



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

OCT 22 2002

Mr. Les Adolph
American Airlines
3900 North Mango Road
P.O. Box 582809 MD 517
Tulsa, OK 74116

Ref. No. 02-0144

Dear Mr. Adolph:

This responds to your May 14, 2002 email concerning the requirement in 49 CFR 175.31 to report to the Federal Aviation Administration (FAA) a discrepancy in the shipment of a hazardous material that is discovered following the acceptance of the material for transportation aboard an aircraft.

The discrepancy reporting requirement applies to an aircraft operator that accepts a shipment of hazardous material that is improperly packaged, marked, labeled, described, or certified in a manner not ascertainable when accepted under the provisions of § 175.30(a). This requirement does not apply to a person who offers a hazardous material for transportation by air or to a person who receives a hazardous material that has been transported by air, so long as that person (the offeror or consignee) does not transport the hazardous material aboard an aircraft.

The offeror of a shipment of hazardous materials that does not comply with the requirements of the Hazardous Materials Regulations (HMR, 49 CFR parts 171-180) may be in violation of other requirements in the HMR. However, the fact that the offeror or consignee is an aircraft operator, by itself, does not create a duty to report a discrepancy to the FAA under § 175.31, when the offeror or consignee has not transported the hazardous material aboard an aircraft.

This answer has been coordinated with the Dangerous Goods and Cargo Security Division of the Office of Civil Aviation Security of the Transportation Security Administration. We hope that it satisfies your request but, if you have additional questions, please do not hesitate to contact my office.

Sincerely,

Edward T. Mazzullo
Director, Office of Hazardous
Materials Standards



020144

175.31

Gale, John

Gale
§ 175.31

From: Les Adolph [Les.Adolph@aa.com]
Sent: Tuesday, May 14, 2002 5:01 PM
To: Gale, John <RSPA>
Subject: Clarification of 49CFR 175.31 "Reports of discrepancies"

Report of Discrepancies
02-0144

John, I have an urgent need for clarification of 175.31. We have situation where the FAA is citing us for violation of timely reporting on a shipment. We as a shipper tendered an undeclared shipment to a carrier at JFK, upon delivery of the shipment at TUL, back to our supply folks, while in the receipt process, we found the shipment to have been processed incorrectly, we as the consignor/ consignee reported the incident to the FAA, who in turn are citing us for not reporting the incident in a timely manner. My understanding is that we are under no obligation to report this incident as the consignee/consignor?? I discussed this with Bill Wilkening who was in agreement and suggested that I may want to get this clarification.

Thanks,
Les Adolph