



U.S. Department  
of Transportation

Pipeline and Hazardous  
Materials Safety  
Administration

OCT 01 2012

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

Mr. Danny Gehlhausen  
Quality and Compliance Manager  
Dysol & MagChem  
2901 Shamrock Avenue  
Fort Worth, TX 76107

Ref. No.: 12-0179

Dear Mr. Gehlhausen:

This responds to your initial August 13, 2012 email, and subsequent follow-up email correspondence on August 29, 2012 with a member of my staff, seeking clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) relating to the packaging requirements for a material that you are classifying as "UN 1796, Nitrating acid mixtures," containing approximately 20 percent Nitric acid and 40 percent Sulfuric acid. Your questions are paraphrased and answered below.

Q1. Does § 173.158(a), which restricts Nitric acid exceeding 40 percent concentration from being packaged with any other material, infer that materials that contain less than 40 percent Nitric acid concentration do not have to comply with the packaging requirements listed in § 173.158(b) through § 173.158(h)?

A1. The answer is no. Nitric acid mixtures that contain less than 40 percent Nitric acid concentration must comply with the packaging requirements listed in § 173.158(b) through § 173.158(h), as appropriate. Paragraph (a) of § 173.158 is a specific requirement for Nitric acid exceeding 40 percent and does not provide any exception for materials that contain less than 40 percent Nitric acid concentration.

Q2. Is § 173.158(f)(1) the correct paragraph to find the requirements for packaging containing "UN 1796, Nitrating acid mixtures" with approximately 20 percent Nitric acid and 40 percent Sulfuric acid in 5-gallon packagings?

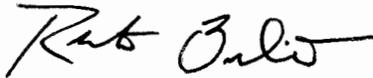
A2. The answer is yes. Section 173.158(f)(1) authorizes Nitric acid of 70 percent or less concentration, when offered for transportation or transported by rail, highway, or water, to be packaged in composite packagings 6PA1, 6PA2, 6PB1, 6PB2, 6PC, 6PD1, 6PH1, or 6PH2, as well as 6HH1 and 6HA1 composite packaging with plastic inner receptacles meeting the compatibility requirements § 173.24(e) (e.g., PFA Teflon). Section 173.158(f)(1) does not restrict the capacity of the packagings.

It should be noted that § 173.158(f)(1) is not the only authorized packaging configuration for Nitric acid of 70 percent or less concentration. As specified in

§§ 173.158(f)(2) and 173.158(f)(3,) other configurations of composite packagings are permitted provided the requirements of these sections are met and the required inner packagings do not exceed 2.5 L each.

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 "Rob Benedict". The signature is written in a cursive style with a long horizontal stroke at the end.

Robert Benedict  
Chief, Standards Development  
Standards and Rulemaking Division

**Drakeford, Carolyn (PHMSA)**

---

Winter  
§173.158  
Packaging

12-0179

**From:** INFOCNTR (PHMSA)  
**Sent:** Tuesday, August 14, 2012 3:33 PM  
**To:** Drakeford, Carolyn (PHMSA)  
**Subject:** FW: Request for Formal Letter of Interpretation

Carolyn,

We received the following request for a formal letter of interpretation.

Thanks,  
Victoria

**From:** Danny Gehlhausen [<mailto:dgehlhausen@dysol.com>]  
**Sent:** Monday, August 13, 2012 10:41 AM  
**To:** INFOCNTR (PHMSA)  
**Subject:** Request for Formal Letter of Interpretation

What is his  
classification?  
on numbers?

We would like to request in writing (email or letter), an interpretation of packaging instruction 173.158(a). Does this paragraph mean that materials that contain less than 40% Nitric Acid concentration and are not held to the requirements listed in 173.158(b) – 173.158(h).

Specifically we have a product that contains approximately 20% Nitric Acid and 40% Sulfuric Acid. If we are wanting to ship a 5-gallon container of this mixture would we have to use one of the packages listed in 173.158(f)(1) or does the fact that it contains less than 40% Nitric allow us to ship in other types of packaging such as plastic?

Danny Gehlhausen  
Quality & Compliance Manager  
PH: 817-335-1826  
CP: 817-583-1575  
[dgehlhausen@dysol.com](mailto:dgehlhausen@dysol.com)

**dysol & MagChem**

Specialist in products for aerospace surface treatment and preparation  
Spécialiste en produits de traitement et préparation de surfaces d'avion