

be shipped in packagings as authorized for these poisonous materials.

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**§ 173.306 Limited quantities of compressed gases.**

(a) Limited quantities of compressed gases for which exceptions are permitted as noted by reference to this section in §172.101 of this subchapter are excepted from labeling, except when offered for transportation or transported by air, and, unless required as a condition of the exception, specification packaging requirements of this subchapter when packaged in accordance with the following paragraphs. For transportation by aircraft, the package must also comply with the applicable requirements of §173.27 of this subchapter and only hazardous materials authorized aboard passenger-carrying aircraft may be transported as a limited quantity. In addition, shipments are not subject to subpart F (Placarding) of part 172 of this subchapter, to part 174 of this subchapter except §174.24, and to part 177 of this subchapter except § 177.817. Each package may not exceed 30 kg (66 pounds) gross weight.

(1) When in containers of not more than 4 fluid ounces capacity (7.22 cubic inches or less) except cigarette lighters. Special exceptions for shipment of certain compressed gases in the ORM-D class are provided in paragraph (i) of this section.

(2) When in metal containers filled with a material that is not classed as a hazardous material to not more than 90 percent of capacity at 70 °F. and then charged with nonflammable, nonliquefied gas. Each container must be tested to three times the pressure at 70 °F. and, when refilled, be retested to three times the pressure of the gas at 70 °F. Also, one of the following conditions must be met:

(i) Container is not over 1 quart capacity and charged to not more than 170 psig at 70 °F. and must be packed in a strong outside packaging, or

(ii) Container is not over 30 gallons capacity and charged to not more than 75 psig at 70 °F.

(3) When in a metal container for the sole purpose of expelling a nonpoisonous (other than a Division 6.1 Packing Group III material) liquid, paste or powder, provided all of the following conditions are met. Special exceptions for shipment of aerosols in the ORM-D class are provided in paragraph (i) of this section.

(i) Capacity must not exceed 1 L(61.0 cubic inches).

(ii) Pressure in the container must not exceed 180 psig at 130 °F. If the pressure exceeds 140 psig at 130 °F., but does not exceed 160 psig at 130 °F., a specification DOT 2P (§178.33 of this subchapter) inside metal container must be used; if the pressure exceeds 160 psig at 130 °F., a specification DOT 2Q (§178.33a of this subchapter) inside metal container must be used. In any event, the metal container must be capable of withstanding without bursting a pressure of one and one-half times the equilibrium pressure of the content at 130 °F.

(iii) Liquid content of the material and gas must not completely fill the container at 130 °F.

(iv) The container must be packed in strong outside packagings.

(v) Each container must be subjected to a test performed in a hot water bath; the temperature of the bath and the duration of the test must be such that the internal pressure reaches that which would be reached at 55 °C (131 °F) (50 °C (122 °F) if the liquid phase does not exceed 95% of the capacity of the container at 50 °C (122 °F)). If the contents are sensitive to heat, the temperature of the bath must be set at between 20 °C (68 °F) and 30 °C (86 °F) but, in addition, one container in 2,000 must be tested at the higher temperature. No leakage or permanent deformation of a container may occur.

(vi) Each outside packaging must be marked "INSIDE CONTAINERS COMPLY WITH PRESCRIBED REGULATIONS."

(4) Gas samples must be transported under the following conditions:

(i) A gas sample may only be transported as non-pressurized gas when its

pressure corresponding to ambient atmospheric pressure in the container is not more than 105 kPa absolute (15.22 psia).

(ii) Non-pressurized gases, toxic (or toxic and flammable) must be packed in hermetically sealed glass or metal inner packagings of not more than one L (0.3 gallons) overpacked in a strong outer packaging.

(iii) Non-pressurized gases, flammable must be packed in hermetically sealed glass or metal inner packagings of not more than 5 L (1.3 gallons) and overpacked in a strong outer packaging.

(b) *Exceptions for foodstuffs, soap, biologicals, electronic tubes, and audible fire alarm systems.* Limited quantities of compressed gases (except Division 2.3 gases) for which exceptions are provided as indicated by reference to this section in §172.101 of this subchapter, when accordance with one of the following paragraphs, are excepted from labeling, except when offered for transportation or transported by aircraft, and the specification packaging requirements of this subchapter. For transportation by aircraft, the package must comply with the applicable requirements of §173.27 of this subchapter; the net quantity per package may not exceed the quantity specified in column (9A) of the Hazardous Materials Table in §172.101 of this subchapter; and only hazardous materials authorized aboard passenger-carrying aircraft may be transported as a limited quantity. In addition, shipments are not subject to subpart F (Placarding) of part 172 of this subchapter, to part 174 of this subchapter, except §174.24, and to part 177 of this subchapter, except §177.817. Special exceptions for shipment of certain compressed gases in the ORM-D class are provided in paragraph (i) of this section.

