



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

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

FEB 2 2001

Ref. No. 00-0324

Mr. Frank J. Black
Director, Air Cargo Services and
Secretary, Dangerous Goods Board
Air Transport Association of America, Inc.
1301 Pennsylvania Avenue NW, Suite 1100
Washington, DC 20004-1707

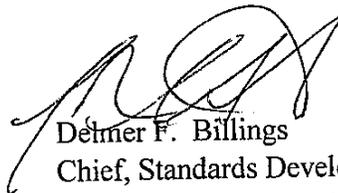
Dear Mr. Black:

This is in response to your November 16, 2000, letter regarding exceptions for hazardous materials required aboard aircraft to satisfy airworthiness requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if installed oxygen generators which have been expended in a flight emergency are excepted from the HMR.

The answer to your question is yes. Section 175.10(a)(2) excepts from the HMR hazardous materials required aboard an aircraft in accordance with applicable airworthiness requirements and operating regulations. Oxygen generators that are installed in an aircraft to satisfy airworthiness requirements that have been expended in an emergency are excepted by § 175.10(a)(2), as they were prior to being expended. However, if the expended oxygen generators are removed so as to be considered no longer installed in the aircraft, the exception in § 175.10(a)(2) does not apply.

I trust this answers your inquiry. If you have further questions, please do not hesitate to contact this Office.

Sincerely,



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



000324

Air Transport Association

November 16, 2000

Nelson
§ 175.10
Exceptions
00 - 0329

Mr. John Gale
Senior Transportation Regulations Specialist
U.S. Department of Transportation
Research and Special Programs Administration
Headquarters (DHM-10)
400 Seventh Street, SW
Washington, DC 20590

Dear Mr. Gale:

Relative to a recent discussion in reference to needed aircraft ferry operations, the Air Transport Association on behalf of its members would appreciate obtaining an interpretation to a particular application of 49CFR §175.10.

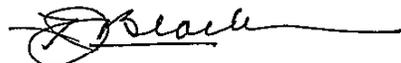
On occasion it is necessary to ferry an aircraft to a maintenance facility where a large number of replacement parts and an appropriate number of qualified AE personnel are available to perform the needed removal and replacement of parts. This permits an aircraft to return to service as safely and rapidly as possible.

The ATA members apply the exception granted by 49CFR §175.10(a) (2) as including oxygen generators that are required aboard an aircraft in accordance with the applicable airworthiness requirements and operating regulations that may have been expended in an emergency situation.

Such ferry operations do not include the carriage of revenue passengers. Discussions with you, a representative of the FAA and the Chairman of the ATA HAZMAT COMAT Subcommittee straightforwardly produced an agreement regarding this application. However, we believe that because of the high visibility of oxygen generators, in general, that the obtaining of a written interpretation of this application would be prudent.

We appreciate your assistance in this matter and look forward to a written response in the near future.

Sincerely,



Frank J. Black
Director, Cargo Services &
Secretary, Dangerous Goods Board