



U.S. Department
of Transportation

Pipeline and Hazardous
Materials Safety
Administration

1200 New Jersey Avenue, SE
Washington, D.C. 20590

JAN 08 2015

Ms. Diana Olivari
Senior Manager Logistics
SHISEIDO Group USA
301 Rte 17
Rutherford, NJ 07070

Ref. No.: 14-0187

Dear Ms. Olivari:

This responds to your October 6, 2014 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to packagings permanently marked with a special permit number. In your letter, you note that you offer for transportation packagings that utilized "DOT-SP 9275." This special permit authorized the transportation in commerce of certain limited quantities of liquids and solids containing ethyl alcohol and exempted these shipments from the provisions of 49 CFR Parts 100-185. Further, you acknowledge that PHMSA incorporated the provisions of "DOT-SP 9275" into the HMR under the HM-233C Final Rule published in the Federal Register on March 18, 2014 [79 FR 15033], and effective April 17, 2014. Special permit "DOT-SP 9275" became unnecessary because this Final Rule added a new paragraph (g) to § 173.150 authorizing limited quantities of retail products containing ethyl alcohol. You ask whether you may continue to offer for transportation packagings that were pre-printed prior to the Final Rule's effective date and permanently marked with "DOT-SP 9275" even though the special permit is no longer necessary?

The answer is yes. As provided in § 173.23(h), a packaging that is permanently marked with a special permit number, "DOT-SP" or "DOT-E," for which the provisions of the special permit have been incorporated into the HMR may continue to be used for the life of the packaging without obliterating or otherwise removing the special permit number.

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

Goodall, Shante CTR (PHMSA)

Nickels
173.15
Markings
14-0187

From: Ciccarone, Michael CTR (PHMSA)
Sent: Monday, October 06, 2014 2:30 PM
To: Hazmat Interps
Subject: FW: DOT SP9275

Shante and Alice,

Please submit this for a formal letter of interpretation. Ms. Olivari spoke with Shelby Geller in the HMIC.

Thanks,

Mike

From: Olivari, Diana [<mailto:DOlivari@sac.shiseido.com>]
Sent: Monday, October 06, 2014 1:37 PM
To: INFOCNTR (PHMSA)
Cc: 'Kevin.McAdams@r-a-specialists.com'
Subject: DOT SP9275

It is my understanding that the exemption has been written into the regulations 49CFR Section 173150

When do we seize using the DOT marking on the cartons? When our renewal expires? Or effective 2015?

Can I please get a formal letter of interpretation, as I do not want to be penalized for using the marking once new regulations are in affect.

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