



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

MAY 19 2016

Ms. Marilyn Mia Winterburg
Environmental Health & Safety
DOT/Hazmat Transportation Compliance
Samsung Austin Semiconductor
12100 Samsung Blvd.
Austin, TX 78754

Reference No. 15-0243

Dear Ms. Winterburg:

This is in response to your recent letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) regarding the appropriate classification for equipment containing the residue of a hazardous material. In addition you ask for clarification of “shipper” responsibilities applicable to vendors operating on-site at your facilities. The tasks performed by these vendors include pre-transportation and transportation functions, storage, cleaning and decontamination of pumps, tools, parts, and other mechanical equipment that may contain processed residue within. Your questions are paraphrased and answered below.

Q1. For the pumps, tools, parts, and other mechanical equipment, the exact amount of hazardous material residue is often not possible to determine and cannot be removed without rendering the equipment unusable. The final residue composition in the equipment is determined by reviewing all the changes produced during the processing of raw materials and gases. You state that the residue is integral to equipment and ask if “UN3363, Dangerous goods in machinery” is the most appropriate classification.

A1. The answer is yes. It is the opinion of this Office that hazardous material residue in components of equipment or machinery may be considered integral if the residue is necessary to the function of the equipment, its removal would cause damage to the equipment, or it performs some other function necessary to the equipment such that it cannot be removed from the equipment while it is in transportation. Please note that the proper shipping names “Dangerous goods in machinery” and “Dangerous goods in apparatus” are appropriate shipping names for components of machinery or equipment that contain residual hazardous materials. Materials prepared for transportation using these proper shipping names must comply with the requirements specified in § 173.222 including the net quantity limitations prescribed in § 173.222(c).

Q2. For parts requiring cleaning, a minor onsite purging process is completed prior to providing the vendor with the part. Upon receipt of the parts by the vendor, the parts are

prepared for shipment and transported to the vendor facility where comprehensive maintenance and in-depth cleaning are performed. Once the cleaning is complete, the vendor transports the part back to your facility. You ask for the most appropriate classification of the parts in this scenario.

A2. If the parts are not completely free of the residue of a hazardous material (through a combination of cleaning and/or purging) prior to transport to the vendor facility as described in your letter, then "UN3363, "Dangerous goods in machinery" would be an appropriate description. Provided that the parts are both cleaned and purged in accordance with § 173.29(b)(2) to the extent that no residual hazardous material or vapor remain in the part, the part is not subject to the requirements of the HMR.

Q3. When the parts require repair or calibration the process is identical to that described in Q2 with the exception that the parts are processed for repair and calibration, not for in-depth cleaning. You ask for the most appropriate classification of the parts in this scenario.

A3. See A2.

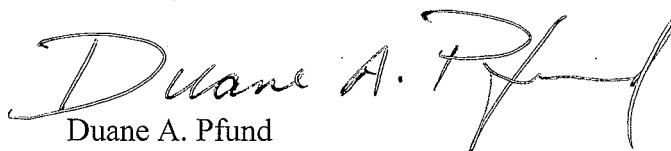
Q4. As the on-site vendor at your facility conducts all of the steps involved in the preparation and actual transportation and delivery of these items described above, you ask if the vendor, the manufacturing facility, or both, are responsible for compliance with the HMR, including the "shipper's certification" on shipping papers?

A4. Based on your description, the vendor performs all offeror and carrier functions and therefore is responsible for ensuring that the shipments conform to the requirements of the HMR. Specifically, an offeror is responsible for ensuring proper labeling and shipping papers under §§ 172.200, 172.204, and 172.400; and an offeror or carrier (when assigned the function) is responsible for markings and placards under §§ 172.300 and 172.500.

Please note that if your company, the manufacturing facility, performs any pre-transportation functions (as defined in § 171.8) related to the residue shipment, including but not limited to securing the closure on a package, preparing a shipping paper, providing emergency response information, or certifying that a shipment is in proper condition for transportation in conformance with HMR requirements, your company is responsible for compliance with the HMR.

I hope this satisfies your request.

