



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

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

MAR 20 2007

Mr. William J. Geibel
Environmental Health and Safety Coordinator
Severn Trent Laboratories, Inc.
301 Alpha Drive
Pittsburgh, PA 15238

Reference No. 06-0239

Dear Mr. Geibel:

This responds to your e-mail and conversation with a member of my staff concerning how to transport nitric acid, other than red fuming, with not more than 20 percent nitric acid, under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether this material may be transported using the small quantity exceptions provided in § 173.4 of the HMR and the dangerous goods in excepted quantities provisions of Part 1, Section 2.4, of the International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions).

The answer is yes. In a final rule published under Docket No. PHMSA-06-254-76 (HM-215I) on 12/29/06, a new entry "UN 2031, Nitric acid, *other than red fuming, with not more than 20 percent nitric acid*, PG II" was added to the § 172.101 Hazardous Materials Table. In accordance with this entry, the material is authorized to be transported by passenger and cargo aircraft in amounts up to 1 L and 30 L per package, respectively. Paragraph (a)(11) of § 173.4 permits use of the small quantity exception for transportation by aircraft if the hazardous material is authorized for transportation on board passenger aircraft. This same entry and provision exists under the Dangerous Goods List, Table 3-1, of the ICAO Technical Instructions. Section 171.11 of the HMR authorizes the use of the ICAO Technical Instructions as an alternative to the HMR for air shipments and for transportation by motor vehicle either before or after transportation by aircraft under certain conditions. Provided the nitric acid you described conforms to all applicable requirements, it may be transported by all modes under the small quantity exception prescribed in § 173.4 of the HMR and by aircraft under the dangerous goods in excepted quantities provision prescribed in Part 1, Section 2.4, of the ICAO Technical Instructions.

I hope this information is helpful.

Sincerely,

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



060239

173.4

Edmonson
§ 173.4(a)(11)
Small Quantity Exceptions
06-0239

Edmonson, Eileen <PHMSA>

From: Geibel, Bill [BGeibel@stl-inc.com]
Sent: Monday, October 23, 2006 10:49 AM
To: Edmonson, Eileen <PHMSA>
Subject: RE: Clarification - 20 % or Less Nitric Acid aboard aircraft

Eileen,

Thank you again for returning my call to your concerning this matter.

Per our conversation this morning , is Nitric acid other than red fuming, with not more than 70 percent nitric acid, UN 2031 forbidden to be shipped on cargo only aircraft per § 173.4(a)(11)?

Thank you.

William J. Geibel
Environmental, Health and Safety Coordinator

Severn Trent Laboratories, Inc.

10/24/2006