



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

FEB 15 2019

Don Bossow
Senior Regulatory Consultant
COSTHA
10 Hunter Brook Lane
Queensbury, NY 12804

Reference No. 18-0035

Dear Mr. Bossow:

This letter is in response to your March 12, 2018, letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to “UN3268, Safety Devices, Class 9” and Special Provision 160, which is assigned to this entry in the Hazardous Materials Table (HMT) in § 172.101. Special Provision (SP) 160 states, “This entry applies to safety devices for vehicles, vessels or aircraft,” and provides examples of items that are considered eligible for classification, such as air bag inflators, air bag modules, seat-belt pretensioners, and certain pyromechanical devices. Specifically, you ask whether micro gas generators (MGGs) may be classified under “UN3268, Safety Devices, Class 9” although they are not specifically listed in SP 160.

The answer is yes provided certain conditions are met. HM-215M, “The Harmonization With International Standards (RRR) Final Rule” (80 FR 1076; January 8, 2015) revised the HMT entry for “UN3268” and SP 160 to include additional automotive industry life-saving appliances that are actuated by the electric signal of the crash sensor safety devices other than air bag inflators/modules. While the list of applicable devices in SP 160 is not exhaustive, the provision is limited to items that meet the definition of a safety device. Furthermore, articles classified as UN3268 are subject to the requirements in § 173.166. Therefore, provided that the MGG’s end use is to enhance safety to persons in vehicles, vessels or aircraft and that the MGG meets the conditions of SP 160 and § 173.166, it may be transported as “UN3268” once approved by the Associate Administrator in accordance with § 173.166(b)(1)(iv).

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

Dirk Der Kinderen
Chief, Standards Development Branch
Standards and Rulemaking Division

Casey
§172.101
Special Provision
18-0035

Dodd, Alice (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Monday, March 12, 2018 5:05 PM
To: Hazmat Interps
Subject: FW: Request for Letter of Interpretation - Classification of Micro Gas Generators (MGGs)
Attachments: MGGs as Class 9 Safety Devices.doc

Hi Alice and Ikeya,

Attached is a request for a letter of interpretation. Please let me know if you have any questions.

Thanks,
Jodi

From: Don Bossow [mailto:Don@costha.com]
Sent: Monday, March 12, 2018 1:20 PM
To: PHMSA HM InfoCenter <PHMSAHMInfoCenter@dot.gov>
Cc: Kelley, Shane (PHMSA) <shane.kelley@dot.gov>
Subject: Request for Letter of Interpretation - Classification of Micro Gas Generators (MGGs)

Attached please find a request from COSTHA for a letter of interpretation on classification of Micro Gas Generators (MGGs). We look forward to your response.

Regards,

Don Bossow
COSTHA
10 Hunter Brook Lane, Queensbury, NY 12804
Phone: 518/761-0389 * Fax: 518/792-7781
<http://www.costha.com>
don@costha.com
COSTHA 2018 Annual Forum & Expo ~ April 22-25 ~ Weston, FL

This information is intended to provide interpretative and authoritative information in regard to the subject matter covered as a service to our members and has been answered to the best of our ability based on the information provided to us. We do not guarantee the accuracy or completeness of any such interpretation or information, however, nor do we warrant that compliance with any advice we provide will guarantee compliance with any legal or regulatory requirements. Our statements or opinions do not convey legal interpretation and government authorities or legal counsel should be contacted for such a response.



Council on Safe Transportation of Hazardous Articles

March 12, 2018

U.S. Department of Transportation
PHMSA Office of Hazardous Materials Standards
Attn: PHH-10
East Building
1200 New Jersey Avenue, SE
Washington, DC 20590-0001
Phmsa.hm-infocenter@dot.gov

Re: Micro Gas Generators(MGGs) as Class 9

COSTHA is requesting a letter of interpretation regarding the classification of Micro Gas Generators (MGGs) as UN3268, Safety Devices, Class 9 provided they meet the requirements of Special Provision 160 as provided for this entry in 49 CFR 172.101.

Special Provision 160 states; "This entry applies to safety devices for vehicles, vessels or aircraft, e.g. air bag inflators, air bag modules, seat-belt pretensioners, and pyromechanical devices containing Class 1 (explosive) materials or materials of other hazard classes. These articles must be tested in accordance with Test series 6(c) of Part I of the UN Manual of Tests and Criteria (incorporated by reference; see §171.7 of this subchapter), with no explosion of the device, no fragmentation of device casing or pressure vessel, and no projection hazard or thermal effect that would significantly hinder fire-fighting or other emergency response efforts in the immediate vicinity. If the air bag inflator unit satisfactorily passes the series 6(c) test, it is not necessary to repeat the test on the air bag module."

COSTHA believes that, although not specifically listed in the examples provided in this special provision, MGGs that are tested in accordance with the special provision and meet the criteria may be properly classified under this entry as Class 9 materials. The use of the term "e.g." in the special provision indicates that the devices listed are examples of the types of devices for which this special provision is applicable and not an exhaustive list and COSTHA believes that MGGs should be eligible for classification using this entry.

The 20th edition of the UN Recommendations on the Transport of Dangerous Goods also contains an entry for UN3268, Safety Devices, Class 9 with Special Provision 280.

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Richard Schweitzer, PLLC


Council on Safe Transportation of Hazardous Articles

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Special Provision 280 states; "This entry applies to safety devices for vehicles, vessels or aircraft, e.g. air bag inflators, air bag modules, seat-belt pretensioners, and pyromechanical devices, which contain dangerous goods of Class 1 or of other classes, when transported as component parts and if these articles as presented for transport have been tested in accordance with Test series 6(c) of Part 1 of the Manual of Tests and Criteria, with no explosion of the device, no fragmentation of device casing or pressure receptacle, and no projection hazard nor thermal effect which would significantly hinder fire-fighting or emergency response efforts in the immediate vicinity."

Internationally, France and China have already approved MGGs as Safety Devices under this entry. COSTHA is requesting confirmation from PHMSA that MGGs may be properly classified under this entry provided they meet the testing requirements of Special Provision 160.

Sincerely,

A handwritten signature in cursive script that reads "Don Bossow".

Don Bossow
Sr. Regulatory Consultant

CC: Shane Kelley, Director, Standards and Rulemaking