



U.S. Department
of Transportation

1200 New Jersey Avenue SE
Washington, DC 20590

**Pipeline and Hazardous
Materials Safety
Administration**

FEB 28 2012

Mr. Don Pucci
Environmental Manager, Engine Operations
Briggs and Stratton Corporation
731 Hwy 142
Poplar Bluff, MO 63901

Reference No.: 12-0011

Dear Mr. Pucci,

This is in response to your January 09, 2012 email requesting clarification of the International Dangerous Goods (IMDG) Code pertaining to the shipment of standalone internal combustion engines under UN 3166. Your questions are paraphrased and answered as follows:

Q1. Special provision (SP) 961 of the IMDG Code provides an exemption for vehicles or equipment (including standalone internal combustion engines) powered by a flammable liquid fuel if the fuel tank of the vehicle or equipment is empty and installed batteries are protected from short circuit. Specifically, you ask for an interpretation of the word "empty" as it relates to SP 961 in the IMDG Code.

A1. For the purposes of SP 961 of the IMDG Code, empty means that the fuel tank is empty and the engine cannot be operated due to a lack of fuel. The fuel tank, fuel lines, and the engine itself do not need to be drained, cleaned, or purged of all flammable liquids and vapors to be considered exempt. A vehicle or piece of equipment powered by flammable liquid fuel is considered empty when it is run until it stalls for lack of fuel, the fuel gauge reads empty, and when the key is turned over the vehicle or equipment does not start. A standalone internal combustion engine containing only residual fuel in the lines and tank that is in an amount that is insufficient to allow the engine to operate, and with no signs of leakage may be considered empty for the purposes of taking the exceptions provided by SP 961.

Q2. If residual fuel is allowed, what amount of liquid fuel in the tanks is permissible in order to meet the definition of empty for SP 961?

A2. See answer A1.

I trust 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 written in a cursive style with a large initial "D".

Delmer Billings
Senior Regulatory Advisor
Standards and Rulemaking Division

Drakeford, Carolyn (PHMSA)

Webb
\$176.905
\$173.29

From: INFOCNTR (PHMSA)
Sent: Monday, January 09, 2012 4:02 PM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Request for formal letter of interpretation

Vessel
12-0011

Hi Carolyn,

We received the following request for a letter of interpretation.

Thanks,
Victoria

Victoria Lehman
Hazmat Information Center (HMIC)
<http://phmsa.dot.gov/hazmat/info-center>
(202) 366-1035

From: Pucci, Don [mailto:]
Sent: Monday, January 09, 2012 11:09 AM
To: INFOCNTR (PHMSA)
Subject: Request for formal letter of interpretation

Dear Sirs,

I am requesting a formal letter of interpretation from the International Maritime Organization regarding regulations contained within the IMDG Code codified in the 2010 EDITION. I Specifically reference recently implemented regulations regarding vessel transportation of articles containing internal combustion and/or internal combustion engines themselves.

These have been incorporated in Amendment 35-10. This portions states that vehicle and/or internal combustion engines will fall within the scope of the IMDG code and must be notified to carriers as dangerous goods, UN 3166, Class 9.

Most of our products have tanks that have not had fuel in them, and so clearly the provisions of Special Provision 961 (SP 961). However one model of product is tested with fuel in the tank. There is typically a residual amount of fuel remaining, which is less than 8 ml. Certainly , the engine cannot run on this amount of fuel and so essentially complies with criteria codified in 49 CFR 176.905 (i)(1).

Special Provision (SP961) allows us to ship these products as non Dangerous Goods if the fuel tanks(s) of the vehicle or equipment powered by a flammable liquid fuel is empty and installed batteries are protected from short circuit.

Operators are informing us that as long as the fuel tanks have been drained, a small amount of liquid fuel residual is permitted. However since this is not in line with the long-standing definition from the U.S. Department of Transportation's regulations codified in 49 CFR we would like you to send a written interpretation as to what the definition of empty is **specific to the verbiage in SP 961 within the IMDG code.**

Is a residual amount of fuel allowed? If so, what amount of liquid fuel (gasoline) in the tanks is permissible in order to meet the definition of empty for SP 961 purposes?

We would greatly appreciate a response, because these are being shipped as a Dangerous Goods while we await your written interpretation. An email can be sent to:
pucci.don@basco.com.

Sincerely,

