

*Combination packaging* means a combination of packaging, for transport purposes, consisting of one or more inner packagings secured in a non-bulk outer packaging. It does not include a composite packaging.

*Combustible liquid.* See § 173.120 of this subchapter.

*Commerce* means trade or transportation in the jurisdiction of the United States within a single state; between a place in a state and a place outside of the state; that affects trade or transportation between a place in a state and place outside of the state; or on a United States-registered aircraft.

*Compatibility group letter* means a designated alphabetical letter used to categorize different types of explosive substances and articles for purposes of stowage and segregation. See § 173.52 of this subchapter.

*Competent Authority* means a national agency responsible under its national law for the control or regulation of a particular aspect of the transportation of hazardous materials (dangerous goods). The term *Appropriate Authority*, as used in the ICAO Technical Instructions (IBR, see § 171.7), has the same meaning as *Competent Authority*. For purposes of this subchapter, the Associate Administrator is the Competent Authority for the United States.

*Composite packaging* means a packaging consisting of an outer packaging and an inner receptacle, so constructed that the inner receptacle and the outer packaging form an integral packaging. Once assembled it remains thereafter an integrated single unit; it is filled, stored, shipped and emptied as such.

*Compressed gas.* See § 173.115 of this subchapter.

*Consignee* means the person or place shown on a shipping document, package marking, or other media as the location to which a carrier is directed to transport a hazardous material.

*Consumer commodity* means a material that is packaged and distributed in a form intended or suitable for sale through retail sales agencies or instrumentalities for consumption by individuals for purposes of personal care or household use. This term also includes drugs and medicines.

*Containership* means a cargo vessel designed and constructed to transport, within specifically designed cells, portable tanks and freight containers which are lifted on and off with their contents intact.

*Corrosive material.* See § 173.136 of this subchapter.

*Crate* means an outer packaging with incomplete surfaces.

*Crewmember* means a person assigned to perform duty in an aircraft during flight time.

*Cryogenic liquid.* See § 173.115(g) of this subchapter.

*Cultures and stocks.* See § 173.134 of this subchapter.

*Cylinder* means a pressure vessel designed for pressures higher than 40 psia and having a circular cross section. It does not include a portable tank, multi-unit tank car tank, cargo tank, or tank car.

*Dangerous when wet material.* See § 173.124 of this subchapter.

*Design Certifying Engineer* means a person registered with the Department in accordance with subpart F of part 107 of this chapter who has the knowledge and ability to perform stress analysis of pressure vessels and otherwise determine whether a cargo tank design and construction meets the applicable DOT specification. A Design Certifying Engineer meets the knowledge and ability requirements of this section by meeting any one of the following requirements:

- (1) Has an engineering degree and one year of work experience in cargo tank structural or mechanical design;
- (2) Is currently registered as a professional engineer by appropriate authority of a state of the United States or a province of Canada; or
- (3) Has at least three years' experience in performing the duties of a Design Certifying Engineer prior to September 1, 1991.

*Designated facility* means a hazardous waste treatment, storage, or disposal facility that has been designated on the manifest by the generator.

*District Commander* means the District Commander of the Coast Guard, or his authorized representative, who has jurisdiction in the particular geographical area.

(3) [Reserved]

(4) Until January 1, 2010, a hazardous material may be transported in an IM, IMO, or DOT Specification 51 portable tank in accordance with the T Codes (Special Provisions) assigned to a hazardous material in Column (7) of the § 172.101 Table in effect on September 30, 2001.

(5) Proper shipping names that included the word "inhibited" prior to the June 21, 2001 final rule in effect on October 1, 2001 are authorized on packagings and shipping papers in place of the word "stabilized" until October 1, 2007. Proper shipping names that included the word "compressed" prior to the final rule published on July 31, 2003 and effective on October 1, 2003 may continue to be shown on packagings and shipping papers until October 1, 2007.

(6) Section 172.202(a)(7) requires the number and types of packages to be indicated on shipping papers. Until October 1, 2007, a person may elect to comply with the requirements for the number and type of packages in effect on September 30, 2003.

(e) The shipping description sequences in effect on December 31, 2006, may be used until January 1, 2013.

(f) Except for transportation by highway, a Division 5.2 label and a Division 5.2 placard conforming to the specifications in §§ 172.427 and 172.552, respectively, of this subchapter in effect on December 31, 2006, may be used until January 1, 2011. For transportation by highway, a Division 5.2 placard conforming to the specifications in § 172.552 of this subchapter in effect on December 31, 2006 may be used until January 1, 2014.

