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

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

JUL 10 2000

Dear exemption holders of DOT-E 12189:

Enclosed is the 3rd revision of DOT-E 12189. Please note that a modification to paragraph 9 was made as a result of an application filed by the holder of this exemption, to add rail freight and cargo vessel as additional modes authorized under this exemption.

Sincerely,

J. Suzanne Hedgpeth

R. Ryan Posten
Exemptions Program Officer
Office of Hazardous Materials
Exemptions and Approvals

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

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

JUL 10 2000

DOT-E 12189
(THIRD REVISION)

EXPIRATION DATE: **May 15, 2001**

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Automotive Recyclers Association, Fairfax, Va. (On behalf of the member companies whose names are on file with the Office of Hazardous Materials Exemptions & Approvals (OHMEA)

(See Appendix A for a list of additional grantees)

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the transportation in commerce of an air bag module or a seat belt pre-tensioner that has been removed from a motor vehicle that was manufactured as required for use in the United States. These devices may be shipped without marking the EX number or product code on the shipping paper. This exemption provides no relief from the Hazardous Materials Regulations 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 vehicle, 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 § 173.166(c).

5. BASIS: This exemption is based on the application of The Automotive Recyclers Association, submitted on behalf of its members, dated November 24, 1998, submitted in accordance with § 107.105 and the public proceeding thereon. Additional letters were submitted on August 2, 1999, and May 10, 2000.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper shipping name -- Hazardous materials description	Hazard Class/ Division	Identi-fication Number	Packing Group
Air bag inflators, compressed gas *or* Air bag modules, compressed gas *or* Seat-belt pretensioners, compressed gas (recycled)	2.2	UN3353	n/a
Air bag inflators, *pyrotechnic or* Air bag modules, *pyrotechnic or* Seat-belt pretensioners, *pyrotechnic* (recycled)	9	UN3268	III

7. SAFETY CONTROL MEASURES:

PACKAGING - The packaging prescribed is a 4G fiberboard box. The maximum allowed quantity of an air bag module or seat-belt pretensioner in each 4G fiberboard box is one. The device must be cushioned and secured within the box to prevent movement during transportation.

8. SPECIAL PROVISIONS:

a. This exemption is limited to transportation within the United States of air bag modules and seat-belt pre-tensioners which have been examined and assigned EX numbers as required in § 173.166.

b. 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 modifications or changes are made to the package and it is reoffered for transportation in conformance with this exemption and the HMR.

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

d. Shipping papers - In addition to the requirements of § 172.202 the word ("Recycled") must be added following the proper shipping name.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight, cargo vessel and cargo air.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each aircraft used to transport packages covered by this exemption. The shipper must furnish a copy of this exemption to the air carrier before or at the time the shipment is tendered.

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 the 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 AAHM in writing, of any incident involving the package and shipments made under the terms of this exemption.

Issued at Washington, D.C.:

J. Suzanne Hedgspeth

Robert A. McGuire
Acting Associate Administrator
for Hazardous Materials Safety

JUL 10 2000
(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW, Washington, D.C. 20590. Attention: DHM-31.

The original of this exemption is on file at the above office. Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

PO: AM