



## DEPARTMENT OF TRANSPORTATION

### MATERIALS TRANSPORTATION BUREAU

WASHINGTON, D.C. 20590

29562

TDocket No. HM-119; Amdt. No. 178-471

#### **PART 178—SHIPPING CONTAINER SPECIFICATIONS**

##### **Polyethylene Drum Packaging**

**AGENCY:** Materials Transportation Bureau (MTB), DOT.

**ACTION:** Final rule.

**SUMMARY:** The purpose of this amendment is to reduce the data retention requirements for certain material properties of resin specified in § 178.16-4 for a manufacturer of polyethylene drums (DOT Specification 35). The MTB has concluded that the benefits to be realized from the retention of some of the data now required is not commensurate with the cost of obtaining and preserving it.

**EFFECTIVE DATE:** July 10, 1978.

##### **FOR FURTHER INFORMATION CONTACT.**

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**SUPPLEMENTARY INFORMATION:** On July 14, 1977 (42 FR 36261), the Materials Transportation Bureau published in the *FEDERAL REGISTER* a new specification for the construction of open-head polyethylene drums (DOT Specification 35). In the preamble of the specification, it was stated that—

\*\*\* the Bureau believes that a better means to identify the polyethylene used in the molding of the drum is necessary. For this reason, the Bureau is requiring drum manufacturers to have, and retain, certain data relating to the material properties of the molding resin, at the start of production. The data, which may be obtained from the material supplier, or determined by the drum manufacturer, must include values for density, melt index, molecular weight, molecular weight distribution, izod impact, tensile impact, environmental stress crack resistance, brittleness temperature, and flexural modulus.

One of the factors considered by MTB in establishing the materials properties data retention requirement was the availability of the information to be retained. It now appears that the detailed categories of information required by the July 14 rulemaking publication are not available as a matter of course for each lot of polyethylene as previously thought, and that much of the information required by that rulemaking is obtainable only through

special testing. Comments from drum manufacturers and material suppliers indicate that the performance of tests on the molding resin to obtain the required data, and the retention of this data for all nine of the materials properties specified in 49 CFR 178.16-4, is costly, time consuming and impracticable. The MTB has concluded that the value of the information presently required by § 178.16-4, except for density and melt index, does not justify the expense of obtaining and keeping it on file. Density and melt index are easily obtained and bear directly on the quality of the finished product, so retention of records on those properties will continue to be required.

This amendment relieves existing requirements by eliminating the need to secure and retain data relating to molecular weight, molecular weight distribution, izod impact, tensile impact, environmental stress crack resistance, brittleness temperature, and flexural modulus. For that reason, and also because of the probable lack of any controversy over the form or extent of the relief granted, the MTB finds that public notice is unnecessary and has provided that the amendment will become effective upon publication.

Primary drafters of this document are Mario Gigliotti, Office of Hazardous Materials Regulation, and Douglas Crockett, Office of Chief Counsel, Research and Special Programs Administration.

In consideration of the foregoing, Title 49, Code of Federal Regulations is amended as follows:

##### **§ 178.16-4 [Amended]**

In § 178.16, § 178.16-4 paragraph (a) is amended by deleting all references under "Material Property" except: Density and Melt Index.

**AUTHORITY:** 49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e).

**NOTE.**—The Materials Transportation Bureau has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107 nor an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.).

Issued in Washington, D.C., on June 29, 1978.

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