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number or identifying information can be specifically associated with the EX-number assigned.

(c) When more than five different Class 1 materials are packed in the same package, the package may be marked with only five of the EX-numbers, national stock numbers, product codes, or combination thereof.

(d) The requirements of this section do not apply if the EX-number, product code or national stock number of each explosive item described under a proper shipping description is shown in association with the shipping description required by §172.202(a) of this part. Product codes and national stock numbers must be traceable to the specific EX-number assigned by the Associate Administrator.

(e) The requirements of this section do not apply to the following Class 1 materials:

(1) Those being shipped to a testing agency in accordance with §173.56(d) of this subchapter;

(2) Those being shipped in accordance with §173.56(e) of this subchapter, for the purposes of developmental testing;

(3) Those which meet the requirements of §173.56(h) of this subchapter and therefore are not subject to the approval process of §173.56 of this subchapter;

(4) Until October 1, 1993, those which are shipped under §171.19 of this subchapter; and

(5) Those that are transported in accordance with §173.56(c)(2) of this subchapter and, therefore, are covered by a national security classification currently in effect.

[Amdt. 172-123, 56 FR 66254, Dec. 20, 1991, as amended by Amdt. 172-139, 59 FR 67487, Dec. 29, 1994; 66 FR 45379, Aug. 28, 2001]

§ 172.321 Air eligibility mark.

(a) *General.* Except as otherwise specified in this subchapter, each person who offers for transportation by aircraft a hazardous material in a non-bulk package must mark the package as required by this section to indicate that it meets the applicable requirements for air transport. The marking is a certification that the person offering the package for transportation has determined that it meets the air transport requirements of this subchapter;

such as, the package is authorized and properly marked and labeled, its contents are properly classed and within quantity limits for air transport, and it conforms to all relevant packaging provisions such as those pertaining to closures, compatibility, pressure differential, and use of absorbent materials.

(b) *Location and design.* The marking must—

(1) Be placed adjacent to the markings prescribed in §172.301(a);

(2) Be durable, legible and of a size relative to the package so as to be readily visible;

(3) Include an aircraft within a circle and may include the words “Air Eligible” in conjunction with the mark, such as:



Air Eligible

(c) *Exceptions from the air eligibility mark.* The air eligibility mark is not required for—

(1) Packages that are transported in accordance with the small quantity exceptions in §173.4 of this subchapter;

(2) Packages that contain solid carbon dioxide (dry ice) and no other materials subject to the requirements of this subchapter;

(3) Except when overpacked, hazardous materials contained in articles that are not required to be packaged according to the requirements of this subchapter.

(4) Cylinders, except for those which are required to be overpacked or placed in an outer packaging, in which case the overpack or outer packaging must be marked with the air eligibility marking; and

(5) Packages or articles which are excepted from the marking requirements of this subchapter (for example, non-spillable batteries, vehicles).

(d) *Prohibited display.* The air eligibility marking may not appear on a package containing a hazardous material which does not meet the requirements of this subchapter for air transport.

(e) *Transition Date.* Compliance with the requirements of this section is not mandatory until October 1, 2006.

[68 FR 45031, July 31, 2003, as amended at 68 FR 57632, Oct. 6, 2003; 69 FR 20833, Apr. 19, 2004]

§ 172.322 Marine pollutants.

(a) For vessel transportation of each non-bulk packaging that contains a marine pollutant—

(1) If the proper shipping name for a material which is a marine pollutant does not identify by name the component which makes the material a marine pollutant, the name of that component must be marked on the package in parentheses in association with the marked proper shipping name. Where two or more components which make a material a marine pollutant are present, the names of at least two of the components most predominantly contributing to the marine pollutant designation must appear in parentheses in association with the marked proper shipping name; and

(2) The MARINE POLLUTANT mark shall be placed in association with the hazard warning labels required by subpart E of this part or, in the absence of any labels, in association with the marked proper shipping name.

(b) A bulk packaging that contains a marine pollutant must—

(1) Be marked with the MARINE POLLUTANT mark on at least two opposing sides or two ends other than the bottom if the packaging has a capacity of less than 3,785 L (1,000 gallons). The mark must be visible from the direction it faces. The mark may be displayed in black lettering on a square-on-point configuration having the same outside dimensions as a placard; or

(2) Be marked on each end and each side with the MARINE POLLUTANT mark if the packaging has a capacity of 3,785 L (1,000 gallons) or more. The mark must be visible from the direc-

tion it faces. The mark may be displayed in black lettering on a square-on-point configuration having the same outside dimensions as a placard.

(c) A transport vehicle or freight container that contains a package subject to the marking requirements of paragraph (a) or (b) of this section must be marked with the MARINE POLLUTANT mark. The mark must appear on each side and each end of the transport vehicle or freight container, and must be visible from the direction it faces. This requirement may be met by the marking displayed on a freight container or portable tank loaded on a motor vehicle or rail car. This mark may be displayed in black lettering on a white square-on-point configuration having the same outside dimensions as a placard.

(d) The MARINE POLLUTANT mark is not required—

(1) On a combination package containing a severe marine pollutant (see appendix B to § 172.101), in inner packagings each of which contains:

(i) 0.5 L (17 ounces) or less net capacity for liquids; or

(ii) 500 g (17.6 ounces) or less net capacity for solids.

(2) On a combination packaging containing a marine pollutant, other than a severe marine pollutant, in inner packagings each of which contains:

(i) 5 L (1.3 gallons) or less net capacity for liquids; or

(ii) 5 kg (11 pounds) or less net capacity for solids.

(3) Except for transportation by vessel, on a bulk packaging, freight container or transport vehicle that bears a label or placard specified in subparts E or F of this part.

(e) *MARINE POLLUTANT mark.* The MARINE POLLUTANT mark must conform to the following:

(1) Except for size, the MARINE POLLUTANT mark must appear as follows: