



U.S. Department  
of Transportation  
**Research and  
Special Programs  
Administration**

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

APR 10 2002

Mr. William G. Warder  
Air Freight Center, Inc.  
Kansas City International Airport  
P.O. Box 20104  
Kansas City, Missouri 64195

Ref. No. 01-0183

Dear Mr. Warder:

This responds to your June 20, 2001 letter regarding the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to aircraft imported into the United States by vessel under the International Maritime Organization's Dangerous Goods Code (IMDG Code) and transported by highway to their U.S. destination. Please accept my apology for our delay in responding to your inquiry. Your questions are paraphrased and answered below.

- Q1. Are aircraft offered for transportation as freight in freight containers subject to the HMR? If so, how should they be classed and described?
- A1. If an aircraft contains hazardous materials in undamaged components, it may be transported as a self-propelled vehicle (i.e., Vehicle, flammable liquid powered) under 49 CFR 173.220. Shipments made under the provisions of § 173.220 are excepted from the marking, labeling, placarding, and emergency response telephone number requirements of the HMR when transported by vessel (see § 173.220(e)(2)), but otherwise must conform to the requirements in 49 CFR 176.905. For domestic transportation by highway, an aircraft is not subject to any other requirements of the HMR if it is transported in accordance with the provisions of § 173.220.
- Q2. Because of their size, some aircraft must be disassembled and loaded into multiple freight containers. What HMR or IMDG Code requirements apply to the transportation of disassembled airplanes and airplane components loaded into multiple freight containers?
- A2. Components containing hazardous materials that are removed from the aircraft and packaged separately must conform to the applicable packaging requirements for the hazardous materials contained therein. If a disassembled aircraft or aircraft component contains a hazardous material that is regulated under the HMR or the IMDG Code, then the disassembled aircraft or component is subject to applicable HMR or IMDG Code requirements. Unless specifically identified in § 173.220(a), disassembled aircraft and aircraft components containing hazardous materials loaded into multiple freight containers are not eligible for the exceptions in § 173.220(e).



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173.220

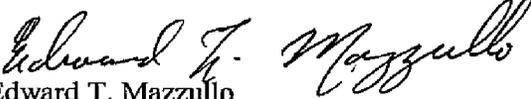
For vessel or highway transportation, aircraft components must be described using the most appropriate shipping description in either the Dangerous Goods List in the IMDG Code or the Hazardous Materials Table (HMT) in the HMR. Some components are specifically listed by name, including life saving appliances, not self-inflating; life saving appliances, self-inflating; oxygen generator, chemical; oxygen, compressed; engines; and the like. For listed materials, consult the packaging reference in Column 8 of the HMT for packaging requirements. For example, an aircraft engine containing residual fuel, is properly described as "Engines, internal combustion, 9, UN3166" and prepared for shipment under § 173.220. Additional requirements and exceptions for self-propelled vehicles and internal combustion engines transported by vessel are provided in § 176.905.

Other components of a disassembled aircraft are not specifically listed by name. Such components may be described as "Dangerous goods in machinery or apparatus, 9, UN3363" and packaged in accordance with § 173.222 of the HMR. An example is a fuel control unit containing residual fuel and shipped as part of a wing assembly.

- Q3. Are any exemptions or approvals required when offering aircraft imported into the United States as freight?
- A3. Other than as provided in § 173.220, aircraft components that are damaged or do not remain installed must meet the specific packaging provisions of the regulations for the hazard they present. If this is not possible, a deviation from the HMR that provides an equivalent level of safety may be applied for under the exemption procedures in § 107.105. In addition, some aircraft components contain articles or materials that may require Competent Authority or Associate Administrator approval when transported to, through, or from the United States in commerce. Some of these items are chemical oxygen generators (spent or otherwise), portable breathing equipment (PBE), and explosives (e.g., seat ejection systems). See § 172.102 Special Provision 60 and §§ 173.56 and 173.301.

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

  
Edward T. Mazzullo  
Director  
Office of Hazardous Materials Standards

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*J Stevens*  
*Edmonson*  
*\$175,820 (Air)*  
*Applicability*  
*01-0193*

Wednesday, June 20, 2001

Dear Mr. Mazzullo,

I have a client who salvages airplanes for parts. Often, these airplanes are overseas. The client, after draining all fluids, transports them in an ocean container described as "one airplane". It may be a small Cessna 150 airplane (in one container), or a Boeing 747 airplane (in several containers).

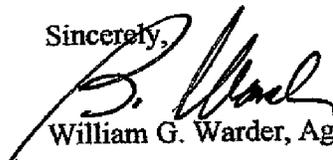
I am responsible for the correctness of my client's hazardous materials training.

- How should I advise the client in this situation?
- Is the shipment a vehicle?
- Are airplanes subject to the regulations?
- Is it still an airplane as long as the FAA or foreign government has it registered?
- Is an Exemption the answer even though the shipment is originated in another State?

Sometimes there is not a clear understanding at the time of shipment whether there is, ohh say, a fuel injector or whether the fuel injector was destroyed in the event. Of course, several items that are installed parts of the airplane could be hazardous independent of the whole, like PBE's. I am of the opinion they are indeed, installed part of an "airplane" and not subject to the regulations. I cannot seem to find the authority in the regulations or interpretations for this, or any other position.

These airplanes are exclusively transported by truck/ocean/truck to destination in the U.S., dismantled, sold as parts. When selling "parts" this client strictly adheres to all requirements of the HMR.

Sincerely,

  
William G. Warder, Agent