

■ 10. In § 172.102, in paragraph (c)(1), special provision 144 is added in numerical order to read as follow:

**§ 172.102 Special provisions.**

\* \* \* \* \*

(c) \* \* \*

(1) \* \* \*

**Code/Special Provisions**

\* \* \* \* \*

144 If transported as a residue in an underground storage tank (UST), as defined in 40 CFR 180.12, that has been cleaned and purged or rendered inert according to the American Petroleum Institute (API) Standard 1604 (incorporated by reference; see § 171.7 of this subchapter), then the tank and this material are not subject to any other requirements of this subchapter. However, sediments remaining in the tank that meet the definition for a hazardous material are subject to the applicable regulations of this subchapter.

\* \* \* \* \*

■ 11. In § 172.328, a new paragraph (d) is added to read as follows:

**§ 172.328 Cargo tanks.**

\* \* \* \* \*

(d) After October 3, 2005, each on-vehicle manually-activated remote shutoff device for closure of the internal self-closing stop valve must be identified by marking "Emergency Shutoff" in letters at least 0.75 inches in height, in a color that contrasts with its background, and located in an area immediately adjacent to the means of closure.

**PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS**

■ 12. The authority citation for part 173 continues to read as follows:

**Authority:** 49 U.S.C. 5101–5127, 44701; 49 CFR 1.45, 1.53.

■ 13. In § 173.33, paragraphs (g) and (h) are redesignated as paragraphs (c)(6) and (g), respectively, and paragraph headings for new paragraph (c)(6) and redesignated paragraph (g) are added to read as follows:

**§ 173.33 Hazardous materials in cargo tank motor vehicles.**

\* \* \* \* \*

(c) \* \* \*

(6) *Substitute packagings.* \* \* \*.

\* \* \* \* \*

(g) *Remote control of self-closing stop valves—MC 330, MC 331 and MC 338 cargo tanks.* \* \* \*.

■ 14. In § 173.150, paragraphs (f)(3)(vii) and (f)(3)(viii) are revised and paragraph (f)(3)(ix) is added to read as follows:

**§ 173.150 Exceptions for Class 3 (flammable) and combustible liquids.**

\* \* \* \* \*

(f) \* \* \*

(3) \* \* \*

(vii) Packaging requirements of subpart B of this part and, in addition, non-bulk packagings must conform to the requirements of § 173.203;

(viii) The requirements of §§ 173.1, 174.1, 177.804, 177.817, and 177.834 of this subchapter, except § 177.834(i)(3); and

(ix) The training requirements of subpart H of part 172 of this subchapter.

\* \* \* \* \*

**PART 177—CARRIAGE BY PUBLIC HIGHWAY**

■ 15. The authority citation for part 177 continues to read as follows:

**Authority:** 49 U.S.C. 5101–5127; 49 CFR 1.53.

■ 16. In § 177.817, paragraph (a) is revised to read as follows:

**§ 177.817 Shipping papers.**

(a) *General requirements.* A person may not accept a hazardous material for transportation or transport a hazardous material by highway unless that person has received a shipping paper prepared in accordance with part 172 of this subchapter or the material is excepted from shipping paper requirements under this subchapter. A subsequent carrier may not transport a hazardous material unless it is accompanied by a shipping paper prepared in accordance with part 172 of this subchapter, except for § 172.204, which is not required.

\* \* \* \* \*

■ 17. In § 177.834, paragraph (j) introductory text is revised to read as follows:

**§ 177.834 General requirements.**

\* \* \* \* \*

(j) Except for a cargo tank conforming to § 173.29(b)(2) of this subchapter, a person may not drive a cargo tank motor vehicle containing a hazardous material regardless of quantity unless:

\* \* \* \* \*

**PART 178—SPECIFICATIONS FOR PACKAGINGS**

■ 18. The authority citation for part 178 continues to read as follows:

**Authority:** 49 U.S.C. 5101–5127; 49 CFR 1.53.

■ 19. In § 178.320, paragraphs (a) and (b)(1) are revised to read as follows:

**§ 178.320 General requirements applicable to all DOT-specification cargo tank motor vehicles.**

(a) *Definitions.* For the purpose of this subchapter:

*Appurtenance* means any attachment to a cargo tank that has no lading retention or containment function and provides no structural support to the cargo tank.

*Baffle* means a non-liquid-tight transverse partition device that deflects, checks or regulates fluid motion in a tank.

*Bulkhead* means a liquid-tight transverse closure at the ends of or between cargo tanks.

*Cargo tank* means a bulk packaging that:

(1) Is a tank intended primarily for the carriage of liquids or gases and includes appurtenances, reinforcements, fittings and closures (for *tank*, see §§ 178.345–1(c), 178.337–1, or 178.338–1, as applicable);

(2) Is permanently attached to or forms a part of a motor vehicle, or is not permanently attached to a motor vehicle but that, by reason of its size, construction or attachment to a motor vehicle is loaded or unloaded without being removed from the motor vehicle; and

(3) Is not fabricated under a specification for cylinders, intermediate bulk containers, multi-unit tank car tanks, portable tanks, or tank cars.

*Cargo tank motor vehicle* means a motor vehicle with one or more cargo tanks permanently attached to or forming an integral part of the motor vehicle.

*Cargo tank wall* means those parts of the cargo tank that make up the primary lading retention structure, including shell, bulkheads, and fittings and, when closed, yield the minimum volume of the cargo tank assembly.

*Charging line* means a hose, tube, pipe, or a similar device used to pressurize a tank with material other than the lading.

*Companion flange* means one of two mating flanges where the flange faces are in contact or separated only by a thin leak-sealing gasket and are secured to one another by bolts or clamps.

*Connecting structure* means the structure joining two cargo tanks.

*Constructed and certified in accordance with the ASME Code* means a cargo tank is constructed and stamped in accordance with the ASME Code, and is inspected and certified by an Authorized Inspector.

*Constructed in accordance with the ASME Code* means a cargo tank is