



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

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

AUG 3 2007

Mr. Dan Poulos  
National Oceanic & Atmospheric Administration  
3500 Delwood Beach Road  
Panama City Beach, FL

Ref. No. 07-0065

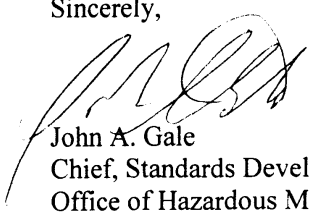
Dear Mr. Poulos:

This responds to your March 28, 2007 letter requesting clarification on the materials of trade (MOTS) exception in §173.6 under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if government contractors in support of government research activities transporting less than 200 kg of a Class 3 material (ethanol) on public roads may use the exception if they meet the provisions in §173.6.

The answer is yes. One criterion for using the MOTS exception, as defined in §171.8, is that the hazardous material must be transported by a private carrier in direct support of its principal business, which may not be transportation by motor vehicle. A government contractor that supports government research activities may transport hazardous material under the MOTS exception provided the contractor's principal business is not transportation. If you transport a Class 3 material (ethanol) under the MOTS exception, it must be contained in a packaging having a gross mass or capacity not over 30 kg (66 pounds) or 30 L (8 gallons) for a Packing Group II or III material. Packagings must be leak tight and be securely closed, secured against movement, and protected against damage. Except for diluted mixtures meeting the requirements of §173.6(a)(1)(iii), the aggregate gross weight of all materials of trade on a motor vehicle may not exceed 200 kg (440 pounds).

I hope this answers your inquiry.

Sincerely,

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



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NATIONAL OCEANIC & ATMOSPHERIC  
ADMINISTRATION

FACSIMILE TRANSMITTAL SHEET

TO: Office of Hazardous Materials Standards	FROM: Dan Poulos (Dan.Poulos@noaa.gov)
COMPANY: US DOT RSPA	DATE: 3/28/2007
FAX NUMBER: 202-366-3012	TOTAL NO. OF PAGES INCLUDING COVER: 1
PHONE NUMBER: NA	SENDER'S REFERENCE NUMBER: NA
RE: 49 CFR 173.6	YOUR REFERENCE NUMBER: NA

URGENT    FOR REVIEW    PLEASE COMMENT    PLEASE REPLY    PLEASE RECYCLE

NOTES/COMMENTS:  
Dear Sir,

Please find the below request for clarification on the provisions for transporting hazardous Materials of Trade (MOT) under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

Can government contractors in support of government research activities claim the MOT exemption to transport less than 200 kg of a Class 3 material (ethanol) on public roads as long as they meet those requirements contained in 49 CFR 173.6?

Sincerely,

Dan Poulos  
ES&H Officer