



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, D.C. 20590

APR 19 2012

Mr. Jeff Christafore
Dangerous Goods Compliance Specialist
Bombardier Aerospace
2400 Aviation Way
Bridgeport, WV 26330

Reference No.: 12-0060

Dear Mr. Christafore:

This is in response to your February 24, 2012 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) as they pertain to materials of trade (MOTs) exceptions. You describe a scenario in which a mobile repair party transports parts and materials, belonging to hazard classes 2.2 and 9, needed to repair an aircraft off-site. Specifically you ask if use of the MOTs exception is limited to items used to service, or if the MOTs exception can be utilized for replacement parts.

The HMR makes no distinction between hazardous materials used to service and hazardous materials being utilized for replacement parts. The definition of MOTs in § 171.8 contains three separate conditions, if one of these conditions is met, and your shipment meets the conditions of § 173.6, you may utilize the MOTs exception. Your shipments meet the third condition in the definition of MOTs, "by a private motor carrier in direct support of a principal business that is other than transportation by motor vehicle".

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

Delmer Billings
Senior Regulatory Advisor
Standards and Rulemaking Division

BOMBARDIER

Webb
§173.6
MDT
12-0060

US DOT
PHMSA Office of Hazardous Materials Standards
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East Building
1200 New Jersey Ave, SE
Washington, DC 20590-0001

To Whom It May Concern:

This question is in regards to an earlier Letter of Interpretation (Ref no 07-0190) concerning Materials of Trade. I am requesting a further clarification as to what type of parts/materials are allowable under Materials of Trade.

My question concerns mobile repair party (MRP) technicians transporting parts and materials needed to repair an aircraft off-site. I need to know whether this is limited to materials needed to service and repair an aircraft or if it also includes replacement parts? An example of this would be the removal and replacement of an oxygen cylinder. Another example would be the removal and replacement of a fuel control. Both of these scenarios meet the limitations contained in 173.6 for a division 2.2 and class 9.

I need the clarification because other sources have told me that it only applies to items used to service, not replace. However, it seems to me that this would still meet paragraph (3) of the definition listed in 171.8 for Materials of Trade.

I would appreciate any insight you can provide on this matter.

Thank you,

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