



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

May 25, 2023

Mr. Dave Kraemer
Ametek Specialty Metal Products
1709 South Burlington Road
Bridgeton, NJ 08302

Reference No. 22-0099

Dear Mr. Kraemer:

This letter is in response to your August 22, 2022, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to reportable quantities (RQ) of hazardous materials that have been processed into an alloy.

We have paraphrased and answered your questions as follows:

- Q1. You ask whether 2,000 pounds of powdered stainless-steel alloy—consisting of 60% Iron, 15% Chromium, 20% Nickel, and 5% Molybdenum—would be considered in excess of the RQ limit for Nickel, if the Nickel content of the stainless-steel alloy exceeds the 100-pound RQ.
- A1. The RQ for Nickel is limited to those pieces of the metal having a diameter smaller than 100 micrometers (0.004 inches). If the powdered stainless-steel alloy containing Nickel has a diameter smaller than 100 micrometers (0.004 inches), then the material may be considered a hazardous substance.
- Q2. You ask whether a material is subject to the marine pollutant requirements of the HMR when transported as powdered stainless-steel alloy with a copper component.
- A2. If the copper component in the powdered stainless-steel alloy presents a hazard as a marine pollutant—such as the copper leaching into water when submerged—it may still be considered a marine pollutant. Annex 10 of the Globally Harmonized System of Classification and Labelling of Chemicals may be used to make that determination.

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

Sincerely,

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

From: [INFOCNTR \(PHMSA\)](#)
To: [Dodd, Alice \(PHMSA\)](#)
Subject: FW: Request for letter of interpretation
Date: Thursday, September 22, 2022 1:04:05 PM

Hi Alice,

Please see the below interpretation request.

Please let me know if you have any questions.

Regards,

-Breanna

From: Dave Kraemer <dave.kraemer@ametek.com>
Sent: Monday, August 22, 2022 2:02 PM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: Request for letter of interpretation

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To whom it may concern:

I work in a facility that creates a variety of powdered metal alloys. I am looking for clarification on how to classify an alloy as it does seem to fit the definition of a mixture. Do the reportable quantities and classifications of the original components still apply after an alloy is created, or would you classify the product based only on its properties as the newly created alloy?

Reportable Quantity Scenario:

As an example, let's say we have a Stainless-Steel powder composed of the following:

- 60% Iron
- 15% Chromium
- 20% Nickel
- 5% Molybdenum

If this was a mixture of these components, when we ship a 2000lb container of the product it would be over the RQ for nickel found in 49 CFR 172.101, App. A Table 1. However, since we created an alloy, the material we are shipping is not Nickel, it is now Stainless-Steel. Would the RQ of Nickel still be applicable even though the properties of the material have changed?

Marine Pollutant or other classification Scenario:

The same question applies for Marine Pollutant classification. If we have a product that contain 5% copper, according to the List of Marine Pollutants in 49 CFR 172.101, App. B, this would be considered

a Severe Marine Pollutant. If the material being shipped is no longer Copper, and is now a metal alloy with different properties, would it still be classified as a Severe Marine Pollutant due to Copper being on the list, or would it be classified based on the properties of the alloy?

Thank you,
Dave Kraemer, CSP
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