



U.S. Department  
of Transportation

**Pipeline and  
Hazardous Materials Safety  
Administration**

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

MAY -3 2006

Mr. Steven Charles Hunt  
ShipMate, Inc.  
18436 Hawthorne Blvd, Suite 201  
Torrance, CA 90504

Ref. No. 05-0289

Dear Mr. Hunt:

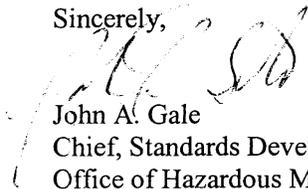
This responds to your November 15, 2005 letter requesting clarification on §173.166 regarding air bags and seat-belt pretensioners installed in vehicle subassemblies under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether the exception in §173.166(d)(1) for air bags and seat-belt pretensioners also applies to other passenger-safety devices, such as roll-over protection systems.

Roll-over protection systems contain a small amount of explosive material used to release a spring-loaded roll bar that will protect the occupants in a convertible vehicle. The explosive has previously been classed as a Division 1.4S explosive and assigned the approval number EX-1998030106.

The exception in §173.166 does not apply to this type of device. You may wish to apply for a special permit from the Office of Special Permits and Approvals in accordance with procedures in § 107.105 of the HMR.

I hope this answers you inquiry.

Sincerely,

  
John A. Gale  
Chief, Standards Development  
Office of Hazardous Materials Standards



050289

173.166



Boothe  
§173.166  
Air Bags  
05-0289

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November 15, 2005

Mr. John A. Gale  
Chief, Standards Development  
Office of Hazardous Materials Standards  
Pipeline & Hazardous Materials Safety Administration  
United States Department of Transportation  
400 Seventh Street, S.W.  
Washington, D.C. 20590-0001

Subj: Request for Interpretation

Dear Mr. Gale:

The Petitioners, represented by ShipMate, Inc., 18436 Hawthorne Blvd, Suite 201, Torrance, CA 90504, Telephone: (310) 370-3600, Fax: (310) 370-5700, respectfully request a written interpretation regarding the Pipeline & Hazardous Materials Safety Administration (PHMSA) requirements for air bag modules and seat-belt pretensioners installed in vehicle subassemblies.

Title 49, Code of Federal Regulations, §173.166(d)(1) exempts air bag modules and seat-belt pretensioners from regulation if they have been previously classified by the Associate Administrator and are installed in vehicle components such as steering columns, seats or door panel.

Since these regulations were enacted, there have been significant developments in automotive passenger safety systems, including the development of "roll-over protection systems" (ROPS) which contain a small amount of explosive material which is used to push a pin which, in turn, releases a spring-loaded roll bar that will protect the occupants in a convertible vehicle. The explosive charge itself has been previously classified as a Class 1.4S explosive and assigned an explosives registration number EX-1998030106 (originally referred to as 'EX-9803106'); however, the manufacturer of these devices intends to install them in the roll-over protection system which is comprised of a large roll-bar assembly, fitted with the small explosive charge.

Accordingly, the Petitioners are requesting an interpretation of 49 CFR §173.166 (d)(1) to determine if the same exception could be applied to other passenger-safety devices, such as roll-over protection systems, although the assembly does not meet the definition of an air bag or seat-belt pretensioner, as defined in 49 CFR §173.166(a).

If the exception cannot be applied to such devices, would the Pipeline & Hazardous Materials Safety Administration grant an exemption from the Hazardous Materials Regulations based on an equivalency of safety and given that the amount of explosive material in the ROPS is considerably less than that which is found in an air bag inflator, air bag module or a seat-belt pretensioner?

Hazardous Materials Training ♦ Information Systems ♦ Compliance Inspections & Audits ♦ Shipping & Regulatory Software

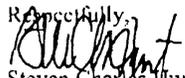


Mr. John A. Gale  
Subj: Letter of Interpretation  
November 15, 2005  
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Also, can the requirements of 49 CFR § 173.166 be changed to reflect new technologies such as roll-over protection systems or other passenger safety devices and refer to occupant safety systems or passenger-safety systems as opposed to limiting the exceptions or requirements to air bag inflators, air bag modules and seat-belt pretensioners? I am certain that there are many automotive companies throughout the world which would support such an amendment to the HMR or to the recommendation in the UN Orange Book.

We respectfully request a written interpretation that clarifies these requirements and your prompt reply would most certainly be appreciated, as it will significantly affect our clients' operations.

If I may be of assistance in any way, please call. Thank you in advance for your consideration.

Respectfully,  
  
Steven Charles Hunt  
ShipMate, Inc.