



U.S. Department  
of Transportation

Pipeline and Hazardous Materials  
Safety Administration

1200 New Jersey Ave., SE  
Washington, DC 20590

JAN 7 2009

Mr. John E. Martiney  
Republic Airways Holdings  
8909 Purdue Road, Suite 300  
Indianapolis, IN 46268

Ref. No. 08-0258

Dear Mr. Martiney:

This responds to your letter dated October 13, 2008 regarding the aircraft quantity limitations for "Batteries, wet, filled with alkali, UN2795." These batteries are shipped domestically in accordance with the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) and the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions). Specifically you ask whether you may ship aircraft batteries properly described as "Batteries, wet, filled with alkali, UN2795" aboard passenger aircraft in packages greater than 30 kg gross weight.

Both the ICAO Technical Instructions and the HMR limit the quantity of "Batteries, wet, filled with alkali, UN2795" to 30 kg gross weight per package on passenger-carrying aircraft. However, the ICAO Technical Instructions, Special Provision A51, permit up to 100 kg gross weight per package of aircraft batteries aboard a passenger aircraft irrespective of the quantity limitations specified in the dangerous good list. The HMR contain a similar provision in § 175.8; however, this provision is limited to company material (COMAT).

US variation 1 of the ICAO Technical Instructions states that the requirements of Part 175 apply to all shipments offered for air transport to, from, or within the United States, including when the shipment is prepared in accordance with the ICAO Technical Instructions. Therefore, unless offered for transportation and transported as COMAT, the 30 kg gross weight limitation for "Batteries, wet, filled with alkali, UN2795" in the HMR apply.

I hope this satisfies your inquiry. If we can be of further assistance, please contact us.

Sincerely,

Charles E. Betts  
Chief, Standards Development  
Office of Hazardous Materials Standards



Leary  
§ 172.101  
§ 173.27(a)(3)  
Batteries  
08-0258

Shuttle America

Chautauqua Airlines

Republic Airlines

October 13, 2008

Associate Administrator for Hazardous Materials Safety  
Department of Transportation - PHMSA  
Attn: Standards PHH-10  
East Building, 1200 New Jersey Avenue, SE  
Washington, DC 20590-0001

Subject: UN2795, Batteries, wet, filled with alkali – Maximum weights

Dear Sir / Madam,

When shipping **UN2795, Batteries, wet, filled with alkali**, the maximum weight allowed on passenger aircraft is 30 kgs. gross, as stated in Column 9A of Table 172.101 (49 CFR). If the gross weight of the package exceeds 30 kgs. gross, then it must travel by Cargo Aircraft Only.

49 CFR 173.27(a)(3) also states that the maximum quantity of a hazardous material contained in a package may not exceed the limits in columns 9A and 9B of Table 172.101.

However, if shipping with the IATA DGR, the maximum gross weight of the same commodity may be up to 100 kgs gross weight per package on passenger aircraft, by using the 'A51' Special Provision contained in IATA DGR 4.4. By using this Special Provision, the package would not need to be marked, labeled and documented as "Cargo Aircraft Only", and would permit packages over 30 kgs. gross to be carried aboard passenger aircraft.

Are we in violation of 49 CFR if we ship "UN2795, Batteries, wet, filled with alkali", in packages over 30 kgs gross, in passenger aircraft, using the authorization "A51" on the Shipper's Declaration for Dangerous Goods?

Thank you, and if any questions, please contact me.

Sincerely

*JEM*  
JEMartiney

(Signed)  
John E. Martiney  
Director, Hazmat/EPA & OSHA Compliance  
Republic Airways Holdings  
8909 Purdue Road, Ste 300  
Indianapolis, IN 46268

317-710-0803  
[jmartiney@rjet.com](mailto:jmartiney@rjet.com)

JEM/

8909 Purdue Road, Suite 300, Indianapolis, Indiana 46268 Tele: 317 484 6000 Fax: 317 484 6060 [www.rjet.com](http://www.rjet.com)