

or other grant of authority issued under this subchapter or subchapter A of this chapter.

[Amdt. 171-70, 48 FR 2655, Jan. 20, 1983, as amended by Amdt. No. 171-100, 54 FR 25004, June 12, 1989; Amdt. 171-12, 56 FR 8624, Feb. 28, 1991; Amdt. No. 171-115, 57 FR 30631, July 9, 1992; 57 FR 37902, Aug. 21, 1992; Amdt. No. 171-120, 58 FR 33305, June 16, 1993; Amdt. 171-2, 59 FR 49132, Sept. 26, 1994; Amdt. 171-141, 61 FR 21101, May 9, 1996; 64 FR 10752, Mar. 5, 1999; 67 FR 51640, Aug. 8, 2002]

§ 171.3 Hazardous waste.

(a) No person may offer for transportation or transport a hazardous waste (as defined in §171.8 of this subchapter) in interstate or intrastate commerce except in accordance with the requirements of this subchapter.

(b) No person may accept for transportation, transport, or deliver a hazardous waste for which a manifest is required unless that person:

(1) Has marked each motor vehicle used to transport hazardous waste in accordance with §390.21 or §1058.2 of this title even though placards may not be required;

(2) Complies with the requirements for manifests set forth in §172.205 of this subchapter; and

(3) Delivers, as designated on the manifest by the generator, the entire quantity of the waste received from the generator or a transporter to:

(i) The designated facility or, if not possible, to the designated alternate facility;

(ii) The designated subsequent carrier; or

(iii) A designated place outside the United States.

NOTE: Federal law specifies penalties up to \$250,000 fine for an individual and \$500,000 for a company and 5 years imprisonment for the willful discharge of hazardous waste at other than designated facilities. 49 U.S.C. 5124.

(c) If a discharge of hazardous waste or other hazardous material occurs during transportation, and an official of a State or local government or a Federal agency, acting within the scope of his official responsibilities, determines that immediate removal of the waste is necessary to prevent further consequence, that official may authorize the removal of the waste without the preparation of a manifest.

[NOTE: In such cases, EPA does not require carriers to have EPA identification numbers.]

NOTE 1: EPA requires shippers (generators) and carriers (transporters) of hazardous wastes to have identification numbers which must be displayed on hazardous waste manifests. See 40 CFR parts 262 and 263. (Identification number application forms may be obtained from EPA regional offices.)

NOTE 2: In 40 CFR part 263, the EPA sets forth requirements for the cleanup of releases of hazardous wastes.

[Amdt. 171-53, 45 FR 34586, May 22, 1980, as amended by Amdt. 171-53, 45 FR 74648, Nov. 10, 1980; Amdt. 171-78, 49 FR 10510, Mar. 20, 1984; Amdt. 171-107, 54 FR 40068, Sept. 29, 1989; Amdt. 171-111, 55 FR 52466, Dec. 21, 1990; 56 FR 66157, Dec. 20, 1991; Amdt. 171-2, 59 FR 49132, Sept. 26, 1994; Amdt. 171-141, 61 FR 21102, May 9, 1996]

§ 171.4 Marine pollutants.

(a) Except as provided in paragraph (c) of this section, no person may offer for transportation or transport a marine pollutant, as defined in §171.8, in intrastate or interstate commerce except in accordance with the requirements of this subchapter.

(b) The requirements of this subchapter for the transportation of marine pollutants are based on the provisions of Annex III of the 1973 International Convention for Prevention of Pollution from Ships, as modified by the Protocol of 1978 (MARPOL 73/78).

(c) *Exceptions.* Except when transported aboard vessel, the requirements of this subchapter specific to marine pollutants do not apply to non-bulk packagings transported by motor vehicles, rail cars or aircraft.

[Amdt. 171-116, 57 FR 52934, Nov. 5, 1993, as amended by Amdt. 107-39, 61 FR 51337, Oct. 1, 1996]

§ 171.6 Control numbers under the Paperwork Reduction Act.

