



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

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

DEC 29 1998

Mr. Gordon J. Sarver
Traffic Manager
Alcoa - Mt. Holly
P.O. Box 1000
Goose Creek, SC 29445

Dear Mr. Sarver:

This is in response to your letter of November 4, 1998, and subsequent telephone conversation with a member of my staff, requesting clarification of Special provision 128 in § 172.102 of the Hazardous Materials Regulations (HMR; 49 CFR parts 171-180). You stated that you ship Aluminum smelting by-products, 4.3, UN3170, PGI, and that the material does not meet the definition for a Class 8 (corrosive) material. You question whether special provision 128 applies to your shipment.

The answer is no. Special provision 128 applies only to materials that meet the definition of a Class 8 (corrosive) material. Therefore, it does not apply to your shipment.

I hope this information is helpful.

Sincerely,

Delmer F. Billings
Chief, Standards Development
Office of Hazardous Materials Standards



3576 Highway 52
PO Box 1000
Goose Creek, SC 29445 USA
Tel: 1 803 572 3700
Fax: 1 803 572 5297

November 4, 1998

Office of Hazardous Materials Standards
U.S. Department of Transportation
400 Seventh Street, S.W.
Washington, DC 20590-0001

Fax No. 202-366-3012

Attention: Mr. Edward Mazzullo, Director

Alcoa – Mt. Holly, an aluminum reduction facility (smelter), ships aluminum dross via bulk (dump) trailers in Interstate commerce. These shipments are manifested as Aluminum Smelting By-products, 4.3, UN 3170, Pg II, and are identified with Class 4.3 Dangerous When Wet placards.

This is to request an interpretation of 49 CFR Section 172.102 (Vol. 63, No. 132) regarding the clarification of Special Provision 128 which was revised to state, "When classified as Division 4.3, the Class 8 must be communicated as a subsidiary risk hazard." Does this mean that when shipping aluminum dross in bulk it must be placarded with both Class 4.3 and Class 8 placards?

This request is the result of and subsequent to phone conversations on November 2 – 3 with your Mr. Michael Stevens.

Thank you in advance for your response.

Sincerely,

A handwritten signature in black ink, appearing to read "Gordon J. Sarver".

Gordon J. Sarver
Traffic Manager
Alcoa – Mt. Holly

GJS:il