



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, D.C. 20590

**MAY 16 2012**

Ms. Karen Massicotte  
Buyer/Planner  
Somero Enterprises, Inc.  
46980 North Highway M-26  
Houghton, MI 49931

Ref. No.: 12-0101

Dear Ms. Massicotte:

This is in response to your April 13, 2012 letter requesting clarification of requirements in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) and the International Maritime Dangerous Goods (IMDG) Code. Specifically, you ask whether a gasoline-powered concrete screeding machine with an empty fuel tank, small accumulator securely mounted to the equipment, and non-spillable battery installed in a manner so as to protect it from short circuits, meets the exception in IMDG Code Special Provision 961.

The answer to your question is yes. In accordance with both the HMR and the IMDG Code, vehicles or equipment powered by flammable liquid fuel are classified as hazardous materials (dangerous goods) under identification number UN3166; however, depending upon how the vehicles or equipment are shipped, relief may be provided from some or all of the regulations.

Equipment powered by internal combustion engines, fuel cells, or batteries (UN3166) shipped by vessel in accordance with Special Provision 961 are not subject to any other provisions of the IMDG Code if the following requirements are met: (1) The equipment is stowed on a roll-on/roll-off vessel or another space designated as suitable for vehicles and equipment and there are no signs of leakage from the battery, engine, fuel cell, compressed gas cylinder or accumulator, or fuel tank when applicable; (2) The fuel tank(s) of the vehicle or equipment powered by a flammable liquid fuel is empty and installed batteries are protected from short circuit; (3) The fuel tank(s) of the vehicle or equipment powered by a flammable gas is emptied of liquefied or compressed gas, the positive pressure in the tank does not exceed 2 bar, the fuel shut-off or isolation valve is closed and secured, and installed batteries are protected from short circuit; or (4) The vehicle or equipment is solely powered by a wet or dry electronic storage battery or a sodium battery, and the battery is protected from short circuit.

It should be noted that equipment powered by internal combustion engines, fuel cells, or batteries shipped by vessel in accordance with § 176.905(i) of the HMR are not subject to any other requirements of the HMR.

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Rob Benedict", written in a cursive style.

Robert Benedict  
Chief, Standards Development  
Standards and Rulemaking Division

Winter  
§ 171.12  
§ 172.101  
Classification  
12-0101

April 13, 2012

Re: Written interpretation on the proper classification of equipment

Attention: Review team

Assistance is requested in having the following characteristics reviewed for appropriate use for classification of ocean shipments to determine if hazardous classification is appropriate.

**Equipment description:**

Concrete screeding machines, ride on or walk behind. This equipment is used for flattening wet concrete to finished levels. Typical use would be for leveling wet concrete on a job site for a warehouse floor.

**Equipment characteristics:**

- Gasoline powered engine – fuel tank is empty and the engine cannot be operated due to a lack of fuel (Typical HP ranges are 6, 13.5, & 20.5 HP)
- Small accumulator (nitrogen compressed – less than 0.5 liter capacity, 1,200 PSI maximum), which is securely mounted to the equipment
- Non-spillable battery / installed in a manner protecting from short circuits

Please confirm that special provision 961 is appropriate for shipping this equipment by ocean under the IMDG Code.

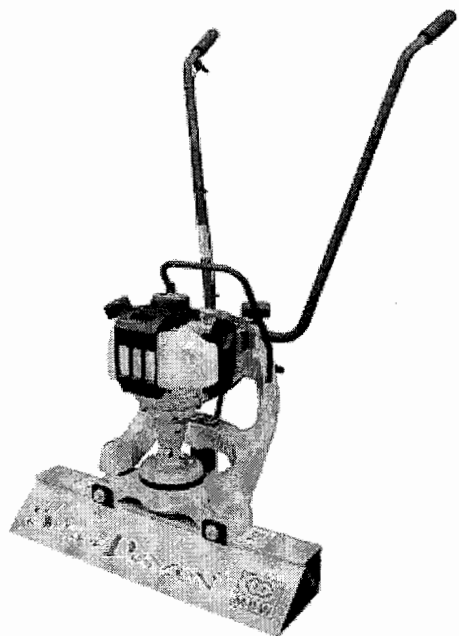
If we have not classified the equipment correctly, your recommendation would be appreciated.