(1) Foodstuffs or soaps in a nonrefillable metal container not exceeding 1 L (61.0 cubic inches), with soluble or emulsified compressed gas, provided the pressure in the container does not exceed 140 p.s.i.g. at 130 °F. The metal container must be capable of withstanding without bursting a pressure of one and one-half times the equilibrium pressure of the content at 130 °F.

(i) Containers must be packed in strong outside packagings.

(ii) Liquid content of the material and the gas must not completely fill the container at 130 °F.

(iii) Each outside packaging must be marked "INSIDE CONTAINERS COMPLY WITH PRESCRIBED REGULATIONS."

(2) Cream in refillable metal receptacles with soluble or emulsified compressed gas. Containers must be of such design that they will hold pressure without permanent deformation up to 375 psig and must be equipped with a device designed so as to release pressure without bursting of the container or dangerous projection of its parts at higher pressures. This exception applies to shipments offered for transportation by refrigerated motor vehicles only.

(3) Nonrefillable metal containers charged with a Division 6.1 Packing Group III or nonflammable solution containing biological products or a medical preparation which could be deteriorated by heat, and compressed gas or gases. The capacity of each container may not exceed 35 cubic inches (19.3 fluid ounces). The pressure in the container may not exceed 140 psig at 130 °F., and the liquid content of the product and gas must not completely fill the containers at 130 °F. One completed container out of each lot of 500 or less, filled for shipment, must be heated, until the pressure in the container is equivalent to equilibrium pressure of the content at 130 °F. There must be no evidence of leakage, distortion, or other defect. Container must be packed in strong outside packagings.

(4) Electronic tubes, each having a volume of not more than 30 cubic inches and charged with gas to a pressure of not more than 35 psig and packed in strong outside packagings.

(5) Audible fire alarm systems powered by a compressed gas contained in an inside metal container when shipped under the following conditions:

(i) Each inside container must have contents which are not flammable, poisonous, or corrosive as defined under this part,

(ii) Each inside container may not have a capacity exceeding 35 cubic inches (19.3 fluid ounces),

(iii) Each inside container may not have a pressure exceeding 70 psig at 70 °F. and the liquid portion of the gas may not completely fill the inside container at 130 °F., and

(iv) Each nonrefillable inside container must be designed and fabricated with a burst pressure of not less than four times its charged pressure at 130 °F. Each refillable inside container must be designed and fabricated with a burst pressure of not less than five times its charged pressure at 130 °F.

(c)-(d) [Reserved]

(e) *Refrigerating machines.* (1) New (unused) refrigerating machines or components thereof are excepted from the specification packaging requirements of this part if they meet the following conditions. In addition, shipments are not subject to subpart F of part 172 of this subchapter, to part 174 of this subchapter except §174.24 and to part 177 of this subchapter except §177.817.

(i) Each pressure vessel may not contain more than 5,000 pounds of Group A1 refrigerant as classified in ANSI/ASHRAE Standard 15 or not more than 50 pounds of refrigerant other than Group A1.

(ii) Machines or components having two or more charged vessels may not contain an aggregate of more than 2,000 pounds of Group I refrigerant or more than 100 pounds of refrigerant other than Group I.

(iii) Each pressure vessel must be equipped with a safety device meeting the requirements of ANSI/ASHRAE 15 (IBR, see §171.7 of this subchapter).

(iv) Each pressure vessel must be equipped with a shut-off valve at each opening except openings used for safety devices and with no other connection. These valves must be closed prior to and during transportation.

(v) Pressure vessels must be manufactured, inspected and tested in accordance with ANSI/ASHRAE 15, or when over 6 inches internal diameter, in accordance with Section VIII of the ASME Code (IBR, see §171.7 of this subchapter).

(vi) All parts subject to refrigerant pressure during shipment must be test-

ed in accordance with ANSI/ASHRAE 15.

(vii) The liquid portion of the refrigerant, if any, may not completely fill any pressure vessel at 130 °F.

(viii) The amount of refrigerant, if liquefied, may not exceed the filling density prescribed in §173.304.

(f) *Accumulators (Articles, pressurized pneumatic or hydraulic containing nonflammable gas).* The following applies to accumulators, which are hydraulic accumulators containing nonliquefied, nonflammable gas, and nonflammable liquids or pneumatic accumulators containing nonliquefied, nonflammable gas, fabricated from materials which will not fragment upon rupture.

