

baggage. The existing regulatory text does not clearly indicate that baggage may be transported when not accompanied by the crew member or passenger, such as when the baggage has been separated from the crew member or passenger due to misroutings, delays, etc. Rather than adding a new paragraph (c) as proposed, we are including this clarifying language at the end of paragraph (a)(4).

We received a comment from Alaska Airlines requesting that this exception be clarified to include scenarios in which the baggage is offered to another carrier by adding the words “or offering” to the paragraph. Alaska Airlines suggested replacing the words “when transporting passenger or crew member baggage” with “when transporting or offering passenger baggage.” Alaska Airlines also requested that we extend the passenger or crew member personal use exceptions to carriers in other modes of transportation to accommodate such instances when the passengers’ or crew members’ bags are transported to their intended destination by a mode of transportation other than aircraft. We do not agree that the addition of the words “or offering” is the most appropriate means of addressing the situation whereby one carrier provides separated checked baggage to another carrier for transport to its intended destination. In this scenario, the carrier that provides the baggage to another carrier is not the offeror. The passenger or crew member is the offeror and is responsible for the contents of the baggage. The passenger or crew member is responsible for ensuring compliance with the HMR when the baggage is offered to the carrier.

We agree with Alaska Airlines that the exceptions should apply when an air operator arranges with another carrier to transport the baggage to its intended destination, including by modes other than air. Although we do not agree that the words “or offering” should be added as requested by the commenter, we are including revised regulatory text to clarify that the exceptions also apply when a carrier provides the baggage to another carrier for the purpose of reuniting the baggage with the passenger or crew member who offered it.

We are also revising paragraph (a)(25) to allow two small carbon dioxide cartridges fitted in self-inflating life jackets and two spare cartridges to be carried by a passenger or crew member in checked or carry-on baggage. Prior to this amendment, paragraph (a)(25) allowed, with the approval of the aircraft operator, one small carbon

dioxide cylinder fitted into a self-inflating life-jacket, plus one spare cartridge.

Section 175.30. We are adding a new paragraph (a)(5) requiring that the air eligibility marking requirement in § 172.321 must be met before a person may accept hazardous materials for transportation by aircraft.

Section 175.90. We are revising paragraphs (b) and (c). Paragraph (b) is revised to include amendments relative to an aircraft operator’s responsibility concerning packagings, baggage or cargo that have become contaminated by leaking hazardous materials. This amendment is consistent with the 2003–2004 edition of the ICAO Technical Instructions and is in response to a National Transportation Safety Board (NTSB) recommendation (A–96–30) issued to the Federal Aviation Administration. The NTSB recommendation resulted from an incident involving an undeclared shipment of a hydrogen peroxide solution that leaked, resulting in injuries to airline personnel and a potential fire hazard aboard a passenger aircraft. Paragraph (c) prohibits a person from placing a damaged packaging aboard an aircraft. We are revising the paragraph by including the words “baggage or cargo” when referring to damaged or leaking cargo.

Part 176

Section 176.27. In paragraph (c)(2), we are removing the words “of 49 CFR 176.27(c)” at the end of the certification statement and adding the words “of 49 CFR” or “of the IMDG Code.”

Section 176.63. We are adding a new paragraph (f) to include the conditions for the authorized stowage of containers on board hatchless container ships.

Section 176.83. We are adding a new paragraph (l) to include the requirements for the segregation of containers on board hatchless container ships. Paragraph (f) is revised to reflect the addition of the new paragraph.

Section 176.84. In the paragraph (b) Table of Provisions, we are adding nine new provisions (codes) for certain stowage and segregation requirements for hazardous materials that are transported by vessel. The terms “separated from” and “away from” in the codes are defined in § 176.83 of the HMR.

Code 124 is added to the entry “Ammonium nitrate emulsion or Ammonium nitrate suspension or Ammonium nitrate gel, *intermediate for blasting explosives*,” UN3375 and requires the material to be stowed “separated from” bromates.

Code 125 is added to the new entry “Chlorosilanes, toxic, corrosive, flammable, n.o.s.,” UN3362 and requires segregation to be the same as for flammable liquids; however, also requires UN3362 to be “away from” flammable solids.

Code 126 is added to the five current UN1950 aerosol entries and requires segregation to be the same as for Class 9 miscellaneous hazardous materials.

Code 127 is added to “5-tert-Butyl-2,4,6-trinitro-m-xy-xylene,” UN2956 and requires packagings carrying a subsidiary risk of Class 1 (explosives) to be segregated as required for Class 1, Division 1.3.

Code 128 is added to “Fish meal, stabilized,” UN2216 and “Fish meal, unstabilized,” UN1374 and requires stowage to be in accordance with the IMDG Code, sub-section 7.1.10.3.

Code 129 is added to “Radioactive material, low specific activity (LSA–I) *non fissile or fissile-excepted*,” UN2912 (the international entry); “Radioactive material, low specific activity, n.o.s. or Radioactive material, LSA, n.o.s.,” UN2912 (the domestic entry); “Radioactive material, low specific activity (LSA–II) *non fissile or fissile-excepted*,” UN3321; and “Radioactive material, low specific activity (LSA–III) *non fissile or fissile excepted*,” UN3322. This code requires stowage to be in accordance with Stowage Category A, with certain exceptions noted.

Code 130 is added to “Radioactive material, Type A package *non-special form, non fissile or fissile-excepted*,” UN2915 to require Stowage Category A. Certain exceptions are noted.

Code 131 is added to “Radioactive material, Type A package, fissile *non-special form*,” UN3327 to require Stowage Category A, with certain exceptions noted.

Code 132 is added to “Uranium hexafluoride, fissile (*with more than 1 percent U–235*),” UN2977; “Uranium hexafluoride, *fissile excepted or non-fissile*,” UN2978; “Radioactive material, uranium hexafluoride, fissile,” UN2977; and “Radioactive material, uranium hexafluoride *non fissile or fissile-excepted*,” UN2978. This code requires stowage to be in accordance with Stowage Category A and notes that any supplementary requirements specified in the transport documents must be considered.

Section 176.140. The reference to the IMDG Code in paragraph (b) is updated by removing the wording “General Introduction.”

Section 176.170. Paragraph (b) is removed and reserved. For alignment with a revision made in Amendment 31 of the IMDG Code, we are removing the