



Schutter Group

A Bureau Veritas Group Company

**Standards and Rulemaking Division
U.S. DOT / PHMSA (PHH-10)
1200 New Jersey Avenue, SE
East Building, 2nd Floor
Washington, DC 20590
USA**

Hamburg, February 15th, 2018

Request for Letter of Interpretation

Dear Sir or Madam,

I'm seeking your advice with regard to the shipment of UN 3528 MACHINERY, INTERNAL COMBUSTION, FLAMMABLE LIQUID POWERED, class 3 by vessel in international trade from Europe to the USA.

The machinery in question is declared to be in compliance with special provision 363 IMDG-Code by the shipper. Each machinery contains less than 60 L liquid fuel with a tank capacity of less than 450 L and therefore do not bear any labels/placards. A transport document according to SP 363.7.6 IMDG Code is issued by the shipper and accompanies each cargo transport unit (CTU/standard container) in which the machinery is packed. As SP 363.7 IMDG Code states that machinery is exempted from any other provisions of the IMDG Code (except SP 972, part 7 and column 16 a and 16b in the dangerous goods list) if in compliance with the applicable requirements of SP 363, the CTUs do not bear placards for class 3.

This procedure was agreed to be in compliance with the regulations by shipper, forwarding companies and shipping line and was furthermore confirmed by competent authorities in Germany.

Questions:

Is the procedure as prescribed above in compliance with SP 363 IMDG resp. the applicable requirements of 49-CFR, §§172.101, 172.102, 173.220 and 176.906?

Can you confirm that the labelling and placarding requirements set out in SP 363 resp. §176.906 are related to the machinery only?

Can you explicitly confirm that CTUs containing UN 3528 shipped in accordance with SP 363 resp. §176.906 are not required to bear placards for class 3?

The reason for this request are rejections on the basis that placards would required to be shown on the said CTUs.

Your clarification regarding this matter is greatly appreciated! Many thanks in advance for your help!

Kind regards

Thomas Grabellus

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Ihnen eine Kopie dieser Bedingungen. Sie finden diese aber auch auf unserer Website www.schutter.de

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

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JUL 27 2018

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Reference No. 18-0041

Dear Mr. Grabellus:

This letter is in response to your February 15, 2018, letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to shipment of “UN3528, Machinery, internal combustion, flammable liquid powered, 3” by vessel from Europe to the United States. You provide the following scenario:

- The shipper has declared the material complies with Special Provision (SP) 363 of the International Maritime Dangerous Goods (IMDG) Code.
- The material contains less than 60 L of liquid fuel and has a capacity of less than 450 L.
- A transport document accompanies each cargo transport unit (CTU) declaring that the machinery is exempt from the placarding provisions of the IMDG Code and complies with the applicable requirements of SP 363.

Specifically, you ask whether the shipment described above complies with SP 363 of the IMDG Code, and if the labeling and placarding requirements in § 176.906(i)(2) apply to the machinery only or if the CTUs containing “UN3528” shipped in conformance with § 176.906 of the HMR must display labels or placards.

The scenario you provide would be in compliance with SP 363 of the IMDG Code and would not be required to display labels or placards under § 176.906(i)(2) of the HMR. The labeling and placarding requirements in § 176.906 apply to the “engine or machinery” and are subject to the content and capacity limitations in that section. “UN3528, Machinery, internal combustion,

flammable liquid powered, 3" containing less than or equal to 60 L with an unlimited capacity is excepted from the labeling and placarding requirements in Subparts E and F of Part 172 of this subchapter.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "T. Glenn Foster", with a stylized flourish extending to the left.

T. Glenn Foster
Chief, Regulatory Review and Reinvention
Standards and Rulemaking Division