(g) The Class 3 and Division 6.1 classification criteria and packing group assignments in effect on December 31, 2006, may be used until January 1, 2012.

(h) The proper shipping name "Gasohol *gasoline mixed with ethyl alcohol, with not more than 20 percent alcohol*" in effect on January 28, 2008, may continue to be used until October 1, 2010. Effective October 1, 2010, the new proper shipping name "Ethanol and gasoline mixture *or* ethanol and motor spirit mixture *or* ethanol and petrol mixture," and

the revised proper shipping name "Gasohol *gasoline mixed with ethyl alcohol, with not more than 10% alcohol*" must be used, as appropriate.

[Amdt. 171-131, 59 FR 67406, Dec. 29, 1994, as amended by Amdt. 171-132, 60 FR 26799, 26800, May 18, 1995; Amdt. 171-138, 60 FR 48786, Sept. 20, 1995; Amdt. 171-139, 61 FR 7958, Feb. 29, 1996; 62 FR 1217, Jan. 8, 1997; 62 FR 24701, May 6, 1997; 62 FR 29676, June 2, 1997; 62 FR 39404, July 22, 1997; 63 FR 52847, Oct. 1, 1998; 64 FR 10753, March 5, 1999; 64 FR 50262, Sept. 16, 1999; 64 FR 51915, Sept. 27, 1999; 66 FR 33336, June 21, 2001; 66 FR 45378, Aug. 28, 2001; 67 FR 15739, April 3, 2002; 67 FR 53133, Aug. 14, 2002; 68 FR 14346, Mar. 25, 2003; 68 FR 45011, July 31, 2003; 69 FR 34607, June 22, 2004; 69 FR 53354, Sept. 1, 2004; 69 FR 76062, Dec. 20, 2004; 70 FR 34072, June 13, 2005; 71 FR 78611, Dec. 29, 2006; 72 FR 55684, Oct. 1, 2007; 73 FR 4712, Jan. 28, 2008; 74 FR 2232, Jan. 14, 2009]

#### Subpart B—Incident Reporting, Notification, BOE Approvals and Authorization

##### §171.15 Immediate notice of certain hazardous materials incidents.

(a) *General.* As soon as practical but no later than 12 hours after the occurrence of any incident described in paragraph (b) of this section, each person in physical possession of the hazardous material must provide notice ~~by telephone~~ to the National Response Center (NRC) ~~by telephone at~~ 800-424-8802 (toll free) or 202-267-2675 (toll call). Notice involving an infectious substance (etiologic agent) may be given to the Director, Centers for Disease Control and Preventionm (CDC), U.S. Public Health Service, Atlanta, GA, 800-232-0124 (toll free), in place of notice to the NRC. Each notice must include the following information:

- (1) Name of reporter;
- (2) Name and address of person represented by reporter;
- (3) Phone number where reporter can be contacted;
- (4) Date, time, and location of incident;
- (5) The extent of injury, if any;
- (6) Class or division, proper shipping name, and quantity of hazardous materials involved, if such information is available; and

quirements in §§ 171.22 and 171.23, as applicable, and this section are met. In addition, a cargo tank motor vehicle, portable tank or rail tank car authorized by the Transport Canada TDG Regulations may be used for transportation to, from, or within the United States provided the cargo tank motor vehicle, portable tank or rail tank car conforms to the applicable requirements of this section. Except as otherwise provided in this subpart and Subpart C of this part, the requirements in parts 172, 173, and 178 of this subchapter do not apply for a material transported in accordance with the Transport Canada TDG Regulations if all other requirements of this subpart and the TDG Regulations are met.

(2) *General packaging requirements.* When the provisions of this subchapter require a DOT specification or UN standard packaging to be used for transporting a hazardous material, a packaging authorized by the Transport Canada TDG Regulations may be used, subject to the limitations of this part, and only if it is equivalent to the corresponding DOT specification or UN packaging (see § 173.24(d)(2) of this subchapter) authorized by this subchapter.

