U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

JAN 14 1999

Mr. Jere Schumacher
Boeing Traffic Management
Shared Services Group
P.O. Box 3707
Seattle, Washington 98124-2207

Ref. No. 98-0368

Dear Mr. Schumacher:

This is in response to your letter of December 9, 1998, requesting clarification on the requirements for materials of trade (MOTs) under the Hazardous Materials Regulations (HMR; 49 CFR parts 171-180). You presented the following scenario and would like confirmation that the MOTs exception in § 173.6 applies.

An in-house fire company provides fire and safety response, as well as training in these areas. During the course of these activities some hazardous materials are used. Fire extinguishers and personal breathing apparatus are moved over public roads to a variety of locations in support of these activities. They are transported on company owned mobile fire equipment, either to or from an emergency, storage or training location.

The scenario you present is suitable for the MOTs exception as long as all provisions of § 173.6 are met. Cylinders are required to be marked with the proper shipping name and identification number for the hazardous material and labeled as prescribed in the HMR. In addition, Specification 39 cylinders must be marked as required by § 178.65(i). No shipping papers are required for movements of MOTs.

I hope this information is helpful.

Sincerely,

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

171.8

Shared Services Group
P.O. Box 3707
Seattle, WA 98124-2207

LaValle
§ 173.6
98-0368

BOEING

December 9, 1998

US Department of Transportation
Research and Special Programs Administration
Office of Material Standards
400 Seventh Street S.W.
Washington D.C. 20590
Attn: Mr. Ed Mazzullo

Dear Sir:

As part of our company process in aircraft production, an in-house fire department provides fire and safety response, as well as training in these areas. During the course of these activities specific hazardous materials are utilized. Fire extinguishers and Personal breathing apparatus are sometimes partially or wholly dispersed. These units are generally a refillable type. Depending on the location of the emergency or training, it is necessary to move these dispersed units to a refill facility, generally another company facility. This may require an 'over public road" movement. The requirement also exists to move filled units to a variety of locations in support of these activities.

The questions that relate to these actions, do these "over public road" movements qualify for the Materials of Trade, 49CFR 173.6, exclusions, when transported on company owned mobile fire equipment, either to or from an emergency, storage or training location? Must the cylinders contain any marking other than that required in 49CFR 178.65(l)? Would any documentation be required to support these actions?

Thank you in advance for your timely response to these questions.

Jere Schumacher

Jere Schumacher
Boeing Traffic Management
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