



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

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

DEC 19 2006

Mr. Clark W. Elliott:
DOT Compliance
410 Urban Drive
Hutchinson, KS 67501

Ref. No.: 06-0262

Dear Mr. Elliott:

This responds to your letter dated October 31, 2006, requesting clarification of the definition of Material of Trade (MOT) in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You enclosed several photographs.

You ask if your remote site power platform may be transported as a material of trade in accordance with §§ 171.8 and 173.6 of the HMR.

The answer is no. A material of trade is a hazardous material, other than a hazardous waste, that is carried on a motor vehicle: (1) to protect the health and safety of the operator or passengers; (2) to support the operation or maintenance of the motor vehicle, including its auxiliary equipment; or (3) by a private motor carrier in direct support of a principal business that is other than transportation by motor vehicle. Hazardous materials meeting this definition may be transported as MOTs under the conditions set forth in § 173.6, including limitations on packaging capacity and the total quantity that may be transported on a single vehicle. The quantities of hazardous materials carried on your remote site power platform exceed the capacity and quantity restrictions applicable to MOTs.

Note, however, that a fuel tank meeting the requirements in the Federal Motor Carrier Safety Regulations (FMCSR) for fuel systems and used only for supplying fuel for the operation of a motor vehicle or its auxiliary equipment is not subject to regulation under the HMR, including placarding, with respect to its use on the vehicle (see FMCSR requirements at 49 CFR 393.65, 393.67 (for liquid fuel tanks), and 393.69 (for liquefied



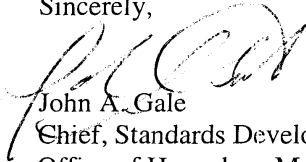
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171.8
173.6

petroleum gas systems)). Such tanks must conform to all applicable marking requirements and must be maintained in accordance with NFPA/ASME standards for fuel systems.

I hope this satisfies your inquiry. If we can be of further assistance, please contact us

Sincerely,

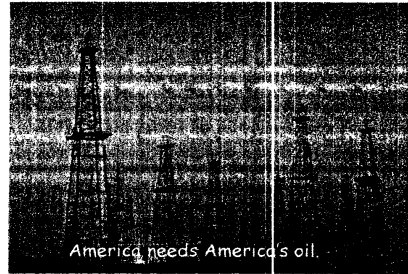


John A. Gale
Chief, Standards Development
Office of Hazardous Materials Standards

DOT Compliance
410 Urban Dr.
Hutchinson, KS 67501

Engram
§ 177.8
§ 173.6
Definition of MOT
06-0262

Ph 620-665-6088
Fax 620-662-9010



Office of Hazardous Materials Standards
Research and Special Programs Administration
Attn: DHM-10 US Department of Transportation
400 7th Street SW.
Washington, DC 20590-0001

Date 10/31/2006

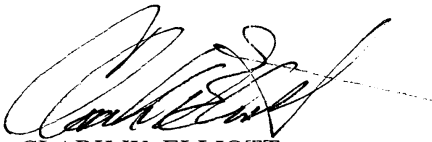
RE: Definitive request; Materials of Trade

Sir:

- A. I am requesting clarification of the definition as stated in 49 CFR, Subchapter C, Hazardous Materials Regulation, Part 171.8, Definitions and abbreviations; *Materials of Trade means a hazardous material, other than hazardous waste, that is carried on a motor vehicle-(3) By a private motor carrier (including vehicles operated by a rail carrier) in direct support of a principal business that is other than transportation by motor vehicle.*
- B. Enclosed are 5 exhibits, A through E, that are photographs of a company fabricated remote site power platform for the oil industry. This platform consists of a 43 foot tandem axle trailer that contains a 3,000 gallon steel diesel tank at the rear of trailer. (Center left Exhibit A) In the center of the trailer is a 300 KW diesel engine driven generator, (Center Exhibit B), with fuel being supplied from the diesel tank for engine operation. On the front of the trailer is a 500 gallon LPG tank directly behind a bulk oil dispenser tank. (Center right Exhibit B)
- C. All the equipment and tanks mounted on the trailer are permanently attached to the rails and frame of the trailer. (Exhibit C, D, and E).
- D. This power platform is assigned exclusively to support the electrical power demands of the rotary drilling unit while at remote locations in Kansas. The

LPG tank is used as a fuel source for fall and winter operations for heaters contained in the adjacent "dog house". The "dog house" contains both the geologists and berthing quarters for site personal and the LPG tank is connected via an "umbilical" cord to the heating system for the "dog house".

- E. The power platform is not used for any other purpose other than as direct support for the rotary drilling unit. However, it does require a CMV tractor unit to move the trailer over public roads. The trailer is tagged, insured and meets all requirements of FMCSR Parts 393 and 396.
- F. My question is, does this power platform meet the definition of Materials of Trade as described in paragraph A, and if so, would this power platform also be exempt from hazardous material placarding requirements and driver endorsements?
- G. I thank you for your time and guidance concerning this matter.



CLARK W. ELLIOTT
DOT Compliance

Incl: Exhibit A,B,C,D,E.

Cc: File