



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

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

MAR - 7 2001

Ref. No. 01-0061

Mr. Michael O'Connell  
Glencore  
Three Stamford Plaza  
301 Tresser Boulevard  
Stamford, CT 06901-3244

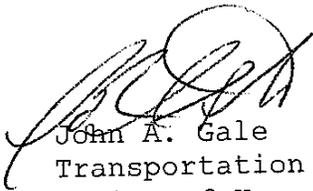
Dear Mr. O'Connell:

This is in response your February 27, 2001 letter, regarding the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to ferrosilicon, with 65 to 75 percent silicon.

Under § 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 ferrosilicon described in your letter does not meet the criteria of a Division 4.3 and provided it does not meet any other hazard class, is not subject to the HMR.

I hope this satisfies your request.

Sincerely,



John A. Gale

Transportation Regulations Specialists  
Office of Hazardous Materials Standards



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# GLENCORE Ltd.

Mr. Michael O'Connell  
Glencore Ltd.  
301 Tresser Boulevard  
Stamford, CT 06901-3244

Dear Mr. O'Connell:

This is in response to Hugh Stewart's letter dated October 9, 2000 and your subsequent phone conversation with Diane Lavelle on January 31, 2001 regarding the applicability of the Hazardous Materials Regulations (HMR: 49 CFR Parts 171-180) to ferrosilicon products, with 65 to 75 percent silicon, produced by Silicon Technology (Pty) Ltd.

The Hazardous Material 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 upon the test results you provided, it is our opinion that the ferrosilicon manufactured by Silicon Technology (Pty) Ltd 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 satisfies your inquiry. If you need any additional assistance, do not hesitate to contact us.

Sincerely,

Edward T. Mazzullo  
Director Office of Hazardous Material Standards  
US DOT / RSPA (DHM-10)  
400 7<sup>th</sup> Street Southwest  
Washington, DC 20590-0001

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