



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

NOV 16 2009

1200 New Jersey Avenue, SE
Washington, DC 20590

Mr. George Scott
Assistant Manager of Sourcing
And Logistics
Elkem Metals Inc.
P. O. Box 366
Pittsburgh, PA 15230

Ref. No. 09-0262R

Dear Mr. Scott:

This is in reference to your November 9, 2009 e-mail requesting us to provide an updated confirmation that your company's ferrosilicon products remain not subject to the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You state no changes have been made in these products' chemical formulations since issuance of our March 22, 1996 and March 2, 1998 letters.

As prescribed in § 173.22, it is the shipper's responsibility to properly classify a hazardous material. However, based on the test data provided, we concur that your company's ferrosilicon products ranging in concentrations of 70 - 78 percent and 46 - 50 percent silicon do not meet the definition of a Division 4.3 material. Furthermore, if the ferrosilicon does not meet any other hazard class definition prescribed in Part 173 and is not a hazardous waste, the products are not subject to the HMR.

On May 6, 1997, we published a final rule under Docket HM-215B (62 FR 24690) which made editorial revisions to the classification criteria for Division 4.3 materials. The final rule removed the Division 4.3 classification testing requirements from Appendix E of the HMR and added a reference to the UN Recommendations on the Transport of Dangerous Goods Manual of Tests and Criteria (UN Manual) to § 173.124(c). However, the requirements contained in the UN Manual were and continue to be virtually identical to those contained in the HMR at the time our previous letters were issued.

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

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

Drakeford, Carolyn (PHMSA)

From: Mitchell, Hattie (PHMSA)
Sent: Monday, November 09, 2009 2:39 PM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: FerroSilicon 75% and 50%

Attachments: Ferrosilicon 75 and 50.pdf; Numériser0005.pdf

Mitchell
§172-101
§173.22
Applicability
09-0262



Ferrosilicon 75 and Numériser0005.pdf
50.pdf (54... (54 KB)

Please log in.

-----Original Message-----

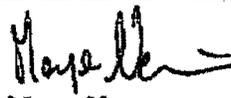
From: george.scott@elkem.com [mailto:george.scott@elkem.com]
Sent: Monday, November 09, 2009 11:36 AM
To: Mitchell, Hattie (PHMSA)
Subject: FerroSilicon 75% and 50%

Hattie,

Attached are the letters that we discussed on the phone in addition are test conducted by our company in Norway to show Gas Evolution From Alloys. Showing that our materials are not to be labeled as 4.3 . Our test data has stayed the same and there has been no chemical formation changes to these products.

(See attached file: Ferrosilicon 75 and 50.pdf) (See attached file: Numériser0005.pdf)

Thank you
George Scott
Assistant Manager of Sourcing and Logistics
Elkem Metals Inc.

GAS EVOLUTION FROM ALLOYS						Datfile: CERT1499.DOC
Size: 1,0 - 3,15 mm	Pretreatment: Crushed / Sieved	Date crushed: 09.01.98	Water type: Distilled	Temperature: 20 °C	Completed by: Nils Enger	Date tested: 12.01.98
Tested correctly according to United Nations Recommendations on the Transport of Dangerous Goods. Manual of Tests and Criteria Part III - 33.4.1.4				Label of class 4.3: No	Date of approval: 02.04.98	Sign:  Magne Nossurn

Product Producer	Chemical Composition	Results Comments
FeSi 75 % Elkem	70-78 % Si, 0.0-2.0 % Al, 0.0-0.15 % C, 0.0-0.15 % Ti	Not assigned to Class 4.3.



Research

CERTIFICATE

GAS EVOLUTION FROM ALLOYS						Datafile: CERT799.DOC
Size: 1,0 - 3,15 mm	Pretreatment: Crushed / Sieved	Date crushed: 10.11.97	Water type: Distilled	Temperature: 20 °C	Completed by: Nils Enger	Date tested: 13.11.97
Tested correctly according to United Nations Recommendations on the Transport of Dangerous Goods. Manual of Tests and Criteria Part III - 33.4.1.4				Label of class 4.3: No	Date of approval: 23.12.97	Sign:  Magne Nossum

Product Producer	Chemical Composition	Results Comments
Superseed 50 Elkem	46-50 % Si, 0-0.1 % Ca, 0-0.5 % Al, 0.6-1 % Sr	Not assigned to Class 4.3.