



U.S. Department
of Transportation

Pipeline and Hazardous
Materials Safety
Administration

1200 New Jersey Avenue, SE
Washington, D.C. 20590

OCT 24 2014

Ms. Eva Glimsche
savethesituation
Muehlenstr. 30a
24631 Langwedel
Germany

Ref. No. 13-0215

Dear Ms. Glimsche:

This is in response to your e-mail requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR 171-180) applicable to the U.S. Department of Transportation's (DOT) approval of foreign-manufactured Air bag inflators, Air bag modules, and Seat-belt pretensioners, under Identification Number UN3268. Specifically, you ask whether such articles manufactured in Germany that are approved as Class 9 by the Bundesanstalt fuer Materialforschung und Pruefung (BAM), also known as the German Federal Agency for Material Research and Testing can be transported without further approval.

The answer is no. Section 173.166 of the HMR was recently revised in a final rule published in the *Federal Register*, on July 30, 2013 [78 FR 45880 (HM-254)]. Paragraph § 173.166(b)(3) clarifies that a foreign manufacturer may submit an application, including a classification issued by the competent authority of a foreign government to the Associate Administrator, and receive written notification from the Associate Administrator that the device has been approved for transportation and assigned an EX number. Please note BAM is a recognized competent authority of a foreign government.

Paragraph § 173.166(b)(1) provides an exception from the requirements for U.S. DOT approval (i.e. EX number) for Air bag inflators, Air bag modules, and Seat-belt pretensioners, under Identification Number UN3268 that were examined and successfully tested by a person or agency who is authorized by the Associate Administrator to perform examination and testing of explosives under the requirements of § 173.56(b)(1). BAM does not meet the requirements under § 173.56(b)(1)(i) - (iii) as an authorized testing agency.

I trust this information is helpful. Please contact us if you require further assistance.

Sincerely,

T. Glenn Foster
Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division

Stevens
§ 173.56(b)(2)
Explosives

Drakeford, Carolyn (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Wednesday, November 13, 2013 9:29 AM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Testing agency - Exemption of EX number requirement - § 173.56(b)(1)

13-0215

Hi Carolyn,

This caller requested we submit this e-mail as a formal letter of interpretation.

Thanks,
Victoria

From: Eva Glimsche [<mailto:eva@savethesituation.de>]
Sent: Friday, November 08, 2013 12:49 AM
To: PHMSA HM InfoCenter
Subject: Testing agency - Exemption of EX number requirement - § 173.56(b)(1)

Dear Sir or Madam,

valid from 29. August 2013 UN3268 is excepted from the respective EX number requirements provided that the design type is examined and successfully tested by a person or agency who is authorized by the Associate Administrator to perform examination and testing of explosives under § 173.56(b)(1).

To my knowledge the German BAM (Bundesanstalt für Materialforschung und Prüfung/German Federal Agency for material research and testing) is an approved agency authorized by the Associate Administrator to perform examination and testing of explosives under § 173.56(b)(1).

So a test certificate by the BAM assigning UN3268 and the respective proper shipping name to an article would be acceptable for the D.o.T. and the article would be excepted from the requirement for an EX number then.

Is that correct? Can you confirm this?

Looking forward to hearing from you!

Best regards

Eva Glimsche

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