(3) *Bulk packagings.* A portable tank, cargo tank motor vehicle or rail tank car equivalent to a corresponding DOT specification and conforming to and authorized by the Transport Canada TDG Regulations may be used provided-

(i) An equivalent type of packaging is authorized for the hazardous material according to the § 172.101 table of this subchapter;

(ii) The portable tank, cargo tank motor vehicle or rail tank car conforms to the requirements of the applicable part 173 bulk packaging section specified in the § 172.101 table for the material to be transported;

(iii) The portable tank, cargo tank motor vehicle or rail tank car conforms to the requirements of all assigned bulk packaging special provisions (B codes, and T and TP codes) in § 172.102 of this subchapter; and

(iv) The bulk packaging conforms to all applicable requirements of §§ 173.31, 173.32, 173.33 and 173.35 of this subchapter, and parts 177 and 180 of this subchapter. The periodic retests and inspections required by §§

173.31, 173.32 and 173.33 of this subchapter may be performed in accordance with part 180 of this subchapter or in accordance with the requirements of the TDG Regulations provided that the intervals prescribed in part 180 of this subchapter are met.

(v) Rail tank cars must conform to the requirements of Canadian General Standards Board standard 43.147 (IBR, see § 171.7).

(4) *Cylinders.* When the provisions of this subchapter require that a DOT specification or a UN pressure receptacle must be used for a hazardous material, a packaging authorized by the Transport Canada TDG Regulations may be used only if it corresponds to the DOT specification or UN standard authorized by this subchapter. Unless otherwise excepted in this subchapter, a cylinder (including a UN pressure receptacle) may not be transported unless-

(i) The packaging is a UN pressure receptacle marked with the letters "CAN" for Canada as a country of manufacture or a country of approval or is a cylinder that was manufactured, inspected and tested in accordance with a DOT specification or a UN standard prescribed in part 178 of this subchapter, except that cylinders not conforming to these requirements must meet the requirements in § 171.23. Each cylinder must conform to the applicable requirements in part 173 of this subchapter for the hazardous material involved.

(ii) The packaging is a Canadian Transport Commission (CTC) specification cylinder manufactured, originally marked and approved in accordance with the CTC regulations and in full conformance with the Transport Canada TDG Regulations.

(A) The CTC specification corresponds with a DOT specification and the cylinder markings are the same as those specified in this subchapter except that they were originally marked with the letters "CTC" in place of "DOT";

(B) The cylinder has been requalified under a program authorized by the Transport Canada TDG Regulations or requalified in accordance with the requirements in § 180.205 within the prescribed requalification period provided for the corresponding DOT specification;

loy cell. The lithium content of a battery equals the sum of the grams of lithium content contained in the component cells of the battery. For a lithium-ion cell see the definition for “equivalent lithium content”.

*Loading incidental to movement* means loading by carrier personnel or in the presence of carrier personnel of packaged or containerized hazardous material onto a transport vehicle, aircraft, or vessel for the purpose of transporting it, including the loading, blocking and bracing a hazardous materials package in a freight container or transport vehicle, and segregating a hazardous materials package in a freight container or transport vehicle from incompatible cargo. For a bulk packaging, *loading incidental to movement* means filling the packaging with a hazardous material for the purpose of transporting it. *Loading incidental to movement* includes transloading.

*Magazine vessel* means a vessel used for the receiving, storing, or dispensing of explosives.

*Magnetic material*. See § 173.21(d) of this subchapter.

*Marine pollutant*, means a material which is listed in appendix B to § 172.101 of this subchapter (also see § 171.4) and, when in a solution or mixture of one or more marine pollutants, is packaged in a concentration which equals or exceeds:

(1) Ten percent by weight of the solution or mixture for materials listed in the appendix; or

(2) One percent by weight of the solution or mixture for materials that are identified as severe marine pollutants in the appendix.

*Marking* means a descriptive name, identification number, instructions, cautions, weight, specification, or UN marks, or combinations thereof, required by this subchapter on outer packagings of hazardous materials.

*Material of trade* means a hazardous material, other than a hazardous waste, that is carried on a motor vehicle—

(1) For the purpose of protecting the health and safety of the motor vehicle operator or passengers;

(2) For the purpose of supporting the operation or maintenance of a motor vehicle (including its auxiliary equipment); or

(3) By a private motor carrier (including vehicles operated by a rail carrier) in direct support of a principal business that is other than transportation by motor vehicle.

*Material poisonous by inhalation or material toxic by inhalation* means:

(1) A gas meeting the defining criteria in § 173.115(c) of this subchapter and assigned to Hazard Zone A, B, C, or D in accordance with § 173.116(a) of this subchapter;

(2) A liquid (other than as a mist) meeting the defining criteria in § 173.132(a)(1)(iii) of this subchapter and assigned to Hazard Zone A or B in accordance with § 173.133(a) of this subchapter; or

(3) Any material identified as an inhalation hazard by a special provision in column 7 of the § 172.101 table.

