

6. In § 172.504, paragraph (d) would be revised to read as follows:

§ 172.504 General placarding requirements.

* * * * *

(d) *Exception for empty non-bulk packages.* Except for hazardous materials subject to § 172.505, a non-bulk packaging that contains only the residue of a hazardous material covered by Table 2 of paragraph (e) of this section need not be included in determining placarding requirements.

* * * * *

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

7. The authority citation for part 173 would continue to read as follows:

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

8. In § 173.3, a new paragraph (d) would be added to read as follows:

§ 173.3 Packaging and exceptions.

* * * * *

(d) *Emergency transportation of DOT 3A480 or 3AA480 specification cylinders and DOT 105A500 multi-unit tank car tanks.* (1) A DOT 3A480 or DOT 3AA480 specification cylinder containing Chlorine or Sulphur dioxide that has developed a leak in a valve or fusible plug may be repaired temporarily by trained personnel using a Chlorine Institute Kit “A” and be transported by private or contract carrier one time, one way from the point of discovery to a proper facility for discharge and examination.

(2) A DOT 106A500 specification multi-unit tank car tank containing Chlorine or Sulphur dioxide that has developed a leak in the valve or fusible plug may be temporarily repaired by trained personnel using a Chlorine Institute Kit “B” and be transported by private or contract carrier one time, one way from the point of discovery to a proper facility for discharge and examination.

(3) Training for personnel making the repairs in paragraphs (d)(1) and (d)(2) of this section must include:

(i) Proper use of the devices and tools in the applicable kits;

(ii) Use of respiratory equipment and all other safety equipment; and
(iii) Knowledge of the properties of chlorine and sulphur dioxide.

9. In § 173.12, paragraph (c) introductory text would be revised to read as follows:

§ 173.12 Exceptions for shipments of waste materials.

* * * * *

(c) *Reuse of packagings.* A previously used packaging may be reused for the shipment of waste material transported for disposal or recovery, not subject to the reconditioning and reuse provisions contained in § 173.28 and part 178 of this subchapter, under the following conditions:

* * * * *

10. In § 173.29, paragraph (c) introductory text would be revised to read as follows:

§ 173.29 Empty packagings.

* * * * *

(c) Except for hazardous materials subject to § 172.505, a non-bulk packaging containing only the residue of a hazardous material covered by table 2 of § 172.504 of this subchapter—

* * * * *

11. In § 173.31, a new paragraph (a)(7) would be added and paragraph (b)(2)(ii) and the last sentence of paragraph (b)(5) would be revised to read as follows:

§ 173.31 Use of tank cars.

(a) * * *

(7) A DOT 103 or DOT 104 tank car may continue to be used for the transportation of a hazardous material if it meets the requirements of this subchapter; however, no new construction is authorized.

(b) * * *

(2) * * *

(ii) A single-unit tank car transporting a Division 6.1 PG I or II, or Class 2, 3, or 4 material must have a reclosing pressure relief device. However, a single-unit tank car built before January 1, 1991, and equipped with a non-reclosing pressure relief device may be used to transport a Division 6.1 PG I or II material or a Class 4 liquid provided such materials do not meet the definition of a material poisonous by inhalation.

* * * * *

(b) * * *

(5) * * * Tank cars modified before July 1, 1996, may conform to the bottom-discontinuity protection requirements of Appendix Y, instead of paragraphs E9.00 or E10.00 of the AAR Specifications for Tank Cars.

* * * * *

§ 173.35 [Amended]

12. In § 173.35, in paragraph (b), the wording “Initial use and reuse of IBCs.” would be removed and the wording “*Initial use and reuse of IBCs.*” (Also see § 180.352 of this subchapter.)” would be added in its place.

13. In § 173.50, paragraph (a) would be revised to read as follows:

§ 173.50 Class 1—Definitions.

(a) *Explosive.* For the purposes of this subchapter, an explosive means any substance or article, including a device, which is designed to function by explosion (*i.e.*, an extremely rapid release of gas and heat) or which, by chemical reaction within itself, is able to function in a similar manner even if not designed to function by explosion, unless the substance or article is otherwise classed under the provisions of this subchapter. The term includes a pyrotechnic substance or article, unless the substance or article is otherwise classed under the provisions of this subchapter.

14. In § 173.54, paragraph (c) would be revised to read as follows:

§ 173.54 Forbidden explosives.

* * * * *

(c) A leaking or damaged package or article containing an explosive.

* * * * *

15. In § 173.62, paragraph (c) introductory text and in the Table of Packing Methods, in column 1, Packing Instructions 132(a) and 132(b) would be revised to read as follows:

§ 173.62 Specific packaging requirements for explosives.

* * * * *

(c) Explosives must be packaged in accordance with the following table:

* * * * *

TABLE OF PACKING METHODS

Packing instruction	Inner packagings	Intermediate packagings	Outer packagings
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