



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

JAN 6 2006

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

Mr. Michael J. Pangia, P.C.
1717 N. Street, N.W.
Washington, DC 20036-2801

Reference 05-0201

Dear Mr. Pangia:

This responds to your letter concerning the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to the transportation of hazardous materials aboard a private aircraft. Your letter indicates that you plan to purchase an aircraft, refurbish it and use it to transport passengers. Hazardous materials will be transported on this aircraft for the purpose of eventually placing it in passenger service. You ask if such hazardous materials are subject to the HMR.

The answer is yes. Transportation of hazardous materials aboard an aircraft in the above described scenario would be subject to the HMR because the hazardous materials are clearly being transported in furtherance of a commercial purpose. We suggest that you contact the Federal Aviation Administration concerning any additional operating requirements that may apply when placing an aircraft in passenger service.

I hope this satisfies your inquiry.

Sincerely,

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



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of
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August 10, 2005

Via FedEx

Associate Administrator
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DHM-1
400 7th Street, S.W.
Washington, DC 20590

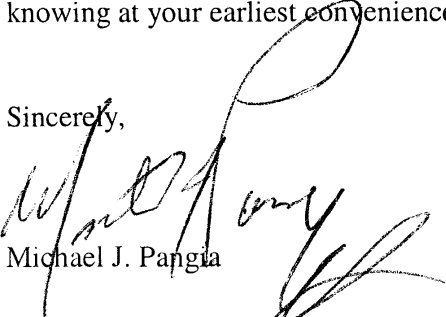
Dear Sir/Madam,

I practice aviation law, and from time to time I have been asked by clients if hazardous materials can be transported in an aircraft that is not carrying passengers or cargo for hire and the materials are owned by the aircraft owner for use on that aircraft and not for the purpose of resale. It is my interpretation that if the hazardous material is being transported on one's own aircraft which is not in use as a common carrier at this time and the hazardous materials are not being used in furtherance of a commercial purpose, then the hazardous materials regulations **do** not apply.

Concerning my own situation regarding an aircraft which I am about to purchase, I would like to know if I can carry such things as oxygen canisters and nitrogen containers to a repair station where the canisters are **to** be installed for eventual use by passengers in later flights and the nitrogen to be **used** for servicing of the tires and landing gear struts of the aircraft. No passengers or cargo **for** hire will be carried while on such a flight to the repair station. The items will be **used** for servicing of my aircraft.

Based upon my interpretation of the hazardous materials statute and regulations, I do not believe that the hazardous materials **apply** to the above situations. I would appreciate knowing at your earliest convenience if my interpretation is correct.

Sincerely,


Michael J. Pangia