Sincerely,



Duane A. Pfund
International Standards Coordinator
Standards and Rulemaking Division



SAMSUNG AUSTIN
SEMICONDUCTOR

Wiener
\$172.202
Shipping Papers
15-0243

REQUEST FOR FORMAL LETTER OF INTERPRETATION
December 8, 2015

U.S. Department of Transportation
PHMSA Office of Hazardous Materials Standards
ATTN: PHH-10
East Building, (PHH)
1200 New Jersey Avenue, SE
Washington, DC 20590-0001

1. Requestor Name and Address:

Samsung Austin Semiconductor, LLC (SAS)
US DOT Registration No.: 062915551085XZ
ATTN: Marilyn Mia Winterburg
(512) 672-2824
12100 Samsung Blvd
Austin, TX 78754
FAX: (512) 491-1570
EMAIL: m.winterburg@samsung.com

2. Purpose: To request interpretation regarding the following topics:

- a. **UN 3363, Dangerous Goods in Machinery/Equipment** - Our manufacturing operations at SAS require some of our vendors to have embedded employees operating out of our facilities. Some of the tasks executed by these vendors include the pre-transportation preparation, packaging, loading, creation of shipping papers, transporting (with their own assets), storing, cleaning and decontaminating the pumps, tools, parts, and other similar machinery/equipment that may have processed chemical residue within them. We believe UN 3363, Dangerous Goods in Machinery is the appropriate classification for these items. Some of our vendors believe the residue on the parts being shipped should not be considered hazardous and thus not fall under the requirements prescribed in 49 CFR. We would like to get specific clarification on the appropriate classification for these items for the following circumstances:
 - i. **Machinery/Equipment** - For the pumps, tools, and similar machinery/equipment, the specific hazmat residue amount is often times impossible to determine without rendering such equipment non-operational. In other words, the residue is integral to the equipment, which leads us to believe classifying them as UN 3363 is appropriate. The pumps/equipment' final residue composition is determined by reviewing all the changes produced during the processing of the raw materials and gases. We are not able to determine the specific residue amount.
 - ii. **Parts Shipped for Cleaning** - For the parts needing to be cleaned, a minor onsite purging process is completed prior to providing the vendor with the part. After the parts are received by the vendor, they add them to their inventory, package and transport to their facilities. There they conduct a full operational maintenance and in-depth cleaning. Once cleaning is completed, the vendor transports parts back to our facilities and return them to our spare parts department.

iii. **Parts Shipped for repairs/calibration** – For repairs/calibration parts, the process is identical to that described in 2 (a) ii, with the exception that they are processed for repairs and calibration, not for in-depth cleaning.

b. **Responsibility Determination** – Due to the complexities in the operations described in 2(a) i-iii above, the lines of responsibilities are confusing. Some of our vendors have stated they believe they should not be considered to be the “shipper” for these pumps, parts, tools, equipment. It is SAS’ position that since the vendors conduct all the steps involved in the preparation and actual transportation and delivery of such items, they should complete the shippers requirements listed in 49 CFR. Unfortunately, 49 CFR does not clearly define the word “shipper”, leaving this point of concern up to interpretation. SAS would like some assistance determining who should assume the shippers responsibilities, to include signing the “shippers certification” statement on the shipping papers.

3. Person of Contact: Marilyn Mia Winterburg, email: m.winterburg@samsung.com, desk: (512) 672-2824, mobile: (254) 291-0472, certifies that the information submitted is accurate and complete.

Dodd, Alice (PHMSA)

From: Geller, Shelby CTR (PHMSA)
Sent: Thursday, December 10, 2015 5:13 PM
To: Hazmat Interps
Subject: FW: Request for Formal Letter of Interpretation
Attachments: LOI Shipper and Parts.docx

Dear Shante and Alice,

Forwarded is a request for a letter of interpretation. Ms Winterburg spoke with Mike Ciccarone in the HMIC.

Thanks,

Shelby

From: Mia Winterburg [<mailto:m.winterburg@samsung.com>]
Sent: Wednesday, December 09, 2015 5:00 PM
To: INFOCNTR (PHMSA)
Cc: Jessica Warhoe
Subject: Request for Formal Letter of Interpretation

To whom this may concern,
Please read and process the attached request for formal a letter of interpretation.

Thanks,

Mia

Marilyn Mia Winterburg

Environmental, Health & Safety

DOT /Hazmat Transportation Compliance

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