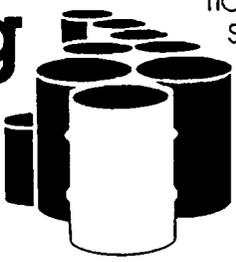


RSPA - 1997 - 12599 - 1

P-1337



# Steel Shipping Container Institute



1101 14th Street, NW  
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Washington, DC 20005  
(202) 408-1900  
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May 20, 1997

177561

Mr. Alan I. Roberts  
Associate Administrator (DHM-1)  
Research and Special Programs Administration  
U.S. Department of Transportation  
Washington, DC 20590-0001  
Attn: Exemptions Branch

RECEIVED  
STEEL CONTAINERS  
MAY 20 1997

Application for exemption under 49 CFR §107.105

Dear Mr. Roberts:

The Steel Shipping Container Institute (SSCI), on behalf of its member companies (see Appendix A) who are manufacturers of 5- to 55-gallon full removable head and non-removable head steel pails, submits this application for an exemption to §178.601(g)(8) which specifies the changes in design elements which constitute a different drum design type requiring full design qualification testing. We also request that this letter be a petition for rulemaking under §106.31 or §106.39(a)(1).

We request to be allowed to operate under this general requirement by changing the text in the following manner:

- (1) lower the capacity level as stated in §178.601(g)(8) from "50 L (13 gallons)" to "12 L (3 gallons)",
- (2) modify the elements in §178.601(g)(8)(viii) to "an increase *greater than 10% and greater than 1.35 mm* or any decrease in the steel thickness ..."
- (3) modify the elements in §178.601(g)(8)(x) to include "*(beads)*" after "number of rolling hoops",
- (4) add a new section §178.601(g)(8)(xii)(E) to include for UN1A2 drums a change in "*The width of lugs or extensions in crimp/lug cover (i.e. wide or narrow)*",
- (5) modify the elements in §178.601(g)(8)(xi) to read "*An increase in the number or size of closures (other than the cover of UN 1A2 drums),*"

(6) modify §178.601(g)(8)(xii) to read: "The location (*e.g. from the head to the body or vice-versa*), type (*e.g. mechanically seamed or welded flange*), and material of closures (other than the cover of UN 1A2 drums)...", and

(7) renumber §178.601(g)(8)(xii) to (xiii).

None of the other elements shall be changed and this will allow pail manufacturers to take advantage of the same regulatory language defining design type and to recognize significant savings in performance testing that is already allowed manufacturers of steel drums over 50 liters.

In addition, this exemption seeks to clarify language on closures by recognizing that a drum with a lesser number of closures than the design type tested, all other elements being unchanged, is considered a minor variation not requiring full design qualification testing. Such a drum is not considered a "weaker" drum. This exemption also affirms that a change in closure "type" is a change in flange insertion, while a change in location only refers to moving the closure from the head to the body or vice-versa.

Also, this exemption seeks to clarify language on the impact of an increase in steel thickness on performance. An increase in steel thickness from a design type tested, all other elements being unchanged, does not reduce the performance of the drum. The only concern is the ability of the manufacturer to roll a triple chime from steel in the head or bottom that is 1.35 mm or greater (equivalent to the old 16-gauge). At that point the increase in steel thickness that exceeds 1.35 mm could in some situations have an impact on the manufacturer's ability to roll a triple chime, thus potentially impacting performance.

We do not request to be exempt from performing design qualification testing on drums and pails.

The name and address of the applicant is:

David Core  
Director, Technical and Regulatory Affairs  
Steel Shipping Container Institute  
Washington, DC 20005  
Phone: (202) 408-1900  
Fax: (202) 408-1972

This exemption will apply to the members listed and to all their U.S. manufacturing facilities.

The mode of transport will be: motor vehicle, rail freight, cargo vessel, cargo aircraft only and passenger-carrying aircraft.

Section 178.601(g)(7) notes that the Associate Administrator may approve selective testing of packagings that differ only in minor respects from a tested design type. A "different" packaging, as that term is defined now in §178.601(c)(4), requires repetition of design qualification testing, with limited exceptions, each time a pail produced is not "identical" to the tested design type. We note that §178.801(c)(7) does not use the term "identical" in the definition of a "different intermediate bulk container design type".

Given the number of different design types (i.e. non-identical pails) our members produce, such as [tighthead with round-flange closures, tighthead with octagonal-flange closures, pails from various steel suppliers meeting our strict specifications, pails with bails from various suppliers and of varying thicknesses], the level of design qualification testing, periodic retesting, and record-keeping is burdensome.

