



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

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

JUL 5 2006

Mr. Richard B. Loden
3959 Chestnut Avenue
Concord, CA 94519

Ref. No. 06-0128

Dear Mr. Loden:

This responds to your letter regarding the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to the transportation of a loaded personal firearm lawfully carried by a vehicle operator. Specifically, you ask whether such a firearm is a violation of the HMR under the "forbidden explosives" clause in § 173.54(f).

The answer to your question is no. The transportation of a hazardous material by a private citizen for non-commercial purposes is not subject to the HMR. See § 171.1(d)(6).

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards



060128

173.54(A)
171.1(d)(6)

Richard B. Loden

3959 Chestnut Avenue
Concord, CA 94519

May 25, 2006

Stevens
§ 173.54
Explosives
06-0128

Mr. Edward T. Mazzullo
US Department of Transportation
Office of Hazardous Materials Standards
PHH-10
400 7th Street SW
Washington, DC 20590-0001

Dear Mr. Mazzullo:

49CFR §173.54(f) classes a loaded firearm as a forbidden explosive and does not allow one to be offered for transportation or transported.

Does this prohibition apply to a driver's personal firearm? It is assumed that all other federal, state, or local laws and regulations pertaining to the carry and transport of firearms are being followed?

Sincerely,


Richard B. Loden