(1) Accumulators installed in motor vehicles, construction equipment, and assembled machinery and designed and fabricated with a burst pressure of not less than five times their charged pressure at 70 °F., when shipped, are not subject to the requirements of this subchapter.

(2) Accumulators charged with limited quantities of compressed gas to not more than 200 p.s.i.g. at 70 °F. are excepted from labeling (except when offered for transportation by air) and the specification packaging requirements of this subchapter when shipped under the following conditions. In addition, shipments are not subject to subpart F of part 172 of this subchapter, to part 174 of this subchapter except §174.24 and to part 177 of this subchapter except §177.817.

(i) Each accumulator must be shipped as an inside packaging,

(ii) Each accumulator may not have a gas space exceeding 2,500 cubic inches under stored pressure, and

(iii) Each accumulator must be tested, without evidence of failure or damage, to at least three times its charged pressure of 70 °F., but not less than 120 p.s.i. before initial shipment and before each refilling and reshipment.

(3) Accumulators with a charging pressure exceeding 200 p.s.i.g. at 70 °F. are excepted from labeling (except when offered for transportation by air) and the specification packaging requirements of this subchapter when shipped under the following conditions:

(i) Each accumulator must be in compliance with the requirements stated in

§ 173.306

49 CFR Ch. I (10-1-07 Edition)

paragraph (f)(2), (i), (ii), and (iii) of this section, and

(ii) Each accumulator must be designed and fabricated with a burst pressure of not less than five times its charged pressure at 70 °F. when shipped.

(4) Accumulators intended to function as shock absorbers, struts, gas springs, pneumatic springs or other impact or energy-absorbing devices are not subject to the requirements of this subchapter provided each:

(i) Has a gas space capacity not exceeding 1.6 L and a charge pressure not exceeding 280 bar, where the product of the capacity expressed in liters and charge pressure expressed in bars does not exceed 80 (for example, 0.5 L gas space and 160 bar charge pressure);

(ii) Has a minimum burst pressure of 4 times the charge pressure at 20°C for products not exceeding 0.5 L gas space capacity and 5 times the charge pressure for products greater than 0.5 L gas space capacity;

(iii) Design type has been subjected to a fire test demonstrating that the article relieves its pressure by means of a fire degradable seal or other pressure relief device, such that the article will not fragment and that the article does not rocket; and

(iv) Accumulators must be manufactured under a written quality assurance program which monitors parameters controlling burst strength, burst mode and performance in a fire situation as specified in paragraphs (f)(4)(i) through (f)(4)(iii) of this section. A copy of the quality assurance program must be maintained at each facility at which the accumulators are manufactured.

(5) Accumulators not conforming to the provisions of paragraphs (f)(1) through (f) (4) of this section, may only be transported subject to the approval of the Associate Administrator.

(g) *Water pump system tank.* Water pump system tanks charged with compressed air or limited quantities of nitrogen to not over 40 psig for single-trip shipment to installation sites are excepted from labeling (transportation by air not authorized) and the specification packaging requirements of this subchapter when shipped under the following conditions. In addition, ship-

ments are not subject to subpart F of this subchapter, to part 174 of this subchapter except §174.24 and part 177 except §177.817.

(1) The tank must be of steel, welded with heads concave to pressure, having a rated water capacity not exceeding 120 gallons and with outside diameter not exceeding 24 inches. Safety relief devices not required.

(2) The tank must be pneumatically tested to 100 psig. Test pressure must be permanently marked on the tank.

(3) The stress at prescribed pressure must not exceed 20,000 psi using formula:

$$S = Pd / 2t$$

where:

S = wall stress in psi;

P = prescribed pressure for the tank of at least 3 times charged pressure at 70 °F or 100 psig, whichever is greater;

d = inside diameter in inches;

t = minimum wall thickness, in inches.

(4) The burst pressure must be at least 6 times the charge pressure at 70 °F.

(5) Each tank must be overpacked in a strong outer packaging in accordance with §173.301(h).

(h) *Lighter refills.* (1) Lighter refills (see §171.8 of this subchapter) must not contain an ignition element but must contain a release device. Lighter refills offered for transportation under this section may not exceed 4 fluid ounces capacity (7.22 cubic inches) or contain more than 65 grams of a Division 2.1 fuel. For transportation by highway or rail, lighter refills must be tightly packed and secured against movement in strong outer packagings. For transportation by aircraft or vessel, lighter refills must be tightly packed and secured against movement in any rigid specification outer packaging authorized in Subpart L of Part 178 of this subchapter at the Packing Group II performance level.

