



U.S. Department  
of Transportation

**Research and  
Special Programs  
Administration**

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

FEB 27 1998

Mr. David McCullough  
Divisional Hazardous Material Coordinator  
Delphi Energy & Engine Management Systems  
8750 Hague Road  
Indianapolis, IN 46250

Dear Mr. McCullough:

This is in response to your letter regarding transportation of batteries and automotive components containing gasoline residues under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Your questions are paraphrased and answered as follows:

- Q. What does "not subject to the requirements of this subchapter," as stated in § 173.159(e) mean?
- A. This subchapter is "Subchapter C" of 49 CFR which is the Hazardous Materials Regulations Parts 171-180. The HMR include, but are not limited to, shipping paper, marking, labeling, placarding, and training requirements. When a material is not subject to the requirements of the subchapter, a shipper or carrier is not obligated to comply with the HMR beyond specific applicable provisions. For example, under § 173.159(e), you must comply with § 173.159(e)(1), (2), (3), and (4), but no other provisions of the HMR.
- Q. What does the term "transport vehicle" include?
- A. Transport vehicle means a cargo-carrying vehicle, such as an automobile, van, tractor, truck, semitrailer, tank car or rail car used for the transportation of cargo by any mode. Each cargo-carrying body (trailer, rail car, etc.) is a separate transport vehicle. ( See § 171.8.)
- Q. May a material be a hazardous material even if it is not listed in the Hazardous Material Table (HMT) specifically by name?
- A. Yes, a hazardous material that is not listed in the HMT specifically by name must be described by a generic name. It must be determined if the material meets any of the hazard class defining criteria in Part 173 of the HMR. For example, the proper shipping name, "Flammable liquid, n.o.s.", may describe a material meeting the Class 3 (flammable liquid) definition which is not listed in the HMT specifically by name.

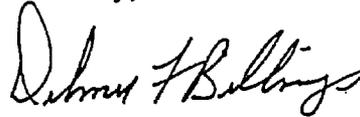
173.159

Q. Is gasoline residue regulated?

A. Yes, as provided by § 173.29, an empty packaging containing only the residue of a hazardous material is regulated in the same manner as when it previously contained a greater quantity of the hazardous material. However, § 173.29 does except a packaging that is sufficiently cleaned of residue and purged of vapors to remove any potential hazard or a packaging that is refilled with a material which is not hazardous to such an extent that any residue remaining in the packaging no longer poses a hazard from the HMR.

I hope this information is helpful. If you need further assistance, please contact us.

Sincerely,



Delmer F. Billings  
Chief, Regulations Development  
Office of Hazardous Materials Standards

**DELPHI**

Energy & Engine  
Management Systems

**Administrator, Research & Special Programs  
Administration, U.S Department of  
Transportation, 400 Seventh St, S.W  
Washington, D.C 205590**

**Dear Sir:**

**Delphi Energy & Engine Management Systems, G.M.C manufactures automotive components. These components are shipped to customers in various locations through out the world.**

**In order to meet customer and internal quality assurance standards, some components are returned to point of manufacture. Components returned are subjected to laboratory analysis, and warranty testing.**

**The analysis and testing of the components are normally very " time sensitive " requiring expedited shipment and evaluation. Due to time constraints and product warranty issues the preferred procedure for return of components to point of manufacture will be performed by expedited freight carrier and field service personnel.**

**After review of Title 49 CFR Subpart A 173.4 - 173.6 - 173.13, and Subpart E 173.159 E it appears that the preferred procedure would be in compliance. However in order to validate compliance with federal and state hazardous material regulations, clarification regarding the following component parts shipping requirements must be established.**

**The following components are product which need to be returned to point of manufacture for analysis and testing:**

- A: batteries, wet filled with acid, 8, un2794, pg III.**
- B: batteries, non-spillable, 8, un2800, pg III**
- C: fuel injector, fuel residue ( gasoline )**
- D: fuel rail, fuel residue ( gasoline )**
- E: spark plug, fuel residue ( gasoline )**

**At this point in time only items A & B above can be defined specifically as a hazardous material. Items C, D, and E appear to have a very limited hazard due to the amount of residue.**

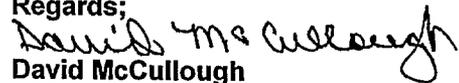
**In reviewing the regulations it appears that items C, D, and E listed above are not specifically listed as a hazardous material. Therefore we are requesting a written clarification to determine the correct classification of the components.**

In addition to the classification, we are requesting a interpretation regarding the transport of the components. The components are always shipped in limited quantities. Can these limited quantity shipments be transported in company vehicles utilized by field service personnel?

Clarification of the above issues will provide Delphi Energy & Engine Management Systems with the proper information allowing for compliance to federal and state hazardous material regulations.

If you have any additional questions I can be reached at 317-579-3332 or fax 317-579-3402.

Regards;



David McCullough

Divisional Hazardous Material Coordinator

8750 Hague Rd

Indianapolis, Indiana 46250

**DELPHI**  
Energy & Engine  
Management Systems

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Administrator, Research & Special Programs  
Administration, U.S Department of  
Transportation, 400 Seventh St, S.W  
Washington, D.C 205590

Re: Clarification for shipping Hazardous Material

Dear Sir:

Delphi Energy & Engine Management Systems G.M.C is a shipper of hazardous material. the product in question is ( Batteries, Wet Filled With Acid, 8, UN 2794. PG III. )

During the last several months various carriers who transport this product have stated that when this product is transported under Title 49 CFR Subchapter B, 173.159 E, the product is non-regulated. Therefore labels, placarding, and hazardous material bill of lading are not required.

In order to maintain full compliance to all federal & state hazardous material regulations, we are requesting a written interpretation regarding 173.159 E.

Regards;

*David McCullough*

David McCullough  
Divisional Hazardous Material Coordinator  
Delphi Energy & Engine Management Systems  
8750 Hague Rd.  
Indianapolis, Indiana 46250