

■ 5. In § 172.504, paragraph (d) is 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**

■ 6. 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.

■ 7. In § 173.3, a new paragraph (d) is added to read as follows:

**§ 173.3 Packaging and exceptions.**

\* \* \* \* \*

(d) *Emergency transportation of DOT 3A480 or 3AA480 cylinders and DOT 106A500 multi-unit tank car tanks.* (1) A DOT 3A480 or DOT 3AA480 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” (IBR, *see* § 171.7 of this subchapter). The repaired cylinder is authorized to 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 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” (IBR, *see* § 171.7 of this subchapter). The repaired tank is authorized to 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.

(4) Packagings repaired with “A” or “B” kits must be properly blocked and braced to ensure the packagings are secured in the transport vehicle.

■ 8. In § 173.12, paragraph (c) introductory text is 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:

\* \* \* \* \*

■ 9. In § 173.29, paragraph (c) introductory text is 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—

\* \* \* \* \*

■ 10. In § 173.31, a new paragraph (a)(7) is added, and paragraphs (b)(2)(ii) and the last sentence of (b)(5) are revised to read as follows:

**§ 173.31 Use of tank cars.**

(a) \* \* \*

(7) A class 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 and the design requirements in Part 179 of this subchapter in effect on September 30, 2003; 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]**

■ 11. In § 173.35, in paragraph (b), the wording “Initial use and reuse of IBCs.” is removed and the wording “*Initial use and reuse of IBCs.*” is added in its place.

■ 12. In § 173.50, paragraph (a) is 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.

\* \* \* \* \*

■ 13. In § 173.54, paragraph (c) is revised to read as follows:

**§ 173.54 Forbidden explosives.**

\* \* \* \* \*

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

\* \* \* \* \*

■ 14. In § 173.62, paragraph (c) introductory text and in the Table of Packing Methods, in column 1, Packing Instructions 132(a) and 132(b) are 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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