



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

SEP 23 2003

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

Ms. Noreen McDonald
CONSIDAR, Inc.
825 Third Avenue
New York, NY 10022

Ref. No.: 03-0218

Dear Ms. McDonald:

This responds to your letter dated August 20, 2003, regarding classification of "Magnesium ferro silicon" in accordance with the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

As indicated in the enclosure to your letter, tests were performed in accordance with Part 173, Appendix E, Division 4.3 (Dangerous when wet) criteria by an outside laboratory, which issued a report showing results that your company's product containing "Magnesium ferro silicon" is not classed as a "Division 4.3 (Dangerous when wet) material. It is your understanding that the enclosed results mean that the magnesium ferro silicon is not subject to the HMR and not regulated for purposes of transportation.

In a final rule issued under Docket HM-215B [62 FR 24690; 5/6/97], we removed "Part 173, Appendix E, Guidelines for Classification and Packing Group Assignment for Class 4," (Divisions 4.1, 4.2 and 4.3) materials from the HMR. In its place, we adopted the "UN Manual of Tests and Criteria" to maintain alignment with corresponding provisions of international standards. Therefore, the Appendix E guidelines may not be used to determine classification and packing group assignment for a Division 4.3 material. Instead, the material must be tested in accordance with the "UN Manual of Tests and Criteria," as prescribed in § 173.124(c). A copy of the pertinent pages from the Manual is enclosed for your use.

I hope this satisfies your inquiry.

Sincerely,


Susan Gorsky

Senior Transportation Regulations Specialist
Office of Hazardous Materials Standards

Enclosure



030218

173.124



CONSIDAR, INC.

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TEL: (212) 918-8000 / FAX: (212) 918-8076

Engrum
§173.124
Definition
03-0218

ISO 9002



August 20, 2003

U.S. Department of Transportation
Research and Special Programs Administration
400 Seventh Street S.W.
Washington, D.C. 20590

Attn: Office of Hazardous Materials Standards

Gentlemen:

We are currently dealing in magnesium ferro silicon. We have had the material tested in accordance with DOT Standard 173, Appendix E, Division 4.3 (dangerous when wet material) and are enclosing the results herewith.

It is our understanding that the enclosed results show that the magnesium ferro silicon would not fall into the category of Hazardous Material and therefore does not require special handling or marking.

We would appreciate it if you would confirm that you agree with the above. If you have any questions, please let us know. Thank you in advance for your help in this matter.

Sincerely yours,
Considar, Inc

Noreen McDonald