



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

JAN 29 2007

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

Mr. Cliff Croft
Director of Regulatory Compliance
Kajuligan Corporation
11622 Monrovia Street
Overland Park, KS 66210

Ref. No. C6-0205

Dear Mr. Croft:

This responds to your letter dated September 8, 2006, regarding Special Provision "43" in § 172.102 as it applies to a material described as "Nitrocellulose membrane filters, 4.1, UN3270, PG II," under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

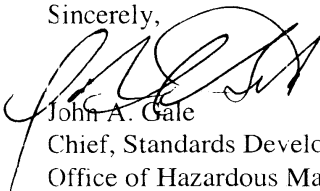
In accordance with Special Provision "43", nitrocellulose membrane filters each with a mass not exceeding 0.5 g are not subject to the HMR when contained individually in an article or a sealed packet. You ask if it would be a violation of the HMR to utilize Special Provision "43" to transport two strips totaling 0.096 g ($2 \times 0.048 = 0.096$ g) of nitrocellulose membrane filters with each individual membrane filter having a mass of 0.048 g in each article or sealed packet.

The answer is yes. To utilize the exception, Special Provision "43" requires each nitrocellulose membrane filter under 0.5 gram to be individually or separately contained in an article or sealed packet. Therefore, you may not use the exception to transport two strips totaling 0.096 g ($2 \times 0.048 = 0.096$ g) in a single article or sealed packet.

Currently, as provided under Special Provision "43", it does matter how many strips are in the article or sealed packet, although they are each under 0.5 gram (e.g, two strips of nitrocellulose membrane filters totaling 0.096 g ($2 \times 0.048 = 0.096$ g)). We understand your concerns and will address this issue in a future rulemaking.

I hope this information is helpful. If we can be of further assistance.

Sincerely,



John A. Gale
Chief, Standards Development
Office of Hazardous Materials Standards



060205

172.102 SP43



Kajuligan Corporation

Boothe
§ 172.102
Special Provision 43
06-0205
316 CRESCENT PLACE, GENEVA, IL 60134

Mr. Edward T. Mazzullo
Research and Special Programs Administration
Office of Hazardous Material Standards
400 Seventh Street, SW
Washington, DC 20590

Dear Mr. Mazzullo,

We are writing of behalf of our client to get clarification on Special Provision 43. Our client is planning to ship a kit that contains articles with nitrocellulose membranes. The articles in question will contain two nitrocellulose membrane strips. Each individual membrane has a mass of 0.04806 grams with a total of 0.09612 grams per article (test strip). Each article is ther individually sealed in a packet. I spoke with a Rob at the Hazardous Material Information Center on September 8, 2006 and he confirmed this item would qualify for Special Provision 43.

We would like a written clarification that this item meets requirements under Special Provisions 43. If you need any additional information please contact me at 913-522-1036.

Please fax a copy of the clarification letter to 913-339-9779.

Sincerely,

Cliff Croft
Director of Regulatory Compliance
11622 Monrovia St
Overland Park, KS 66210

Phone: 630-215-4509
Phone: 913-522-1036

Fax: 630-345-9936
Fax: 913-339-9779