



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety Administration**

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

AUG 29 2006

Mr. Ed Koziarowski
Miller and Company
9700 West Higgins Road
Suite 1000
Rosemont, IL 60018

Ref. No.: 06-0187

Dear Mr. Koziarowski:

This is in response to your August 8, 2006 letter requesting verification that a letter of interpretation issued on April 14, 1997 from Delmer F. Billings to Mr. William P. Roman (Ref. No.: 97-1025) regarding the classification of ferrosilicon as non-regulated under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) remains valid. You indicate that the ferrosilicon is manufactured by the same company, continues to contain between 30 and 90 percent silicon, and is identical in composition to the material identified in Mr. Roman's February 18, 1997 request for interpretation.

On May 6, 1997 we published a final rule under Docket HM-215B (62 FR 24690) which made editorial revisions to the classification criteria for Division 4.3 materials. The final rule removed the Division 4.3 classification testing requirements from Appendix E of the HMR and added a reference to the UN Recommendations on the Transport of Dangerous Goods Manual of Tests and Criteria (UN Manual) to § 173.124(c). However, the requirements contained in the UN Manual were and continue to be virtually identical to those contained in the HMR at the time the letter in question was drafted. Therefore, according to the information you provided, letter of interpretation 97-1025 remains valid.

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



060187

173.22



Supko
§ 173.22
Shipper's Responsibility
06-0187

Mr. Ed Mazzullo
Director D.O.T. Hazmat Standards
400 Seventh Street, S.W.
Washington, D.C. 20590

August 8, 2006

Dear Mr. Mazzullo,

On April 14, 1997, Miller and Company LLC had received an exemption letter concerning Ferro Silicon NOT being regarded as a Hazardous Material in Transportation (reference number 97-1025). In as much as the letter is dated in 1997, several of our contractors are requesting an updated version.

In a recent telephone conversation with your Mr. Ben Supko, D.O.T. Hazmat Standards, he suggested that I fax a request for this letter reconfirming the exemption. Since the Ferro Silicon is manufactured by the same company and has undergone no other changes in composition, we are requesting that an updated letter be forwarded to our attention.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ed Koziorowski".

Ed Koziorowski (Koz)
Miller and Company
847/696-2433 (telephone)
847/696-2419 (fax)
Ekoziorowski@MillerandCo.com

CC: Ben Supko – D.O.T.