



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

MAY 17 2018

Ms. Lara Currie
Administrator
The Council on Safe Transportation of Hazardous Articles (COSTHA)
10 Hunter Brook Lane
Queensbury, NY 12804

Reference No. 17-0118

Dear Ms. Currie:

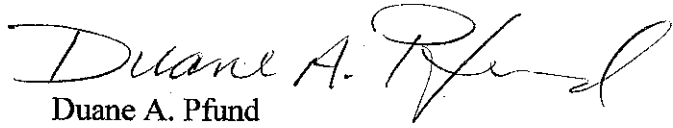
This letter is in response to your October 25, 2017, e-mail requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the transport of engines and machinery. You note that in a recent rulemaking PHMSA harmonized the HMR proper shipping names utilized for the transportation of engines and machinery containing engines with those in the United Nations Recommendations on the Transport of Dangerous Goods—Model Regulations (UN Model Regulations). Additionally, you note that no corresponding amendment was made to the exception from the emergency response requirements found in § 172.604(d)(2) to list the new engine and machinery proper shipping names. Specifically, you request confirmation of your understanding that the entry for engines, internal combustion in § 172.604(d)(2) covers the three new engine or machinery proper shipping names (UN 3528, UN3529, or UN 3530), and that all listed engine proper shipping names are not subject to the emergency response telephone number requirements in § 172.604.

On March 30, 2017, PHMSA published a final rule under Docket Number PHMSA-2015-0273 (HM-215N) [82 FR 15796] to maintain alignment with international standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. The HM-215N rulemaking harmonized the HMT proper shipping names utilized for the transportation of engines and machinery containing engines with those in the UN Model Regulations. However, PHMSA did not amend § 172.604(d)(2) to ensure that engines, internal combustion offered under any of the new proper shipping names would continue to receive an exception from the emergency response telephone number requirements of § 172.604.

The emergency response telephone number requirements of § 172.604 do not apply to any materials properly described using proper shipping names listed for any of the three new engine or machinery proper shipping names (UN 3528, UN3529, or UN 3530), and it is our intent that individuals offering these materials continue to receive the exception provided in § 172.604(d)(2). We realize that there may be some ambiguity in the regulatory language prescribed in this paragraph and intend to clarify its intent in a future rulemaking.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Duane A. Pfund". The signature is written in black ink and is positioned above the printed name.

Duane A. Pfund
International Standards Coordinator
Standards and Rulemaking Division