



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

MAR 16 1999

Mr. Bunker Hill
Javelin Maintenance Support Center
5845 C/D Yadkin Road
Fayetteville, NC 28303

Ref. No. 99-0053

Dear Mr. Hill:

This is in response to your letter dated March 2, 1999, regarding the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to government shipments by commercial aircraft. Specifically, you ask whether a military shipment of Helium, compressed, 2.2, UN1046 transported by commercial aircraft is subject to the HMR.

The answer is yes. As provided in § 171.1, the HMR apply to any department, agency, or instrumentality that transports or causes to be transported or shipped hazardous materials in commerce. "In commerce" means transportation for commercial purposes or the use of for-hire interstate carriers by a state agency or local jurisdiction to transport hazardous materials. Your shipment of Helium, compressed by commercial aircraft would be considered in commerce.

I hope this satisfies your request.

Sincerely,

John A. Gale
Transportation Regulations Specialist
Office of Hazardous Materials Standards

171.1



FAX COVER SHEET

BAH
§ 171.1
99-0053

JAVELIN MAINTENANCE SUPPORT CENTER
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*VERY
Important
Required for
US Military SHIPMENT*

DATE: 3-2-99

TO: ED MAZZULLO, US DOT, RSPA

PHONE:

FAX:

FROM: BUNKER HILL

SUBJECT: CLARIFICATION AND WRITTEN RESPONSE REQUESTED

NUMBER OF PAGES INCLUDING COVER SHEET: 0

COMMENTS/NOTES/DIRECTION: (Could you please call to confirm Receipt?)

Mr. Mazzullo, I have a HAZARDOUS MATERIAL THAT I NEED UNDERSTANDING AND CLARIFICATION ON.

I HAVE A REGULATED HELIUM COMPRESSED, CLASS 2.2, UN 1046, 110 PB REQUIRED. MY MATERIAL IS 3.5 cubic inches, 5 Kg AT 500psi. IT IS MY UNDERSTANDING THAT I DON'T MEET ANY EXCLUSIONS UNDER 173.306 AND THIS MATERIAL IS TO BE SHIPPED FULLY REGULATED UNDER 49 CFR AND DOT REQUIREMENTS AND REGULATIONS.

IF AT ALL POSSIBLE I NEED A RESPONSE AS QUICKLY AS POSSIBLE. I UNDERSTAND THAT YOU ARE ALSO BUSY.

Air transport always.

Thank you Bunker Hill