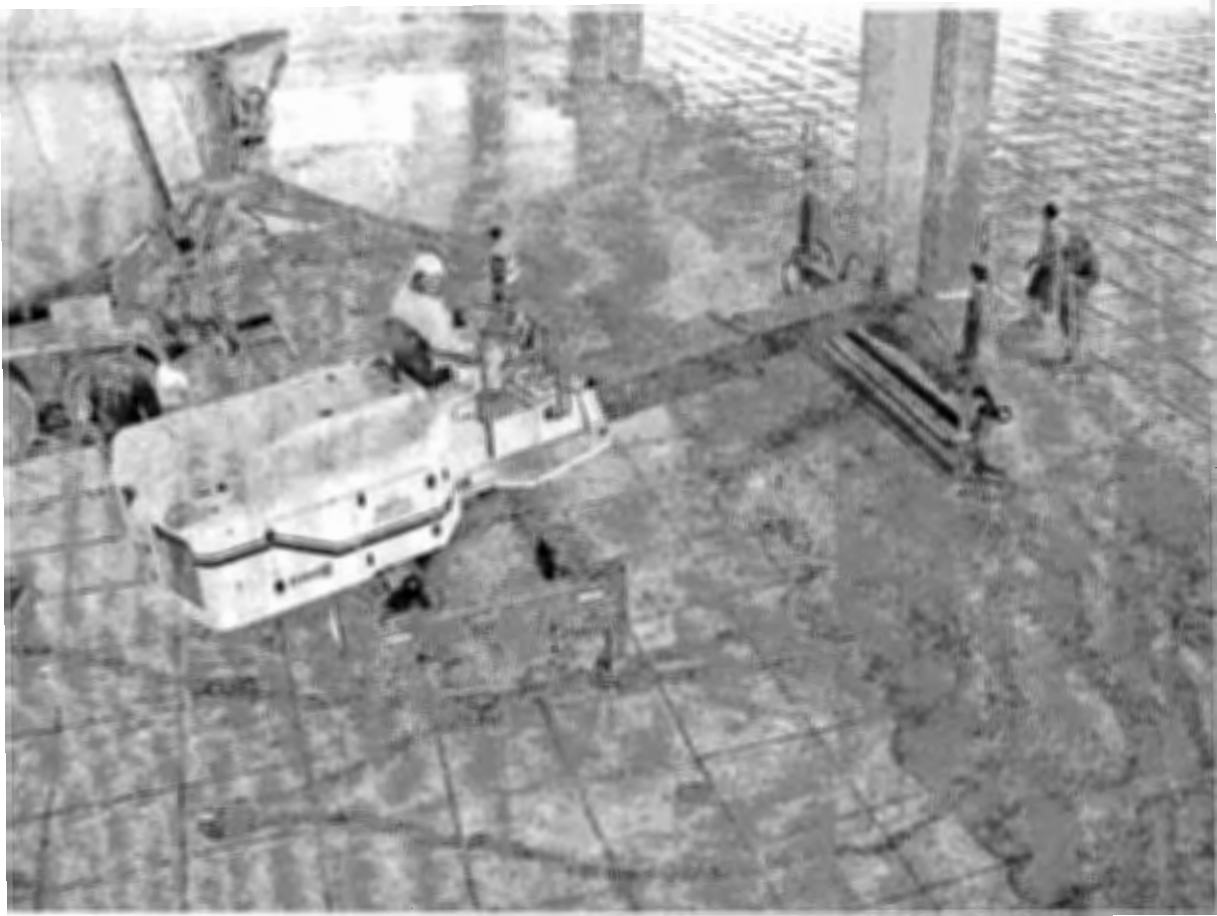
Sincerely,

*Karen Massicotte*

Karen Massicotte  
Buyer/Planner

Somero Enterprises, Inc.  
46980 North Highway M-26  
Houghton, MI 49931  
906-483-2719





## Drakeford, Carolyn (PHMSA)

---

**From:** INFOCNTR (PHMSA)  
**Sent:** Monday, April 16, 2012 12:59 PM  
**To:** Drakeford, Carolyn (PHMSA)  
**Subject:** FW: Request for Department of Transportation Written Interpretation  
**Attachments:** Request for Department of Transportation Review.doc

Hi Carolyn,

We received the following request for a letter of interpretation.

Thanks,  
Victoria

---

**From:** Massicotte, Karen [<mailto:KMassicotte@somero.com>]  
**Sent:** Friday, April 13, 2012 5:47 PM  
**To:** INFOCNTR (PHMSA)  
**Cc:** [wjbrin@yahoo.com](mailto:wjbrin@yahoo.com)  
**Subject:** Request for Department of Transportation Written Interpretation

Good morning!

Please see attached request for a written interpretation on a hazardous determination.

Thank you for for reviewing this information. We look forward to your guidance.

Sincerely,

Karen