



U.S. Department
of Transportation

1200 New Jersey Avenue SE
Washington, DC 20590

**Pipeline and Hazardous
Materials Safety
Administration**

DEC 22 2011

Ms. Heidi K. McAuliffe, Esq.
Senior Counsel
American Coatings Association, Inc.
1500 Rhode Island Avenue, N.W.
Washington, DC 20005

Ref. No. 11-0275

Dear Ms. McAuliffe:

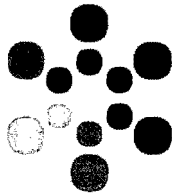
This responds to your November 3, 2011 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the continued use of previously- authorized marked packagings as prescribed in 172.300(c). You ask whether a packaged limited quantity displaying a United Nations (UN) Identification Number within a square-on-point marking, authorized on December 31, 2011 as prescribed in § 172.315, may continue to be marked as such until December 31, 2012 under the transitional provisions in § 172.300(c).

The answer is yes. As you correctly point-out in your letter, § 172.300(c) provides for the continued use of packaging stock printed prior to the compliance date of a marking amendment in a final rule for an additional year, or until depleted, whichever is less. Provided the packagings are marked in the manner previously-authorized, they may be used for an additional year under the conditions specified in § 172.300(c).

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

Sincerely,

T. Glenn Foster
Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division



American Coatings
ASSOCIATION

Stevens
§ 172.300(c)
Marking
11-0275

November 3, 2011

Charles Betts
Director, Standards and Rulemaking Division
US Department of Transportation
Pipelines and Hazardous Materials Safety Administration
1200 New Jersey Avenue, SE
Washington, D.C. 20590

Dear Mr. Betts,

The final rule in HM-215K, published in January 2011, indicates that a new Limited Quantity mark is required on the mandatory compliance date of January 1, 2012. However, 40 CFR 172.300(c) indicates that

(c) Unless otherwise provided in a specific rule, stocks of preprinted packagings marked in accordance with this subpart prior to the effective date of a final rule may be continued in use, in the manner previously authorized, until depleted or for a one-year period subsequent to the compliance date of the marking amendment, whichever is less.

This provision of the HMR allows for continued use of preprinted packagings marked prior to the effective date of a final rule so long as the preprinted packages are in compliance with the regulations when printed. The time for continued use is one year subsequent to the compliance date of the final rule or until the preprinted boxes are disposed of. Under this provision, the current Limited Quantity mark, the diamond with the UN number in it, is authorized for continued use until January 1, 2013 (one year after the compliance date) or until the inventory of preprinted boxes is exhausted, whichever occurs sooner.

ACA seeks clarification of the application of 172.300(c) in order to fill and transport preprinted packagings marked solely with the current LQ mark (diamond with UN number) past January 1, 2012.

January 1, 2012, is quickly approaching. Thank you in advance for your prompt response to this request for interpretation. If you have any questions, please do not hesitate to contact me.

Best regards,

Heidi K. McAuliffe, Esq.
Senior Counsel
American Coatings Association, Inc.