

Mar 5, 2003

Mr. David A. Jones  
Manager, Dangerous Goods Compliance  
American Eagle Airlines, Inc.  
4333 Amon Carter Blvd.  
MD 5494  
Ft. Worth, Texas 76155

Reference No. 02-0254

Dear Mr. Jones:

This responds to your September 20, 2002 letter and September 25, 2002 fax requesting clarification on § 175.81 (a) of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if securing sixty-nine to ninety-nine pounds of “Batteries, wet filled with alkali, UN 2795” packed in UN 4H2 packages by blocking and securing with baggage or other cargo complies with § 175.81(a). In addition, you ask if the HMR requirements apply to conditions normally encountered during transportation.

It is your understanding that offering “Batteries, wet filled with alkali, UN 2795” in UN 4H2 packages in which they are secured with baggage and other cargo complies with requirements in § 175.81(a) during conditions normally encountered during transportation. You also state that several of your fleet types do not have provisions to physically secure the packages to the aircraft structure, or have provisions for installing netting without modification to the aircraft structure. You also state that staff in our Hazardous Materials Information Center informed you that nothing in the HMR precludes you from using nonhazardous material cargo, including baggage, to stabilize the batteries; and, that these provisions apply to conditions normally encountered during transportation, not to situations such as a plane inverting.

Your understanding is correct. The HMR do not preclude you from using nonhazardous cargo, including baggage, to secure or stabilize the “Batteries, wet filled with alkali, UN 2795” under conditions normally encountered during transportation. In this scenario, the HMR requirements for securing packages apply to conditions normally encountered during transportation, including light, moderate, or even severe turbulence, not extreme situations such as extreme turbulence or a plane inverting. However, questions concerning the general loading, blocking, and bracing of air cargo, including hazardous materials, should be directed to your Federal Aviation Administration-assigned principal operations inspector.

I hope this answers your inquiry.

Sincerely,

Delmer F. Billings  
Chief, Standards Development  
Office of Hazardous Materials Standards,

175.81