

§ 175.31

the initial carrier. For all other hazardous materials, each shipping paper copy must be retained for 375 days after the material is accepted by the carrier. Each shipping paper copy must include the date of acceptance by the carrier. The date on the shipping paper may be the date a shipper notifies the air carrier that a shipment is ready for transportation, as indicated on the airbill or bill of lading, as an alternative to the date the shipment is picked up or accepted by the carrier. Only an initial carrier must receive and retain a copy of the shipper's certification, as required by §172.204 of this subchapter.

(3) Labeled and marked in accordance with subparts D and E of part 172 or as authorized in §171.11 of this subchapter, and placarded (when required) in accordance with subpart F of part 172 of this subchapter; and,

(4) Labeled with a "CARGO AIR-CRAFT ONLY" label (see §172.448 of this subchapter) if the material as presented is not permitted aboard passenger-carrying aircraft.

(b) Except as provided in paragraph (d) of this section, no person may carry a hazardous material in a package, outside container, or overpack aboard an aircraft unless the package, outside container, or overpack is inspected by the operator of the aircraft immediately before placing it:

(1) Aboard the aircraft; or,

(2) In a unit load device or on a pallet prior to loading aboard the aircraft.

(c) A hazardous material may only be carried aboard an aircraft if, based on the inspection prescribed in paragraph (b) of this section, the operator determines that the package, outside container, or overpack containing the hazardous material:

(1) Has no holes, leakage or other indication that its integrity has been compromised; and

(2) For Class 7 (radioactive) materials, does not have a broken seal, except that packages contained in overpacks need not be inspected for seal integrity.

(d) The requirements of paragraphs (b) and (c) of this section do not apply to:

(1) An ORM-D material packed in a freight container and offered for transportation by one consignor; or

49 CFR Ch. I (10-1-05 Edition)

(2) Dry ice (carbon dioxide, solid).

(e) An overpack containing packages of hazardous materials may be accepted only if the operator has taken all reasonable steps to establish that:

(1) The overpack does not contain a package bearing the "CARGO AIR-CRAFT ONLY" label unless—

(i) The overpack affords clear visibility of and easy access to the package; or

(ii) The package contains a material which may be carried inaccessibly under the provisions of §175.85(c)(1); or

(iii) Not more than one package is overpacked.

(2) The proper shipping names, identification numbers, labels and special handling instructions appearing on the inside packages are clearly visible or reproduced on the outside of the overpack, and

(3) Has determined that a statement to the effect that the inside packages comply with the prescribed specifications appears on the outside of the overpack, when specification packagings are prescribed.

[Amdt. 175-1, 41 FR 16106, Apr. 15, 1976, as amended by Amdt. 175-12, 45 FR 13091, Feb. 28, 1980; Amdt. 175-17, 45 FR 68654, Oct. 11, 1980; Amdt. 175-25, 47 FR 54822, Dec. 6, 1982; Amdt. 175-34, 50 FR 48420, Nov. 25, 1985; Amdt. 175-37, 51 FR 5974, Feb. 18, 1986; Amdt. 175-39, 51 FR 44791, Dec. 12, 1986; Amdt. 175-47, 55 FR 52685, Dec. 21, 1990; 66 FR 45184, Aug. 28, 2001; 67 FR 46128, July 12, 2002; 67 FR 66574, Nov. 1, 2002; 68 FR 45038, July 31, 2003; 70 FR 34399, June 14, 2005]

§ 175.31 Reports of discrepancies.

(a) Each person who discovers a discrepancy, as defined in paragraph (b) of this section, relative to the shipment of a hazardous material following its acceptance for transportation aboard an aircraft shall, as soon as practicable, notify the nearest FAA Regional or Field Security Office, by telephone or electronically, and shall provide the following information:

(1) Name and telephone number of the person reporting the discrepancy.

(2) Name of the aircraft operator.

(3) Specific location of the shipment concerned.

(4) Name of the shipper.

(5) Nature of discrepancy.

(b) Discrepancies which must be reported under paragraph (a) of this section are those involving hazardous materials which are improperly described, certified, labeled, marked, or packaged, in a manner not ascertainable when accepted under the provisions of §175.30(a) of this subchapter, including:

(1) Package which are found to contain hazardous materials:

(i) Other than as described or certified on shipping papers;

(ii) In quantities exceeding authorized limits;

(iii) In inside containers which are not authorized or have improper closures;

(iv) In inside containers not oriented as shown by package markings;

(v) With insufficient or improper absorption materials, when required; or

(2) Packages or baggage which are found to contain hazardous materials subsequent to their being offered and accepted as other than hazardous materials.

[Amdt. 175-15, 45 FR 35332, May 27, 1980, as amended by Amdt. 175-41, 52 FR 36672, Sept. 30, 1987; 66 FR 45184, Aug. 28, 2001; 68 FR 57633, Oct. 6, 2003]

§ 175.33 Notification of pilot-in-command.

(a) Except as provided in §175.10, when a hazardous material subject to the provisions of this subchapter is carried in an aircraft, the operator of the aircraft must provide the pilot-in-command with accurate and legible written information as early as practicable before departure of the aircraft, which specifies at least the following:

(1) The proper shipping name, hazard class and identification number of the material, including any remaining aboard from prior stops, as specified in §172.101 of this subchapter or the ICAO Technical Instructions (IBR, see §171.7 of this subchapter). In the case of Class 1 material, the compatibility group letter also must be shown. If a hazardous material is described by the proper shipping name, hazard class, and identification number appearing in:

(i) Section 172.101 of this subchapter, any additional description requirements provided in §§172.202 and 172.203 of this subchapter must also be shown in the notification.

(ii) The ICAO Technical Instructions, any additional information required to be shown on shipping papers by §171.11 of this subchapter must also be shown in the notification.

(2) The total number of packages;

(3) The net quantity or gross weight, as applicable, for each package except those containing Class 7 (radioactive) materials and those for which there is no limit imposed on the maximum net quantity per package;

(4) The location of the packages aboard the aircraft;

(5) Confirmation that no damaged or leaking packages have been loaded on the aircraft;

(6) For Class 7 (radioactive) materials, the number of packages, overpacks or freight containers their category, transport index (if applicable), and their location aboard the aircraft;

(7) The date of the flight;

(8) The telephone number of a person not aboard the aircraft from whom the information contained in the notification of pilot-in-command can be obtained. The aircraft operator must ensure the telephone number is monitored at all times the aircraft is in flight. The telephone number is not required to be placed on the notification of pilot-in-command if the phone number is in a location in the cockpit available and known to the flight crew.

(9) Confirmation that the package must be carried on cargo aircraft only if its transportation aboard passenger-carrying aircraft is forbidden; and

(10) An indication, when applicable, that a hazardous material is being carried under terms of an exemption.

(b) A copy of the written notification to pilot-in-command shall be readily available to the pilot-in-command during flight. Emergency response information required by subpart G of part 172 of this subchapter must be maintained in the same manner as the written notification to pilot-in-command during transport of the hazardous material aboard the aircraft.

(c) The aircraft operator must retain at the airport of departure or the operator's principal place of business a copy of each notification of pilot-in-command, an electronic image thereof, or the information contained therein