



US Department
of Transportation

Research and
Special Programs
Administration

Mr. James R. McCoid
Advanced Projects Engineer
Link Manufacturing, Ltd.
223 15th Street N.E.
P.O. Box 68
Sioux Center, IA 51250-0068

Office of the
Chief Counsel

405 Second Street S.W.
Washington, D.C. 20541

MAY 19 1995

Dear Mr. McCoid:

The Office of the Chief Counsel, National Highway Traffic Safety Administration (NHTSA), has forwarded to this office your March 17, 1995 inquiry to Mr. Steve Woods. You ask about the applicability of the Hazardous Materials Regulations (HMR), 49 C.F.R. Parts 171-180, to a damping device for truck cab suspension systems that contains fluid at a static pressure of 2500 to 3000 pounds per square inch. The Research and Special Programs Administration (RSPA) is the agency responsible for implementing the Federal hazardous material transportation law, 49 U.S.C. §§ 5101-5127, and the HMR.

The HMR apply only to hazardous material transported in commerce. Hazardous material that is being transported on a motor vehicle solely as an integral part of the vehicle's motive function is not being transported in commerce within the meaning of the HMR, and therefore is not subject to the HMR. Transportation of the pressurized damping device as an article of commerce, either by itself or assembled with other equipment, would be subject to the HMR. Section 173.306(f) of the HMR addresses hydraulic accumulators. Under conditions stated in paragraphs (f)(1) or (f)(3) of that section, transportation of the devices as articles of commerce would be excepted from some or all HMR requirements.

This guidance concerns only the HMR. RSPA cannot address other Federal laws or regulations that may apply to the design or use of your device.

I trust this response is helpful. If you have any questions, please feel free to call me at (202) 366-4400.

Sincerely,

Charles Holtman
Attorney

cc: Ms. Dorothy Nakama, Esq., NHTSA/DCC-20
Mr. Edward Mazzullo, RSPA/DHM-10 ✓



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of Transportation

**Research and
Special Programs
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400 Seventh Street, S.W.
Washington, D.C. 20590

JUN 15 1998

Ms. Naomi Livingston
Olin Microelectronic Materials
P. O. Box 10099
Mesa, Arizona 85216-0099

Dear Ms. Livingston:

This is in response to your letter regarding methods of achieving separation of hazardous materials, as indicated by the letter "O" in the Segregation and Separation Chart of Hazardous Materials (49 CFR 177.848(e)(3)), on the same transport vehicle in a manner that under conditions normally incident to transportation, commingling would not occur.

This Office evaluates procedures used in complying with this requirement on a case-by-case basis. However, you did not provide any specific information on the hazardous materials involved or the methods your company may use to achieve separation. The requirement for separation or non-adjacent loading is considered satisfied if the packages are separated in such a manner (for example, by using barriers, packages of non-hazardous materials, or intervening space) that their contents would not commingle in the event of leakage under conditions normally incident to transportation.

I hope this satisfies your request.

Sincerely,

Delmer F. Billings
Chief, Standards Development
Office of Hazardous Materials Standards



En gnum
File: 177.848(e)(3)
SC: 434 4/4

1/15/98

Mr. Edward T. Mazzullo
Director, Office of Hazardous Materials Standards
U.S. DOT/RSPA (DHM-10)
400 7th Street S.W.
Washington, D.C. 20590-0001

Subject: 49 CFR Section 177.848 (e) (3)

Dear Mr. Mazzullo:

It is our understanding when shipping hazardous materials that require separation (indicated by letter "O" in the segregation table) together on the same transport vehicle, separation must be achieved in a manner that under *conditions normally incident to transportation*, commingling would not occur.

What DOT recommendations can be made on methods of achieving separation ?

Your response is greatly appreciated.

A handwritten signature in cursive script that reads "Naomi Livingston".

Naomi Livingston
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