



U.S. Department  
of Transportation

**Research and  
Special Programs  
Administration**

400 Seventh Street, S.W.  
Washington, D.C. 20590

MAR 2 2000

Mr. Gerry Manley, CHMM  
Safety & Environmental Manager  
Cerac Incorporated  
P.O. Box 1178  
Milwaukee, WI 53201-1178

Ref. No. 99-0218

Dear Mr. Manley:

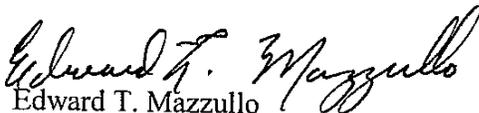
This is in response to your letter dated July 29, 1999, requesting clarification on the applicability of provisions in § 173.132(d) of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to your products, machined shapes such as sputtering targets and evaporation cones containing traces of poisonous materials in solid form.

Based on your conversation with Dr. George Cushmac, Office of Hazardous Materials Technology and Ms. Deborah Boothe of my staff, you are requesting a determination as to whether machined shapes/parts such as sputtering targets and evaporation cones containing elements such as arsenic, barium, cadmium and selenium are regulated under the HMR. In a follow up conversation with Ms. Boothe, you stated that these elements can be impurities occurring naturally in the metal itself or permanently soldered/ bonded to copper backing plates or to the disk itself that can not be removed by events such as friction, scratching, or scraping. You also stated that these materials can not cause serious sickness or death due to the physical characteristics of these materials and lack of probable hazard.

It is the opinion of this Office that the items described above are not subject to the HMR. This determination is made in accordance with § 173.132(d).

I hope this satisfies your request.

Sincerely,

  
Edward T. Mazzullo

Director, Office of Hazardous  
Materials Standards



990218

173.132



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Booth # 173.132

99-0218

Mr. Alan I. Roberts  
Associate Administrator for Hazardous Materials Safety  
RSPA  
USDOT  
Washington, DC 20590-0001

July 29, 1999

Dear Sir,

Pursuant to 49 CFR 173.132 (d), CERAC, inc. requests confirmation that the physical characteristics or probable hazards of the material specified below will not cause serious sickness or death, in order that categories specified in 173.132 (a)-(c) shall not apply. Mr. George Cushmac, a chemist with the Office of Hazardous Material Technology, out of the Office of Hazardous Material Safety, indicated you would be the appropriate person to provide written confirmation of this determination.

CERAC, inc. is a specialty inorganic chemical manufacturer. Included in CERAC's product offering are compounds identified as *poisonous materials* in the Hazardous Materials Table 172.101, due to the presence of elements such as arsenic, barium, cadmium and selenium. The primary route of entry of concern to humans for these materials is inhalation.

The physical form of CERAC's product offering includes powders, pieces, and machined shapes such as sputtering targets and evaporation cones. CERAC currently offers all of these materials in accordance with 173.132.

CERAC requests your determination that machined shapes such as sputtering targets and evaporation cones will not cause serious sickness or death due to the physical characteristics of these materials or lack of probable hazard. CERAC has no knowledge of any incident involving machined parts in transit that resulted in any serious sickness or death.

This determination will have no bearing on the manner in which CERAC's powders and pieces are managed. Powders and pieces will continue to be classified as hazardous materials pursuant to 173.132.

If there are any questions or concerns regarding this request, please do not hesitate to contact me at (414) 289-9800 x277.

Thank you for your time and consideration.

  
Gerry Manley, CHMM  
Safety & Environmental Manager

E-Mail: [marketing@CERAC.com](mailto:marketing@CERAC.com) • URL: <http://www.cerac.com>

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