



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

SEP 29 2000

Mr. Tom O'Dell
Director of Training
Scenic Airlines, Inc.
2705 Airport Drive
North Las Vegas, NV 89030

Ref. No. 00-0147

Dear Mr. O'Dell:

This is in response to your letter regarding the transportation of air carrier company materials (COMAT) under the Hazardous Materials regulations (HMR; 49 CFR Parts 171-180). You inquire whether an air carrier, who has elected not to carry hazardous materials, may transport items of replacement that are subject to the HMR on their passenger carrying aircraft.

Part 175 of the HMR applies to the acceptance, loading, and transportation of hazardous materials in any aircraft in the United States and in aircraft of U.S. registry anywhere in air commerce. Section 175.10(a)(2) of the HMR contains certain limited exceptions for hazardous materials required in accordance with applicable airworthiness requirements and operating regulations under 14 CFR. In addition, this section contains limited exceptions to the packaging requirements of the HMR for COMAT items of replacement (spares) for these hazardous materials. An air carrier who transports COMAT is subject to the training, marking, labeling, shipping paper and certification, package quantity and compartment limitations, discrepancy and incident reporting, and notification of pilot-in-command requirements of the HMR. See enclosed advisory guidance Notice No. 96-25 (61 FR 65479; December 13, 1996) and other informational materials.

Under the Federal Aviation Regulations, an air carrier that transports COMAT must have an FAA approved hazardous materials (dangerous goods) program or it must offer the COMAT to another carrier authorized to transport hazardous materials. To obtain additional information concerning the transportation of COMAT or to inquire about hazardous materials program approval, you may contact the FAA Civil Aviation Security Dangerous Goods Program office at (202)267-7530 or visit their Internet website at <http://cas.faa.gov/cas/dgp.htm>.



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I trust this answers your questions. Please contact us if we can be of further assistance.

Sincerely,

Hattie L. Mitchell

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

Enclosures



Gateway to the National Parks...
And Beyond!

SCENIC AIRLINES, INC.

Stevens
\$ 175.10
00-0147

May 16, 2000

Hazardous Materials Information Center
Attn: Edward Mazzullo
Director of OHMS

We would appreciate some clarification on the shipping of aircraft batteries, aircraft motor oil, tires, and other necessary items pertaining to the operation of our fleet of aircraft.

We understand that we can ship an aircraft battery but it can not go as COMAT and must have a bill of lading or other paper work. It must be properly packaged, with label even though we do not carry DG/HM.

Could you please explain in plain language how we can ship these items on a passenger aircraft under FAR part 121 and still not be in violation.

Thank you for your help,

Tom O'Dell *Tom O'Sell*
Director of Training
Fax 702 638 3315