

§ 172.102 [Amended]

6. In addition, in § 172.102, in paragraph (c)(3), the following changes would be made:

a. For Special Provision B4, the wording "AAR 206 tank car tanks and" would be removed.

b. For Special Provision B5, the wording "DOT 103 ALW, 111A60 ALW tank car tanks and" would be removed.

c. For Special Provision B10, the wording "AAR 206 tank car tanks," would be removed.

d. For Special Provision B57, the wording "complying with § 179.221-1 of this subchapter and the outer shell must be stenciled "CHLOROPRENE" on both sides in letters not less than 102 mm (4 inches) high" would be removed.

7. In § 172.203, paragraphs (e)(2) and (g) would be revised to read as follows:

§ 172.203 Additional description requirements.

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(e) * * *

(2) The description on the shipping paper for a tank car containing the residue of a hazardous material must include the phrase, "RESIDUE: LAST CONTAINED. . ." before the basic description.

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(g) *Transportation by rail.* (1) The shipping paper for a rail car, freight container, transport vehicle, or portable tank that contains a hazardous material must include the reporting mark and number of the rail car, freight container, transport vehicle, or portable tank.

(2) The shipping paper for each DOT-113 tank car containing a Division 2.1 material or its residue must contain an appropriate notation, such as "DOT 113", and the statement "Do not hump or cut off car while in motion."

(3) When shipments of elevated temperature materials are transported under the exception permitted in § 173.247(h)(3) of this subchapter, the shipping paper must contain an appropriate notation, such as "Maximum operating speed 15 mph."

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8. In § 172.205, paragraph (f) would be revised to read as follows:

§ 172.205 Hazardous waste manifest.

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(f) *Transportation by rail.*

Notwithstanding the requirements of paragraphs (d) and (e) of this section, the following requirements apply:

(1) When accepting hazardous waste from a non-rail transporter, the initial rail transporter must:

(i) Sign and date the manifest acknowledging acceptance of the hazardous waste;

(ii) Return a signed copy of the manifest to the non-rail transporter;

(iii) Forward at least three copies of the manifest to:

(A) The next non-rail transporter, if any; or

(B) The designated facility, if the shipment is delivered to that facility by rail; or

(C) The last rail transporter designated to handle the waste in the United States; and

(iv) Retain one copy of the manifest and rail shipping paper in accordance with 40 CFR 263.22.

(2) Rail transporters must ensure that a shipping paper containing all the information required on the manifest (excluding the EPA identification numbers, generator certification and signatures) and, for exports, an EPA Acknowledgment of Consent accompanies the hazardous waste at all times. Intermediate rail transporters are not required to sign either the manifest or shipping paper.

(3) When delivering hazardous waste to the designated facility, a rail transporter must:

(i) Obtain the date of delivery and handwritten signature of the owner or operator of the designated facility on the manifest or the shipping paper (if the manifest has not been received by the facility); and

(ii) Retain a copy of the manifest or signed shipping paper in accordance with 40 CFR 263.22.

(4) When delivering hazardous waste to a non-rail transporter a rail transporter must:

(i) Obtain the date of delivery and the handwritten signature of the next non-rail transporter on the manifest; and

(ii) Retain a copy of the manifest in accordance with 40 CFR 263.22.

(5) Before accepting hazardous waste from a rail transporter, a non-rail transporter must sign and date the manifest and provide a copy to the rail transporter.

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9. In § 172.330, paragraph (a)(1) would be revised to read as follows:

§ 172.330 Tank cars and multi-unit tank car tanks.

(a) * * *

(1) In a tank car unless the following conditions are met:

(i) The tank car must be marked on each side and each end as required by § 172.302 with the identification number specified for the material in the § 172.101 Table; and

(ii) A tank car containing any of the following materials must be marked on each side with the key words of the proper shipping name specified for the

material in the § 172.101 Table, or with a common name authorized for the material in this subchapter (e.g., "Refrigerant Gas"):

(A) Division 2.1 or Division 2.3 materials;

(B) Anhydrous ammonia or an ammonia solution with more than 50% ammonia;

(C) A refrigerant or dispersant gas, as defined in § 173.115 of this subchapter;

(D) Bromine or bromine solutions;

(E) Chloroprene, inhibited;

(F) Hydrogen cyanide; or

(G) A Division 2.2 material in a Class DOT 107 tank car.

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10. In § 172.510, paragraph (a) would be revised, paragraphs (b) and (c) would be removed, and paragraphs (d) and (e) would be redesignated as paragraphs (b) and (c), respectively, to read as follows:

§ 172.510 Special placarding provisions: Rail.

(a) *White square background.* The following must have the specified placards placed on a white square background, as described in § 172.527:

(1) Division 1.1 and 1.2 (explosive) materials which require EXPLOSIVES 1.1 or EXPLOSIVES 1.2 placards affixed to the rail car;

(2) Materials poisonous by inhalation in Hazard Zone A, including tank cars containing only a residue of the material; and

(3) Class DOT 113 tank cars used to transport a Division 2.1 (flammable gas) material, including tank cars containing only a residue of the material.

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§ 172.526 [Removed and reserved]

11. Section 172.526 would be removed and reserved.

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

12. The authority citation for Part 173 would continue to read as follows:

Authority: 49 U.S.C. 5102-5127; 49 CFR 1.53.

13. In § 173.24b, paragraph (a)(3) would be removed and paragraph (a)(1) would be revised to read as follows:

§ 173.24b Additional general requirements for bulk packagings.

(a) *Outage and filling limits.* (1)

Liquids and liquefied gases must be so loaded that the outage is at least one percent (two percent for anhydrous ammonia and five percent for materials poisonous by inhalation) of the total capacity of a cargo tank, portable tank, tank car (including dome capacity),