



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

APR - 8 1999

Mr. E.A. Altemos
HMT Associates
Suite 200
1850 K Street
Washington, D.C. 20006-3500

Ref. No. 99-0074

Dear Mr. Altemos:

This is in response to your letter dated March 18, 1999, requesting clarification of § 173.6 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether a prior interpretation concerning the materials of trade exceptions would remain valid under the following alterations of the scenario outlined by that prior interpretation.

- 1) Rather than transport being conducted between two buildings separated by a road with public access, the transport was conducted on public highways between facilities that may be separated by many miles;
- 2) Rather than being carried in a company-owned vehicle, the hazardous materials concerned are carried in the privately-owned vehicle of a company employee; and/or
- 3) Rather than the operation described being "not a normal business practice", the operation is a routine business practice.

Provided that all the requirements of § 173.6 are met, transport can be conducted on public highways of any distance,



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173.6

can be carried in privately-owned or company vehicles, and such shipments can routinely take place.

I hope this satisfies your request.

Sincerely,

A handwritten signature in cursive script, appearing to read "Delmer F. Billings".

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

HMT ASSOCIATES, L.L.C.

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March 18, 1999

Mr. Edward T. Mazzullo
Director, Office of Hazardous
Materials Standards (DHM-10)
Research and Special Programs
Administration
Department of Transportation
Washington, D.C. 20590-0001

Dear Mr. Mazzullo:

The enclosed interpretation letter, dated July 9, 1998, confirms that the transport of certain hazardous materials under the scenario described therein qualifies for, and may be conducted under, the Material of Trade (MOT) exceptions provided in the Hazardous Materials Regulations (the HMR; 49 CFR Parts 171-180), provided all applicable requirements of § 173.6 are met. Based on my understanding of the intent of the MOT exceptions in the HMR, I believe a transport operation of a type described in the enclosed interpretation letter would remain eligible for the MOT exceptions if the fact pattern of the scenario were altered in one, or all, of the following ways:

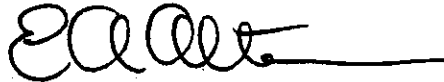
- 1) Rather than transport being conducted between two buildings separated by a road with public access, the transport was conducted on public highways between facilities that may be separated by many miles;
- 2) Rather than being carried in a company-owned vehicle, the hazardous materials concerned are carried in the privately-owned vehicle of a company employee; and/or
- 3) Rather than the operation described being "not a normal business practice", the operation is a routine business practice.

HMT ASSOCIATES, L.L.C.

Mr. Edward T. Mazzullo
March 18, 1999
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Please confirm that my understanding is correct that the MOT exceptions would continue to apply to the scenario described in the enclosed letter, even if the fact pattern of that scenario were altered in one or more of the ways described above. Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "E. A. Altemos", followed by a horizontal line extending to the right.

E. A. Altemos