



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

DEC 18 2001

Mr. Andrew N. Romach
Corporate Regulatory Manager
URS Corporation
1600 Perimeter Park Drive, Suite 100
Morrisville, NC 27560

Ref. No. 01-0299

Dear Mr. Romach:

This is in response to your November 28, 2001 letter requesting clarification on the materials of trade (MOTS) exception found in section § 171.6 of the Hazardous Materials Regulations (HMR; 49 CFR parts 171 -180). Specifically, you ask if an employee from an automobile dealership transports auto parts that meet the definition of a hazardous material to a body shop, would that employee be able to take advantage of the MOTS exception if the transported items meet the inner containment limits in § 173.6.

The described hazardous materials meet the definition for MOTS (§ 171.8). Provided all conditions in § 173.6 are met, the MOTS exception may be applied to your scenario.

I hope this satisfies your request.

Sincerely,

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



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173.6



Johnsen
§ 173.6
MOT
01-0299

November 28, 2001

Mr. Ed Mazzullo, Director
Office of Hazardous Material Standards
Research and Special Programs Administration
U.S. Department of Transportation
400 7th Street, SW (DHM-10)
Washington, DC 20590-0001
FAX: (202) 366-3012

Dear Mr. Mazzullo:

I am writing to you to request a written regulatory interpretation concerning whether or not the Materials of Trade exception (49 CFR 173.6) would apply to the following situation:

Periodically, vehicles are brought to an automobile dealership to be repaired. In many instances, such repair is contracted out to one of several automobile body shops. To complete the repair, the body shop may require certain replacement or repair parts from the dealership. A required part may be a hazardous material (matching touch-up paint, windshield repair kit with cleaner/adhesive, etc.) If one of the employees at the dealership drives a required part to the body shop, and that part meets the definition of a hazardous material, would that employee be able to take advantage of the MOTs exception so long as the transported item meets the inner container limits?

Thank you for your consideration of this request.

Sincerely,

Andrew N. Romach
Corporate Regulatory Manager
URS Corporation

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