



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

MAR 31 2017

Gary Lindsey  
Berlin Packaging, Dangerous Goods Division  
1195 Washington Pike  
Bridgeville, PA 15017

Reference No. 17-0013

Dear Mr. Lindsey:

This letter is in response to your February 1, 2017, letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to certain packaging requirements for nitric acid. You reference § 173.158(e), which states that when nitric acid of less than 90 percent concentration is packed in wooden or fiberboard outer packagings, the glass inner packagings must be packed in tightly-closed, intermediate packagings and cushioned with an absorbent material. Specifically, you ask if the intent of this section is to require enough absorbent material to absorb the entire contents of the package.

The answer is yes. The requirement for absorbent material is such that there must be a sufficient amount to absorb the entire liquid contents of the package. This is consistent with similar requirements in other sections of the HMR.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

Dirk Der Kinderen  
Chief, Standards Development Branch  
Standards and Rulemaking Division

Ciccarone  
§173.158(e)  
Packaging Specs  
17-0013

**Dodd, Alice (PHMSA)**

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**From:** INFOCNTR (PHMSA)  
**Sent:** Thursday, February 02, 2017 10:17 AM  
**To:** Hazmat Interps  
**Subject:** FW: 49 CFR 173.158 (e)  
**Attachments:** LOI 178.153.docx

Hi Shante/Alice,

Please submit this as a letter in interpretation. Please let me know if you have any questions.

Thanks,  
Jordan

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**From:** Gary Lindsey - Dangerous Goods [mailto:Gary.Lindsey@berlinpackaging.com]  
**Sent:** Wednesday, February 01, 2017 12:23 PM  
**To:** PHMSA HM InfoCenter <PHMSAHMInfoCenter@dot.gov>  
**Subject:** 49 CFR 173.158 (e)

Hello,

Attached please find a letter with my question. If additional information is needed, please contact me at the phone number below.

Regards,

**Gary Lindsey**  
Berlin Packaging, Dangerous Goods Division  
1195 Washington Pike  
Bridgeville, PA 15017  
412-564-2461  
[gary.lindsey@berlinpackaging.com](mailto:gary.lindsey@berlinpackaging.com)

February 1, 2017

U.S. DOT

**PHMSA Office of Hazardous Materials Standards**

Attn: PHH-10

East Building

1200 New Jersey Avenue, SE.

Washington, DC 20590-0001

**RE: Question regarding absorbent – 173.158 (e)**

*(e) Nitric acid of less than 90 percent concentration, when offered for transportation or transported by rail, highway, or water may be packaged in 4A, 4B, or 4N metal boxes, 4G fiberboard boxes or 4C1, 4C2, 4D or 4F wooden boxes with inside glass packagings of not over 2.5 L (0.66 gallon) capacity each. When placed in wooden or fiberboard outer packagings, the glass inner packagings must be packed in tightly-closed, intermediate packagings, cushioned with an absorbent material. The intermediate packaging and absorbent material must be compatible with the nitric acid. See §173.24(e).*

My question relates to the highlighted section, and very simply, is the intent of the use of absorbent material to mean that enough absorbent is required to absorb the entire liquid content of the glass bottles within the package?

Thank you for clarification of this matter.

Regards,

Gary Lindsey  
Berlin Packaging, Dangerous Goods Division  
1195 Washington Pike  
Bridgeville, PA 15017  
412-564-2461  
gary.lindsey@berinpackaging.com