



U.S. Department
of Transportation

1200 New Jersey Avenue SE
Washington, DC 20590

**Pipeline and Hazardous
Materials Safety
Administration**

AUG 16 2012

Mr. Dave Madsen
North American Automotive Hazardous Materials Action Committee
3350 Airport Road
Ogden, UT 84405

Reference No.: 12-0107

Dear Mr. Madsen:

This is in response to your May 22, 2012 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) as they pertain to exceptions for air bags and seat-belt pretensioners. You ask if the exception provided in § 173.166(d)(1) applies to shipments described as Class 9, UN 3268 and those described as Class 1.4G UN 0431 air bags and seat-belt pretensioners.

The answer to your question is no. The exceptions provided in § 173.166(d)(1) are applicable only to shipments of Class 9 UN 3268 air bag modules or seat-belt pretensioners. The exceptions are provided in § 173.166 which is assigned in the hazardous materials table (HMT) to the proper shipping names Air bag inflators or Air bag modules or Seat-belt pretensioners. No link to § 173.166 for air bag modules or seat-belt pretensioners is provided in the exceptions column of the HMT for shipments described as Aricles, Pyrotechnic UN 0431. As you mentioned in your letter, proposals have been made addressing this issue in the HM-254 Notice of Proposed Rule Making.

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

Delmer Billings
Senior Regulatory Advisor
Standards and Rulemaking Division

Webb
§173.166(d)(1)
Air bags
12-0107

NAAHAC

North American Automotive
Hazardous Materials Action Committee

May 22, 2012

Mr. Charles Betts
Director, Standards & Rulemaking
US Department of Transportation – PHMSA
1200 New Jersey Ave. SE
East Building – 2nd Floor
Washington, DC 20590-0001

Re: Request for Interpretation - 173.166(d)(1)

Hello, Mr. Betts.

It was a pleasure talking with you during the COSTHA conference. As Julie Smith mentioned to you, the Supplier Regulatory Workgroup of NAAHAC (North American Automotive Hazmat Action Committee) has a question regarding 173.166(d)(1). Specifically, does 173.166(d)(1) currently apply to both Class 9 / UN3268 air bags / pretensioners and 1.4G Articles, pyrotechnic / UN0431 air bags / pretensioners?

This section currently reads as follows:

(d) Exceptions. (1) An air bag module or seat-belt pretensioner that has been approved by the Associate Administrator and is installed in a motor vehicle, aircraft, boat or other transport conveyance or its completed components, such as steering columns or door panels, is not subject to the requirements of this subchapter.

Some of the group interpret that this relief is only offered for the Class 9 / UN3268 devices, but the recent publication of HM-254 and some of the language in the preamble of HM-254 have caused us to question this. The proposed language of 173.166(d)(1) in HM-254 very clearly specifies that the relief is offered to both the Class 9 and the 1.4G devices. “(d) Exceptions. (1) An air bag module or seat-belt pretensioner that is classed as a Class 9 (UN3268) and is installed in a motor vehicle, aircraft, boat or other transport conveyance or its completed components, such as steering columns or door panels, is not subject to the requirements of this subchapter. An air bag module or seat-belt pretensioner that has been classed as a Division 1.4G and approved by the Associate Administrator and is installed in a motor vehicle, aircraft, boat or other transport conveyance or its completed components, such as steering columns or door panels, is not subject to the requirements of this subchapter.”

And the preamble states "In this NPRM, PHMSA proposes to clarify that a safety restraint device that is installed in a vehicle or vehicle component is not subject to the HMR. This change makes it clear that the exception will continue to apply to Class 9, UN3268 materials that are not approved by the Associate Administrator." This wording appears to indicate that the current regulation applies to both Class 9 and 1.4G. While we realize that the issue will be resolved with the finalization of HM-254 and its effective date, we would like to better understand the current regulation to ensure compliance between now and then.

To summarize – our question is "Does 173.166(d)(1) currently apply to both Class 9 / UN3268 air bags / pretensioners and 1.4G Articles, pyrotechnic / UN0431 air bags / pretensioners?"

We thank you in advance for your assistance in this matter. If you need additional information regarding our inquiry, you can contact either me (dave.madsen@autolivasp.com / 801-612-5665) or Julie Smith (julia.smith@trw.com / 586-232-7744). We look forward to your response.

Sincerely,



Dave Madsen
Chair, Supplier Regulatory Workgroup
NAAHAC