*Maximum allowable working pressure or MAWP*: For DOT specification cargo tanks used to transport liquid hazardous materials, see § 178.320(a) of this subchapter.

*Maximum capacity* means the maximum inner volume of receptacles or packagings.

*Maximum net mass* means the allowable maximum net mass of contents in a single packaging, or as used in subpart M of part 178 of this subchapter, the maximum combined mass of inner packaging, and the contents thereof.

*Metered delivery service* means a cargo tank unloading operation conducted at a metered flow rate of 378.5 L (100 gallons) per minute or less through an attached delivery hose with a nominal inside diameter of 3.175 cm (1-1/4 inches) or less.

*Miscellaneous hazardous material*. See § 173.140 of this subchapter.

*Mixture* means a material composed of more than one chemical compound or element.

*Mode* means any of the following transportation methods; rail, highway, air, or water.

*Motor vehicle* includes a vehicle, machine, tractor, trailer, or semitrailer, or any combination thereof, propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property. It does not include a vehicle, locomotive, or car operated exclusively on a rail or rails, or a trolley bus operated by electric power derived

**§171.20 Submission of Examination Reports.**

(a) When it is required in this subchapter that the issuance of an approval by the Associate Administrator be based on an examination by the Bureau of Explosives (or any other test facility recognized by PHMSA), it is the responsibility of the applicant to submit the results of the examination to the Associate Administrator.

(b) Applications for approval submitted under paragraph (a) of this section, must be submitted to the Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Washington, DC 20590-0001.

(c) Any applicant for an approval aggrieved by an action taken by the Associate Administrator, under this subpart may file an appeal with the Administrator, PHMSA within 30 days of service of notification of a denial.

[Amdt. 171-54, 45 FR 32692, May 19, 1980, as amended by Amdt. 171-66, 47 FR 43064, Sept. 30, 1982; Amdt. 171-109, 55 FR 39978, Oct. 1, 1990; Amdt. 171-111, 56 FR 66162, Dec. 20, 1991; 66 FR 45378, Aug. 28, 2001; 70 FR 56090, Sept. 23, 2005]

**§171.21 Assistance in investigations and special studies.**

(a) A shipper, carrier, package owner, package manufacturer or certifier, repair facility, or person reporting an incident under the provisions of § 171.16 must:

(1) Make all records and information pertaining to the incident available to an authorized representative or special agent of the Department of Transportation upon request; and

(2) Give an authorized representative or special agent of the Department of Transportation reasonable assistance in the investigation of the incident.

(b) If an authorized representative or special agent of the Department of Transportation makes an inquiry of a person required to complete an incident report in connection with a study of incidents, the person shall:

(1) Respond to the inquiry within 30 days after its receipt or within such other time as the inquiry may specify; and

(2) Provide true and complete answers to any questions included in the inquiry.

[Amdt. 171-101, 54 FR 25813, June 19, 1989; 66 FR 45378, Aug. 28, 2001; 68 FR 67760, Dec. 3, 2003]

**Subpart C—Authorization and Requirements for the Use of International Transport Standards and Regulations**

Source: 72 FR 25172, May 3, 2007, unless otherwise noted.

**§171.22 Authorization and conditions for the use of international standards and regulations.**

(a) *Authorized international standards and regulations.* This subpart authorizes, with certain conditions and limitations, the offering for transportation and the transportation in commerce of hazardous materials ~~to, from, or within the United States~~ in accordance with the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions), the International Maritime Dangerous Goods Code (IMDG Code), Transport Canada's Transportation of Dangerous Goods Regulations (Transport Canada TDG Regulations), and the International Atomic Energy Agency Regulations for the Safe Transport of Radioactive Material (IAEA Regulations) (IBR, see § 171.7).

(b) *Limitations on the use of international standards and regulations.* A hazardous material that is offered for transportation or transported in accordance with the international standards and regulations authorized in paragraph (a) of this section-

(1) Is subject to the requirements of the applicable international standard or regulation and must be offered for transportation or transported in conformance with the applicable standard or regulation; and

(2) Must conform to all applicable requirements of this subpart.

(c) *Materials excepted from regulation under international standards and regulations.* A material designated as a hazardous material under this subchapter, but excepted from or not subject to the international transport