



U.S. Department of Transportation
**Pipeline and Hazardous Materials
Safety Administration**

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

DEC 22 2010

Mr. Jeff Brown
Kelly Infinity
155 Andover Street
Danvers, MA 01923

Ref. No. 10-0234

Dear Mr. Brown:

This responds to your October 29, 2010 request for clarification on the materials of trade (MOT) exception under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). According to your letter, your company is a small auto dealership that delivers a small quantity of Class 9 items, e.g., seat belts/air bags by your own van, along with other auto parts. You ask if these activities performed by your non transportation-related company qualify for the MOT exception.

The answer is yes. The HMR define a MOT as hazardous material, other than a hazardous waste, that is carried on a motor vehicle by a private motor carrier in direct support of a principal business that is other than transportation by motor vehicle. Provided all requirements of § 173.6 are met, you may utilize the MOT exception for the transportation of the Class 9 materials, including seat belts/air bags.

I hope this answers your inquiry. If you need additional assistance, please contact this Office at 202-366-8553.

Sincerely,

A handwritten signature in black ink that reads "Ben Supko". The signature is written in a cursive, flowing style.

Ben Supko
Acting Chief, Standards Development Branch
Standards and Rulemaking Division

Drakeford, Carolyn (PHMSA)

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\$173.166
\$173.6

From: INFOCNTR (PHMSA)
Sent: Friday, October 29, 2010 1:27 PM
To: Drakeford, Carolyn (PHMSA)
Cc: DerKinderen, Dirk (PHMSA); Lucas, Adam CTR (PHMSA)
Subject: FW: Hazmat Safety Feedback: Other

MOT
10-0234

Hi Carolyn,

We received the following request for a formal letter of interpretation at the Info Center.

Thanks,

Victoria Lehman
202-366-1035

-----Original Message-----

From: HMIS (PHMSA)
Sent: Friday, October 29, 2010 6:31 AM
To: INFOCNTR (PHMSA)
Subject: FW: Hazmat Safety Feedback: Other

-----Original Message-----

From: PHMSA-Feedback [mailto:PHMSA-Feedback]
Sent: Thursday, October 28, 2010 10:02 AM
To: HMIS (PHMSA); PHMSA Webmaster
Subject: Hazmat Safety Feedback: Other

Written interpretation requested. We are a small auto dealership that delivers on occasion a small quantity of class 9 items (seat belts / air bags) by private carrier (our own van) along with all the other auto parts we deliver. My question is does materials of trade apply to my situation. example (3)by private motor carrier (including vehicles operated by a rail carrier)in direct support of a principal business other than transportation by a motor vehicle. Materials of trade exceptions include class 9 items but it is unclear whether this applies to our situation

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