



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

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

APR 20 2006

Mr. Edward Hopkins
Ferroatlantica
60 Public Square
Suite 350
Medina, OH 44256

Ref. No. 06-0055

Dear Mr. Hopkins:

This is in response to your February 13, 2006 letter requesting clarification on the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to ferrosilicon containing 75% silicon. Specifically, you request confirmation from this office that the test report submitted with your letter provides sufficient verification that the tested materials are not subject to the requirements of the HMR.

As provided in § 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. However, based on the test results you provided, it is our opinion that your ferrosilicon containing 75 percent silicon does not meet the definition of a Division 4.3 material and, provided it does not meet the criteria for another hazard class, it is not subject to the HMR.

I hope this information is helpful. Please contact us if you require additional assistance.

Sincerely,

John A. Gale
Chief, Standards Development
Office of Hazardous Materials Standards



060055

173.22



Eichenlaub
§ 172.101(f)
§ 173.22

HAZARDOUS MATERIALS
301/ALUM

§ 173.124

05 FEB 21 PM 4:05

Shipper's Responsibility

06-0055 February 13, 2006

Associate Administrator for Hazardous Materials Safety
Research and Special Programs Administration
U.S. Department of Transportation
400 7th Street, S.W.
Washington, DC 20590-001

Attention: DHM-31

To The Office of Hazardous Materials Standards:

On behalf of Ferroatlantica I am requesting a permanent exemption to Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) for ferrosilicon with 75 percent silicon. Please find included with this request the spontaneous ignition test results as performed under UN Manual of Tests and Criteria 173.124 (dangerous when wet material).

This request is being made for the transportation of the subject material by both covered bulk dump truck and packaged material by covered flatbed truck for which we will act as the shipper.

I represent that I am a resident of the United States and should you have any questions or concerns regarding this request, I can be reached at:

Ferroatlantica
60 Public Square, Suite 350
Medina, Ohio 44256
Ph. (330) 764-3500
Fax. (330) 764-3550

Thank you in advance for addressing our request.

Sincerely,

Edward Hopkins
General Manager
Ferroatlantica