



U.S. Department  
of Transportation

**Pipeline and  
Hazardous Materials Safety  
Administration**

NOV - 1 2005

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

Mr. Walter Kunz  
Parts Plus Distribution Center  
7900 Excelsior Blvd  
Hopkins, MN 55436

Ref. No. 05-0213

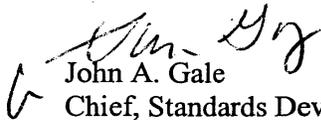
Dear Mr. Kunz:

This is in response to your September 9, 2005, letter requesting clarification of the materials of trade (MOTs) exception in § 173.6 of the Hazardous Materials Regulations (HMR; 49 CFR parts 171-180). Specifically, you ask if an automotive parts distribution center employee, who delivers automobile parts and products that are hazardous materials, is eligible for the MOTs exception.

Provided you meet the MOTs definition in § 171.8 and all applicable conditions in § 173.6, your employees may deliver the hazardous parts and products using the MOTs exception.

I hope this satisfies your request.

Sincerely,

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



050213

173.6

**Gorsky, Susan <PHMSA>**

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**From:** Mazzullo, Ed <PHMSA>  
**Sent:** Friday, September 09, 2005 9:18 AM  
**To:** Gorsky, Susan <PHMSA>  
**Subject:** FW: Material of Trade Exemption

BAH  
§173.6  
MOT  
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-----Original Message-----

**From:** WalterKunz@kunzoil.com [mailto:WalterKunz@kunzoil.com]  
**Sent:** Thursday, September 08, 2005 6:52 PM  
**To:** Mazzullo, Ed <PHMSA>  
**Cc:** MicheleWagman@kunzoil.com  
**Subject:** Material of Trade Exemption

Dear Sir,

I recently sent the attached letter through the proper channels. I received a phone call from the staff member reviewing our request who stated that we did fall within the guidelines for the material of trade exemption. I assumed that we would get a follow up letter but I was wrong, and I did not write down the name or phone number of your staff to follow up with.

Since we have recently had a DOT audit and did have some deficiencies that the material of trade exclusion would have partially mitigated, it seems prudent that I get some acknowledgment in writing that we do fall under that exemption.

Should I resend the request, or can you find the reviewer and have them send me something which confirms our exemption.

I apologize for taking up your time.

Thank You

Walter Kunz  
The Kunz Oil Company

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