



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

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

JAN 24 2006

Reference No. 05-0307

Mr. Richard N. Jarman
Senior Vice President, Scientific and Regulatory Affairs
Food Products Association
1350 I Street, NW
Suite 300
Washington, DC 20005

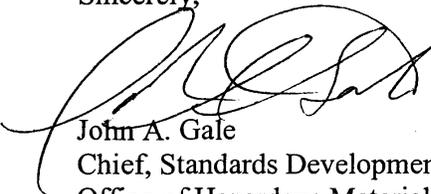
Dear Mr. Jarman:

This is in response to your December 5, 2005 letter regarding clarification criteria for Class 8 (Corrosive) materials under the Hazardous Materials Regulations (HMR; 49 CFR Parts 100-180). Specifically, you ask whether there are acceptable corrosion tests other than those specified in the UN Manual of Tests and Criteria.

The answer is yes. Section 173.137 of the HMR, "Class 8 - Assignment of packing group," was revised under the December 20, 2004 final rule, "Harmonization With the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions," under Docket HM-215G. Our intention in this revision was to indicate that there are acceptable corrosion test methods equivalent to the UN Manual of Tests and Criteria that may be used. We will correct the wording in § 173.137 in a future rulemaking.

I trust this satisfies your inquiry.

Sincerely,



John A. Gale
Chief, Standards Development
Office of Hazardous Materials Standards



050307

173.137(c)(2)



Foster
§173.137(c)(2)
Packing Group
05-0307

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December 5, 2005

Edward T. Mazzullo
Director, Office of Hazardous Materials Standards
U.S. DOT/PHMSA (PHH-10)
400 7th Street, SW
Washington, D.C. 20590-0001

Dear Mr. Mazzullo:

I am writing to seek your assistance with respect to the testing requirements, which are at 49 CFR 173.137(c)(2), for determining the assignment of packing group for Class 8 substances.

WASHINGTON, DC

With the final harmonization rule that was published on December 20, 2004 (69 FR 76044), 49 CFR 173.137(c)(2) was revised to read in part, "The corrosion must be determined in accordance with the UN Manual of Tests and Criteria (IBR, see § 171.7)." The question is whether there are other acceptable corrosion tests than that specified at the above reference. This reference establishes a more complex and costly test protocol than previously required and, as we understand, must be completed in triplicate.

DUBLIN, CA

Paragraph 2.8.2.5 of the UN *Model Regulations on the Transport of Dangerous Goods*, states, "*An acceptable test* (emphasis added) is prescribed in the Manual of Tests and Criteria, Part 37." Can this be interpreted to mean that there are other acceptable tests, such as the ASTM-G31 protocol? If so, what are these protocols? Also, if the reference protocol must be used, is it correct that it must be repeated in triplicate for each determination?

Any guidance you can provide will be appreciated.

Regards,

Richard N. Jarman
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Tel: 202-639-5925

SEATTLE, WA