



U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety
Administration**

JUL 9 2007

1200 New Jersey Ave., S.E.
Washington, DC 20590

Ms. Randylynn Bourassa
Dupont Automotive Systems
Mid America Distribution
Safety Competency Lead
400 Groesbeck Highway
Mount Clemens, MI 48043

Ref. No.: 07-0125

Dear Ms. Bourassa:

This is in response to your May 31, 2007 letter regarding closure requirements for steel drums under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if you must remove and re-torque the head on open head steel drums you receive with the head already installed and torqued by the supplier or manufacturer.

The answer is no. A manufacturer or supplier of performance-oriented packagings may provide empty drums to customers in any stage of assembly. Under § 178.2(c), the manufacturer or other person certifying compliance with the requirements of Part 178, and each subsequent distributor of a packaging, must notify in writing each person to whom that packaging is transferred of all requirements not met at the time of transfer (e.g., bung closure torque specifications). The information specified in the notification must specify the type(s) and dimensions of the closures, including gaskets and any other components needed to ensure that the packaging is capable of successfully passing the applicable performance tests. It is the responsibility of the person filling and closing the drum to ensure that the closures not closed and torqued when they received the packaging are closed in accordance with the written notification supplied by the manufacturer or distributor.

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

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



070125

178.2(c)
173-22

DuPont Automotive
400 Groesbeck Highway
Mount Clemens, MI 48043



DuPont Automotive

May 31, 2007

Edward T. Mazzullo - Director
Office of Hazardous Materials Standards
DOT/PHMSA Rm. PHH-10
East Bldg. 2nd Floor
1200 New Jersey Ave.
Washington, D.C. 20590

Pollack
§ 173.22
§ 178.02 (c)
Shippers Responsibility
07-0125

Dear Mr. Mazzullo;

I am writing in follow-up to a conversation with "Rob" at the PHMSA to request written confirmation regarding the responsibility of drum closure where the closure is not altered by the shipper.

Our facility purchases both 1A1 and 1A2 steel 55-gallon drums for the shipping of Class 3 paint. All drums are filled from the small bung in the lid of the drum. 1A2 drums are only used because of customer need, and the lids are not removed until the customer receives them (i.e. all drums are treated at our facility as 1A1 drums). Our facility has the closure instructions and proper tools for the small bung that is opened and closed during the filling operation. Both closures are given inspection at the shipping dock as part of overall drum integrity inspection for damages, leakage, and obvious design non-conformances.

Closure for the 1A2 open head cover requires alignment of closing ring, insert of bolts and lock nuts, tightening ring lugs per torque specifications, tightening lock nuts per torque specifications, and "pounding" of ring perimeter at specific location. We order the drums from our supplier "tightened" per specifications and "ready for fill". This closure is not altered at the filling facility. On May 29, 2007, I spoke with "Rob" at the PHMSA Hazardous Materials Information Center, and received verbal confirmation that responsibility for closure of the lid remains with the container supplier as part of the container integrity, and that subsequent shippers are not required to apply closure per manufacturer instructions where the closure is not altered. If the shipper is responsible for this closure, each lid would have to be removed (to inspect gasket and ring alignment), and re-torqued.

If I can answer any questions regarding this matter, please call the writer at (586) 468-9175. I look forward to your response.

Randylynn Bourassa
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