

hazardous substance, a hazardous waste, or a marine pollutant.

[Amdt. 173-224, 57 FR 45463, Oct. 1, 1992, as amended by Amdt. 173-231, 57 FR 52939, Nov. 5, 1992; Amdt. 173-233, 58 FR 33305, June 16, 1993]

§ 173.141 Class 9—Assignment of packing group.

The packing group of a Class 9 material is as indicated in column 5 of the §172.101 table.

§ 173.144 Other Regulated Material (ORM)—Definitions.

Until December 31, 2020 and for the purposes of this subchapter, “ORM-D material” means a material such as a Consumer commodity, Cartridges, small arms, Cartridges, power devices (*used to project fastening devices*), Cartridges for tools, blank, and Cases, cartridge, empty with primer, which, although otherwise subject to the regulations of this subchapter, presents a limited hazard during transportation due to its form, quantity and packaging. The article or substance must be a material for which exceptions are provided in Column (8A) of the §172.101 Hazardous Materials Table.

[78 FR 65481, Oct. 31, 2013]

§ 173.145 Other Regulated Materials—Assignment of packing group.

Packing groups are not assigned to ORM-D materials.

§ 173.150 Exceptions for Class 3 (flammable and combustible liquids).

(a) *General.* Exceptions for hazardous materials shipments in the following paragraphs are permitted only if this section is referenced for the specific hazardous material in the §172.101 Table of this subchapter.

(b) *Limited quantities.* Limited quantities of flammable liquids (Class 3) and combustible liquids are excepted from labeling requirements, unless the material is offered for transportation or transported by aircraft, and are excepted from the specification packaging requirements of this subchapter when packaged in combination packagings according to this paragraph. For transportation by aircraft, the package must also conform to applicable requirements of §173.27 of this part (*e.g.*,

authorized materials, inner packaging quantity limits and closure securement) and only hazardous material authorized aboard passenger-carrying aircraft may be transported as a limited quantity. A limited quantity package that conforms to the provisions of this section is not subject to the shipping paper requirements of subpart C of part 172 of this subchapter, unless the material meets the definition of a hazardous substance, hazardous waste, marine pollutant, or is offered for transportation and transported by aircraft or vessel, and is eligible for the exceptions provided in §173.156 of this part. In addition, shipments of limited quantities are not subject to subpart F (Placarding) of part 172 of this subchapter. Each package must conform to the packaging requirements of subpart B of this part and may not exceed 30 kg (66 pounds) gross weight. Except for transportation by aircraft, the following combination packagings are authorized:

(1) For flammable liquids in Packing Group I, inner packagings not over 0.5 L (0.1 gallon) net capacity each, packed in a strong outer packaging;

(2) For flammable liquids in Packing Group II, inner packagings not over 1.0 L (0.3 gallons) net capacity each, packed in a strong outer packaging.

(3) For flammable liquids in Packing Group III and combustible liquids, inner packagings not over 5.0 L (1.3 gallons) net capacity each, packed in a strong outer packaging.

(c) *Consumer commodities.* Until December 31, 2020, a limited quantity package containing a “consumer commodity” as defined in §171.8 of this subchapter, may be renamed “Consumer commodity” and reclassified as ORM-D or, until December 31, 2012, as ORM-D-AIR material and offered for transportation and transported in accordance with the applicable provisions of this subchapter in effect on October 1, 2010.

(d) *Alcoholic beverages.* (1) An alcoholic beverage (wine and distilled spirits as defined in 27 CFR 4.10 and 5.11), when transported via motor vehicle, vessel, or rail, is not subject to the requirements of this subchapter if the alcoholic beverage:

(i) Contains 24 percent or less alcohol by volume;

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(ii) Is contained in an inner packaging of 5 L (1.3 gallons) or less; or

(iii) Is a Packing Group III alcoholic beverage contained in a packaging 250 liters (66 gallons) or less;

(2) An alcoholic beverage (wine and distilled spirits as defined in 27 CFR 4.10 and 5.11), when transported via aircraft, is not subject to the requirements of this subchapter if the alcoholic beverage:

(i) Contains 24 percent or less alcohol by volume;

(ii) For transportation aboard a passenger-carrying aircraft, contains more than 24% but not more than 70% alcohol by volume when in unopened retail packagings not exceeding 5 liters (1.3 gallons) carried in carry-on or checked baggage, with a total net quantity per person of 5 liters (1.3 gallons) (See §175.10(a)(4) of this subchapter); or

(iii) When carried as cargo, contains more than 24% but not more than 70% alcohol by volume in an inner packaging not exceeding 5 L (1.3 gallons).

(e) *Aqueous solutions of alcohol.* An aqueous solution containing 24 percent or less alcohol by volume and no other hazardous material—

(1) May be reclassified as a combustible liquid.

(2) Is not subject to the requirements of this subchapter if it contains no less than 50 percent water.

