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

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

JUN 2 0 2003

DOT-E 13185
(SECOND REVISION)

EXPIRATION DATE: September 30, 2003

1. GRANTEE: North American Automotive Haz Mat Action Committee (NAAHAC) Washington, MI (on behalf of the member companies whose names are on file with the Office of Hazardous Materials Exemptions & Approvals)

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes the transportation in commerce of certain non-DOT specification pressure vessels for use as components of automobile vehicle safety systems. The pressure vessels, charged with non-toxic, non-liquefied gases, are authorized for transportation as "Air bag inflators, *or* Air bag modules *or* Seat-belt pretensioner, Class 9,UN3268". This exemption provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.

b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce. The safety analyses did not consider the hazards and risks associated with consumer use, use as a component of a transport vehicle or other device, or other uses not associated with transportation in commerce.

3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 171.7, table of material incorporated by reference, in that the use of the 2003-2004 edition of the ICAO Technical Instructions and the 2002 IMDG Code is not authorized except as specified herein; § 172.101 Hazardous Materials Table, columns 2, 3, and 6 in that the use of Class 9, UN3268 for an air bag inflator assembly (air bag inflators or modules and seat belt pretensioners) using a compressed gas pressure vessel (UN3353) is not authorized except as specified herein;

§ 172.203(a) in that marking the exemption number on the shipping paper is waived; § 172.301(c) in that marking the exemption number on the package is waived.

5. BASIS: This emergency exemption is based on the application of NAAHAC dated December 2, 2002 and supplemental information dated December 12, 2002, March 17, 2003, and June 18, 2003, submitted in accordance with § 107.117 and a determination that it would preclude serious economic loss.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

| Hazardous Materials Description | | | |
|---|---|---|---|
| **Proper Shipping Name** | **Hazard Class/ Division** | **Identi-fication Number** | **Packing Group** |
| Air bag inflators, *or* air bag modules, *or* Seat-belt pretensioner | 9 | UN3268 | III |

7. SAFETY CONTROL MEASURES: PACKAGING - Prescribed packagings are as required by the HMR or the International Maritime Dangerous Goods (IMDG) Code, 2002 edition; or the International Civil Aviation Organization (ICAO) Technical Instructions for the Safe Transport of Dangerous Goods by Air, 2003-2004 edition, and or any DOT air bag exemption in effect.

8. SPECIAL PROVISIONS:

a. A person who is not a holder of this exemption who receives a package covered by this exemption may reoffer it for transportation provided no modification or change is made to the package or its contents and it is reoffered for transportation in conformance with this exemption and the HMR.

b. A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.

c. The requirements to mark the exemption number "DOT-E 13185" on the shipping paper or the package under §§ 172.203(a) and 172.301(c) are waived.

d. The authorization provided in this exemption is effective January 1, 2003 and permits the use of the shipping description for air bag inflator assemblies, modules and seat belt pretensioners previously classed as a Division 2.2, UN3353 to be shipped as a Class 9, UN3268. This authorization also permits the use of the IMDG or ICAO requirements for international transportation to, from or within the United States.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight, cargo vessel, cargo aircraft, and passenger-carrying aircraft.

10. MODAL REQUIREMENTS: No additional requirements.

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

- All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.

- Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when this exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS: The carrier is required to report any incident involving loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable. (Sections 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.) In addition, the holder(s) of this exemption must inform the AAHMS, in writing, of any incident involving the package and shipments made under the terms of this exemption.

Issued in Washington, D.C.:

JUN 2 0 2003

Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, Washington, D.C. 20590. Attention: DHM-31.

Copies of this exemption may be obtained by accessing the Hazardous Materials Safety Homepage at http://hazmat.dot.gov/exemptions Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

PO: AM/RRP/dl