



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety Administration**

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

OCT 13 2006

Mr. Dave Madsen
Hazardous Materials Analyst
North American Automotive Hazmat Action Committee
3350 Airport road
Ogden, UT 84405-1563

Ref. No.: 06-0194

Dear Mr. Madsen:

This is in response to your August 21, 2006 letter regarding the transportation of two stage air bag modules under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). In your letter you describe a "dual stage" air bag or seatbelt pre-tensioner as a device that contains two explosive devices, the second of which is designed to deploy milliseconds after the first. You describe a scenario in which the first stage deploys, but the second stage of the device does not and you ask if the used air bag or seatbelt pre-tensioner would constitute a new design type under § 173.56.

The answer is no, the used device is not a new air bag or seatbelt pre-tensioner design type under § 173.56. When serviceable, a "two stage" air bag or seatbelt pre-tensioner that has mis-fired (i.e., one stage has not deployed) may be transported under the exception specified in § 173.166(d)(4). When packaged, described, and offered for transportation in accordance with the provisions specified under § 173.166(d)(4), an EX number is not required.

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards



060194

173.56

Pollack
§ 173.56
Explosives
06-0194

NAAHAC
North American Automotive
Hazmat Action Committee

August 21, 2006

FY-06-072

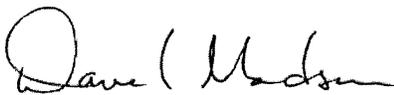
Associate Administrator
For Hazardous Materials Safety
Research and Special Programs Administration
U.S. Department of Transportation
400 Seventh Street SW Room 8100
Washington, D.C. 20590-0001

Attention: Mr. John Gale, Chief, Standards Development
Subject: New Explosive Interpretation

As a follow up to our phone conversation, I am writing this in hopes of getting an interpretation. Air bag manufacturers design dual stage air bags where the second stage is designed to deploy within milliseconds after the first stage. There is a remote possibility that the second stage would not deploy. This leaves us with a live part. If this live part were to go off, it would not be any more severe than the original approved device. The question we have is; Does this new part constitute a new explosive per Section 173.56? The car dealership would most likely be the end user of the Air bag and would need to ship these parts to a recycling location. If these parts are not considered a new explosive, our recommendation would be that they ship the part under its approved classification to the recycling location for disposal.

Thank you in advance for your help and cooperation in this most important matter. If you have any questions please feel free to contact me at (801)-612-5665, fax (801)-625-7566.

Sincerely Yours,



Dave Madsen
Hazardous Material Analyst