



U.S. Department
of Transportation

1200 New Jersey Avenue SE
Washington, DC 20590

**Pipeline and Hazardous
Materials Safety
Administration**

MAR 07 2012

Ms. Mabel Natalia Perez
Training Instructor
Hazardous Control Inc.
P.O. Box 522013
Miami, FL 33152

Reference No.: 12-0021

Dear Ms. Perez:

This is in response to your January 11, 2012 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) and the International Maritime Dangerous Goods (IMDG) Code. You ask several questions pertaining to ocean transportation by vessel of UN3166. Your questions are paraphrased and answered as follows:

Q1. According to the HMR and the IMDG Code are all vehicles classified as hazardous materials?

A1. Both the HMR and the IMDG Code classify vehicles as hazardous materials (dangerous goods) under identification number UN3166, however; depending upon how the vehicles are shipped relief may be provided from some or all of the regulations.

Q2. Must a shipper's dangerous goods declaration (shipping paper) accompany all shipments of vehicles?

A2. No. Vehicles shipped by vessel in accordance with Special Provision 961 of the IMDG Code are not subject to any other provisions of the IMDG Code. Likewise, vehicles shipped by vessel in accordance with § 176.905(i) of the HMR are not subject to any other requirements of the HMR. Therefore, vehicles shipped in accordance with these provisions, do not require a shipper's dangerous goods declaration (shipping paper).

However, vehicles shipped by vessel in accordance with Special Provision 962 of the IMDG Code are only excepted from the marking, labeling, and placarding provisions of the IMDG Code. Likewise, as provided by § 173.220(h)(2) of the HMR, vehicles shipped by vessel in accordance with §§ 176.905(a)(1), 176.905(a)(2), 173.220(c), 173.220(d), and 173.220(f) of the HMR, as applicable, are also only excepted from the marking, labeling, and placarding requirements of the HMR. Therefore, vehicles shipped in accordance with these provisions, are required to have a shipper's dangerous goods declaration (shipping paper).

Q3. Does IMDG Code Special Provision 961, relating to stowage on a roll-on/roll-off ship also apply to the HMR?

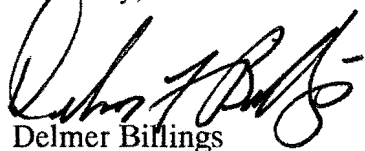
A3. Yes. Section 176.905(i)(2) is the HMR section corresponding to Special Provision 961 of the IMDG Code.

Q4. What are the penalties for failure to comply with the HMR?

A4. The penalties for failure to comply with the requirements of the HMR as they pertain to the transportation of hazardous materials are provided in § 107.329(a) of the HMR.

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 stylized and cursive.

Delmer Billings
Senior Regulatory Advisor
Standards and Rulemaking Division



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HAZARDOUS CONTROL INC. IS A COMPANY FOR ALL RELATED WITH HAZARDOUS MATERIALS
- SAFE AND PREVENTION IS OUR GOAL -

TO: U.S DEPARTMENT OF TRANSPORTATION
OFFICE OF HAZARDOUS MATERIAL STANDARDS

DATE: JANUARY 11, 2012

Babich
§ 171.12
IMDG
12-0021

This letter is intended to clarify to our customers the regulations to met ocean transportation on a vessel of the following items.

UN3166, engines internal combustion, flammable gas powered
UN3166, engines internal combustion, flammable liquid powered
UN3166, vehicle, flammable gas powered
UN3166, vehicle, flammable liquid powered

1. According to Hazardous Material regulation (HMR 49 CFR) and "IMDG code 35 amendment" all vehicles are classified as a hazardous material and needs to have a shippers dangerous goods declaration, correct?
2. When transporting UN3166, IMDG code reads special provision 961, when is the on a roll-stowe on / roll of ship. This also applies to HMR? (Please see the attachment)
3. Please also clarify the penalties if someone fails to applied the HMR 49 CFR regulation.

Thank you in for your attention in this matter

Best regards,

Mabel Natalia Perez
Training Instructor
Hazardous Control Inc.

"Remember that all staff involved in the transport of Dangerous has to have mandatory training based on the regulations (49 CFR ch.1 §172.702)"