



U.S. Department
of Transportation
**Research and
Special Programs
Administration**
APR 22 2003

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

Mr. Dean Pettibon
Commodity Manager
NOVA Chemicals Inc.
1550 Coraopolis Heights Road
Moon Township, PA 15108

Ref. No. 03-0081

Dear Mr. Pettibon:

This is in response to your March 11, 2003 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to testing for Intermediate Bulk Containers (IBCs). Specifically, you ask if performance testing is required for IBC packaging under Special Provision IP7 of the Hazardous Material Table (HMT) for "Polymeric beads, Expandable."

The answer is no. Special IBC Packing Provision IP7 for UN identification number UN2211, "Polymer beads, *involving flammable vapor*" specifies that IBCs are not required to meet the IBC performance tests specified in Part 178, Subpart N of the HMR.

This Special Provision was added as part of a June 21, 2001 Final Rule, Harmonization With the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions, under Docket No. HM-215D. A copy of this Final Rule is available on our website at <http://hazmat.dot.gov> under the Rules and Regulations icon, in the Rulemakings and Federal Register Notices. The Final Rule amended the HMR to maintain alignment with international standards and included miscellaneous changes in the HMT, List of Marine Pollutants, and the provisions for IBCs.

I hope this information is helpful. If we can be of further assistance, do not hesitate to contact us.

Sincerely,

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



030081

172.102



NOVA Chemicals Inc.
1550 Coraopolis Heights Road
Moon Township, PA 15108
(412) 490-4000

Foster
§172.102(c)(4)
Table 3

03-0081

March 11, 2003

U.S. Department of Transportation
400 7th Street, S. W.
Washington DC, 20590

Attention: Edward T. Mazzullo

Dear Edward,

I'm a commodity manager for packaging of Expandable Polystyrene (EPS) products for NOVA Chemicals Inc. in Moon Twp. Pa. We are currently packaging EPS products in 1000 pound fiberboard intermediate bulk containers (FIBC) intended to transport hazardous solids. We contract to an outside laboratory to perform test for compliance with applicable sections of 49 CFR/United Nations recommendations for the transport of dangerous goods – Packaging group III.

It has been brought to my attention that changes have taken place in the UN-DOT Rules and Regulations pertaining to hazardous chemicals associated with "Polymeric beads, Expandable". Specifically, reference should be made to 49 CFR, Part 172, and dated April 3, 2002.

This information, if I reference Table 3 – IP Codes (IP7), depicts that 2211 IBC'S are not required to meet the IBC performance test.

I'm looking for your assistance to clarify the current rulings that exist for the referenced package, specifically if testing is still required?

Please provide me with a documented response at the following address:

NOVA Chemicals Inc.
1550 Coraopolis Heights Road
Moon Township, Pa. 15108

Thank you, for you assistance.

Dean Pettibon
Commodity Manager



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