



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

JUN - 3 1999

Mr. Larry J. (Scooter) King
Regulatory Manager
Austin Powder Company
Cleveland, OHIO 44122

Ref. No. 99-0141

Dear Mr. King:

This is in response to your letter dated June 3, 1999, regarding the use of the CARGO AIRCRAFT ONLY label. Specifically, you ask if a CARGO AIRCRAFT ONLY label may be placed on a package containing a hazardous material that is authorized aboard a passenger-carrying aircraft.

Column 9A of the Hazardous Materials Table specifies the maximum net quantity of a hazardous material that is authorized to be transported aboard a passenger-carrying aircraft. Section 173.27 states that a package containing a hazardous material which is authorized aboard cargo aircraft but not aboard passenger aircraft must be labeled with the CARGO AIRCRAFT ONLY label and may not be offered for transportation or transported aboard passenger-carrying aircraft. It is the opinion of this Office that a package bearing the CARGO AIRCRAFT ONLY label that is within the quantity limitations specified for passenger-carrying aircraft would not be in violation of the Hazardous Materials Regulations.

I hope this satisfies your inquiry.

Sincerely,

JA
Thomas G. Allan
Acting Director, Office of Hazardous
Materials Standards



990141

172.101

AUSTIN POWDER COMPANY



CLEVELAND, OHIO 44122

Gale
§ 172.401
99-0141

June 3, 1999

Edward Mazzullo
Department of Transportation
Office of Hazardous Material Standards
400 Seventh Street SW
Washington, D.C. 20590

216 464
4418

Dear Mr. Mazzullo:

Austin Powder Company respectfully requests an interpretation of 49 CFR 172.101 (j) (4) and the use of the CARGO AIRCRAFT ONLY label.

Austin Powder Company does not ship any explosives by passenger aircraft, and does not want any explosives shipped by any its employees or agents on passenger aircraft regardless of any quantity authorized on passenger-carrying aircraft.

Is it legal to use a CARGO AIRCRAFT ONLY label as specified in 49 CFR 172.448 on a package that is authorized on passenger-carrying aircraft but does not exceed the maximum net quantity authorized on passenger-carrying aircraft?

Your prompt response is greatly appreciated.

Sincerely,

Larry J. (Scooter) King
Regulatory Manager

cc: John Gale