



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

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

APR 13 2004

Mr. David Puhl
Air Cargo Trainer
Midwest Express Airlines
301 Air Cargo Way
Milwaukee, Wisconsin 53207

Ref. No. 03-0129

Dear Mr. Puhl:

This responds to your letter regarding pilot notification under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if hazardous materials excepted under § 175.10(a)(4) are subject to the notification of pilot-in-command requirements of § 175.33. Your airline is certificated under 14 CFR Part 121 and is designated as a "non-carry" airline with regard to the transportation of hazardous materials. Your airline does, however, notify the pilot-in-command in writing as required for specific circumstances identified in § 175.10(a)(4). Please accept my apology for the delay in responding to your inquiry and any inconvenience it may have caused.

The answer is no. Unless specifically identified in § 175.10, hazardous materials carried aboard an aircraft by a passenger or crew member under the exceptions prescribed in § 175.10(a)(4) are not subject to the requirements of the HMR. Thus, a carrier of such items is not subject to the notification of pilot-in-command requirements of § 175.33.

I trust this satisfies your inquiry. Please contact us if you require further assistance.

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards



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May 12, 2003

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

SUBJECT: HM-206C, Hazardous Materials: Availability of Information for
Hazardous Materials Transported by Aircraft

Dear Mr. Mazzullo:

I am writing to request an interpretation regarding the recently published final rule referenced above.

My company is a 14CFR Part 121 certificated air carrier, and is a "non-carry" airline with regard to the transport of Regulated Hazardous Materials. We do, however, transport certain items listed as Exceptions under 49CFR 175.10. In the course of transporting these excepted items we provide the aircraft flight crew with a document called the "Special Load - Notification to Captain" to comply with the crew notification requirements for items under 49CFR 175.10 which require a flight crew notification.

With the added requirements for the notification of flight crews under 49CFR 175.33 that are specified by the HM-206C rulemaking, would our use of the "Special Load" document be subject to these new requirements? Or, is our use of this form exempt from the rulemaking due to its use of only identifying Excepted Hazardous Materials under 49CFR 175.10?

I look forward to any clarification you can provide in this matter.

Sincerely,

David Puhl
Air Cargo Trainer
Midwest Airlines