



U.S. Department of Transportation  
**Pipeline and Hazardous Materials  
Safety Administration**

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

MAY 14 2010

Mr. Stephen Nesteriak CHMM  
SDS, Inc.  
115 Route 46  
Mountain Lakes, NJ 07046

Ref. No. 10-0067

Dear Mr. Nesteriak:

This responds to your March 12, 2010 letter regarding the applicability of the Hazardous Materials Regulations (HMR; 49 CFR parts 171-180) to a material described as "Nitrocellulose membrane filters, 4.1, UN3270, PG II." Specifically, you ask if it is a violation of the HMR to put together in a sealed packet, multiple nitrocellulose membrane filters, as long as the total weight of each sealed packet does not exceed 0.5 grams.

The answer is yes, this would be a violation of the HMR. In accordance with Special Provision 43 in § 172.102, nitrocellulose membrane filters are not subject to the HMR when contained individually in an article or a sealed packet, provided the mass of the filter does not exceed 0.5 grams. To utilize the exception, Special Provision 43 requires each nitrocellulose membrane filter under 0.5 grams to be individually or separately contained in an article or sealed packet.

I hope this answers your inquiry. If you need further assistance, please contact this Office.

Sincerely,

Charles E. Betts  
Chief, Standards Development  
Office of Hazardous Materials Standards

# SDS, INC.

115 Route 46 West, Bldg.E, Suite 37 & 38 • Mountain Lakes, N.J. 07046  
Tel: (973) 402-9246 • Fax: (973) 335-5833

Eichenlaub  
§172.102 SP43  
§171.7  
Special Provision  
10-0067

March 12, 2010

Mr. Edward T. Mazzullo  
Director, Office of Hazardous Materials Standards  
U.S. DOT/PHMSA (PHH-10)  
1200 New Jersey Avenue, SE East Building, 2nd Floor  
Washington, DC 20590

RE: To obtain clarification regarding Special Provision "43" in § 172.102 as it applies to a material described as "UN3270, Nitrocellulose membrane filters, 4.1, PG II," under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171- 180).

- 43 The membrane filters, including paper separators and coating or backing materials, that are present in transport, must not be able to propagate a detonation as tested by one of the tests described in the UN Manual of Tests and Criteria, Part I, Test series 1(a) (IBR, see §171.7 of this subchapter). On the basis of the results of suitable burning rate tests, and taking into account the standard tests in the UN Manual of Tests and Criteria, Part III, subsection 33.2.1 (IBR, see §171.7 of this subchapter), nitrocellulose membrane filters in the form in which they are to be transported that do not meet the criteria for a Division 4.1 material are not subject to the requirements of this subchapter. Packagings must be so constructed that explosion is not possible by reason of increased internal pressure. Nitrocellulose membrane filters covered by this entry, each with a mass not exceeding 0.5 g, are not subject to the requirements of this subchapter when contained individually in an article or a sealed packet.

Is it a violation of the HMR to put together in a sealed packet, multiple nitrocellulose membrane filters, as long as the total weight of each sealed packet does not exceed 0.5 grams? Allowing for multiple membrane filters per packet to be packaged exempted from hazardous material regulations will be a positive benefit to the manufacturer without increasing any health and safety risk to the general public. All packaged shipped will be done so sturdy cardboard containers with multiple sealed packets if allowable.

**SPECIALTY DISPOSAL SERVICES, INC**

Thank you for your response to this inquiry.

Sincerely,

A handwritten signature in black ink that reads "Stephen Nesteriak". The signature is written in a cursive style with a large, prominent initial "S".

Stephen Nesteriak CHMM  
SDS, Inc  
115 Route 46  
Mountain Lakes, NJ 07046