



U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety
Administration**
JUL 2 2008

1200 New Jersey Ave., S.E.
Washington, DC 20590

Mr. Jules V. Masee
Hamilton, Miller & Birthisel, LLP
100 South Ashley Drive, Suite 1210
Tampa, FL 33602

Ref. No. 08-0100

Dear Mr. Masee:

This is in response to your letter dated April 17, 2008, requesting clarification of §§ 172.220 and 176.905 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the transportation of gasoline powered engines transported by vessel. You seek guidance as to whether the process you describe in your letter to remove the liquid fuel and flammable vapors from the engine and fuel lines renders the engine as not containing fuel as specified in §§ 173.220(a)(1) and 176.905(i)(1). You describe the process as follows:

Prior to being loaded onto the vessel:

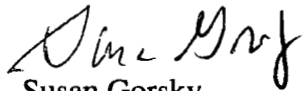
1. The discharge hose of the fuel pump is disconnected from the car's engine.
2. The relay on the car's electrical panel is bridged to allow the fuel pump to run while the engine is off. Power is supplied to the pump via an external battery if necessary.
3. The fuel pump is run until the car's fuel tank is completely drained, and the pump loses suction.
4. Once the car's fuel system has been emptied of all flammable liquid through the car's fuel pump, the fuel tank is aerated (by natural or forced ventilation) for a period sufficient, under existing air temperature and humidity, to allow the residue to evaporate and vapors to dissipate.
5. Once the car's fuel system has been processed through the methods described above, all disconnected parts are reattached securely.

Paragraph (a)(1) of § 173.220 states that an engine may be considered as not containing fuel when the fuel tank, engine components, and fuel lines have been completely drained, sufficiently cleaned of residue, and purged of vapors to remove any potential hazard and the engine when held in any orientation will not release any liquid fuel. The process you describe could satisfy these conditions provided the liquid and the vapors have been purged to such an extent that the atmosphere in and around the engine and the engine components no longer poses a flammable hazard, and the engine when held in any orientation will not release any liquid fuel. It is the shipper's responsibility to make that determination (see § 173.22).

Paragraph (i)(1) of § 176.905 provides an exception from the requirements of the HMR for motor vehicles and mechanical equipment with internal combustion engines using liquid fuel that has a flash point less than 38 °C (100 °F) if the fuel tank is empty, and the engine is run until it stalls for lack of fuel. The process you describe to remove the liquid fuel and vapor from the engine satisfies the conditions of this exception.

I hope this satisfies your inquiry. If we can be of further assistance, please contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan Gorsky". The signature is fluid and cursive, with the first name "Susan" and last name "Gorsky" clearly distinguishable.

Susan Gorsky,
Acting Chief, Standards Development
Office of Hazardous Materials Standards

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REPLY TO: TAMPA OFFICE

Eichenlaub
\$173.220(a)(1)
\$176.905(i)(1)
Engines
08-0100

April 17, 2008

VIA ELECTRONIC MAIL

Office of Hazardous Materials Standards
Pipeline and Hazardous Materials Safety Administration
ATTN: PHH-10
U.S. Dept. of Transportation, East Building
1200 New Jersey Avenue, SE
Washington, DC 20590-0001

RE: 49 C.F.R. 173.220(a)(1) Interpretation and Guidance Request
49 C.F.R. 176.905(i)(1) Interpretation and Guidance Request

Dear Sir or Madam:

This inquiry focuses on shipping cars with inoperable gasoline powered engines by vessel. We believe the method of preparing these cars for shipment, described in detail below, complies both with 49 C.F.R. 173.220(a)(1) and with 49 C.F.R. 176.905(i)(1). We respectfully request the PHMSA to render an opinion as to whether the procedure outlined below conforms with the requirements of the above-referenced regulations.

Prior to being loaded onto the vessel:

1. The discharge hose of the fuel pump is disconnected from the Car's engine.
2. The relay on the Car's electrical panel is bridged to allow the fuel pump to run while the engine is off. Power is supplied to the pump via an external battery if necessary.
3. The fuel pump is run until the Car's fuel tank is completely drained, and the pump loses suction.
4. Once the Car's fuel system has been emptied of all flammable liquid through the Car's fuel pump, the fuel tank is aerated (by natural or forced ventilation) for a period

MIAMI
200 Southeast First Street, Suite 1102
Miami, Florida 33131
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FORT LAUDERDALE
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KINGSTON
68 Barry Street
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sufficient, under existing air temperature and humidity, to allow the residue to evaporate and vapors to dissipate.

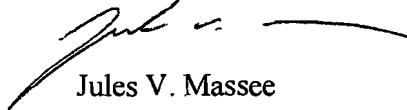
5. Once the Car's fuel system has been processed through the methods described above, all disconnected parts are reattached securely.

Please advise whether the above procedure:

- A) meets the requirements set forth in 49 C.F.R. 173.220(a)(1);**
- B) meets the requirements set forth in 49 C.F.R. 176.905(i)(1).**

Thank you in advance for your assistance in this matter, and we await your opinion in due course.

Very truly yours,



Jules V. Massee

Eichenlaub, Kurt <PHMSA>

From: Richard.C.Bornhorst@uscg.mil on behalf of Bornhorst, Richard
[Richard.C.Bornhorst@uscg.mil]
Sent: Wednesday, June 25, 2008 2:29 PM
To: Eichenlaub, Kurt <PHMSA>
Subject: RE: Interp letter 08-0100

Looks good. Let me know if you need anything else.

Richard C. Bornhorst
Chemical Engineer
Hazardous Materials Standards
U.S. Coast Guard
+1 (202) 372-1426

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

From: Kurt.Eichenlaub@DOT.GOV [mailto:Kurt.Eichenlaub@DOT.GOV]
Sent: Wednesday, June 25, 2008 1:11 PM
To: Bornhorst, Richard
Subject: Interp letter 08-0100

Attached is a letter of interpretation that needs USCG concurrence before being finalized. Please respond with concur, concur w/comment, or do not concur. Thanks.

Kurt Eichenlaub

Transportation Regulations Specialist

U.S. Department of Transportation

Pipeline and Hazardous Materials Safety Administration

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