We believe that many variations in design elements are "minor" and thus do not impact performance. The design elements which do constitute a change in design type were originally listed in the SSCI and ACR approval letters of 1994 after much discussion with RSPA staff. These letters were codified into the HMR last year and the application of these regulations should be extended to manufacturers of steel containers less than 50 liters but not less than 12 liters. Members of the SSCI do not manufacture jerricans or drums smaller than 12 liters.

The pail and drum must meet all the applicable performance tests in Subpart M and the applicable marking and construction requirements in Subpart L. To change the regulations to include our steel containers would not pose an increase risk to safety, would be consistent with the public interest and would adequately protect against the risks to life and property inherent in the transportation of hazardous materials in commerce. It would also provide a significant benefit to us in reduced testing of non-identical design types.

We request the duration of this exemption to be the lesser of either two years or the time in which it takes for the HMR to be changed to reflect the nature of this exemption. If you have any questions, please contact me at 202-408-1900.

Sincerely,



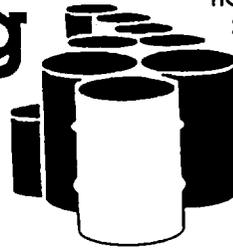
David Core

Director, Technical and Regulatory Affairs

attachment: Membership List



# Steel Shipping Container Institute



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## STEEL SHIPPING CONTAINER INSTITUTE

### REGULAR MEMBERS

ASTRO CONTAINER COMPANY  
2795 Sharon Road  
Evendale, OH 45241  
513-771-1230

CP LOUISIANA, INC.  
6000 Jefferson Highway  
New Orleans, LA 70123  
504-733-6644

BERENFIELD CONTAINERS, INC.  
1229 Castle Drive  
P.O. Box 350  
Mason, OH 45040  
513-398-1300

ENVASES Y LAMINADOS, S.A.de C.V.  
Av. Talisman Nol 450  
Col. Aragon Inguaran  
Mexico D.F., C.P. 07490  
52-5-760-5533

CHICAGO STEEL CONTAINER  
CORPORATION  
1846 South Kilbourn Avenue  
Chicago, IL 60623  
312-277-2244

EVANS INDUSTRIES, INC.  
1255 Peters Road  
P.O. Drawer 68  
Harvey, LA 70059  
504-374-6000

CLEVELAND STEEL CONTAINER  
CORPORATION  
12818 Coit Road  
Cleveland, OH 44108  
216-541-1700

GENERAL STEEL DRUM  
CORPORATION  
P.O. Box 30668  
Charlotte, NC 28230  
704-525-7160

COLUMBUS STEEL DRUM COMPANY  
1385 Blatt Boulevard  
Blacklick, OH 43004  
614-864-1900

HUNTER DRUMS LIMITED  
5420 North Service Road  
Burlington, Ontario L7L 6C7 Canada  
905-332-4800

INDUSTRIAL CONTAINERS LTD.  
100 North Queen Street  
Toronto, Ontario M8Z 2E2 Canada  
416-231-5020

VAN LEER CONTAINERS, INC.  
4300 West 130th Street  
Chicago, IL 60658  
708-371-4777

MEYER STEEL DRUM, INC.  
2000 S. Kilborn Street  
Chicago, IL 60623  
773-522-3030

MYERS CONTAINER CORPORATION  
A DIVISION OF IMACC CORP.  
5801 Christie Avenue, Suite 255  
Emeryville, CA 94608  
510-652-6847

INTERNATIONAL MEMBERS

CORESA, S.A.  
San Nicolas 630  
Santiago, Chile  
56-2-552-1344

NESCO CONTAINER CORPORATION  
2391 Cassens Drive  
Fenton, MO 63026  
314-343-7300

RAC ENTERPRISES, INC.  
P.O. Box 6377  
Caguas, PR 00726  
787-747-9338

NORTH COAST CONTAINER  
CORPORATION  
8806 Crane Avenue  
Cleveland, OH 44105  
216-441-6214

RHEEM CHILENA S.A.  
Camino A Melipilla 10.340  
P.O. Box 9229  
Santiago, Chile  
011-56-2-557-7588

SIRCO Systems, LLC  
P.O. Box 367  
Birmingham, AL 35201  
205-731-7815

TRILLA STEEL DRUM CORPORATION  
2959 West 47th Street  
Chicago, IL 60632  
773-847-7588