aircraft*.

I hope this answers your inquiry. If you need additional assistance, please contact the Standards and Rulemaking Division at (202) 366-8553.

Sincerely,

A handwritten signature in black ink, reading "Duane A. Pfund". The signature is fluid and cursive, with the first name "Duane" being the most prominent part.

Duane A. Pfund  
International Standards Coordinator  
Standards and Rulemaking Division

Webb  
\$175.75(d)(1)  
LOAD/UNLOAD  
16-0097

# HMT ASSOCIATES, L.L.C.

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May 24, 2016

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Pipeline and Hazardous Materials  
Safety Administration  
Department of Transportation  
1200 New Jersey Avenue, SE  
East Building, 2<sup>nd</sup> Floor  
Washington, D.C. 20590

Ms. Janet McLaughlin  
Director, Office of Hazardous  
Materials Safety  
Federal Aviation Administration  
800 Independence Ave., SW  
Room 300 East  
Washington, D.C. 20591

Dear Mr. Pfund and Ms. McLaughlin:

This is to request your confirmation, jointly if possible, of my understanding of the accessibility requirements prescribed in §175.75(d)(1) of the Department's Hazardous Materials Regulations (49 CFR Parts 171-180, "the HMR") as they relate to the use of fire containment covers (FCCs), and the use of unit load devices (ULDs) which enclose cargo with structural elements, such as an "igloo" (referred to herein as a "structural ULD"). In this connection, your confirmation of the following is requested:

1. Use of FCCs. FCCs are now being used by certain airlines as means to mitigate the risks of in-flight fire. The accessibility requirement in §175.75(d)(1) provides that to be considered "accessible" a hazardous material package must be loaded where a crew member or other authorized person can access, handle, and, when size and weight permit, separate such packages from other cargo during flight (including a freight container in an accessible compartment when packages are loaded in an accessible manner). For a case in which an airline seeks to use an FCC with a pallet containing hazardous materials, I seek to confirm the compatibility of the FCC with the requirements of §175.75(d)(1). Because the FCC can be unclipped from the pallet on which the hazardous materials are placed and lifted to gain access to packages on the pallet, in the context of the accessibility requirement in §175.75(d)(1) the FCC is similar to pallet netting or

HMT ASSOCIATES, L.L.C.

Mr. Duane Pfund  
Ms. Janet McLaughlin  
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weather wrap that have been used for many years over packages requiring accessible loading when placed on pallets, provided the pallet otherwise is loaded on the aircraft so as to meet the "performance standard" for accessibility as prescribed in §175.75(d)(1). Therefore, it is my understanding that an FCC which can be unclipped from the pallet and lifted to allow access to the packages loaded on the pallet does not affect achieving accessibility, provided the pallet otherwise is loaded on the aircraft so as to conform to the accessibility standard.

2) Paragraph 175.75(d)(1)(i) provides that a package may be considered accessible when loaded on a cargo-only aircraft if it is loaded in a cargo compartment certified by the FAA as a Class C aircraft cargo compartment. Normally Class C compartments are located in the belly of an aircraft, and very often cargo loaded in belly compartments of aircraft designed to carry cargo in ULDs is loaded in structural ULDs. There is no suggestion in §175.75(d)(1)(i) that it is intended that this common practice be precluded in the context of a package being considered "accessible" when loaded in a Class C compartment in a cargo-only aircraft. Therefore, it is my understanding that use of a structural ULD does not preclude a package as being considered to be loaded accessibly in a Class C compartment of a cargo-only aircraft under the provisions of §175.75(d)(1)(i).

Your consideration of this request is most appreciated. Please do not hesitate to contact me if you have questions concerning this request or if you require additional information or clarification.

Sincerely,



E. A. Altemos