

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Parts 119, 121, 135, and 145**

[Docket No. FAA-2003-15085; Notice No. 03-08]

RIN 2120-AG75

Hazardous Materials Training Requirements

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The Federal Aviation Administration (FAA) is proposing to amend its hazardous materials (hazmat) training requirements for certain air carriers and commercial operators. In addition, the FAA is proposing that certain repair stations document for the FAA that persons handling hazmat for transportation have been trained as required by the Department of Transportation's Hazardous Materials Regulations (HMRs). The FAA is updating its regulations because hazmat transport and the aviation industry have changed significantly since the FAA promulgated its hazmat training regulations over 25 years ago. The proposed rule would set clear training standards and ensure uniform compliance with training requirements.

DATES: Send your comments on or before July 7, 2003.

ADDRESSES: Address your comments to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh St., SW., Washington, DC 20591. You must identify the docket number (FAA-2003-15085) at the beginning of your comments, and you should submit two copies of your comments. If you wish to receive confirmation that the FAA received your comments, include a self-addressed, stamped postcard.

You may also submit comments through the Internet to <http://dms.dot.gov>. You may review the public docket containing comments to these proposed regulations in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Dockets office is on the plaza level of the Department of Transportation at the address above. Also, you may review public dockets on the Internet at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: William Wilkening, Hazardous Materials Division, ASI-300, Federal Aviation Administration, 800 Independence Avenue SW.,

Washington, DC, 20591; telephone (202) 267-9864; facsimile (202) 267-9788.

SUPPLEMENTARY INFORMATION:**Comments Invited**

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. We also invite comments relating to the environment, energy, federalism, or economic impact that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. We ask that you send us two copies of written comments.

We will file in the docket all comments we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. The docket is available for public inspection before and after the comment closing date. If you wish to review the docket in person, go to the addresses in the **ADDRESSES** section of this preamble between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also review the docket using the Internet at the web address in the **ADDRESSES** section.

Before acting on this proposal, we will consider all comments we receive on or before the closing date for comments. We will consider comments filed late if it is possible to do so without incurring expense or delay. We may change this proposal in light of the comments we receive.

If you want the FAA to acknowledge receipt of your comments on this proposal, include with your comments a pre-addressed, stamped postcard on which the docket number appears. We will stamp the date on the postcard and mail it to you.

Availability of Rulemaking Documents

You can get an electronic copy of this document from the Internet by taking the following steps:

(1) Go to the search function of the Department of Transportation's electronic Docket Management System (DMS) web page (<http://dms.dot.gov/search>).

(2) On the search page, type the last digits of the docket number shown at the beginning of this document. Click on "search."

(3) On the next page, which contains the docket summary information for the docket you selected, click on the document number for the item you wish to view.

You also can get an electronic copy of this document from the Internet through

FAA's web page at <http://www.faa.gov/avr/armhome.htm> or the Government Printing Office's web page at http://www.access.gpo/su_docs/aces/aces140.html.

You can also get a copy by submitting a request to the Federal Aviation Administration, Office of Rulemaking, ARM-1, 800 Independence Ave., SW., Washington, DC 20591, or by calling 202-267-9680. Be sure to identify the docket number, notice number, or amendment number of this rulemaking.

List of Abbreviations and Acronyms Used in This Document

AC—Advisory Circular
 COMAT—Material owned or used by a certificate holder, commonly referred to as "company material"
 Hazmat—Hazardous material
 HMRs—Department of Transportation's Hazardous Materials Regulations found in 49 CFR parts 171 through 180
 ICAO—International Civil Aviation Organization
 NTSB—National Transportation Safety Board
 RSPA—Research and Special Programs Administration
 SFAR—Special Federal Aviation Regulation
 TRF—Transport-related function, *i.e.*, any function performed for the certificate holder relating to the acceptance, rejection, storage incidental to transport, handling, packaging of COMAT, loading, unloading or carriage of items for transport on board an aircraft
 USPS—United States Postal Service
 Will-carry operator—An operator authorized in its operations specifications to carry hazmat
 Will-not-carry operator—An operator prohibited in its operations specifications from carrying hazmat that requires declaration under the HMRs

Outline of Preamble

- I. Background
 - A. Purpose of the Proposed Rule
 - B. Historical Overview
 - C. Relationship Between FAA and DOT Training Requirements
 - D. U.S. Mail as Cargo
- II. Discussion of Proposals
 - A. Part 119—Special Federal Aviation Regulation No. 99
 - B. Section 119.49—Contents of Operations Specifications
 - C. Sections 121.135 and 135.23—Manual Contents
 - D. Sections 121.401 (a)(1), 121.433a, 135.323 (a)(1), and 135.333—Transfer of Hazmat Provisions to SFAR
 - E. Part 121, Subpart Y, and Part 135, Subpart K—Hazardous Materials Training Program