



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

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

JUN 28 2005

Chief Warrant Officer Jeffery J. Zagurski
Mobile Diving and Salvage Unit TWO
OIC, Detachment ECHO
1004 Hermitage RD, Bldg 2052
Norfolk Virginia 23521-7006

Reference No. 05-0150

Dear Chief Warrant Officer Zagurski:

This is in response to your letter regarding the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to the transport of compressed gases solely for military purposes in Department of Defense-owned and-operated vehicles.

The transport of hazardous materials in military or government vehicles operated by military or government personnel solely for noncommercial purposes is not subject to the HMR. However, if the purpose is commercial, or if the government entity offers hazardous materials for transportation to commercial carriers, then the HMR would apply.

I hope this information is helpful. Please contact us if you require additional assistance.

Sincerely,

John A. Gale
Chief, Standards Development
Office of Hazardous Materials Standards



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171.1
172-101

DDI/RSRA/HMS
UNIT

9 May 2005

Chief Warrant Officer Jeffrey J Zagurski
Mobile Diving and Salvage Unit TWO
Officer in Charge, Detachment ECHO
1004 Hermitage RD, BLDG 2052
Norfolk Virginia 23521-7006

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DDI/RSRA/HMS

Ms. Jessica Parson,
United States Department of Transportation
Research and Special Programs Administration
Office of Hazardous Materials Standards
400 7th St., S.W., Washington, D.C. 20590

Dear Ms. Parson:

This letter addresses the applicability of 49 CFR parts 170-180, the Hazardous Materials Regulations (HMR), for DOD-owned and operated vehicles. Mobile Diving and Salvage Unit TWO uses government owned or contracted vehicles to transport compressed gases (Oxygen, Helium, and Air). These military transported items are used solely for military purposes during routine training and operational activities.

The vehicles are not limited to transportation on DOD installations; they also travel over public roads/highways in the accomplishment of their mission. Questions have been raised as to whether or not these regulations apply to military entities. Does the HMR regulation apply under these conditions?

Please provide a written response to this question for our records. If there is a requirement for additional information, I may be reached by telephone at (757) 462-4331 or by email at Jeffrey.Zagurski@navy.mil.

Jeffrey J. Zagurski
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