(a) *Purpose and scope.* This section collects and displays the control numbers assigned to the HMR collections of information by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995. This section complies with the requirements of 5 CFR 1320.7(f), 1320.12, 1320.13 and 1320.14 (OMB regulations implementing the Paperwork Reduction Act of 1995)

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for the display of control numbers assigned by OMB to collections of information of the HMR.

(b) *OMB control numbers.* The table in paragraph (b)(2) of this section sets forth the control numbers assigned to collection of information in the HMR by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

(1) Column 1 lists the OMB control number assigned to the HMR collections of information. Column 2 contains the Report Title of the approved collection of information. Column 3 lists the part(s) or section(s) in 49 CFR identified or described in the collection of information.

(2) Table.

Current OMB control No.	Title	Title 49 CFR part or section where identified and described
2137–0014	Cargo Tank Specification Requirements	§§ 107.503, 107.504, 178.320, 178.337, 178.338, 178.345, 180.407, 180.409, 180.413, 180.417.
2137–0018	Inspection and Testing of Portable Tank and IBC's.	§§ 173.24, 173.32, 178.3, 178.245, 178.255, 178.270, 178.273, 178.274, 178.703, 178.801, 180.352, 180.605.
2137–0022	Testing, Inspection, and Marking Requirements for Cylinders.	§§ 173.302a, 173.303, 173.304, 173.309, 178.2, 178.3, 178.35, 178.44, 178.45, 178.46, 178.57, 178.59, 178.60, 178.61, 178.68, 180.205, 180.209, 180.211, 180.213, 180.215.
2137–0034	Hazardous Materials Shipping Papers and Emergency Response Information.	§§ 172.200, 172.201, 172.203, 172.204, 172.205, 172.600, 172.602, 172.604, 172.606, 173.6, 173.7, 173.22, 173.56, 174.24, 174.26, 174.114, 175.30, 175.31, 175.33, 175.35, 176.24, 176.27, 176.30, 176.36, 176.89, 177.817.
2137–0039	Hazardous Materials Incident Report	§§ 171.15, 171.16.
2137–0051	Rulemaking and Exemptions Petitions	§§ 105.30, 105.40, 106.95, 106.110, 107.105, 107.107, 107.109, 107.113, 107.117, 107.121, 107.123, 107.125, 107.205, 107.211, 107.215, 107.217, 107.219, 107.221, 107.223.
2137–0510	RAM Transportation Requirements	Part 173, Subpart I, §§ 173.22, 173.411, 173.415, 173.416, 173.417, 173.457, 173.471, 173.472, 173.473, 173.476.
2137–0542	Cryogenic Liquids Requirements	§§ 173.318, 177.816, 177.840, 180.405.
2137–0557	Approvals for Hazardous Materials	§§ 107.402; 107.403; 107.405; 107.503; 107.705; 107.713; 107.715; 107.717; 107.803; 107.805; 107.807; 110.30; 172.101; 172.102, Special Provisions 26, 19, 53, 55, 60, 105, 118, 121, 125, 129, 131, 133, 136; 172.102, Special Provisions B45, B55, B61, B69, B77, B81, N10, N72, Code: T42; 173.2a; 173.4; 173.7; 173.21; 173.22; 173.24; 173.38; 173.31; 173.51; 173.56; 173.58; 173.59; 173.124; 173.128; 173.159; 173.166; 173.171; 173.214; 173.222; 173.224; 173.225; 173.245; 173.301; 173.305; 173.306; 173.314; 173.315; 173.316; 173.318; 173.334; 173.340; 173.411; 173.433; 173.457; 173.471; 173.472; 173.473; 173.476; 174.50; 174.63; 175.10; 175.701; 176.168; 176.340; 176.704; 178.3; 178.35; 178.47; 178.53; 178.58; 178.270–3; 178.270–13; 178.273; 178.274; 178.503; 178.509; 178.605; 178.606; 178.608; 178.801; 178.813; 180.213.

