



U.S. Department  
of Transportation

**Research and  
Special Programs  
Administration**

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

FEB - 8 2000

Mr. Keith B. Berkholtz  
EAC Corporation  
20 Hillstream Road  
Newark, DE 19711

Ref. No. 00-0034

Dear Mr. Berkholtz:

This is in response to your letter dated January 24, 2000, requesting confirmation that the ferrosilicon you purchase and resell is not subject to the Hazardous Materials Regulations (HMR 49 CFR Parts 171-180).

As provided in § 173.22, it is the shipper's responsibility to properly classify a hazardous materials. However, if the ferrosilicon sold by your company is the same material that was tested in accordance with the U.N. Manual of Tests and Criteria and determined not to meet the Division 4.3 criteria, it is not subject to the HMR.

Sincerely,

Thomas G. Allan  
Senior Transportation Regulations Specialist  
Office of Hazardous Materials Standards



000034

173.22

# EAC CORPORATION

20 Hillstream Road • Newark, Delaware 19711

Twitty  
\$ 173.22

Telephone (302) 234-2550  
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Email: keith@eac-corp.com

00-0034

Mr. Delmar Billings  
US Dept. of Transportation  
Research & Special Programs Administration  
400 Seventh Street S.W.  
Washington, D.C. 20580

1/24/00

Re: 75% Ferro Silicon

Dear Mr Billings,

Enclosed is a copy of a letter that I received from Shieldalloy Metallurgical Corp. The letter provides that the above mentioned material is not hazardous, and therefore, is not subject to HMR regs. However, the HMR regs do not follow the material so that when it is sold to a reseller such as EAC, we must ship it as a hazardous material thus increasing our cost of transport.

Since the material no longer meets the criteria of Division 4.3 or any other hazardous class, would it be possible for my company to receive a similar letter.

Thank you for your attention to this matter and I look forward to hearing from you.

Regards,

*Keith B. Berkholtz*

Keith B. Berkholtz



U.S. Department of Transportation  
Research and Special Programs Administration

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

JAN 29 1997

Mr. Les H. Olsen  
Shieldalloy Metallurgical Corporation  
West Boulevard  
P.O. Box 768  
Newfield, NJ 08344

Dear Mr. Olsen:

This is in response to your letter dated December 17, 1996, regarding the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to ferrosilicon, with 75 percent silicon.

The Hazardous Materials Regulations govern the transportation of hazardous materials in commerce. Under 49 CFR 173.22, it is the shipper's responsibility to properly classify a hazardous material. Such determinations are not required to be verified by this office.

Based on the test results provided in your letter, it is our opinion that the ferrosilicon manufactured by your company, does not meet the criteria of a Division 4.3 and provided it does not meet any other hazard class, it is not subject to the HMR.

I hope this information is helpful. If you need further assistance, please do not hesitate to contact us.

Sincerely,

Delmer F. Billings  
Chief, Regulations Development  
Office of Hazardous Materials Standards

Post-It® Fax Note	7671	Date	10/5/99	# of pages	1
To	Keith Berkholz	From	John Vickers		
Co./Dept.	EAC	Co.	SMC		
Phone #		Phone #			
Fax #	(302) 234-2632	Fax #			