



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

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

**FEB 28 2013**

Mr. Harold DePriest  
Bway Corporation  
3737 Miller Park Drive  
Garland, TX 75042

Reference No.: 13-0009

Dear Mr. DePriest:

This is in response to your November 1, 2012 email to the Hazardous Materials Information Center requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the UN specification packaging marking on drums.

You package a 5-gallon open head drum with the UN1A2/Y1.5/50 specification marking. A customer has asked you to test this container with a sheet of plastic film applied over the pail curl before applying the lid with a crimper. You have tested this configuration in accordance with Part 178, Subpart M of the HMR and the package has passed the tests. You ask whether the specification packaging marking would change due to the addition of the plastic film.

Under the selective testing provisions of § 178.601(g)(5), Variation 5 allows for a single packaging that differs from a tested design type only to the extent that the closure device or gasketing differs from that used in the originally tested design type, may be used without further testing, provided an equivalent level of performance is maintained subject to the specific qualifying test conditions.

If the package, with the additional plastic film applied meets the requirements of Variation 5, then the packaging may be used without further testing. The original specification marking remains applicable and does not need to be changed.

In addition, you are correct that, in accordance with HMR § 178.2(c) you are required to revise the packaging closure instructions to include the application of the plastic film in the procedure.

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

Sincerely,

Delmer Billings  
Senior Regulatory Advisor  
Standards and Rulemaking Division

Babich  
§178.600

**Drakeford, Carolyn (PHMSA)**

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**From:** INFOCNTR (PHMSA)  
**Sent:** Wednesday, January 02, 2013 2:30 PM  
**To:** Drakeford, Carolyn (PHMSA)  
**Subject:** FW: letter of interpretation

Testing  
13-0009

**From:** INFOCNTR (PHMSA)  
**Sent:** Thursday, November 01, 2012 4:04 PM  
**To:** Drakeford, Carolyn (PHMSA)  
**Subject:** FW: letter of interpretation

Hi Carolyn,

We received the following request for a formal letter of interpretation.

Thanks,  
Victoria

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**From:** Harold DePriest [<mailto:Harold.Depriest@BWAYCorp.com>]  
**Sent:** Thursday, November 01, 2012 11:27 AM  
**To:** INFOCNTR (PHMSA)  
**Subject:** letter of interpretation

I talked to your information center desk today and am asking for a letter of interpretation based on our conversation. Here is the question.

We currently package a 5-gallon open head using the UN1A2/Y1.5/50 marking. Recently a customer requested that we test this container, but they wanted us to put a sheet of material similar to Saran Wrap on the pail curl before applying the lid with a crimper. We have tested this configuration per the protocol in 178.600 and it passes the testing. I asked what the marking should be since we added the plastic film. The response I received is that the marking stays the same. We need to add the plastic film and application procedure to our closing instructions.

I would like a letter of interpretation explaining this. Thanks for your assistance.

Harold DePriest  
Bway Corporation  
3737 Miller Park Drive  
Garland, TX 75042

[Harold.depriest@bwaycorp.com](mailto:Harold.depriest@bwaycorp.com)

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