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Current OMB control No.	Title	Title 49 CFR part or section where identified and described
2137-0559	Rail Carriers and Tank Car Tank Requirements	§§ 172.102, Special provisions: B45, B46, B55, B61, B69, B77, B78, B81; 173.10, 173.31, 174.20, 174.50, 174.63, 174.104, 174.114, 174.204, 179.3, 179.4, 179.5, 179.6, 179.7, 179.11, 179.18, 179.22, 179.100-9, 179.100-12, 179.100-13, 179.100-16, 179.100-17, 179.102-4, 179.102-17, 179.103-1, 179.103-2, 179.103-3, 179.103-5, 179.200-10, 179.200-14, 179.200-15, 179.200-16, 179.200-17, 179.200-19, 179.201-3, 179.201-8, 179.201-9, 179.220-4, 179.220-7, 179.220-8, 179.220-13, 179.220-15, 179.220-17, 179.220-18, 179.220-20, 179.220-22, 179.300-3, 179.300-7, 179.300-9, 179.300-12, 179.300-13, 179.300-15, 179.300-20, 179.400-3, 179.400-4, 179.400-11, 179.400-13, 179.400-16, 179.400-17, 179.400-19, 179.400-20, 179.500-5, 179.500-8, 179.500-12, 179.500-18, 180.505, 180.509, 180.515, 180.517.
2137-0572	Testing Requirements for Non-Bulk Packaging ..	§§ 178.2, 178.601.
2137-0582	Container Certification Statement	§§ 176.27, 176.172.
2137-0586	Hazardous Materials Public Sector Training and Planning Grants.	Part 110.
2137-0595	Cargo Tank Motor Vehicles in Liquefied Compressed Gas Service.	§§ 173.315, 178.337-8, 178.337-9, 180.405, 180.416.

[Amdt. 171-111, 56 FR 66157, Dec. 20, 1991, as amended at 57 FR 1877, Jan. 16, 1992; Amdt. 171-121, 58 FR 51527, Oct. 1, 1993; Amdt. 171-137, 61 FR 33254, June 26, 1996; 62 FR 51558, Oct. 1, 1997; 64 FR 51915, Sept. 27, 1999; 64 FR 61220, Nov. 10, 1999; 65 FR 58619, Sept. 29, 2000; 67 FR 61012, Sept. 27, 2002; 67 FR 51640, Aug. 8, 2002]

§ 171.7 Reference material.

(a) *Matter incorporated by reference*—
 (1) *General.* There is incorporated, by reference in parts 170-189 of this subchapter, matter referred to that is not specifically set forth. This matter is hereby made a part of the regulations in parts 170-189 of this subchapter. The matter subject to change is incorporated only as it is in effect on the date of issuance of the regulation referring to that matter. The material listed in paragraph (a)(3) has been approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval and a notice of any change in the material will be published in the FEDERAL REGISTER. Matters referenced by footnote are included as part of the regulations of this subchapter.

(2) *Accessibility of materials.* All incorporated matter is available for inspection at:

(i) The Office of Hazardous Materials Safety, Office of Hazardous Materials Standards, Room 8422, NASSIF Building, 400 7th Street, SW., Washington, DC 20590; and

(ii) The Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(3) *Table of material incorporated by reference.* The following table sets forth material incorporated by reference. The first column lists the name and address of the organization from which the material is available and the name of the material. The second column lists the section(s) of this subchapter, other than §171.7, in which the matter is referenced. The second column is presented for information only and may not be all inclusive.

Source and name of material	49 CFR reference
Air Transport Association of America, 1301 Pennsylvania Avenue, N.W., Washington, DC 20004-1707 ATA Specification No. 300 Packaging of Airline Supplies, Revision 19, July 31, 1996	172.102