



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

JUN 26 2017

Mr. Robert M. Smith
President/Senior Instructor
CARGOpak Corp.
3108 Taylors Ridge Road
Wake Forest, NC 27587

Reference No. 16-0195

Dear Mr. Smith:

This letter is in response to your November 17, 2016, letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to "UN1324, Films, nitrocellulose base."

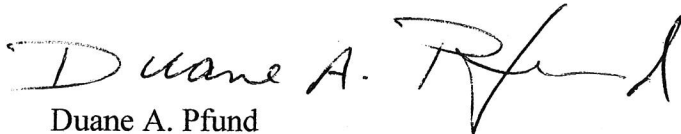
We have paraphrased and answered your questions as follows:

- Q1. You ask why "UN1324, Films, nitrocellulose base," is afforded limited quantity provisions in accordance with the International Civil Aviation Organization Technical Instructions on the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions) but not the HMR.
- A1. Historically, the HMR have not provided limited quantity provisions for "UN1324, Films, nitrocellulose base." We note that the ICAO Technical Instructions provide limited quantity provisions for this material and may consider amending the HMR to adopt similar provisions in a future rulemaking.
- Q2. You ask if a shipper may offer "UN1324, Films, nitrocellulose base," to and from the United States by air in accordance with the limited quantity provisions of the ICAO Technical Instructions.
- A2. The answer is yes. A shipment of "UN1324, Films, nitrocellulose base," may be offered for transportation or transported within the United States by air as a limited quantity in accordance with the provisions of the ICAO Technical Instructions as authorized by § 171.22(b) of the HMR.
- Q3. You ask if the provision in § 173.183 that permit the use of a canister as an inner packaging means the specified outer packagings are only authorized if tested as a combination packaging.

- A3. The answer is yes. Single packagings are not authorized for the transport of "UN1324, Films, nitrocellulose base." This is consistent with the ICAO Technical Instructions.
- Q4. You ask if a shipper may offer for domestic transport a single canister of "UN1324, Films, nitrocellulose base," in one of the alternative outer packagings authorized by the ICAO Technical Instructions.
- A4. The answer is yes. A shipment of "UN1324, Films, nitrocellulose base," may be offered for transportation or transported within the United States by aircraft in accordance with the provisions of the ICAO Technical Instructions as authorized by § 171.22(b) of the HMR.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Duane A. Pfund". The signature is stylized with a large, sweeping "D" and a long, horizontal stroke at the end.

Duane A. Pfund
International Standards Coordinator
Standards and Rulemaking Division

Leary
\$173.183
Packaging Specs
16-0195

Dodd, Alice (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Friday, November 18, 2016 3:22 PM
To: Hazmat Interps
Subject: FW: Requesting a letter of interpretation for UN1324
Attachments: PHMSA Letter of Interpretation for UN1324.pdf

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Shante/Alice,

Please submit this as a letter of interpretation. Please let me know if you have any questions.

Thanks,
Jordan

From: Robert M Smith [<mailto:rsmith@cargopak.com>]
Sent: Thursday, November 17, 2016 12:15 PM
To: PHMSA HM InfoCenter
Subject: Requesting a letter of interpretation for UN1324
Importance: High

Please see the attached request for interpretation.
Thanks,

Robert M. Smith
CEO/ Senior Instructor
CARGOpak Corp
Email: rsmith@cargopak.com
Tel: 919.217.7636



November 17, 2016

U.S. DOT
PHMSA Office of Hazardous Materials Standards
Attn: PHH-10
East Building
1200 New Jersey Avenue, SE.
Washington, DC 20590-0001

Dear Sir/ Madam,

The purpose of this letter is to seek clarification on the shipping of UN132, Nitrocellulose films.

Comparing the packaging authorization requirements per the HMR and the packing instructions for air per the ICAO/IATA DGR there seems to be a few anomalies which I'd like clarification on.

1. Can you explain why according to ICAO/IATA, limited quantities of films shipped by air are permitted yet column 8A of the Hazardous Materials Table §172.101 shows there are no exceptions allowed?
2. If a shipper ships a limited quantity of UN1324 domestically (from and to the US) by air, complying fully with the ICAO Technical Instructions using the IATA DGR packing instructions Y454 and providing emergency response information and a 24 hour telephone number, are they in compliance with CFR49?
2. In the packaging authorization §173.183, the mention of the canisters as being "inner packaging" would assume the outer packagings are only authorized if tested as combination packaging and aligns with the ICAO/ IATA restriction of single packagings not being permitted. Is this correct?
3. According to the HMR sub-part §173.183, the restriction of a single canister inner packaging containing a maximum of 600 m of film is only authorized in fiberboard drums (1G) or fiberboard boxes (4G) as the outer packagings. According to the IATA DGR, the same inner packaging limits, including polypropylene canisters, are authorized in fiberboard drums(1G) and fiberboard boxes (4G) as well as plastic drums(1H2), plastic boxes (4H2) and plastic jerrycans (3H). Can a shipper in full compliance of ICAO TI ship a single canister in these alternate formats domestically in the USA?

Thank you in advance, I look forward to you interpretation,

Sincerely,

Robert M. Smith
President/ Senior Instructor