



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue SE  
Washington, DC 20590

JUL 20 2011

Mr. Kenneth J. Willings  
Senior Vice President, Health, Safety and Environmental  
Aleris International, Inc.  
25825 Science Par Drive, Suite 400  
Beachwood, Ohio 44122-7392

Ref. No. 10-0128R

Dear Mr. Willings:

This responds to your request for clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask for clarification on the applicability of § 172.102 special provisions when transporting "Aluminum smelting by-products or Aluminum re-melting by-products, 4.3, UN3170."

In your letter, you state that these materials are transported off-site using bulk packagings such as, rail cars, highway trailers or roll-off bins, in accordance with bulk packaging Special provision B115. You further state that some of this material is loaded into intermediate bulk containers (IBCs) that comply with Special provisions IP4, IB8, and §§ 173.241 and 173.242. You ask whether the IBC must also comply with Special provisions IP4, IB8, and §§ 173.241 and 173.242 when the IBC is placed into an outer container that complies with bulk packaging Special provision B115.

The answer is yes. An IBC shipment must meet the applicable Special provisions IP4, IB8, and the requirements in §§ 173.241 and 173.242 even if the IBC is placed into an outer "bulk" container that meets Special provision B115.

I hope this answers your inquiry. If you need additional assistance, please contact this Office at 202-366-8553.

Sincerely,

Charles E. Betts  
Director, Standards and Rulemaking Division  
Office of Hazardous Materials Standards

Kenneth J. Willings  
Senior Vice President, Health, Safety and Environmental  
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Boothe  
§ 172.102  
§ 173.241  
§ 173.242  
Special Provision  
10-0128  
**Aleris**  
International, Inc.

June 4, 2010

Mr. Edward T. Mazullo  
Director, Office of Hazardous Materials Standards  
U.S. DOT/PHMSA (PHH-10)  
1200 New Jersey Avenue, SE East Building, 2<sup>nd</sup> Floor  
Washington, DC 20590

Re: Clarification of 49 CFR Part 172.102 (B115), (IP4), (IB8) and 49 CFR Parts 173.241 and 173.242

Dear Mr. Mazullo:

Aleris International, Inc. ("Aleris") has some facilities that generate "Aluminum Smelting By-Products or Aluminum Remelting By-Products" that have a 4.3 hazard classification and a UN3170 identification number. These materials are transported off-site using rail cars, highway trailers or roll-off bins that meet U.S. DOT requirements for this material, including those specified in 49 CFR Part 172.102 (B115).

Some of this material is placed in intermediate bulk containers ("IBC's") that meet the requirements of 49 CFR Part 172.102 (IP4), (IB8) and 49 CFR Part 173.241 or Part 173.242, depending on the degree of hazard and packaging group requirements.

Aleris requests a clarification regarding these requirements. The specific issue that we request clarification is as follows:

If the material indicated is placed in an IBC and then placed in a container for shipment that meets the requirements of 49 CFR 172.102 (B115), must the IBC also meet U.S. DOT requirements, as indicated in 49 CFR Part 172.102 (IP4), (IB8) and 49 CFR Part 173.241 or Part 173.242?

If you have questions regarding this request, please contact me at the following telephone number: 216.910.3507 or email address: ken.willings@alericis.com. I can also be reached at the address indicated on this letterhead.

Thank you for your consideration of this matter.

Sincerely,

  
Kenneth J. Willings

cc: Jim Buckert, Aleris