



U.S. Department
of Transportation

Pipeline and Hazardous Materials
Safety Administration

1200 New Jersey Ave., SE
Washington, DC 20590

SEP 16 2009

Mr. Andrews Bethmann
Cytec Supply Chain
Cytec Industries Inc.
5 Garret Mountain Plaza
West Patterson, NJ 07424

Ref No.: 09-0164

Dear Mr. Bethmann:

This is in response to your June 4, 2009 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR 171-180) as they pertain to securing hazardous materials within freight containers. Specifically, you requested a confirmation that your Cordstrap © load bracing system is excepted from the requirements of § 176.76(a) provided that the freight container is shipped internationally by vessel and the provisions of 7.5.2.2 of the IMDG Code are met.

You are correct. As provided in §§ 171.22 and 171.25, a hazardous material that is packaged, marked, classed, labeled, placarded, described, stowed and segregated, and certified in accordance with the IMDG Code may be offered and accepted for transportation and transported within the United States subject to certain conditions and limitations. Since none of these conditions and limitations include specific compliance with § 176.76(a), a containerized shipment that is transported internationally by vessel may be packed and secured in accordance with 7.5.2.2 of the IMDG Code instead of the specific requirements of § 176.76(a).

I hope this information is helpful. Please contact this office should you have additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'H. Mitchell', written over a horizontal line.

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards



Andrews
§176.76(a)
Vessel
09-0164

CYTEC INDUSTRIES INC.
Five Garret Mountain Plaza
West Paterson, NJ 07424
Tel. (973) 357-3100

Andrew Bethmann
Cytec Supply Chain
Cytec Industries Inc.
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June 4, 2009

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

Dear Mr. Mazzullo:

This letter is an effort to obtain clarification on cordstrap® load bracing systems. We have recently experienced several rejections of loads in the Port of Houston that were braced with the cordstrap® restraint system comprised of Cordstrap CC105 Heavy Duty Strapping and Cordstrap CB10 Buckles. You can find additional information on Cordstrap's products at <http://www.cordstrap.net/>.

During my follow up on these rejections, it has become clear that the root causes of the rejections are unfamiliarity with the bracing system and questions on whether or not the bracing system falls under the performance based standards in the IMDG Code § 7.5.2.2. I have been in discussions with the NCB, who issued the Inspection Reports of the rejected containers; CDR Johnson, D8 Inspections and Investigations; and LCDR Lincoln, USCG CITAT. The end result of our lengthy communications is that I am requesting that the Office of Hazardous Materials Standards issue a letter confirming that:

- 1) Cordstrap products CC105 strapping and CB10 buckles are in fact exempt from 49 CFR § 176.76 (a).
- 2) Cordstrap products CC105 strapping and CB10 buckles do not require an exemption as explained in USCG Letter 16703/IMO/IMDGC and DOT PHMSA Interpretation Numbers 00-0317 and 03-0095.

LCDR Lincoln instructed that I would need to contact you directly for this request as any formal response letter from the U.S. Competent Authority would have to come from your office.

I do realize that the DOT PHMSA Interpretations 00-0317 and 03-0095 address points 1 and 2 above. However, I would like to confirm that Cordstrap products CC105 strapping and CB10 buckles fall into this category. My desire is that by obtaining clarification from the Office of Hazardous Materials Standards, we can avoid any confusion and rejections in the future.

Also, as suggested by LCDR Lincoln, I am sending a similar letter to the USCG Commandant's Office to get the USCG's input.

CYTEC

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Thank you in advance for your consideration on this issue. If you need any additional information or have any questions, please do not hesitate to contact me. I feel confident that we have exhausted all available options up until this point, and that clarification from your office will help provide the resolution we're looking for. I look forward to hearing your response.

Warmest Regards,

A handwritten signature in black ink, appearing to read 'A. Bethmann', with a long horizontal flourish extending to the right.

Andrew Bethmann
Cytec Supply Chain
(973) 357-3257