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(g) For international shipments, transport documents should indicate the date of fumigation, type and amount of fumigant used, and instructions for disposal of any residual fumigant, including fumigation devices.

(h) Any person subject to the requirements of this section, solely due to the fumigated lading, must be informed of the requirements of this section and the safety precautions necessary to protect themselves and others in the event of an incident or accident involving the fumigated lading.

(i) Any person who offers for transportation or transports a rail car, freight container, truck body or trailer that is subject to this subchapter solely because of the hazardous materials designation specified in paragraph (a) of this section is not subject to any requirements of this subchapter other than those contained in this section.

[71 FR 78629, Dec. 29, 2006]

§ 173.10 Tank car shipments.

(a) Tank cars containing any 2.1 material (including a cryogenic liquid) or Class 3 material with a flash point below 38 °C (100 °F), except liquid road asphalt or tar, may not be offered for transportation unless originally consigned or subsequently reconsigned to parties having private-siding (see Note 1 of this section) or to parties using railroad siding facilities which have been equipped for piping the liquid from tank cars to permanent storage tanks of sufficient capacity to receive contents of car.

(b) A tank car containing any Class 2 material must not be offered for transportation unless the car is consigned for delivery (see paragraph (c) of this section) and unloading on a private track (see Note 1 of this section) except that where no private track is available, delivery and unloading on carrier tracks is permitted provided the following conditions are complied with:

(1) Any tank car of DOT-106A or 110A type (see §§179.300 and 179.301 of this subchapter) may be offered for transportation and the loaded unit tanks may be removed from car frame on carrier tracks, provided the shipper has obtained from the delivering carrier and filed with originating carrier, written permission (see Note 2 of this section) for such removal. The consignee must furnish adequately safe mechanical hoist, obtained from the carrier if desirable, by which the tanks shall be lifted from the car and deposited directly upon vehicles furnished by the consignee for immediate removal from carrier property or tanks must be lifted by adequately safe mechanical hoist from car directly to vessels for further transportation.

(c) Any tank car of other than DOT-106A or 110A type (see §§179.300 and 179.301 of this subchapter), containing anhydrous ammonia, liquefied hydrocarbon or liquefied petroleum gas, and having interior pipes of liquid and gas discharge valves equipped with check valves, may be consigned for delivery and unloading on carrier tracks, if the lading is piped directly from the car to permanent storage tanks of sufficient capacity to receive the entire contents of the car. Such cars may also be consigned for storage on a private track or on a carrier track when designated by the carrier for such storage.

(d) For cars of the DOT-106A or 110A type (see §§179.300 and 179.301 of this subchapter), the tanks must be placed in position and attached to the car structure by the shipper.

(e) Class 3 materials with a flash point below 38 °C (100 °F) and Division 2.1 materials (including a cryogenic liquid) may not be loaded into tank cars on carrier property from tank trucks or drums.

NOTE 1: For this purpose, a private track is a track outside of carrier's right-of-way, yard, and terminals, and of which the carrier does not own either the rails, ties, roadbed or right-of-way; or a track or portion of a track which is devoted to the purpose of its user, either by lease or written agreement; in which case the lease or written agreement will be considered as equivalent to ownership.

NOTE 2: Carriers should give permission for the unloading of these containers on carrier tracks only where no private siding is available within reasonable trucking distance of final destination. The danger involved is the release of compressed gases due to accidental

damage to container in handling. The exposure to this danger decreases directly with the isolation of the unloading point.

[29 FR 18773, Dec. 29, 1964. Redesignated at 32 FR 5606, Apr. 5, 1967, and by Amdt. 173–162, 48 FR 10226, Mar. 10, 1983, and amended by Amdt. 173–180, 49 FR 42735, Oct. 24, 1984; Amdt. 173–207, 53 FR 38274, Sept. 29, 1988; Amdt. 173–224, 55 FR 52608, Dec. 21, 1990; 56 FR 66265, Dec. 20, 1991; Amdt. 173–234, 58 FR 51532, Oct. 1, 1993; 67 FR 61013, Sept. 27, 2002]

§ 173.12 Exceptions for shipment of waste materials.

(a) *Open head drums.* If a hazardous material that is a hazardous waste is required by this subchapter to be shipped in a closed head drum (i.e., a drum with a 7.0 cm (3 inches) or less bung opening) and the hazardous waste contains solids or semisolids that make its placement in a closed head drum impracticable, an equivalent (except for closure) open head drum may be used for the hazardous waste.

(b) *Lab packs.* (1) Waste materials prohibited by paragraph (b)(3) of this section are not authorized for transport in packages authorized by this paragraph (b). Waste materials classed as Class or Division 3, 4.1, 4.2, 4.3, 5.1, 5.2, 6.1, 8, or 9 are excepted from the specification packaging requirements of this subchapter for combination packagings if packaged in accordance with this paragraph (b) and transported for disposal or recovery by highway, rail or cargo vessel. In addition, a generic description from the § 172.101 Hazardous Materials Table may be used in place of specific chemical names, when two or more chemically compatible waste materials in the same hazard class are packaged in the same outside packaging.

(2) Combination packaging requirements:

(i) *Inner packagings.* The inner packagings must be either glass, not exceeding 4 L (1 gallon) rated capacity, or metal or plastic, not exceeding 20 L (5.3 gallons) rated capacity. Inner packagings containing liquid must be surrounded by a chemically compatible absorbent material in sufficient quantity to absorb the total liquid contents.

(ii) *Outer packaging.* Each outer packaging may contain only one class of waste material. The following outer packagings are authorized except that Division 4.2 Packing Group I materials must be packaged using UN standard steel or plastic drums tested and marked to the Packing Group I performance level for liquids or solids; and bromine pentafluoride and bromine trifluoride may not be packaged using UN 4G fiberboard boxes:

(A) A UN 1A2 or UN 1B2 metal drum, a UN 1D plywood drum, a UN 1G fiber drum, or a UN 1H2 plastic drum, tested and marked to at least the Packing Group III performance level for liquids or solids;

(B) At a minimum, a double-walled UN 4G fiberboard box made out of 500 pound burst-strength fiberboard fitted with a polyethylene liner at least 3 mils (0.12 inches) thick and when filled during testing to 95 percent capacity with a solid material, successfully passes the tests prescribed in §§ 178.603 (drop) and 178.606 (stacking), and is capable of passing the tests prescribed in § 178.608 (vibration) to at least the Packing Group II performance level for liquids or solids; or

(C) A UN 11G fiberboard intermediate bulk container (IBC) or a UN 11HH2 composite IBC, fitted with a polyethylene liner at least 6 mils (0.24 inches) thick, that successfully passes the tests prescribed in Subpart O of Part 178 and § 178.603 to at least the Packing Group II performance level for liquids or solids; a UN 11HH2 is composed of multiple layers of encapsulated corrugated fiberboard between inner and outer layers of woven coated polypropylene.

(iii) The gross weight of each completed combination package may not exceed 205 kg (452 lbs).

(3) *Prohibited materials.* The following waste materials may not be packaged or described under the provisions of this paragraph (b): a material poisonous-by-inhalation, a Division 6.1 Packing Group I material, chloric acid, and oleum (fuming sulfuric acid).

(c) *Reuse of packagings.* A previously used packaging may be reused for the shipment of waste material transported for disposal or recovery, not subject to the reconditioning and reuse provisions contained in § 173.28 and part 178 of this subchapter, under the following conditions: