



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

NOV 2 1999

Mr. Andrew N. Romach
Radian International
P.O. Box 13000
Research Triangle Park, NC 27709

Ref. No. 99-0172

Dear Mr. Romach:

This is in response to your letter dated June 29, 1999, requesting clarification of the applicability of § 173.220 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if mechanical equipment containing an internal combustion engine and equipped with a fuel tank having a capacity greater than 119 gallons may take advantage of the exceptions provided in § 173.220.

The answer is yes. Mechanical equipment containing an internal combustion engine equipped with a fuel tank meeting the definition of a bulk packaging may be transported under the provisions of § 173.220.

I hope this satisfies your request.

Sincerely,

John A. Gale
Transportation Regulations Specialists
Office of Hazardous Materials Standards



990172

173.220

 RADIANT INTERNATIONAL

A DAMES & MOORE GROUP COMPANY

June 29, 1999

Mr. Ed Mazzullo, Director
Office of Hazardous Material Standards
Research and Special Programs Administration
U.S. Department of Transportation
400 7th Street, SW
Washington, DC 20590-0001

FAX: (202) 366-3012

Dear Mr. Mazzullo:

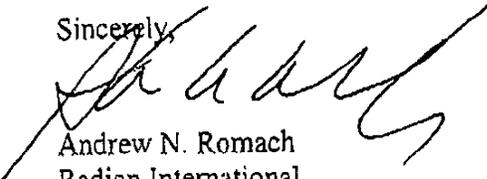
I am writing to you to request a written regulatory interpretation concerning the requirements for shipping a mobile generator with an internal combustion engine as cargo by ground transportation mounted on a flat-bed truck or permanently affixed to a towed trailer. This particular engine contains 170 gallons of diesel fuel, which would make it a "bulk packaging," according to the definition in 49 CFR §171.8.

When using the Hazardous Material Table (HMT) in 49 CFR §172.101 for the proper shipping name *Engines, Internal Combustion*, under column 8(C) entitled "Bulk" the word "None" is listed. In the requirements that explain the content of column 8(C) in the HMT, 49 CFR §172.101(i)(3) states: "A 'None' in this column means bulk packagings are not authorized, except as may be provided by special provisions in column 7." For the proper shipping name *Engines, Internal Combustion*, there are no special provisions listed in Column (7). My question is: **Would an internal combustion engine containing a bulk amount of fuel be able to take advantage of the 49 CFR §173.220 exceptions referenced in column 8(A) for the proper shipping name *Engines, internal combustion*?**

When I discussed this transportation situation with Mr. Tom Allan of your office, he stated that the intent of the regulations is for the exceptions for shipping internal combustion engines found in 49 CFR §173.220 to apply to both bulk and non-bulk packagings. Upon close reading, 49 CFR §173.220 does not mention lower quantity limits and does not differentiate between bulk and nonbulk packagings. The exceptions would appear to apply in either case.

I appreciate your clarification of this transportation situation. If you have any questions concerning this transportation situation, please call me directly at (919) 461-1220.

Sincerely,


Andrew N. Romach
Radian International

Engineering Services in North Carolina are performed through Radian International's wholly owned subsidiary, Radian Engineering, Inc.

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§ 173.220

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