



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

1200 New Jersey Ave, S.E.
Washington, D.C. 20590

APR 16 2009

Mr. Loren K. Lowry
Director of Quality Assurance and Regulatory Affairs
Ricca Chemical Company LLC
448 West Fork Drive
Arlington, TX 76012

Ref. No.: 09-0054

Dear Mr. Lowry,

This is in response to your March 12, 2009 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 100-185). Specifically, you request confirmation that a product containing 0.1% Picric Acid (2,4,6-Trinitrophenol) dissolved in acetone may appropriately be described as Acetone, UN1090.

Under § 173.22, it is the shipper's responsibility to class and describe a hazardous material. This Office does not normally perform this function. Picric acid (UN0154) is explosive when dry and requires approval from the Associate Administration prior to transport of the material. However, it is the opinion of this Office that a 0.1% concentration of picric acid is sufficiently diluted in solution so that the solution is not regulated as a Class 1 explosive or as a Class 3 desensitized explosive liquid. Therefore, "UN1090, Acetone, 3, II" is appropriate to describe the product.

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Hattie L. Mitchell".

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards

Andrews
3172.101
Proper Shipping Name
09-0054

Drakeford, Carolyn <PHMSA>

From: INFOCNTR <PHMSA>
Sent: Thursday, March 12, 2009 12:32 PM
To: Drakeford, Carolyn <PHMSA>
Subject: FW: Request for Interpretation

From: Loren Lowy [mailto:llowy@riccachemical.com]
Sent: Thursday, March 12, 2009 11:15 AM
To: PHMSA HM InfoCenter
Subject: Request for Interpretation

This is a request for interpretation concerning the intent of 49 CFR parts 171 – 180 with respect to the selection of a proper shipping name for Trinitrophenol solutions that are dissolved in Acetone or other solvents. Attached is a letter of interpretation from 2000 that agreed with the requestor that a solution of 1.3% Trinitrophenol in water did not meet the definition of a hazardous material and therefore was not covered by the regulations.

This request for interpretation concerns a solution of 0.1% Trinitrophenol in Acetone or other solvents. Am I correct in the reasoning that if 1.3% Trinitrophenol in water is not regulated due to the Trinitrophenol, then a solution of 0.1% Trinitrophenol in Acetone would not be regulated due to the Trinitrophenol but would be regulated with the proper shipping name of Acetone solution UN1090? The hazards of this solution are solely based on the Acetone and not the Trinitrophenol.

Thank you for your consideration.

Loren K. Lowy
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Steven. Andrews ebtiger

*Atk
- 00-0127
1.3% in water*