



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue SE
Washington, DC 20590

JUN 22 2011

Mr. Rick Blenkush
Manager, Corporate Dangerous Goods
Delta Air Lines, Inc.
1020 Delta Blvd Dept 043
Atlanta, Georgia 30320-6001

Ref. No. 11-0110

Dear Mr. Blenkush:

This responds to your letter requesting clarification of the air shipment inspection requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether an air carrier, as specified in § 175.30, is obligated to inspect individual packages of hazardous materials conditionally excepted from *any other requirements of the subchapter* that are placed in a unit load device loaded by the shipper and offered to an air carrier for transportation. In your letter, you cite as an example the § 172.102(c)(1) Special provision 188, which excepts packages of small lithium cells and batteries from any other requirements of the subchapter if certain conditions are met. Our response assumes all applicable conditions have been met.

The answer is no. An air carrier is not obligated to inspect individual packages of hazardous materials conditionally excepted from the HMR that are placed in a unit load device loaded by the shipper and offered to an air carrier for transportation. Under § 175.30(b), an air carrier's responsibility in the scenario you describe would be to inspect the unit load device itself and not the contents contained therein, provided the shipper has produced any documentation required by Special provision 188, if applicable, and the unit load device is otherwise in an airworthy condition.

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

Sincerely,

T. Glenn Foster
Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division



Stevens
§ 172.102 SP 188
§ 175.30
Lithium Batteries
11-0110
Delta Air Lines, Inc.
1020 Delta Blvd Dept 043
Atlanta, Georgia 30320-6001

June 1, 2011

Magdy El-Sibaie, PhD
Associate Administrator, Hazardous Materials Safety
Pipeline and Hazardous Materials Safety Administration
US Department of Transportation
1200 New Jersey Ave., SE
East Bldg. Second Floor
Washington, DC 20590-0001

SUBJECT: Request for Interpretation

Dear Dr. El-Sibaie:

The purpose of this letter is to seek clarification on the interpretation of 49CFR 175.30 and its relationship to Special Provision 188.

Multiple places in 49CFR the statement "...are not subject to any other requirements of this subchapter if they meet the following:". What follows this statement is usually the provisions for emergency reporting, packaging requirements and shipping paper entries. The question posed is; if not specifically listed in the requirements that follow the above statement, is the carrier for an air shipment required to comply with all aspects of 49CFR 175.30, Inspecting Shipments? If the carrier is able to verify all the carrier's responsibilities of the requirements listed after "are not subject to any other requirements", then does the shipment need to be inspected per 175.30?

As an example, this statement is used in 49CFR 172.102, Special Provision 188. For shipper-prepared unit load devices that the shipper states are in compliance with the requirements listed in SP 188, is an air carrier allowed to transport these shipper prepared unit load devices without inspecting the packages in the shipper unit load device containing the lithium batteries in or with equipment? The unit load device itself would be inspected per 49CFR 175.30, but the individual packages inside of the unit load device would not be inspected per this regulation.

We appreciate your assistance with this interpretation. If you have any additional questions or comments, then please contact me at 404-714-5634.

Sincerely,

Rick Blenkush
Manager – Corporate Dangerous Goods

cc: Helen Howes, Managing Director – Safety, Health and Environment
Brad Matheny, Manager – Cargo Field Support
Jon-Peter Kelly, Senior Attorney – Law Department