



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, D.C. 20590

OCT 17 2013

Mr. Peter J. Connors  
Remcon Plastics Incorporated  
208 Chestnut Street  
Reading, PA 19602-1809

Ref. No. 13-0152

Dear Mr. Connors:

This responds to your July 23, 2013 letter and subsequent August 7, 2013 email correspondence regarding the meaning of “different IBC design type” in § 178.801(c)(7) of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). A different design type for an IBC is defined as one that “differs from a previously qualified IBC design type in structural design, size, material of construction, wall thickness, or manner of construction,” but does not include, among other things, “a packaging which differs in service equipment.” You indicate that you have designed an IBC with a gasket made of Viton®, which has successfully passed a design qualification test; however, since Viton® is not compatible with some materials, you have designed an identical IBC to the one that passed the design qualification test, except that the body closure gasket is made with alternative materials. You indicate that the body closure gasket is used to fill and close the IBC. Your questions are paraphrased and answered below.

Q1. Can the body closure gasket for the IBC scenario described above be considered “service equipment” as defined in the HMR?

A1. Based on the scenario described above the answer is no. In this situation the body closure gasket would be considered to be part of the body of the IBC, not the IBC’s service equipment. “Body” is defined in § 178.700(c)(1) as the receptacle proper (including openings and their closures, but not including service equipment) that has a volumetric capacity of not more than 3 cubic meters (3,000 L, 793 gallons, or 106 cubic feet). As this body closure gasket would perform the primary function of a closure and be essential to retain the lading it would meet the definition of “Body.”

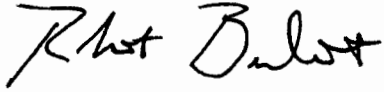
Q2. If the material of construction of the body closure gasket described above is changed on the IBC, is the IBC considered a different design type requiring a new design qualification test?

A2. Based on the scenario described above the answer is yes. It is the opinion of this office that a change in the material of construction of the body closure gasket used as a

closure and for retention of the lading for an IBC constitutes a change in the body. For that reason, it would be considered a different design type and would require a new design qualification test.

I hope this information is helpful. If you have further questions, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Benedict". The signature is written in a cursive style with a large, stylized initial "R".

Robert Benedict  
Chief, Standards Development Branch  
Standards and Rulemaking Division

# REMCON PLASTICS INCORPORATED

We listen, develop and deliver!

O'Donnell  
\$178.801  
\$178.700  
1 BC's  
13-0152

July 23, 2013

Mr. Charles E. Betts  
Director, Standards and Rulemaking Division  
U.S. DOT/PHMSA (PHH-10)  
1200 New Jersey Avenue, SE East Building  
2<sup>nd</sup> Floor  
Washington, DC 20590

Dear Mr. Betts,

I am writing to request clarification on selected paragraphs in CFR 49, Part 178. I spoke with Victoria at your Hazardous Materials Information center. Her interpretation of the paragraphs in question appeared to agree with my interpretations, and encouraged this written request for clarification.

My questions concern the body closure gasket material and service equipment. Recently we have successfully passed the certification test for an IBC with a 6 inch body closure with all relative service equipment. The test was conducted using a body closure gasket made with Viton material. Since Viton is not compatible with some chemicals, Remcon Plastics will offer the same body closure gasket made with alternate materials. Gasket design, diameter, thickness and durometer range will be comparable to the Viton gasket that has already passed the certification test. We understand from our conversations with your department that this does not require additional testing.

The third-party testing agency performing our certification has informed us that they believe a complete design qualification test -178.801(2) must be performed each time the body closure gasket material is changed. They based their testing criteria on CA2006030022 (7<sup>th</sup> Rev.) Appendix B (6). However, we note that their testing does not test chemical compatibility of the gasket.

According to the definition of "Different IBC design type" in -178.801(c)(7) an IBC which differs from a previously qualified IBC design type only in that it "differs in service equipment" is not considered a different IBC design type (see 178.801(c)(7)(iv)). Further - 178.700(c)(2) defines service equipment to mean filling and discharge, pressure relief, safety, heating and heat-insulating devices, and measuring instruments. Therefore, please consider the following statements for interpretation and confirmation:

1. The body closure gasket is service equipment.
2. An identical IBC does not require re-certification testing if the only change is body closure gasket material.

Thank you for your consideration in this matter. Please do not hesitate to contact me if you have questions concerning this request or if you require additional information.

Sincerely,



Peter J. Connors