



U.S. Department  
of Transportation

Pipeline and Hazardous  
Materials Safety  
Administration

1200 New Jersey Avenue, SE  
Washington, DC 20590

MAY 22 2017

Mr. John E. Lehman and  
Mr. Samuel M. Essak  
Schuster Metals, LLC  
2206 North 30th Street  
Milwaukee, WI 53208

Reference No. 17-0007

Dear Mr. Lehman and Mr. Essak:

This letter is in response to your January 24, 2017, and January 27, 2017, letters requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to non-specification bulk packagings. Specifically, you ask several questions related to § 172.102(c)(3), Special provision B115, and its applicability to UN3170, Aluminum smelting by-products *or* Aluminum remelting by-products, 4.3, PG II *or* III, when packaged in a non-specification bulk packaging, such as a closed bulk bin trailer or a metal tote.

We have paraphrased and answered your questions as follows:

- Q1. You ask if the HMR permit placing the material directly on the floor of a highway trailer that is a closed bulk bin under the conditions prescribed in § 172.102(c)(3), Special provision B115.
- A1. The answer is yes, provided the conditions prescribed in § 172.102(c)(3), Special provision B115 are met.
- Q2. You ask if the HMR permit placing the material in non-structural, non-integral, non-specification containers, such as a metal tote, as a means to sift-proof a bulk packaging as prescribed in § 172.102(c)(3), Special provision B115.
- A2. The answer is yes. A rail car, highway trailer, roll-on/roll-off bin, or other non-specification bulk packaging may be rendered sift-proof in any manner that effectively accomplishes the performance requirement of the special provision.
- Q3. You ask if the HMR permit the display of a DANGEROUS WHEN WET label as prescribed in § 172.423 on a non-structural, non-integral inner package contained within an outer non-specification bulk packaging.

- A3. The answer is yes. Because the sift-proof, non-structural, non-integral inner package is considered an additional component of the non-specification bulk outer package, a label is not required. If a label is displayed on an inner package, it must be consistent with the hazardous material contained therein in accordance with § 172.401(a)(2). Further, the total quantity of hazardous materials covered by each description on the shipping paper must be identified as the outer non-specification bulk packaging (e.g., 1 highway trailer) and not any inner packages, whether or not they are labeled.
- Q4. Assuming the general packaging requirements in § 173.24 are met, you ask if the HMR permit the use of a non-specification bulk metal tote that is 41-inches wide x 49-inches long x 40-inches high and rated for 5,000 pounds gross weight and over 150 gallons capacity under the criteria prescribed in § 172.102(c)(3), Special provision B115.
- A4. The answer is yes, provided: (1) the tote is sift-proof; (2) it prevents liquid water from reaching the hazardous material; (3) it is provided with sufficient venting to preclude dangerous accumulation of flammable, corrosive, or toxic gaseous emissions such as methane, hydrogen, and ammonia; and (4) the material must be loaded dry.
- Q5. You ask if the HMR permit the use of plastic wrap as the closure for a non-specification bulk metal container.
- A5. The answer is yes, provided it has sufficient venting to preclude dangerous accumulation of flammable, corrosive, or toxic gaseous emissions such as methane, hydrogen, and ammonia in the container.
- Q6. You ask if the HMR permit the use of a non-specification bulk metal container without a top closure if the solid material itself cannot be released under the normal conditions of transportation (e.g., the top of the container is encapsulated with the material).
- A6. The answer is yes, provided there is no identifiable release of hazardous materials to the environment from the open top of the container under conditions normally incident to transportation.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,



T. Glenn Foster  
Chief, Regulatory Review and Reinvention Branch  
Standards and Rulemaking Division