(2) *Exceptions.* For highway transportation, when no more than 1,500 lighter refills covered by this paragraph are transported in one motor vehicle, the requirements of subparts C through H of part 172, and Part 177 of this subchapter do not apply. Lighter refills covered under this paragraph must be

packaged in rigid, strong outer packagings meeting the general packaging requirements of subpart B of this part. Outer packagings must be plainly and durably marked, on two opposing sides or ends, with the word "LIGHTER REFILLS" and the number of devices contained therein in letters measuring at least 20 mm (0.79 in) in height. No person may offer for transportation or transport the lighter refills or prepare the lighter refills for shipment unless that person has been specifically informed of the requirements of this section.

(i) *Aerosols and receptacles small, containing gas with a capacity of less than 50 mL.* Aerosols, as defined in §171.8 of this subchapter, and receptacles small, containing gas, with a capacity not exceeding 50 mL (1.7 oz.) and with a pressure not exceeding 970 kPa (141 psig) at 55 °C (131 °F), containing no hazardous materials other than a Division 2.2 gas, are not subject to the requirements of this subchapter. The pressure limit may be increased to 2000 kPa (290 psig) at 55 °C (131 °F) provided the aerosols are transported in outer packages that conform to the packaging requirements of Subpart B of this part. This paragraph (i) does not apply to a self-defense spray (e.g., pepper spray).

(j) *Aerosols with a capacity of less than 50 mL.* Aerosols, as defined in §171.8 of this subchapter, with a capacity not exceeding 50 mL and with a pressure not exceeding 970 kPa (141 psig) at 55 °C (131 °F), containing no hazardous materials other than a Division 2.2 gas, are not subject to the requirements of this subchapter.

[Amdt. 173-94, 41 FR 16079, Apr. 15, 1976]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §173.306, see the List of CFR Sections Affected which appears in the Finding Aids section of the printed volume and on GPO Access.

At 71 FR 3427, Jan. 23, 2006, paragraph (i) was redesignated as paragraph (j). At 71 FR 78633, Dec. 29, 2006, the following paragraph (j) was added: (j) For additional exceptions, also see §173.307.

#### §173.307 Exceptions for compressed gases.

(a) The following materials are not subject to the requirements of this subchapter:

- (1) Carbonated beverages.
- (2) Tires when inflated to pressures not greater than their rated inflation pressures. For transportation by air, tires and tire assemblies must meet the conditions in §175.8(b)(4) of this subchapter.
- (3) Balls used for sports.
- (4) Refrigerating machines, including dehumidifiers and air conditioners, and components thereof, such as precharged tubing containing:
  - (i) 12 kg (25 pounds) or less of a non-flammable, non-toxic gas;
  - (ii) 12 L (3 gallons) or less of ammonia solution (UN2672);
  - (iii) Except when offered or transported by air, 12 kg (25 pounds) or less of a flammable, non-toxic gas;
  - (iv) Except when offered or transported by air or vessel, 20 kg (44 pounds) or less of a Group A1 refrigerant specified in ANSI/ASHRAE Standard 15 (IBR, see §171.7 of this subchapter); or
  - (v) 100 g (4 ounces) or less of a flammable, non-toxic liquefied gas.
- (b) [Reserved]

[Amdt. 173-94, 41 FR 16081, Apr. 15, 1976, as amended by Amdt. 173-135, 45 FR 13090, Feb. 28, 1980; 65 FR 50462, Aug. 18, 2000; 68 FR 45038, July 31, 2003; 68 FR 75745, Dec. 31, 2003; 69 FR 76174, Dec. 20, 2004; 71 FR 14604, Mar. 22, 2006]

#### §173.308 Lighters.

(a) *General requirements.* No person may offer for transportation or transport a lighter (see §171.8 of this subchapter) containing a Division 2.1 (flammable gas) material except under the following conditions:

- (1) The lighter must contain a fuel reservoir not exceeding 4 fluid ounces capacity (7.22 cubic inches), and must contain not more than 10 grams (0.35 ounce) of flammable gas.
- (2) The maximum filling density may not exceed 85 percent of the volumetric capacity of each fluid reservoir at 15 °C (59 °F).
- (3) Each lighter design, including closures, must be capable of withstanding, without leakage or rupture, an internal pressure of at least two times the pressure of the flammable gas at 55 °C (131 °F).
- (4) Each appropriate lighter design must be examined and successfully