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

1200 New Jersey Ave, SE
Washington, D.C. 20590

JUL -8 2010

Mr. Matt Gilmore
Sales and Operations Manager
Polymet Alloys, Inc.
1701 Providence Park, Suite 100
Birmingham, AL 35242

Ref. No.: 10-0117

Dear Mr. Gilmore:

This is in response to your June 2, 2010 letter requesting clarification on the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to an approximately 91.4 % pure calcium-silicon (33/67) alloy material produced by Rima Industrial S/A in Brazil. You request confirmation from this office that the test report submitted with your letter provides sufficient verification that the tested material is 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 the calcium-silicon alloy material described in the test report 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 answers your inquiry. If you have further questions, please do not hesitate to contact this office.

Sincerely,

Charles E. Betts
Chief, Standards Development
Office of Hazardous Materials Standards

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§173.22
Shipper's Responsibility
10-0117

Drakeford, Carolyn (PHMSA)

From: Betts, Charles (PHMSA)
Sent: Wednesday, June 02, 2010 12:56 PM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Request for Hazmat Exemption for Calcium Silicon
Attachments: GexCon-2010-F44586-RA-3_rev-01.pdf

Please log this new request for interpretation in for proper handling.

From: Matt Gilmore [mailto:matt.gilmore@polymetalloys.com]
Sent: Wednesday, June 02, 2010 12:42 PM
To: Betts, Charles (PHMSA)
Subject: Request for Hazmat Exemption for Calcium Silicon

Dear Mr. Betts,

First and foremost, I would like to thank you for your time and attention during our conversation yesterday.

As we discussed, Polymet Alloys Inc. would like to request confirmation from the Office of Hazardous Materials Standards that the Calcium Silicon produced by Rima Industrial S/A in Brazil does not meet the definition of Division 4.3 material, hence it should not be subject to the HMR.

Attached you will find test results issued by Gexcon, an independent lab, which was performed on Rima Industrial S/A's Calcium Silicon on January 3, 2010. As you can see from the report, Gexcon concluded: "The substance tested does not accommodate the criteria for classification under the division 4.3 of the "United Nations Recommendations on the Transport of Dangerous Goods, Manual of Test and Criteria Part III - 33.4.1.4" [1]. Some gas did develop in contact with water. It is highly likely that the gas developed was hydrogen. The gas development slowed after a peak some hours after the test started".

Please do not hesitate to contact me should you have any question or need any further clarification.

Sincerely,

MATT GILMORE
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