



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

NOV - 7 2003

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

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

Ref. No.: 03-0254

Dear Ms. McDonald:

This responds to your follow-up letter dated October 6, 2003, regarding classification of "Magnesium ferro silicon" in accordance with the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). We responded to a previous letter from your company, dated August 20, 2003, on the same subject on September 23, 2003.

As indicated in the enclosure to your letter, tests were performed in accordance with the "UN Manual of Tests and 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.

Based on the information you provided, it is our opinion that your company's product containing Magnesium ferro silicon, tested in accordance with the "UN Manual of Tests and Criteria," does not meet the definition in § 173.124(c) for a Division 4.3 (Dangerous When Wet) material. Therefore, provided the material does not meet any other hazard class definition, it is not subject to the HMR and not regulated for purposes of transportation in commerce.

I hope this satisfies your inquiry.

Sincerely,

Susan Gorsky
Senior Transportation Specialist
Office of Hazardous Materials Standards



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173.124



CONSIDAR, INC.

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Engrum
§173.124
Definition
03-0254



October 6, 2003

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

Attn: Ms. Susan Gorsky
Office of Hazardous Materials Standards

Re: Magnesium Ferro Silicon

Dear Ms. Gorsky:

We are currently dealing in magnesium ferro silicon. We have had the material tested in accordance with UN Manual of Tests and Criteria 173.124 (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
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