



U.S. Department  
of Transportation

Research and  
Special Programs  
Administration

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

MAY 12 1999

Reference No. 98-0314

Mr. Gordon Rousseau  
HMT Associates, L.L.C.  
1850 K Street, NW  
Washington, DC 20006-3500

Dear Mr. Rousseau:

This is in response to your letter dated October 16, 1998, and October 26, 1998 telephone conversation with Ms. Eileen Mack of my staff, concerning a requirement in 49 CFR 173.33(a)(2) against loading materials on the same cargo tank motor vehicle that, if mixed, would cause would an explosion, vehicle fire, excessive increase in pressure or heat, or the release of toxic vapors. You described a situation in which a multi-cargo tank motor vehicle is loaded with two materials that would significantly react when mixed. These materials are separated by a middle compartment containing a neutral, non-regulated material. You asked if this loading arrangement is acceptable.

Based on the information you provided, the answer is no. The restriction in § 173.33(a)(2) pertains to the loading of incompatible materials on the same cargo tank motor vehicle. Therefore, the restriction applies regardless of whether the incompatible materials on the cargo tank motor vehicle are separated by a compartment containing a neutral material.

I hope this satisfies your request.

Sincerely,

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



980314

173.33

**HMT ASSOCIATES, L.L.C.**

1850 K STREET, N.W.  
SUITE 200  
WASHINGTON, D.C. 20008-3500

(202) 463-3511

FACSIMILE (202) 463-3512

*Mack*  
*\$ 173.33*  
*98-0314*  
E.A. ALTEMOS  
PATRICIA A. QUINN  
GORDON ROUSSEAU

WRITER'S DIRECT DIAL NUMBER  
(202) 463-3511

e-mail address  
gorrou@pipeline.com

Friday, October 16, 1998

Mr. Edward T. Mazzullo  
Director  
Office of Hazardous Materials Standards  
Research & Special Programs Admn.  
Department of Transportation  
Washington, DC 20590

Dear Mr. Mazzullo:

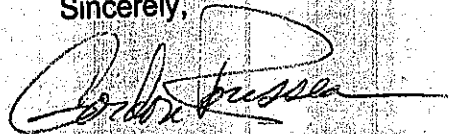
The DOT hazardous materials regulations in paragraph § 173.33(a)(2) state:

"Two or more materials may not be loaded or accepted for transportation in the same cargo tank motor vehicle if, as a result of any mixture of the materials, an unsafe condition would occur, such as an explosion, fire, excessive increase in pressure or heat, or the release of toxic vapors."

A client is considering using a three-compartment vehicle to transport 1700 gallons of an acid solution in compartment no. 1, 2300 gallons of a neutral, non-regulated solution in compartment no. 2, and 1500 gallons of a hypochlorite solution in compartment no. 3. While it is agreed that the materials in compartment no. 1 and no. 3 could significantly react when mixed, given the extreme circumstances that would be necessary under which they could be mixed, and considering that a neutral material is purposefully loaded between the potentially reactant materials, it would seem that the circumstance described here is not what DOT had in mind in drafting the regulation. Would DOT, therefore, consider the above loading configuration acceptable insofar as the subject rule is concerned?

Please call me if clarification is needed. Thank you for your attention to this matter.

Sincerely,



Gordon Rousseau

cc: Dr. C. Ke, DOT/RSPA