



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

**MAY 16 2018**

Ben Barrett  
Consultant  
DG Advisor, LLC  
1930 E. Blue Ridge Boulevard  
Kansas City, MO 64146

Reference No. 17-0121; 07-0029R; 06-0129R

Dear Mr. Barrett:

This letter is in response to your October 31, 2017, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to closure instructions. Specifically, you ask for reconsideration of letters of interpretation previously issued by this Office under Reference Nos. 06-0129 (September 14, 2006) and 07-0029 (August 20, 2007) that state, "Changing the size (e.g., width) of the tape from that specified in the packaging test report and closure notification constitutes a change in design." You state that a change to a wider tape of the same type as that originally specified in the United Nations (UN) specification packaging test report would improve, rather than detract from the packaging's performance either under the UN performance tests or conditions normally incident to transportation.

Having reviewed Reference Nos. 06-0129 and 07-0029 and the relevant requirements in the HMR, the Pipeline and Hazardous Materials Safety Administration rescinds both letters and issues the following interpretation with respect to the matters disclosed within them.

It is the opinion of this Office that a wider tape of the same specification (e.g., tensile strength and other relevant properties from industry testing standards) originally tested may perform the same when tested or transported. A different packaging as defined in § 178.601(c)(4) is one that differs (i.e., is not identical) from a previously produced packaging in structural design, size, material of construction, wall thickness, or manner of construction. The packaging manufacturer must specify the type(s) and dimensions of the closures, including components needed to satisfy the performance requirements, as required in § 178.2(c)(1)(i)(B). The manufacturer or other person certifying compliance with the specifications must notify, in writing, each person to whom the package is transferred of such requirements in accordance with § 178.2(c).

Therefore, increasing the width of the tape from that specified in the packaging test report and closure notification does not constitute a change in design, provided the tape is otherwise of the same specification originally tested.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Shane C. Kelley" with a stylized flourish at the end.

Shane C. Kelley  
Director,  
Standards and Rulemaking Division  
Office of Hazardous Materials Standards