(f) *Combustible liquids.* (1) A flammable liquid with a flash point at or above 38 °C (100 °F) that does not meet the definition of any other hazard class may be reclassified as a combustible liquid. This provision does not apply to transportation by vessel or aircraft, except where other means of transportation is impracticable.

(2) The requirements in this subchapter do not apply to a material classed as a combustible liquid in a non-bulk packaging unless the combustible liquid is a hazardous substance, a hazardous waste, or a marine pollutant.

(3) A combustible liquid that is in a bulk packaging or a combustible liquid that is a hazardous substance, a hazardous waste, or a marine pollutant is not subject to the requirements of this subchapter except those pertaining to:

(i) Shipping papers, waybills, switching orders, and hazardous waste manifests;

(ii) Marking of packages;

(iii) Display of identification numbers on bulk packages;

(iv) For bulk packagings only, placarding requirements of subpart F of part 172 of this subchapter;

(v) Carriage aboard aircraft and vessels (for packaging requirements for transport by vessel, see §176.340 of this subchapter);

(vi) Reporting incidents as prescribed by §§171.15 and 171.16 of this subchapter;

(vii) Packaging requirements of subpart B of this part and, in addition, non-bulk packagings must conform with requirements of §173.203;

(viii) The requirements of §§173.1, 173.21, 173.24, 173.24a, 173.24b, 174.1, 177.804, 177.817, 177.834(j), and 177.837(d) of this subchapter;

(ix) The training requirements of subpart H of part 172 of this subchapter;

(x) Emergency response information requirements of subpart G of part 172; and

(xi) For bulk packagings only, registration requirements of subpart G of part 107 of this subchapter.

(4) A combustible liquid that is not a hazardous substance, a hazardous waste, or a marine pollutant is not subject to the requirements of this subchapter if it is a mixture of one or more components that—

(i) Has a flash point at or above 93 °C (200 °F),

(ii) Comprises at least 99 percent of the volume of the mixture, and

(iii) Is not offered for transportation or transported as a liquid at a temperature at or above its flash point.

(g) *Limited quantities of retail products containing ethyl alcohol.* (1) Beverages, food, cosmetics and medicines, medical screening solutions, and concentrates sold as retail products containing ethyl alcohol classed as a flammable liquid or flammable solid containing not more than 70% ethyl alcohol by volume for liquids, by weight for solids are excepted from the HMR provided that:

(i) For non-glass inner packagings:

(A) The volume does not exceed 0.47 liters (0.125 gallons) in capacity for liquids; or

(B) For volumes greater than 0.47 liters (0.125 gallons) but not exceeding 3.8 liters (1 gallon) the company name and the words "Contains Ethyl Alcohol" are marked on the package;

(C) Solids containing ethyl alcohol may be packaged in non-glass inner packagings not exceeding 0.45 kilograms (1 pound) capacity;

(D) For weight greater than 0.45 kilograms (1 pound) up to 3.62 kilograms (8 pounds) the company name and the words "Contains Ethyl Alcohol" are marked on the package.

(ii) For glass inner packagings:

(A) The volume does not exceed 0.23 liters (.063 gallons) in capacity; or

(B) For volumes greater than 0.23 liters (.063 gallons) to 0.47 liters (0.125 gallons) the company name and the words "Contains Ethyl Alcohol" are marked on the package;

(C) Solids containing ethyl alcohol may be packaged in glass inner packagings not exceeding 0.22 kilograms (0.5 pounds);

(D) For weight greater than 0.22 kilograms (0.5 pounds) up to 0.45 kilograms (1 pound) the company name and the words "Contains Ethyl Alcohol" are marked on the package.

(iii) The net liquid contents of all inner packagings in any single outer packaging may not exceed 5.6 liters (1.5 gallons). The net solid contents of all inner packagings in any single outer packaging may not exceed 14.9 kilograms (33 pounds). The gross weight of any single outer package shipped may not exceed 29.9 kilograms (66 pounds); Inner packagings must be secured and cushioned within the outer package to prevent breakage, leakage, and movement.

(2) Beverages, food, cosmetics and medicines, medical screening solutions, and concentrates sold as retail products containing ethyl alcohol classed as a flammable liquid or flammable solid containing more than 70% ethyl alcohol by volume, by weight for solids are excepted from the HMR provided that:

(i) For inner packagings containing liquids the volume does not exceed 0.23 liters (0.063 gallons) in capacity;

(ii) Solids containing ethyl alcohol are not packed in inner packagings exceeding 0.22 kilograms (0.5 pounds) in weight;

(iii) The net liquid contents of all inner packagings in any single outer packaging may not exceed 5.6 liters (1.5 gallons). The net solid contents of all inner packagings in any single outer packaging may not exceed 14.9 kilograms (33 pounds). The gross weight of any single outer package shipped may not exceed 29.9 kilograms (66 pounds). Inner packagings must be secured and cushioned within the outer package to prevent breakage, leakage, and movement.

