



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue SE
Washington, DC 20590

FEB 28 2012

Mr. Shae Birkey
Global Hazmat Transportation
Caterpillar, Inc.
500 N. Morton Ave.
Morton, IL 61550

Reference No.: 12-0008

Dear Mr. Birkey:

This is in response to your January 05, 2012 letter requesting clarification of the International Dangerous Goods (IMDG) Code pertaining to the shipment of stand-alone internal combustion engines under UN 3166. Your questions are paraphrased and answered as follows:

Q1. May shipments of stand-alone internal combustion engines (UN 3166 Engines, Internal Combustion) be considered equipment for the purposes of taking the exceptions provided by special provision (SP) 961 of the IMDG Code?

A1. The answer to your question is yes. A stand-alone internal combustion engine is considered equipment and the exceptions contained in SP 961 may be taken if the conditions therein are satisfied. SP 961 provides a blanket exception from the IMDG Code for vehicles and equipment stowed on a roll-on/roll-off vessel or in another cargo space designated by flag state of the vessel as suitable for vehicles. In addition, SP 961 provides exemptions from the IMDG Code for shipments of vehicles or equipment under certain conditions regardless of the type of vessel or the designation of the cargo space.

Q2. May shipments of stand-alone internal combustion engines (UN 3166 Engines, Internal Combustion) be considered equipment for the purposes of applying of the provisions and exceptions provided by SP 962 of the IMDG Code?

A2. The answer to your question is yes. A stand-alone internal combustion engine is also considered equipment for the purposes of SP 962 and the provisions contained therein must be followed and the exceptions from marking, labeling, and placarding may be taken. SP 962 provides provisions for the safe vessel carriage of vehicles or equipment that do not meet the conditions for exception under SP 961.

Q3. Will shipments of Caterpillar products that contain internal combustion engines be considered as vehicles or alternatively equipment and be eligible for the exceptions provided by SP 961 and SP 962 of the IMDG Code?

A3. The answer to your question is yes. As mentioned in answers A1 and A2 above, a vehicle or piece of machinery with an installed internal combustion engine qualify as equipment and are eligible to take the exceptions provided by SP 961 and SP 962 if the applicable provisions are met.

Noting that there were differences in transportation requirements for shipments of UN 3166 between the IMDG Code and 49 CFR; a provision was inserted in § 171.25(b)(4) to allow shipments prepared in accordance with either standard. Shipments of UN 3166 offered for transportation in accordance with the IMDG Code that meet the requirements for and take the exceptions provided by SP 961 or SP 962 of the IMDG Code, and are offered for transportation as such, need not comply with additional requirements from § 173.220 or § 176.905.

I hope this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Delmer Billings". The signature is fluid and cursive, with a large initial "D" and "B".

Delmer Billings
Senior Regulatory Advisor
Standards and Rulemaking Division



Caterpillar Logistics Inc.

500 N. Morton Ave.
Morton, Illinois 61550

Webb
§ 171.12
§ 173.220
§ 176.905
IMDG/Applicability
12-0008

Steve Webb
Transportation Specialist- International Standards
Pipeline & Hazardous Materials Safety Administration (PHMSA) -U.S. DOT
Office of Hazardous Materials Standards
1200 New Jersey Avenue S.E., E24-422, Washington D.C. 20590
E24-422

January 5, 2012

Mr. Webb,

I am sending this letter concerning Amendment 35-10 of the IMDG Code in regards to Special Provisions 961 and 962 in the IMDG Code for UN 3166 ENGINES, INTERNAL COMBUSTION or VEHICLE, FLAMMABLE GAS POWERED or VEHICLE, FLAMMABLE LIQUID POWERED or ENGINE, FUEL CELL, FLAMMABLE GAS POWERED or ENGINE, FUEL CELL, FLAMMABLE LIQUID POWERED or VEHICLE, FUEL CELL, FLAMMABLE GAS POWERED or VEHICLE, FUEL CELL, FLAMMABLE LIQUID POWERED.

Caterpillar Inc. and its subsidiaries and affiliates regularly consign shipments of internal combustion engines under the above referenced UN 3166 entry. Special Provision 961 provides an exemption from the provisions of the IMDG Code if such entries constitute "Vehicles and equipment" stowed on a roll-on/roll-off ship or another cargo space specifically designated and approved for the carriage of "vehicles and equipment", provided that certain other requirements under Special Provision 961 have been met. Special Provision 962 provides an exemption from the marking, labeling, and placarding provisions of the IMDG Code for "vehicles or equipment powered by internal combustion engines" provided certain specified conditions are met.

For the benefit of Caterpillar and its subsidiaries and affiliates, I am seeking guidance on whether shipments of stand-alone internal combustion engines (i.e. not installed in a vehicle or other equipment) constitute "equipment" under Special Provision 961 and 962 as well as confirmation that internal combustion engines installed in Caterpillar products will constitute "vehicles" or, alternatively, "equipment" for purposes of Special Provisions 961 and 962.

As the impacts of the interpretive guidance we seek will be far reaching in terms of shipping costs, training, and logistics procedural changes, we look forward to a reply at your earliest convenience.

Sincerely,

Shae Birkey
Global Hazmat Transportation
Caterpillar, Inc.
birkey_shae_1@cat.com
309-675-5548