



U.S. Department of Transportation  
**Pipeline and Hazardous Materials  
Safety Administration**

1200 New Jersey Ave, SE  
Washington, D.C. 20590

FEB 16 2010

Mr. William J. Hoffmann  
Newtown Square, PA 19073  
USA 3000 Airlines  
335 Bishop Hollow Road, Suite 100

Ref. No.: 09-0207

Dear Mr. Hoffmann:

This responds to your letter dated September 3, 2009, regarding the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to the transportation of alcohol as company material (COMAT) by aircraft. You state that your airline sells 50 mL (mini) bottles of alcohol to passengers during flights. Specifically, you ask if your airline may transport this alcohol in the cargo holds of the aircraft as COMAT in accordance with § 175.8 to restock inventory at various locations.

The answer is no. Section § 175.8 provides certain exceptions for aircraft operator equipment and items of replacement for air worthiness requirements and operating regulations. Alcoholic beverages carried aboard passenger-carrying aircraft by the operator intended for use or sale on the aircraft in which the product is intended to be used or sold are specifically excepted from the requirements of the HMR (see § 175.8(b)(3)).

I hope this answers your inquiry.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles E. Betts".

Charles E. Betts  
Chief, Standards Development  
Office of Hazardous Materials Standards



Eichenlaub  
§175.8  
§175.10  
Air  
09-0207

September 3, 2009

U.S. DOT  
PHMSA Office of Hazardous Materials Standards  
ATTN: PHH-10  
East Building  
1200 New Jersey Avenue, SE.  
Washington, DC 20590-0001

To Whom It May Concern:

I am the Director of Quality Control for Brendan Airways, LLC d/b/a USA 3000 Airlines, a 14 CFR 121 air carrier. We are seeking an interpretation for the carriage of alcohol in accordance with § 175.8 as COMAT. § 175.10 allows passengers and crewmembers the carriage of alcohol of 5 liters, either in carry on or checked baggage for alcohol containing 24% to 70% alcohol by volume. As an airline that sells 50ml (mini) bottles to our passengers we require to keep stock of these minis at various stations. Our question is, if we need to move some stock of alcohol from one station to another and a case of a particular alcohol does not exceed 5 liters and is not more than 70% alcohol by volume, can we ship these boxes in our cargo holds as COMAT. Please keep in mind that the rule says a passenger can check in 5 liters per person as checked bags. Our aircraft hold 168 passengers and they could check in up to 5 liters in our cargo holds in accordance with the regulations. Our feeling is that if "passengers" can carry this amount, why could we as an "Air Carrier" not carry alcohol in the same manner as COMAT.

Your interpretation of this rule would be greatly appreciated. My address and telephone may be found at the bottom of this letter.

Yours truly,

A handwritten signature in black ink, appearing to read "William J. Hoffman", written over a horizontal line.

William J. Hoffman  
Director of Quality Control  
USA 3000 Airlines.