



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

FEB 28 2000

Mr. Robert Strasser
National Packaging Services, Inc.
61 Kansas Street
Hackensack, NJ 07601

Ref. No: 00-0045

Dear Mr. Strasser:

This is in response to your letter of February 10, 2000, requesting clarification of the notification requirements in § 178.2(c) of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically you ask how often a manufacturer or subsequent distributor of a packaging must provide closure instructions to a customer.

Once notification has been made it is not necessary to send identical notification again, provided such notification is clearly identified as being applicable to a particular packaging for a stated amount of time, or "until further notice" or similar language. Therefore, only one notification is necessary as long as the package design remains the same and there is no change in closure or other use instructions.

I hope this information is helpful.

Sincerely,

Delmer F. Billings
Chief, Standards Development
Office of Hazardous Materials Standards



000045

178.2

NATIONAL PACKAGING SERVICES, INC.
61 KANSAS STREET
HACKENSACK, NJ 07601

Lavalle
§178.2
00-0045

FAX COVER SHEET

DATE: FEBRUARY 10, 2000

TO: MR. ED MAZZULLO PHONE: (202)
U.S. DEPT. OF FAX: (202) 366-3012
TRANSPORTATION
RESEARCH AND SPECIAL
PROGRAMS ADMINISTRATION
ROOM 8102
400 SEVENTH ST., SW
WASHINGTON, DC 20590

FROM: ROBERT STRASSER PHONE: (201) 488-6700 EXT.: 111
NPS FAX: (201) 488-6710

RE: **CLOSURE NOTIFICATION REQUIREMENTS**
SECTION 178.29(c) *178.2(c)*

NUMBER OF PAGES INCLUDING COVER SHEET: 2

DEAR MR. MAZZULLO:

"HOW OFTEN MUST A MANUFACTURER OR SUBSEQUENT DISTRIBUTOR PROVIDE CLOSURE INSTRUCTIONS TO A CUSTOMER?"

MY UNDERSTANDING IS, THERE IS NO PLACE IN THE HMR, THAT REQUIRES MORE THAN ONE (1) NOTIFICATION. THEREFORE, ONCE SUCH NOTIFICATION HAS BEEN MADE, IT IS NOT NECESSARY TO SEND IDENTICAL NOTIFICATION AGAIN, EVER, PROVIDED SUCH NOTIFICATION IS CLEARLY IDENTIFIED AS BEING APPLICABLE TO A PARTICULAR PACKAGING FOR A STATED AMOUNT OF TIME, OR "UNTIL FURTHER NOTICE" OR SOME SUCH LANGUAGE.

IT WOULD APPEAR THAT ONLY ONE NOTIFICATION IS NECESSARY AS LONG AS THE PACKAGE DESIGN REMAINS THE SAME AND THERE IS NO CHANGE IN CLOSURE INSTRUCTIONS. IF A PACKAGE IS SUBSEQUENTLY TRANSFERRED AND THE CLOSURE INSTRUCTIONS HAVE CHANGED, THE NEW CLOSURE INSTRUCTIONS MUST BE OFFERED WITH THE APPLICABLE PACKAGE.

I WOULD APPRECIATE AN "OFFICIAL" INTERPRETATION FROM STANDARDS FOR MY RECORDS. IF YOU HAVE ANY QUESTIONS OR CONCERNS, PLEASE FEEL FREE TO CALL ME AT (201) 488-6700 EXT.: 111. THANKING YOU IN ADVANCE FOR THE ATTENTION GIVEN TO THE ABOVE. I LOOK FORWARD TO HEARING FROM YOU SHORTLY.

SINCERELY,

ROBERT STRASSER