



DEPARTMENT OF TRANSPORTATION  
MATERIALS TRANSPORTATION BUREAU  
WASHINGTON, D.C. 20590

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Research and Special Programs  
Administration

49 CFR Part 173

[Docket No. HM-139B; Amdt. Nos. 172-55,  
173-133, 174-35, 177-46, 178-58]

Conversion of Individual Exemptions  
to Regulations of General  
Applicability; Revision of Amendment  
173-133

AGENCY: Materials Transportation  
Bureau (MTB), Research and Special  
Programs Administration, DOT.

ACTION: Revision of previous  
amendment 173-133.

SUMMARY: This revision to Amendment  
No. 173-133 (44 FR 60097, October 18,  
1979) pertains to the "Salvage Drum"  
and changes the wording in § 173.3(c)  
and § 173.3(c)(1) by: (1) removing the  
words "during transportation" each time  
they appear in § 173.3(c). In addition, the  
words "that is compatible with the  
original" have been added to emphasize  
safety precautions; and (2) the word  
"drum" has been changed to read  
"package" where it appears near the  
end of the first sentence in § 173.3(c)(1).  
The need for this action has been  
created by public demand to allow the  
use of salvage drums for the shipment of  
damaged or leaking packages in  
addition to those which are found to be  
damaged or leaking during

transportation. The intended effect of  
these amendments is to provide wider  
access to the benefits of transportation  
innovations recognized and shown to be  
effective and safe.

EFFECTIVE DATE: January 24, 1980  
except that the effective date of  
§ 173.3(c)(3) is February 15, 1980.

FOR FURTHER INFORMATION CONTACT:  
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728.

SUPPLEMENTARY INFORMATION: On  
October 18, 1979, the MTB published a  
final rule under Docket HM-139B in the  
Federal Register [44 FR 60097], which  
revised § 173.3(c). Since that

publication, the MTB has received six  
petitions for reconsideration in  
accordance with the provisions of 49  
CFR 106.35.

All six petitioners requested removal  
of the words "during transportation" in  
§ 173.3(c). One of the petitioners  
recommended that a phrase regarding  
drum and lading compatibility be  
included in § 173.3(c).

Five of the six petitioners also  
requested that the word "package" be  
substituted for "drum" in the last part of  
§ 173.3(c)(1) in order to overpack  
defective boxes or bags containing  
hazardous materials for which a DOT  
specification drum does not exist.

Finally, one petitioner requested that  
a sentence be added at the end of  
§ 173.3(c)(3) to read "Other markings  
that clearly indicate the drum is being  
used for recovery purposes under this  
section are also authorized."

Except for the final recommendation,  
the MTB agrees with the six petitioners  
and this amendment includes their  
recommended changes. The MTB does  
not agree with the last petitioner's  
request because it would allow the drum  
to be marked with various names  
depending on the choice of the user. The  
required marking "SALVAGE DRUM"  
will serve to tie the authorization  
provided in § 173.3 to the conditions and  
requirement of that section. For this  
reason, the marking requirements in  
§ 173.3(c)(3) have not been changed.

This amendment only revises the  
introductory text of § 173.3 (c) and (c)(1),  
however the entire paragraph (c) is  
being republished for clarity.

In consideration of the foregoing, the  
introductory text of paragraph (c) and  
paragraph (c)(1) are revised. The  
remainder of the paragraph is repeated  
for clarity.

§ 173.3 Packaging and exceptions.

(c) Packages of hazardous materials  
that are damaged or found leaking and  
hazardous materials that have been  
spilled or leaked may be placed in a  
metal removable head salvage drum that  
is compatible with the lading and

shipped for repackaging or disposal  
under the following conditions.

(1) The drum utilized may be either a  
DOT specification or a non-DOT  
specification drum as long as the drum  
has equal or greater structural integrity  
than a package that is authorized for the  
respective material in this subchapter.  
Maximum capacity shall not exceed 110  
gallons.

(2) Each drum must be provided with  
adequate closure and, when necessary,  
provided with sufficient cushioning and  
absorption material to prevent excessive  
movement of the damaged package and  
to absorb all free liquid. All cushioning  
and absorbent material used in the drum  
must be compatible with the hazardous  
material.

(3) Each drum must be marked with  
the proper shipping name of the material  
inside the defective packaging and the  
name and address of the consignee. In  
addition, the drum must be marked  
"Salvage Drum".

(4) Each drum must be labeled as  
prescribed for the respective material.

(5) The shipper shall prepare shipping  
papers in accordance with Subpart C of  
Part 172 of this subchapter.

(6) The overpack requirements of  
§ 173.25, and the reuse provisions of  
§ 173.28(h) and § 173.28(m) do not apply  
to drums used in accordance with this  
paragraph.

(49 U.S.C. 1803, 1804, 1806; 49 CFR 1.53 and  
App. A to Part 1)

Note.—The Materials Transportation  
Bureau has determined that this document  
will not have a major economic impact under  
the terms of Executive Order 12044 and DOT  
implementing procedures (44 FR 11034), nor  
an environmental impact under the National  
Environmental Policy Act (49 U.S.C. 4321 et  
seq.). A regulatory evaluation is available for  
review in the docket.

Issued in Washington, D.C. on January 14,  
1980.

L. D. Santman,  
Director, Materials Transportation Bureau.