



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

1200 New Jersey Ave., S.E.
Washington, DC 20590

JUL 2 2008

Mr. Mike Tobin
Manager Dangerous Goods
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P.O. Box 68900 – SEADG
Seattle, WA 98168

Ref. No. 08-0159

Dear Mr. Tobin:

This is in response to your June 3, 2008 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to cargo-only aircraft. Specifically, you ask whether it is permissible to transport on cargo-only aircraft an unlimited number of packages authorized for transport on passenger aircraft if the packages are in a freight container and accessible. You also ask how the limits on packages in inaccessible cargo locations apply.

As specified in § 175.75, there is no limit to the number of packages that are authorized onboard a cargo-only aircraft if packages are in a freight container and are accessible. Only the packages that are inaccessible in a cargo compartment are subject to the limit of 25 kg per compartment plus an additional 75 kg of Division 2.2 materials.

I hope this information is helpful.

Sincerely,

Susan Gorsky,
Regulations Officer
Office of Hazardous Materials Standards

Alaska Airlines

June 3, 2008

Foster
§175.75

Definitions/Cargo Aircraft
08-0159

Edward T. Mazzullo
Director, Hazardous Materials Standards
Pipeline and Hazardous Materials Safety Administration
U.S. Department of Transportation
East Building, PHH-10
1200 New Jersey Avenue, SE
Washington, D.C. 20590-0001

Dear Mr. Mazzullo,

Alaska Airlines kindly requests formal interpretation of 49CFR175.75 as it pertains to our 737-400 all-cargo aircraft. Here are the questions, with illustrated explanations attached.

1) Quantity in a freight container

Question: Is it permissible to have onboard a Cargo Aircraft, an unlimited amount of packages authorized for transport onboard a passenger aircraft, in an accessible cargo compartment, if packages are in a freight container, and accessible?

2) Definition of cargo compartment

Question: Does the "per container" limit apply up until the first package, is inaccessible, at which point all packages aft must comply with the per compartment limit, or does the fact any package is inaccessible render the entire main deck compartment subject to the "inaccessible-per compartment" limit?

Thank you very much for your assistance.



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1) Quantity in a freight container

Question: Is it permissible to have onboard a Cargo Aircraft, an unlimited amount of packages authorized for transport onboard a passenger aircraft, in an accessible cargo compartment, if packages are in a freight container, and accessible?

Why the question?

It appears that no limit of packages bearing the orange Cargo Aircraft Only label are allowed in a freight container – provided they are accessible, where as;

It appears less dangerous cargo (i.e. items that can travel on a passenger-carrying aircraft) are limited to 25 kg per freight container – since no differentiating is done between whether or not the packages are accessible in the container.

“No limit” is already provided for accessible packages in accessible compartments.

49CFR175.75 Quantity and Loading Tables

Cargo Only Aircraft

Packages Authorized for Transport Onboard a Passenger Aircraft			
In an accessible cargo compartment			
If packages are accessible	If packages are inaccessible	If packages are in a freight container	
No limit	25 kg per compartment plus an additional 75 kg of Division 2.2 material (see Note 1)	25 kg per container plus an additional 75 kg of Division 2.2 material (see Note 1)	
If packages are not in a freight container		If packages are in a freight container	
25 kg per compartment plus an additional 75 kg of Division 2.2 material (see Note 1)		25 kg per container plus an additional 75 kg of Division 2.2 material (see Note 1)	
Packages Only Authorized for Transport Aboard a Cargo Aircraft			
In an accessible cargo compartment			
If packages are accessible	If packages are inaccessible	If packages are in a freight container and are accessible	If packages are in a freight container and are inaccessible
No limit	Forbidden (see Note 1)	No Limit	Forbidden (see Note 1)
If packages are not in a freight container		If packages are in a freight container	
Forbidden (see Note 1)		Forbidden (see Note 1)	

What is written doesn't seem logical.

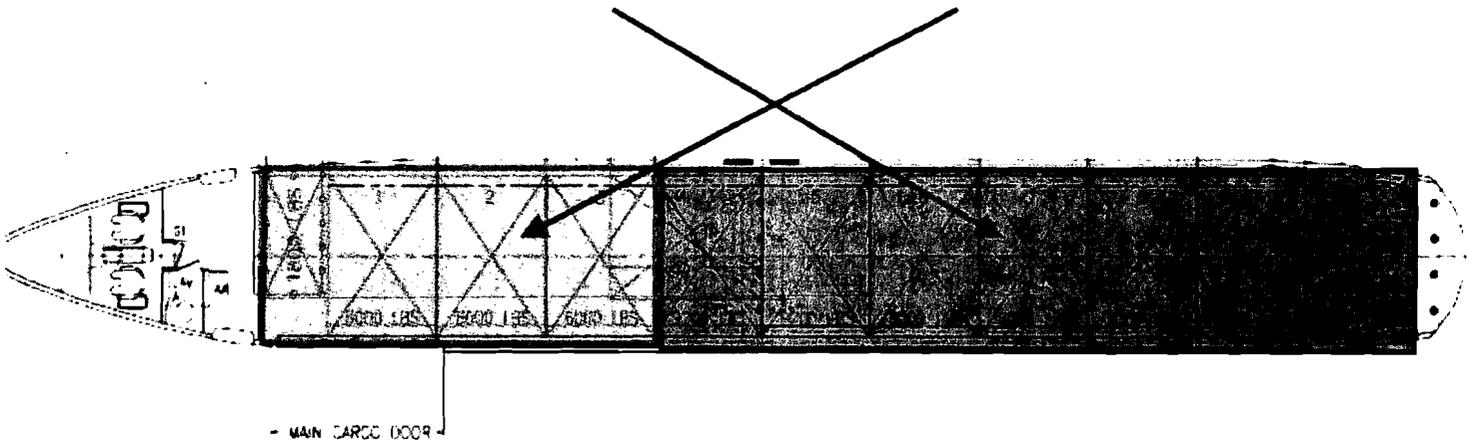
2) Definition of cargo compartment

Question: Does the “per container” limit apply up until the first package is inaccessible, at which point all packages aft must comply with the per compartment limit, or does the fact any package is inaccessible render the entire main deck compartment subject to the “inaccessible-per compartment” limit?

Cargo Only Aircraft

Packages Authorized for Transport Onboard a Passenger Aircraft

In an accessible cargo compartment		
If packages are accessible	If packages are inaccessible	If packages are in a freight container
No limit	25 kg per compartment plus an additional 75 kg of Division 2.2 material (see Note 1)	25 kg per container plus an additional 75 kg of Division 2.2 material (see Note 1)



Example: a 10 position freighter is loaded with 3 positions on open flat pallets (green), and position 4-10 are hard sided, inaccessible freight containers (red).

Are these statements correct based on this example?

There is no limit in the green section (bulk, ULD positions 1, 2 and 3) as long as:

- The main deck is accessible.
- The packages are accessible, for example military boards (or other flats or pallets) are used; and
- The crew can access the packages

25 kg/75kg rule applies to the rest of the main deck (red section (ULD positions 4,5,6,7,8,9 and 10) once ULDs are inaccessible to the crew while inflight.