



U.S. Department  
of Transportation

**Research and  
Special Programs  
Administration**

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

MAY 14 1997

Mr. Douglas F. Stancell  
Department of Energy  
Oak Ridge Operations Office  
P.O. Box 2001  
Oak Ridge, Tennessee 37831

Dear Mr. Stancell:

This is in response to your letter requesting clarification on the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to the transport of hazardous materials in government vehicles. Specifically you ask, when offering a shipment to the Department of Energy (DOE) (for transport not in commerce) is an independent contractor subject to hazardous materials regulations pertaining to the functions they have performed?

The answer is no. The preparation of packages for exclusive transportation by the DOE, using DOE drivers and DOE controlled vehicles for transport is not subject to the HMR. The transportation of hazardous materials by government entities by government personnel is not subject to the HMR.

However, if the purpose is commercial, or if the government entity offers hazardous material for transportation to commercial carriers using UN certified packaging, then the HMR would apply.

I hope this information is helpful. If you need further assistance, please do not hesitate to contact us.

Sincerely,

Edward T. Mazullo

Director

Office of Hazardous Materials Standards