

(d) Steel or aluminum corrosion test data produced no later than September 30, 2005, using the procedures of § 173.137(c)(2), in effect on September 30, 2004 (see 49 CFR 173.137 revised as of October 1, 2003), for appropriate steel or aluminum types may be used for classification and assignment of packing group for Class 8 materials corrosive to steel or aluminum.

[Amdt. 173-224, 55 FR 52634, Dec. 21, 1990, as amended at 56 FR 66270, Dec. 20, 1991; Amdt. 173-234, 58 FR 51532, Oct. 1, 1993; Amdt. 173-241, 59 FR 67508, Dec. 29, 1994; Amdt. 173-261, 62 FR 24732, May 6, 1997; 69 FR 76155, Dec. 20, 2004]

§ 173.137 Class 8—Assignment of packing group.

The packing group of a Class 8 material is indicated in Column 5 of the § 172.101 Table. When the § 172.101 Table provides more than one packing group for a Class 8 material, the packing group must be determined using data obtained from tests conducted in accordance with the 1992 OECD Guideline for Testing of Chemicals, Number 404, “Acute Dermal Irritation/Corrosion” (IBR, see § 171.7 of this subchapter) as follows:

(a) *Packing Group I.* Materials that cause full thickness destruction of intact skin tissue within an observation period of up to 60 minutes starting after the exposure time of three minutes or less.

(b) *Packing Group II.* Materials other than those meeting Packing Group I criteria that cause full thickness destruction of intact skin tissue within an observation period of up to 14 days starting after the exposure time of more than three minutes but not more than 60 minutes.

(c) *Packing Group III.* Materials, other than those meeting Packing Group I or II criteria—

(1) That cause full thickness destruction of intact skin tissue within an observation period of up to 14 days starting after the exposure time of more than 60 minutes but not more than 4 hours; or

(2) That do not cause full thickness destruction of intact skin tissue but exhibit a corrosion on steel or aluminum surfaces exceeding 6.25 mm (0.25 inch) a year at a test temperature of 55

°C (130 °F). The corrosion must be determined in accordance with the UN Manual of Tests and Criteria (IBR, see § 171.7 of this subchapter).

[Amdt. 173-224, 55 FR 52634, Dec. 21, 1990, as amended at 56 FR 66270, Dec. 20, 1991; Amdt. 173-241, 59 FR 67508, Dec. 29, 1994; Amdt. 173-261, 62 FR 24733, May 6, 1997; 68 FR 75744, Dec. 31, 2003; 69 FR 76155, Dec. 20, 2004]

§ 173.140 Class 9—Definitions.

For the purposes of this subchapter, *miscellaneous hazardous material* (Class 9) means a material which presents a hazard during transportation but which does not meet the definition of any other hazard class. This class includes:

(a) Any material which has an anesthetic, noxious or other similar property which could cause extreme annoyance or discomfort to a flight crew member so as to prevent the correct performance of assigned duties; or

(b) Any material that meets the definition in § 171.8 of this subchapter for an elevated temperature material, a hazardous substance, a hazardous waste, or a marine pollutant.

[Amdt. 173-224, 57 FR 45463, Oct. 1, 1992, as amended by Amdt. 173-231, 57 FR 52939, Nov. 5, 1992; Amdt. 173-233, 58 FR 33305, June 16, 1993]

§ 173.141 Class 9—Assignment of packing group.

The packing group of a Class 9 material is as indicated in column 5 of the § 172.101 table.

§ 173.144 Other Regulated Materials (ORM)—Definitions.

For the purpose of this subchapter, “ORM-D material” means a material such as a consumer commodity, which, although otherwise subject to the regulations of this subchapter, presents a limited hazard during transportation due to its form, quantity and packaging. It must be a material for which exceptions are provided in the § 172.101 table. Each ORM-D material and category of ORM-D material is listed in the § 172.101 table.

§ 173.145 Other Regulated Materials—Assignment of packing group.

Packing groups are not assigned to ORM-D materials.