



U.S. Department  
of Transportation  
**Research and  
Special Programs  
Administration**

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

SEP 27 2002

Mr. Frederick A. Muthard  
PPL Technical Training Center  
1639 Church Road  
Allentown, PA 18104-9342

Reference No.: 02-0228

Dear Mr. Muthard:

This is in response to your letter requesting clarification of the materials of trade (MOTs) requirements under § 173.6 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Your questions are paraphrased and answered as follows:

Q1. Do the quantities listed in §173.6(a) apply to each packaging or to a particular hazard class or division?

A1. Except for a MOT authorized by §173.6(a)(1)(iii), the quantity limits in § 173.6(a) are the maximum allowable quantity per packaging. Using your example, the maximum allowable quantity for a Class 3 Packing Group II material is 8 gallons per packaging.

Q2. May multiple packagings of MOTs be transported on the same motor vehicle provided the aggregate gross weight is not exceeded?

A2. Yes, two or more packagings of hazardous materials may be transported under the MOTs exception provided all conditions of § 173.6 are met and the aggregate gross weight does not exceed 440 pounds.

Q3. Can we transport hazardous materials using the MOTs exception between our company's facilities?

A3. If the hazardous material meets the definition in § 171.8 of a *Material of trade*, the answer is yes.

Q4. Are there additional Federal regulations that apply when MOTs are transported across state lines?



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173.6

A4. No. The HMR apply to the transportation of hazardous materials in interstate, intrastate and foreign commerce.

I trust this satisfies your inquiry.

Sincerely,

A handwritten signature in cursive script, appearing to read "Hattie L. Mitchell".

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

Frederick A. Muthard  
Technical Training Specialist  
Tel. 484-634-4656  
E-mail: famuthard@pplweb.com

PPL Technical Training Ctr.  
1639 Church Road  
Allentown, Pennsylvania 18104  
Tel. 484-634-4040  
Fax 484-634-4173



August 26, 2002

Corbin  
§ 173.6

MOT  
02-0228

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

Dear Sir:

In recent weeks there have been questions raised within PPL concerning the quantity of a specific hazard class that can be carried on a vehicle under the HMR 49 CFR Materials of Trade 173.6(a) exception. Recent phone calls to the DOT Information Center in Washington D.C. have resulted in two different interpretations given to us concerning this exception. Therefore, I am asking for a written interpretation of the Materials of Trade 173.6(a) regulation.

PPL Utilities, a subsidiary of PPL Corporation, is an electric distribution company (private motor carrier) serving the eastern and central areas of Pennsylvania. The hazardous materials transported on our vehicles are used in direct support of our principle business which is the distribution and generation of electric power.

Under 173.6(a) Materials and Amounts: Are these amounts in regard to the gross mass or capacity for each package or the overall total amounts for the particular Class/Division & Packing Group? (I.e. Could two or more 8-gallon containers of gasoline be transported under the MOT exceptions as long as the total gross aggregate of all MOT do not exceed 440 pounds as per 173.6(d) or would the total gasoline quantity be limited to one 8-gallon container?).

Another example under 173.6(a) Materials and Amounts: Could two or more containers of Fuses (Class 4 flammable solid) or Batteries, wet filled with acid, (Class 8), each container not exceeding 66lbs, be transported under the MOT exceptions not to exceed the MOT gross aggregate weight of 440 pounds?

Can the Materials of Trade be transported from one company location to another company location under the 173.6 MOT regulations?

Mr. Edward T. Mazzullo

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August 26, 2002

Also, when a major storm emergency arises, PPL Utilities is called to help with storm restoration in other states (New Jersey, Maryland, New York) under the Mutual Aid Agreements with other utilities. Are there any additional Federal rules PPL must follow when transporting these Materials of Trade across state lines?

PPL vehicle operators are informed of the presence of the hazardous materials in accordance with the 173.6 regulations.

If you have any questions or concerns, I may be contacted at 484-634-4656. Thank you for your advice on this matter.

Please forward your written response to:

PPL TECHNICAL TRAINING CENTER  
Frederick A. Muthard  
1639 Church Road  
Allentown, PA. 18104-9342

Sincerely,

A handwritten signature in black ink, appearing to read "Frederick A. Muthard". The signature is fluid and cursive, with a large initial "F" and a long, sweeping underline.

Frederick A. Muthard  
Technical Training Specialist