



U.S. Department  
of Transportation

Pipeline and Hazardous Materials  
Safety Administration

1200 New Jersey Ave., SE  
Washington, DC 20590

SEP 17 2009

Mr. Larry Stuhl  
Pacific Northwest National Laboratory  
902 Battelle Blvd, PO Box 999, MSIN J2-25  
Richland, WA 99354

Ref. No. 09-0190

Dear Mr. Stuhl:

This responds to your August 19, 2009 email requesting clarification on the use of a proper shipping name under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You state that that the proper shipping name "Nitric acid other than red fuming, with more than 70% nitric acid" no longer appears on the Government Printing Office Electronic Code of Federal Regulations (eCFR) website in the Hazardous Materials Table (HMT: 49 CFR § 172.101). Specifically, you ask if we have issued a rulemaking to remove this shipping description from the HMR, and if not, if you may continue to use the proper shipping name in compliance with the HMR.

We have not issued any final rules to remove "Nitric acid other than red fuming, with more than 70% nitric acid" from the HMR. It appears that the shipping description was inadvertently removed from the eCFR website. You may continue to use this shipping description in compliance with the HMR. We will work to resolve this discrepancy with the Government Printing Office as soon as possible.

I hope this answers your inquiry. If you need further assistance, do not hesitate to contact this Office.

Sincerely,

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

Eichenlaub  
3172.101  
Proper Shipping Name  
09-0190

**Drakeford, Carolyn (PHMSA)**

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**From:** INFOCNTR (PHMSA)  
**Sent:** Wednesday, August 19, 2009 12:23 PM  
**To:** Drakeford, Carolyn (PHMSA)  
**Cc:** Scott, Tamikka CTR (PHMSA)  
**Subject:** FW: Hazmat Information Center Feedback: Hazardous Materials Table, Special Provisions, Hazardous Materials Communications

-----Original Message-----

From: PHMSA-Feedback [mailto:PHMSA-Feedback]  
Sent: Wednesday, August 19, 2009 11:54 AM  
To: PHMSA HM InfoCenter; PHMSA Webmaster  
Subject: Hazmat Information Center Feedback: Hazardous Materials Table, Special Provisions, Hazardous Materials Communications

On July 18, 2009, I spoke with Tanikka in your Hazardous Materials Information Center regarding to the removal from the eCFR HMT of the proper shipping name "Nitric acid other than red fuming, with more than 70 percent nitric acid". There was a recent Federal Register notice removing a special provision from that PSN, but there is no indication that that PSN would be deleted. Tanikka advised me that that PSN was still valid and the eCFR was in error.

Because the use of that PSN is important to our business, and continued use of the PSN when it is not on the eCFR could be interpreted as a violation, I request DOT provide a written confirmation that that PSN remains valid.

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