(3) For transportation by passenger or cargo aircraft, no outer package may be transported which contains an inner packaging exceeding:

(i) 0.47 liters (0.125 gallons) of flammable liquid; or

(ii) 0.45 kilograms (1 pound) of solids containing flammable liquid.

(h) Diesel fuel (NA1993) and Gasoline (UN1203) may be transported one way, by motor vehicle, directly from the loading location to an equipment repair facility, in a non-DOT specification, non-bulk packaging, known as a gasoline dispenser, that has been removed from service at a fueling station under the following conditions:

(1) Prior to loading, each dispenser must be prepared for transportation by capping or plugging all product inlet and outlet piping, so that no fluid may be released during transportation;

(2) No dispenser may contain more than 2 gallons of gasoline; and

(3) Each dispenser must be blocked, braced or strapped to the motor vehicle in accordance with the requirements of this subchapter to prevent shifting during transportation.

(i) *Reverse logistics.* Hazardous materials meeting the definition of "reverse logistics" under §171.8 of this subchapter and in compliance with paragraph (b) of this section may be offered for transport and transported in highway transportation in accordance with §173.157.

[Amdt. 173-224, 55 FR 52634, Dec. 21, 1990]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §173.150, see the List of CFR Sections Affected, which appears in the

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Finding Aids section of the printed volume and at www.govinfo.gov.

§ 173.151 Exceptions for Class 4.

(a) *General.* Exceptions for hazardous materials shipments in the following paragraphs are permitted only if this section is referenced for the specific hazardous material in the §172.101 table of this subchapter.

(b) *Limited quantities of Division 4.1.*
(1) Limited quantities of flammable solids (Division 4.1) in Packing Groups II and III and, where authorized by this section, charcoal briquettes (Division 4.2) in Packing Group III, are excepted from labeling requirements unless the material is offered for transportation or transported by aircraft, and are excepted from the specification packaging requirements of this subchapter when packaged in combination packagings according to this paragraph. If authorized for transportation by aircraft, the package must also conform to applicable requirements of §173.27 of this part (*e.g.*, authorized materials, inner packaging quantity limits and closure securement) and only hazardous material authorized aboard passenger-carrying aircraft may be transported as a limited quantity. A limited quantity package that conforms to the provisions of this section is not subject to the shipping paper requirements of subpart C of part 172 of this subchapter, unless the material meets the definition of a hazardous substance, hazardous waste, marine pollutant, or is offered for transportation and transported by aircraft or vessel, and is eligible for the exceptions provided in §173.156 of this part. In addition, shipments of limited quantities are not subject to subpart F (Placarding) of part 172 of this subchapter. Each package must conform to the packaging requirements of subpart B of this part and may not exceed 30 kg (66 pounds) gross weight. Except for transportation by aircraft, the following combination packagings are authorized:

(i) For flammable solids in Packing Group II, inner packagings not over 1.0 kg (2.2 pounds) net capacity each, packed in a strong outer packaging.

(ii) For flammable solids in Packing Group III, inner packagings not over

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5.0 kg (11 pounds) net capacity each, packed in a strong outer packaging.

(2) For transportation by highway or rail, Charcoal briquettes (NA1361) may be packaged as a limited quantity in accordance with paragraph (b) of this section in packagings not exceeding 30 kg gross weight and are eligible for the exceptions provided in §173.156.

(c) *Consumer commodities.* Until December 31, 2020, a limited quantity package (including Charcoal briquettes (NA1361)) containing a “consumer commodity” as defined in §171.8 of this subchapter, may be renamed “Consumer commodity” and reclassified as ORM-D or, until December 31, 2012, as ORM-D-AIR material and offered for transportation and transported in accordance with the applicable provisions of this subchapter in effect on October 1, 2010. For transportation by aircraft, the maximum net mass for Charcoal briquettes (NA1361) is 25 kg per package.

(d) *Limited quantities of Division 4.3.* Limited quantities of dangerous when wet solids (Division 4.3) in Packing Groups II and III are excepted from labeling requirements, unless the material is offered for transportation or transported by aircraft, and are excepted from the specification packaging requirements of this subchapter when packaged in combination packagings according to this paragraph. For transportation by aircraft, the package must also conform to applicable requirements of §173.27 of this part (*e.g.*, authorized materials, inner packaging quantity limits and closure securement) and only hazardous material authorized aboard passenger-carrying aircraft may be transported as a limited quantity. A limited quantity package that conforms to the provisions of this section is not subject to the shipping paper requirements of subpart C of part 172 of this subchapter, unless the material meets the definition of a hazardous substance, hazardous waste, marine pollutant, or is offered for transportation and transported by aircraft or vessel. In addition, shipments of limited quantities are not subject to subpart F (Placarding) of part 172 of this subchapter. Each package must conform to the packaging requirements of