



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, D.C. 20590

FEB 08 2013

Ms. Sandra Harding
3741 Eight Mile Road
Melbourne, KY 41059

Reference No.: 12-0235

Dear Ms. Harding:

This is in response to your October 19, 2012 email to the Hazardous Materials Information Center requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to aircraft quantity limitations and cargo location.

You observe that Variation US 13 in the International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO TI) is not consistent with the current language of the HMR. You provide an outline of your understanding of the current requirements of HMR § 175.75(b) through (f) relating to accessibility requirements and quantity limitations and ask if your understanding is correct.

Your understanding of the current requirements of HMR § 175.75, pertaining to the loading and transport of hazardous materials aboard an aircraft and Variation US 13 of the ICAO TI, as you outlined in your email are correct.

You are also correct that Variation US 13 in the ICAO TI is not consistent with the current language of HMR § 175.75. However, Variation US 13 does indicate that operators must comply with all requirements of Part 175 of the HMR. The revision of Variation US 13 is under consideration for an international harmonization initiative.

You also ask PHMSA's reasoning for not excluding Class 7 materials from the quantity limitations on passenger aircraft.

Class 7 materials were inadvertently not excluded from the quantity limitations for passenger aircraft in HMR § 175.75(c). The limitations for the transport of Class 7 materials by aircraft are provided in HMR § 175.700. The revision of HMR § 175.75(c), to exclude Class 7 materials, may be considered for a future rulemaking.

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

Delmer Billings
Senior Regulatory Advisor
Standards and Rulemaking Division

Drakeford, Carolyn (PHMSA)

Babich
\$175.75
Loading / Unloading
12-0235

From: INFOCNTR (PHMSA)
Sent: Monday, October 22, 2012 11:35 AM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Request for clarification 49 CFR 175.75

Hi Carolyn,
We received the following request for a formal letter of interpretation.
Thanks,
Victoria

From: Sandra Harding [<mailto:sharding29@gmail.com>]
Sent: Friday, October 19, 2012 1:15 PM
To: INFOCNTR (PHMSA)
Subject: Fw: Request for clarification 49 CFR 175.75

CORRECTION TO "ADDITIONAL QUESTION" below:

From: Sandra Harding
Sent: Friday, October 19, 2012 1:08 PM
To: infocntr@dot.gov
Subject: Request for clarification 49 CFR 175.75

Dear PHMSA,

I am writing to request clarification of the operator requirements for loading hazardous materials as described in 49 CFR 175.75.

I am not yet in possession of the 2013-2014 ICAO Technical Instructions to be able to verify whether ICAO TI Variation US-13 has been amended to correspond with the current 175.75, but I do have the 2013 IATA DGR which still contains what I believe is outdated information in USG-13 (d).

Can you please advise whether my understanding of 49 CFR 175.75 (b) through (f) as outlined below is correct:

A. ACCESSIBILITY REQUIREMENTS

Packages/overpacks labeled "CARGO AIRCRAFT ONLY" must be loaded on a cargo-only aircraft where they can be (definition of "accessibility") accessed, handled and where size and weight permit, relocated away from other cargo inflight, OR loaded in a Class C cargo compartment (OR in a ULD approved as meeting Class C requirements).

These requirements to NOT apply to CAO packages/overpacks of the following:

- Class 3, PG III, except those having a Class 8 subsidiary risk;
- Division 6.1, PG II and III only, except those having a Class 3 subsidiary risk;
- Division 6.2,
- Class 7, provided they do not have a subsidiary risk;
- Class 9

B. LOAD QUANTITY LIMITATIONS:

On PASSENGER AIRCRAFT:

No more than 25 kg net weight of dangerous goods, and an additional 75 kg of 2.2 gas, may be loaded in an inaccessible cargo compartment.

The following are not subject to the above limitations:

Class 9;

Packages prepared in accordance with the Limited Quantity provisions of ICAO TI;

Packages prepared in accordance with the Excepted Quantity provisions of ICAO TI.

ON CARGO-ONLY AIRCRAFT:

Packages/overpacks labeled "CARGO AIRCRAFT ONLY" must meet accessibility requirements as above.

For packages/overpacks NOT labeled "CARGO AIRCRAFT ONLY", the following limitations apply:

No more than 25 kg net weight of hazardous materials, and an additional 75 kg net weight of 2.2 gas, may be loaded in an inaccessible manner on the aircraft.

Class C cargo compartments are considered to be "accessible" for the purposes of this section, e.g., there are no loading quantity restrictions for hazardous materials loaded in Class C compartments of a cargo-only aircraft.

The following are not subject to the above limitations:

Class 3, PG III, except those having a Class 8 subsidiary risk;

Division 6.1, PG II and III only, except those having a Class 3 subsidiary risk;

Division 6.2;

Class 7, provided they do not have a subsidiary risk;

Class 9;

Packages prepared according to the Limited Quantity or Excepted Quantity provisions of the ICAO TI.

ADDITIONAL QUESTION:

Regarding the loading quantity limits above, was it your intention to **NOT** exclude Class 7 from the quantity restrictions on passenger aircraft, being that:

A. Radiation hazard is typically established based on radiation emitted rather than net quantity transported;

B. Required declaration documentation for Class 7 indicates Category/Transport Index rather than net quantity.

YOUR ASSISTANCE IS GREATLY APPRECIATED!!!!

Sandra Harding

sharding29@gmail.com

TEL: 859.441.4385