



U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety Administration**

1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

SEP 21 2007

Mr. Gary Sommer
Environmental Health and Safety Manager
Umicore USA, Inc.
P.O. Box 5097
4261 Mainway Drive
Burlington, Ontario
Canada L7R 3Y8

Ref. No.: 07-0173

Dear Mr. Sommer:

This is in response to your August 21, 2007 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) for determining if a material meets the definition of a hazardous substance. Specifically, you ask if the method you use to determine the particle diameter of your zinc powder is acceptable under the HMR.

In your letter, you state that you use a laser diffraction method to determine the particle size of your zinc powder. You are correct in your understanding that there are no requirements under the HMR specifying how the particle size must be determined. Under the HMR, zinc meets the definition of a hazardous substance when more than one thousand pounds is contained in one package and when the metal particles have a diameter smaller than 100 micrometers (0.004 inches). Any method used to determine the metal particle diameter, including the laser diffraction method described in your letter, is acceptable.

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

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



070173

172-101 A

Hollack
§ 172.101 App. A
Reportable Quantity
07-0174



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TO: Mr. Ed Mazzullo, Director
U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
Office of Hazardous Materials Safety
400 7th St., S.W.
Washington, DC 20590

August 21, 2007

From: Gary Sommer
Umicore USA Inc.
Branch office: 4261 Mainway Drive
Burlington, Ontario
Canada L7R 3Y8

Re: Method for determining particle size for RQ requirements

Dear Mr. Mazzullo:

Our company is an international manufacturer and importer of zinc based powders. The zinc powder is listed in 49 CFR §172.101 Appendix A with an RQ of 1000 pounds and a foot note indicating that the RQ is limited to those pieces of the metal having a diameter smaller than 100 micrometers (0.004 inches). We would like to confirm in writing that in order to determine the particle size of the said zinc powder we can use a laser diffraction method, which is generally recognized as the most effective and reproducible means for determining particle size for fine powders.

In past correspondence with a Mr. Bob Richard, (e-mail dated June 12, 2001); Mr. Richard indicated that there are no guidelines or requirements specifying how the particle size must be determined. He also indicated that since no specific method is mentioned the laser diffraction method is acceptable.

Could you please confirm this statement or provide an interpretation of acceptable methods for determining particle size.

Sincerely,

Gary Sommer
North American EHS Manager
Umicore USA Inc.
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