



DEPARTMENT OF TRANSPORTATION

MATERIALS TRANSPORTATION BUREAU

WASHINGTON, D.C. 20590

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Title 49—Transportation

CHAPTER 1—DEPARTMENT OF TRANSPORTATION, MATERIALS TRANSPORTATION BUREAU

[Docket No. HM-140; Amdt. No. 178-44]

PART 178—SHIPPING CONTAINER SPECIFICATIONS

DOT Specification 17H Modification

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Final rule.

SUMMARY: This action is being taken to authorize the use of an 18-gauge (Minimum) removable head on a DOT Specification 17H steel drum having a marked capacity not over 55-gallon capacity when successfully tested and approved by the Director, OHMO.

The intended effect of this action is to provide shippers with an alternative 18-gauge closure in place of the 14-gauge or 16-gauge closures presently authorized.

EFFECTIVE DATE: December 5, 1977.

FOR FURTHER INFORMATION CONTACT:

Alan I. Roberts, Director, Office of Hazardous Materials Operations, 2100 Second Street SW., Washington, D.C. 20590, 202-426-0656.

SUPPLEMENTARY INFORMATION: On September 23, 1976, the Materials Transportation Bureau (MTB) published a Notice of Proposed Rulemaking, Docket No. HM-140; Notice 76-6 (41 FR 41713) which proposed this amendment. The background and the basis for incorporating this change into the regulations was discussed in that notice. Interested persons were invited to submit their comments by the close of business on November 30, 1976. Primary drafters of this document are Darrell L. Raines, Office of Hazardous Materials Operations, Regulations Division, and Douglas A. Crockett, Office of the Assistant General Counsel for Materials Transportation Law.

There was a total of 8 comments received regarding this proposed amendment. Four were in complete agreement. One commenter did not recommend approval until sufficient data are obtained to show that overall integrity of the drum will not be affected. The MTB has witnessed satisfactory testing of 55-gallon DOT-17H drums, with an 18-gauge removable head, which were equipped with a new type of closure that was approved by the Bureau of Explosives and assigned Approval Number BA 2058. This particular closure appeared to be an improvement over the standard closure now required by 49 CFR 178.118-8 for 55-gallon drums.

One commenter recommended approval of the 18-gauge cover provided the closure system described in BA 2058 is used. This same commenter expressed

concern about the reuse of an all 18-gauge drum without any specific stipulation in the regulation as to the closure system. The MTB believes that the additional requirements of footnote 3 will eliminate the concern expressed by this commenter.

One commenter expressed his opposition to the proposed change by stating

• • • Common sense suggests that a steel drum manufactured with a lighter gauge metal cannot be as safe a shipping container as a heavier gauge. He recommended that the Bureau develop and adopt more discriminatory tests. In addition, this commenter recommended that a reconditioned drum have a cover of original manufacture and not permit an 18-gauge converted cover.

Another commenter strongly suggested that footnote 3 not be amended as proposed, but instead, the MTB should add a footnote (4) to read "18-gauge authorized provided the drum is fitted with the closure specified in Bureau of Explosives' Authorization BA 2058."

In view of the comments received and upon further consideration, the MTB believes that the 18-gauge removable head should only be authorized upon demonstration of successful tests and manufacturers' registration with OHMO. This amendment is effective upon publication in the FEDERAL REGISTER, rather than 30 days thereafter, since it is a relaxation of existing restrictions on the construction of DOT Specification 17H drums. In consideration of the foregoing, 49 CFR 178.118-6 is amended by changing footnote 3 following the table in paragraph (a) to read:

§ 178.118-6 Parts and dimensions.

(a) • • •

• 16-gauge authorized provided there is at least one corrugation in the removable head near the periphery. 18-gauge authorized provided (1) there are at least two corrugations in the removable head near the periphery, (2) the manufacturer or assembler provides to the Director, OHMO, evidence of satisfactory performance of testing of the complete package design conducted in accordance with this section, and (3) the Director issues a registration number which the manufacturer or assembler concerned durably marks on the removable head and its corresponding ring-closure device.

(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 Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

Issued in Washington, D.C., on November 21, 1977.

L. D. SANTMAN,
Acting Director,

Materials Transportation Bureau.

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