



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue SE
Washington, DC 20590

SEP 30 2015

Mr. Robert Miller
Manager – Transportation Safety
Evonik Corporation
299 Jefferson Road
Parsippany, NJ 07054

Reference No. 15-0113

Dear Mr. Miller:

This is in response to your June 11, 2015 e-mail requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the Hazardous Materials Table (HMT) entry “UN1346, silicon powder, amorphous, 4.1, PG III.” You state that in both the International Air Transport Association Dangerous Goods Regulations (IATA DGR) and the International Maritime Dangerous Goods (IMDG) Code special provisions A54 and 32, respectively, are assigned to this entry specifying that silicon powder is not regulated as a Division 4.1 flammable solid, and not considered a hazardous material when in forms other than amorphous. You state that an equivalent special provision is not assigned to the entry in the HMR.

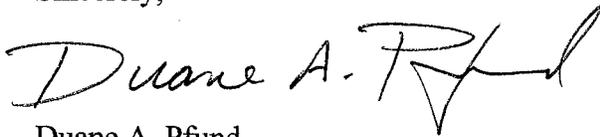
You ask if the silicon powder that your company produces, which is in crystalline form, is excepted from the requirements of the HMR for domestic transport without conducting the UN flammability test on the material. In addition you ask if PHMSA intends add an equivalent special provision to the HMR.

The entry “UN1346, silicon powder, amorphous, 4.1, PG III” does not apply to silicon powder in forms other than amorphous. Amorphous silicon is a non-crystalline form of silicon. The UN flammability test is not required to be performed on silicon in crystalline form in order to determine if material meets the criteria for exclusion from Division 4.1.

The HMR do not typically include provisions stating what materials are not regulated. Since non-amorphous silicon powder does not meet the criteria for classification as a Division 4.1 material, it would not be regulated under the HMR. Therefore, at this time there is no intention to add a special provision clarifying that forms other than amorphous are not subject to the requirements of the HMR as the entry is only applicable to silicon when in an amorphous form.

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

Sincerely,

A handwritten signature in cursive script that reads "Duane A. Pfund". The signature is written in black ink and is positioned above the printed name.

Duane A. Pfund
International Standards Coordinator
Standards and Rulemaking Division

Goodall, Shante CTR (PHMSA)

Wiener
172.102
Special Provisions
15-0113

From: Geller, Shelby CTR (PHMSA)
Sent: Thursday, June 11, 2015 3:34 PM
To: Hazmat Interps
Subject: FW: Discrepancy Between US & International Regulations for UN1346 - Interpretation Request

Importance: High

Hi Shante and Alice,

Forwarded is a request for a formal letter of interpretation. Mr. Miller spoke with Jordan Rivera about his questions.

Thanks,
Shelby

From: robert.miller@evonik.com [<mailto:robert.miller@evonik.com>]
Sent: Thursday, June 11, 2015 2:40 PM
To: PHMSA HM InfoCenter
Subject: Re: Discrepancy Between US & International Regulations for UN1346 - Interpretation Request
Importance: High

Greetings,

As discussed earlier over the phone, may I request a formal interpretation for the below?

Thanks,

Rob

Robert Miller
Manager - Transportation Safety

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From: Robert Miller/PAR-US/MS/Degussa
To: phmsa.hm-infocenter@dot.gov
Date: 06/09/2015 12:30 PM
Subject: Discrepancy Between US & International Regulations for UN1346

Greetings,

I have noticed a discrepancy between 49 CFR and the international regulations (IATA and IMDG) in regards to the Special Provisions for UN1346, Silicon powder, amorphous, 4.1, PG III. Both IATA and IMDG have a Special Provision that say silicon powder may be considered not regulated and not flammable, when in other forms than amorphous. May I ask why this Special Provision is absent from 49 CFR? The exact provisions are as follows:

IATA A54 (32) This substance is not subject to these Regulations when in any other form.

IMDG 32 When in any other form, this substance is not subject to the provisions of this Code.

The silicon powder we produce globally is in crystalline form and therefore considered "not flammable" based on the International Special Provisions and therefore classified "not regulated for transport". Therefore, there is no need to conduct the UN flammability test. Based on the above, are we allowed to classify our silicon powder for US domestic transportation in the same manner without any test evidence? Also, will this Special Provisions be included in 49 CFR?

Thank you for your assistance and I look forward to your reply.

Best regards,

Rob

Robert Miller
Manager - Transportation Safety

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