



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

APR 20 2001

Mr. Todd Nash
Hazardous Materials Manager
West Marine Products
860 Marine Drive
Rock Hill, SC 29730-8089

Ref. No: 01-0085

Dear Mr. Nash:

This is in response to your letter of March 27, 2001, requesting clarification of requirements for transporting an internal combustion engine under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically you ask if a used outboard engine that does not have internal gas tanks and thus no "cap" that can be securely closed may be transported under the provisions of § 173.220 if it contains less than 17 ounces of fuel. If such an engine were placed on its side or placed upside down there is the potential for fuel to leak out of the engine.

The answer is no. When transported as "Engine, internal combustion, 9, UN3166," the engine must meet the packaging provisions of § 173.220. Section 173.220(b)(1) requires a fuel tank containing a flammable liquid fuel to be drained and securely closed. Up to 500 ml (17 ounces) of residual fuel may remain in the tank engine, components, or fuel lines provided they are securely closed to prevent leakage of fuel during transportation. The engine you describe has no means of being securely closed and has the potential to leak fuel in certain orientations.

If there is no means to prevent the leakage of fuel, an engine such as you describe must be classed for the fuel contained therein (e.g., gasoline) and be placed in a packaging that is authorized for its transportation. The alternative is to completely clean and purge the engine; if no gasoline or residue remains in the engine, the HMR do not apply to its transportation.

I hope this information is helpful.

Sincerely,



John A. Gale
Transportation Specialist

Office of Hazardous Materials Standards



01-0085

173.220

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Rock Hill, SC 29730-8089
Telephone (803) 909-6099
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March 27, 2001

Ms. Diane LaValle
U.S. Department of Transportation
Research & Special Programs Administration (DHM-10)
400 7th Street, S.W.
Washington, DC 20590-0001

Re: 173.220(b)(1)

Dear Ms. LaValle:

Per our telephone discussion today, I am requesting an official letter of interpretation from your office on the following scenario.

A used outboard engine or other device containing an internal combustion engine is being prepared for shipment. Said devices are fueled via external tanks and do not have internal gas tanks. As such, these devices do not have a "cap" that can be securely closed. These devices do have fuel lines and float bowls which contain less than 17 ounces of fuel residue. The manufacturer has explained that such carburetor based engines with these fuel lines and float bowls would have the potential for fuel leakage if placed on its side or placed upside down.

Based on this scenario:

1. Can you please clarify your intent in 173.220(b)(1) regarding "securely closed?"
2. Would the devices mentioned above qualify as securely closed?
3. Would these devices qualify for the exceptions in this section since they have less than 17 ounces of fuel?
4. What would the shipper of these devices need to do in order to qualify for the exception?

I look forward to your response. Should you have any questions or require additional information, please do not hesitate to contact me at (803) 909-6064.

Very truly yours,



Todd A. Nash
Hazardous Materials Manager
West Marine Products Inc.



West Marine Products