



U.S. Department
of Transportation

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

**Pipeline and
Hazardous Materials Safety
Administration**

FEB - 2 2006

Mr. Donald Stiger

Ref. No.: 05-0001

3683 SW 30th Drive
Gresham, Oregon 97080

Dear Mr. Stiger:

This responds to your letter concerning the transportation of combustible liquids to Hawaii from the continental United States in accordance with the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

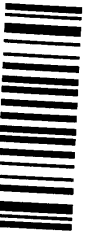
Your questions are in relation to the transport of hazardous materials by air. In coordinating our response with the Federal Aviation Administration (FAA), we have learned that you are a hazardous materials inspector employed by the FAA. While the hazardous materials regulations (HMR) are promulgated by the Pipeline and Hazardous Materials Safety Administration (PHMSA), they are enforced separately by each Operating Administration (including FAA). In your official oversight role as an air-mode government inspector, you may be subject to policies, restrictions, and guidance issued by FAA beyond any guidance PHMSA may provide you. We recommend that you provide your questions concerning the HMR to your FAA supervisor so they can be forwarded via the chain of command to PHMSA for consideration. Use of the chain of command in this situation is designed to ensure that inspectors operating in a particular mode of transport receive consistent guidance at approximately the same time.

Thank you for your interest in hazardous materials transportation safety.

Sincerely,


John A. Gale

Chief, Standards Development
Office of Hazardous Materials Standards



050001

173.150 (F)

Thursday, December 23, 2004

Mr. Edward T. Mazzullo
Director, Office of Hazardous Materials Standards
U.S. DOT/RSPA (DHM-10)
400 7th Street S.W.
Washington, D.C. 20590-0001

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\$ 173.150 (F)
Exception
05-0001

Dear Mr. Mazzullo:

I am requesting a Letter of Interpretation concerning the transportation of combustible liquids to Hawaii from the continental United States. This request is generated from information your office provided to Mr. Jim Powell in a Letter of Interpretation dated November 17, 2004 (Ref. No.: 04-0212).

Given the following transportation scenario:

A box of 1-liter bottles (non-bulk package) containing a liquid with a flash point of 105 degrees Fahrenheit, that is not a hazardous substance, hazardous waste, or marine pollutant, is offered for air transportation from a shipper in Denver, Colorado, to a recipient in Waikoloa, Hawaii. The shipment takes the following route:

- 1) An Integrator, who is a not an International Air Transport Association (IATA) member, picks-up a shipment that is not declared as a hazardous material utilizing the provision in 49 CFR, 173.150(f) and transports it, via truck, to the Denver, Colorado, airport.
- 2) The shipment is sorted and placed on the Integrator's all-cargo aircraft and flown to Portland, Oregon.
- 3) The shipment is sorted and consolidated with other freight in Portland, Oregon, and loaded on a passenger-carrying aircraft (who is an IATA member) for air transport from Portland, Oregon, to Honolulu, Hawaii.
- 4) The shipment is sorted in Honolulu, Hawaii, and placed on a passenger-carrying aircraft (another IATA member) for air transport to Kona, Hawaii.
- 5) The shipment arrives in Kona, Hawaii, is sorted and placed on a truck for final delivery in Waikoloa, Hawaii.

Please answer the following questions:

- A) Is the material, as described above, regulated under the federal Hazardous Materials Regulations (HMR)?
- B) If the material is regulated, at what leg of the transportation chain is the material regulated?
- C) Are any of the carriers (ground or air) required to report to DOT, under 49 CFR, 171.16, if the shipment, as described above, is discovered leaking during transit?
- D) If your answer is yes to C, which carrier(s) in the transport chain would be responsible to report the shipment to DOT?
- E) Would an air carrier, who only accepts hazardous materials utilizing the International Civil Aviation Organization's for Technical Instructions for the Transport of Dangerous Goods (ICAO Technical Instructions), be required to report the shipment, as described above, if it was discovered during transit to the Federal Aviation Administration per 49 CFR, 175.31?
- F) If you replaced Waikoloa, Hawaii, with remote Alaska village, Kona, Hawaii, with Nome Alaska, and Honolulu, Hawaii, with Anchorage, Alaska, in the scenario above; what would be your answers be to A, B, C, D, and E?

Thank you for your prompt attention to this matter.

Respectfully yours,

Donald Stinger
3683 SW 30th Drive
Gresham, Oregon 97080

e-mail: dstigerman@aol.com
Phone: 503-661-6024