



U.S. Department  
of Transportation

**Pipeline and  
Hazardous Materials Safety  
Administration**

APR 11 2007

400 Seventh Street, S.W.  
Washington, D.C. 20590

Mr. Kevin Bevis  
Containers Engineer  
Entegris, Inc.  
3500 Lyman Boulevard  
Chaska, Minnesota 55318

Ref. No. 06-0270

Dear Mr. Bevis:

This responds to your letter requesting clarification of the non-bulk and IBC packaging design and testing criteria under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Your questions are paraphrased and answered as follows:

Q1. We successfully tested three different non-bulk single packaging designs under the design qualification criteria specified in § 178.601(c)(1). Under selective testing Variation 5, in § 178.601(g)(5), if a replacement closure device or gasket successfully passes the required Variation 5 testing on one of the three designs presenting the most severe test conditions on the original design, is it permissible to use a replacement closure or gasket on the second and third design?

A1. The answer is yes.

Q2. Would the answer be the same if the second and third designs were qualified under the selective testing authorized in § 178.601(g)(3) (Variation 3)?

A2. The answer is yes.

Q3. Under the design qualification testing for IBCs in § 178.801(d), is it permissible to consider IBCs with identical bodies and with similar service equipment to be the same design type?



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178.601(g)(3)  
178.801

A3. The answer is yes, provided there are no changes made to other parts of the IBC (e.g., pallet base, cage support).

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Hattie L. Mitchell". The signature is written in dark ink and is positioned below the word "Sincerely,".

Hattie L. Mitchell  
Chief, Regulatory Review and Reinvention  
Office of Hazardous Materials Standards



Stevens  
§ 178.601(g)(5)  
§ 178.801  
Testing  
06-0270

CORPORATE  
HEADQUARTERS

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November 17, 2006

Mr. Edward T. Mazzullo  
Director, Office of Hazardous Materials Standards  
U.S. DOT/PHMSA (PHH-10)  
400 7th Street S.W.  
Washington, D.C. 20590-0001

Dear Mr. Mazzullo,

I am writing to request clarification of two paragraphs in CFR 49 Part 178. After reading the Letters of Interpretation relating to my questions, available on your website, I spoke at length via telephone with Rob at your Hazardous Materials Information center. His interpretations of the paragraphs in question appeared to agree with my interpretations, and encouraged this written request for clarification.

My questions concern service equipment, specifically a drum insert with related closures, and the testing required for its use in certified non-bulk and bulk specification packagings produced by Entegris. Fluids are dispensed through this drum insert by the end-user. We have qualified this service equipment as part of two non-bulk specification packagings, and I am seeking clarification of the qualification testing required for use in various other specification packagings. (Please find enclosed reference drawing.)

This drum insert product includes several possible configurations: three caps (vented, non-vented, and manual relief) to close and seal the drum insert for shipment or storage, two different plastic resins (polypropylene and PFA), and many different O ring combinations. Every configuration to be offered for sale was qualified under Variation 5 on the two specification packages mentioned above. My intent with Q1 below, is to determine if Entegris needs to requalify, as a new design type, each IBC with every combination of drum insert/closure/O ring.

178.700(c)(2) defines "service equipment" as including "filling and discharge... devices.."

178.801(c)(1) identifies "representative service equipment" as a feature of any "IBC design type".

178.801(c)(7)(iv) defines a "different IBC design type" as **not** including "a packaging which differs in service equipment".

Q1. For the purposes of 178.801(d) Design qualification testing, may I consider identical IBC bodies with similar service equipment to be the same "design type" ?

My purpose with question 2, below, is to better understand the intent of 178.601(g)(5) "Variation 5". I find the second sentence following paragraph 178.601(g)(5)(ii) "Replacement closures and gasketings qualified under the above test requirements also are authorized without additional testing for different tested design types packagings of the same type as the originally tested packaging, provided the original design type tests are..." to be unclear.

Q2. Does the following example conform to the intent of 178.601(g)(5) ?

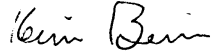
When considering three different packagings (all tested, qualified, different design types, single packagings under CFR 49), if closure device "A" or gasket "B" successfully passes the required variation 5 testing in the packaging presenting the most severe test conditions of these three, the other two packagings may use closure device "A" or gasket "B" without further testing, provided an equivalent level of performance is maintained.



Please contact me if you would find more detailed information to be helpful, or I may be of any assistance.

Thank you for help in this matter, and for your service, working to advance the safety and welfare of our country.

Sincerely,

A handwritten signature in black ink that reads "Kevin Bevis". The signature is written in a cursive style with a large, prominent "K" and "B".

Kevin Bevis  
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kevin\_bevis@entegris.com