



U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Ave., S.E.
Washington, DC 20590

JUL 9 2007

Mr. Vince Panunzio
Materials Manager-
Atlanta Facilities
The Alpha Group
GBE Enterprises/
Alpha Industrial Power
1075 Satellite Blvd Ste. 400
Suwanee, GA 30024

Ref. No. 07-0064

Dear Mr. Panunzio:

This responds to your letter regarding the regulatory requirements and exceptions provided for internal combustion engines under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). The engines are transported by highway and are used to generate power in the event of a power outage. Your questions are paraphrased and answered as follows:

Q1. Are our generators subject to the requirements of § 173.220?

A1. Yes.

Q2. If our generators are subject to and conform to the requirements of § 173.220, are they excepted from any additional requirements of the HMR provided they are not transported in a fueled condition?

A2. Regardless of whether the generators are transported in a fueled condition, provided they conform to the conditions specified in § 173.220, as applicable, they are excepted from any additional requirements of the HMR when transported by motor vehicle or rail car.

Q3. What additional requirements, if any, would apply to the transportation of our generators by aircraft?

A3. Your generators would be excepted from the marking, labeling, placarding, and emergency response telephone number requirements of Part 172 of the HMR.



070064

173.220

However, they are subject to all other applicable requirements of the HMR, such as shipping papers, emergency response information, and general packaging requirements.

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 "H. Mitchell", with a stylized flourish extending to the right.

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards

Stevens
§173.220
Engines
07-0064

INFOCNTR <PHMSA>

From: Vince Panunzio [VPanunzio@alpha.com]
Sent: Friday, March 23, 2007 4:14 PM
To: INFOCNTR <PHMSA>
Cc: Charles Edwards
Subject: Request for interpretation

Dear sirs,

Thank you for taking the time to review my request for interpretation.

I would like to request an interpretation of 49 CFR section 173.220, pertaining to internal combustion engines contained within equipment.

We have several DC power generation products that we manufacture which contain within them either a LP gas or natural gas engine. The engines are incorporated into the generator units are enclosed and built into a NEMA rated metal enclosure. There are no fuel tanks attached to the LP units, and obviously the natural gas units have no tank at all. The units do get a battery for start up which is classified as a "Battery, wet filled with acid, UN2794".

These units are used in the broadband cable market to supply back up power in the event of power loss to the cable network.

My first question is: is the transport of our generator products governed by the requirements of 173.220?

My second question is: if they are regulated by the above mentioned requirements, provided that they have no fuel tanks, as I interpret the section 173.200, they should not be subject to any other requirements under the HMR (e.g., shipping papers, labeling, marking, placarding, or emergency response information) , do you concur with this assessment?

And third, provided that the wet electric storage battery is installed in the equipment, securely fastened in an upright position, and protected from short circuits and leakage, it should also be excepted from any other requirements of the HMR if offered for transportation by motor vehicle or rail. Further if it is offered for transportation by air or vessel the wet battery is excepted from marking, labeling and placarding; however shipping papers are required. Do you concur with this assessment?

As I read the packaging specifications 173.220 which apply to the classification above, a "wet, storage battery" is allowed to be installed an securely fastened

Please contact me directly should you require any further information in order to render a decision.

Sincerely,

Vince Panunzio
Materials Manager- Atlanta Facilities
Direct: 678-387-4023
The Alpha Group - GBE Enterprises/Alpha Industrial Power

3/26/2007