



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

SEP 30 1998

Mr. Lavern Johnson
Scripto Tokai
212 West 24th Street
Suite #B
National City, CA 91950

Ref. No. 98-0291

Dear Mr. Johnson:

This is in response to your letter dated September 17, 1998, and regarding the marking requirements in 49 CFR 173.308 for packages containing cigarette lighters, promulgated under Docket HM-166Y, entitled "Transportation of Hazardous Materials; Miscellaneous Amendments."

You asked whether the number of devices (i.e., cigarette lighters) must be marked on the individual cartons when less than 1,500 devices are transported in one motor vehicle. In subsequent telephone conversations with several members of my staff, you stated that you had only recently been made aware of these changes and needed more time in which to comply. Consequently, you inquired about applying for a temporary exemption from the effective date, October 1, 1998, of the final rule.

On July 10, 1998, a final rule was published in the **Federal Register** which amended the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) by incorporating miscellaneous changes, which included adoption of a requirement that outer packages containing cigarette lighters or other similar devices charged with fuel be marked to identify the total number of devices contained in the package. Effective October 1, 1998, as required by § 173.308(b), a cigarette lighter or other similar device charged with a flammable gas is excepted from the requirements of Subparts C through H of Part 172 and Part 177 if: no more than 1,500 devices are transported in one motor vehicle by highway; and the outer packaging is marked with the required proper shipping name or the words "CIGARETTE LIGHTERS" and the number of devices contained in the package. If you do not meet this exception, all applicable provisions of the HMR must be met. For your information, procedures to apply for an exemption are found in 49 CFR 107.105.

I hope this satisfies your inquiry.

Sincerely,

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



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173-308
98-0291

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September 17, 1998

VIA FAX

Department of Transportation
Office of Standards and Interpretation
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Mr. Ed Mazzullo:

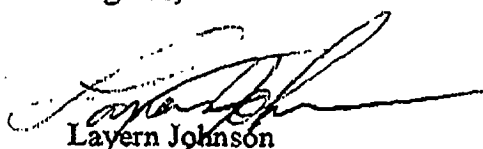
A change to 49CFR 173.308(b) with an effective date of October 1, 1998 states the outer packaging containing cigarette lighters or other similar devices must be marked with the number of devices contained in the package when transported in one motor vehicle by highway.

Issue:

Scripto Tokai Corp package lighters (cigarettes) and utility lighters in cartons that contain less than 1500 pieces. Customers may order any quantity of cartons. We offer the shipment(s) to a transportation company and there will be several destinations. At some point the carrier, traveling by highway, may be transporting less than 1500 devices for delivery to the final destination.

Must the number of devices be marked on the individual carton?

Regards,


Lavern Johnson
Corporate Traffic Manager