



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

JUL 12 2013

Ms. Jennifer Eberle
Manager, Transportation Compliance
Veolia ES Technical Solutions, L.L.C.
1 Eden Lane
Flanders, NJ 07836

Reference No. 13-0109

Dear Ms. Eberle:

This is in response to your May 17, 2013 letter requesting clarification on the use of the symbol “%” for the word “percent” under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if this symbol may be used to replace the word “percent” in the proper shipping name you provided as an example: “Nitric acid other than red fuming, with more than 70 percent nitric acid.”

The answer is yes. Under § 172.101(c)(1), words in a proper shipping name listed in Column 2 of the Hazardous Materials Table (§ 172.101) may alternatively be spelled in the same manner as they appear in the International Civil Aviation Organization’s Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions) or the International Maritime Dangerous Goods Code (IMDG Code). Under the ICAO Technical Instructions and IMDG Code, the proper shipping name for nitric acid with a concentration of 70 percent or more is “Nitric acid, other than red fuming, with more than 70% nitric acid.” This alternative spelling may be used regardless of the mode of transportation used.

I hope this satisfies your request.

Sincerely,

T. Glenn Foster
Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division



Edmonson
§ 172.101
Applicability
13-0109

May 17, 2013

Office of Hazardous Materials Standards
Pipeline and Hazardous Materials Safety Administration
Attn: PHH-10
U.S. Department of Transportation
East Building
1200 New Jersey Avenue S.E.
Washington DC 20590-0001

RE: Request for Interpretation Regarding Substitution of the Word "Percent" with the % Symbol

To Whom It May Concern:

Veolia is requesting written guidance from PHMSA regarding substituting the word "percent" with the % symbol when included as part of the proper shipping name. Column 2 of the §172.101 Hazardous Materials Table lists hazardous materials descriptions and proper shipping names, some of which contain words in italics that may be used in addition to the proper shipping name. Veolia is requesting clarification to determine if substituting the word, "percent" with the % symbol is authorized.

Example:

The HMR indicates the following proper shipping name as:

Nitric acid other than red fuming, with more than 70 percent nitric acid

Would it be compliant to substitute the word percent with the % symbol as indicated below?

Nitric acid other than red fuming, with more than 70% nitric acid

Your written response to this request is greatly appreciated. If you require any further information regarding this request please feel free to contact me at jennifer.eberle@veoliaes.com / 973-691-7331 or Tom Baker at tom.baker@veoliaes.com / 973-691-7330.

Thank you,



Jennifer Eberle

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