



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

1200 New Jersey Avenue, SE  
Washington, DC 20590

NOV 17 2009

Mr. George Scott  
Assistant Manager of Sourcing  
And Logistics  
Elkem Metals Inc.  
P. O. Box 366  
Pittsburgh, PA 15230

Ref. No. 09-0269

Dear Mr. Scott:

This is in response to your November 17, 2009 email regarding the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to ferrosilicon with between 44 and 48 percent silicon.

Except for Class 1 (explosives) and materials which are preceded by a "+" mark in the Hazardous Materials Table in 49 CFR 172.101, it is the shipper's responsibility to determine whether a material meets the definition of the listed hazard class or is not subject to the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). See § 173.22. Such determinations are not required to be verified by the Department of Transportation nor does the Department have resources to perform routine verifications. However, the Department will try to provide assistance, when possible, in the classification of a material.

Based on the test results you provided with your email, we agree that the ferrosilicon described in the test certificate is not subject to the HMR.

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

Hattie L. Mitchell  
Chief, Regulatory Review and Reinvention  
Office of Hazardous Materials Standards

**Drakeford, Carolyn (PHMSA)**

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**From:** Mitchell, Hattie (PHMSA)  
**Sent:** Tuesday, November 17, 2009 11:25 AM  
**To:** Drakeford, Carolyn (PHMSA)  
**Subject:** FW: FW: FerroSilicon 75% and 50%

Mitchell  
§ 172.101  
Applicability  
09-0269

**Attachments:** sert FSM.pdf



sert FSM.pdf (267 KB)

Carolyn, please log in to me. I need the number asap. Thanks.

-----Original Message-----

From: george.scott@elkem.com [mailto:george.scott@elkem.com]  
Sent: Tuesday, November 17, 2009 7:20 AM  
To: Mitchell, Hattie (PHMSA)  
Cc: janie.green@elkem.com; pierre.daigneault@elkem.com  
Subject: Re: FW: FerroSilicon 75% and 50%

Hattie,

Attached is a Certificate for material ranging from 44- 48 Si content. By using this and the other certs we should now be covered from 44 - 50 and 70 - 80 on Si content. Can you please make a new letter with this info added?

Thanks  
George Scott

(See attached file: sert FSM.pdf)

<hattie.mitchell@dot.gov>

11/16/2009 10:44 AM

<Janie.Green@Elkem.com>,  
<George.Scott@Elkem.com>

To

cc

Subject

FW: FerroSilicon 75% and 50%

2nd try.....

-----Original Message-----

From: Mitchell, Hattie (PHMSA)  
Sent: Monday, November 16, 2009 10:36 AM  
To: friess@michigan.gov; george.scott@elkem.com



Research

# CERTIFICATE

<b>GAS EVOLUTION FROM ALLOYS</b>						Datafile: CERT399.DOC
Size 0.0 - 3.15 mm	Pretreatment: Crushed / Sieved	Date crushed: 05.11.97	Water type: Distilled	Temperature: 20 °C	Completed by: Nils Enger	Date tested: 08.11.97
Tested correctly according to United Nations Recommendations on the Transport of Dangerous Goods. Manual of Tests and Criteria Part III - 33.4.1.4				Label of class 4.3:  No	Date of approval:  23.12.97	Sign:   Magne Nossum

Product Producer	Chemical Composition	Results Comments
ELMAG Magnesiumferrosilicon Alloys Elkem	44-48 % Si, 2.75-11 % Mg, 0.2-3.5 % Ca, 0-1 % Al, 0-7 % RE	Not assigned to Class 4.3.