

(5) Mercurial barometers conforming to paragraph (c)(1) of this section, which are loaded and unloaded from an aircraft under the supervision of, and accompanied in flight by, a National Weather Service official or similar United States agency official, are excepted from any other requirements of this subchapter.

(d) For transportation by other than aircraft, mercury must be packaged—

(1) In any packaging which meets the requirements of part 178 of this subchapter at the Packing Group III performance level; or

(2) In non-specification reusable metal packagings.

(e) Except for a hazardous substance or a hazardous waste or for transportation by aircraft or vessel, packages containing less than 0.45 kg (1.0 pound) net weight of mercury are not subject to the requirements of this subchapter.

[Amdt. 173-224, 55 FR 52643, Dec. 21, 1990, as amended at 56 FR 66270, Dec. 20, 1991; Amdt. 173-241, 59 FR 67509, Dec. 29, 1994; Amdt. 173-246, 60 FR 49110, Sept. 21, 1995; 64 FR 10777, 10778, Mar. 5, 1999; 68 FR 57632, Oct. 6, 2003]

§ 173.166 Air bag inflators, air bag modules and seat-belt pretensioners.

(a) *Definitions.* An *air bag inflator* (consisting of a casing containing an igniter, a booster material, a gas generant and, in some cases, a pressure vessel (cylinder)) is a gas generator used to inflate an air bag in a supplemental restraint system in a motor vehicle. An *air bag module* is the air bag inflator plus an inflatable bag assembly. A *seat-belt pre-tensioner* contains similar hazardous materials and is used in the operation of a seat-belt restraining system in a motor vehicle.

(b) *Classification.* An air bag inflator, air bag module, or seat-belt pretensioner may be classed as Class 9 (UN3268) if:

(1) The manufacturer has submitted each design type air bag inflator, air bag module, or seat-belt pretensioner to a person approved by the Associate Administrator, in accordance with § 173.56(b), for examination and testing. The submission must contain a detailed description of the inflator or pretensioner or, if more than a single inflator or pretensioner is involved, the

maximum parameters of each particular inflator or pretensioner design type for which approval is sought and details on the complete package. The manufacturer must submit an application, including the test results and report recommending the shipping description and classification for each device or design type to the Associate Administrator, and must receive written notification from the Associate Administrator that the device has been approved for transportation and assigned an EX number; or,

(2) The manufacturer has submitted an application, including a classification issued by the competent authority of a foreign government to the Associate Administrator, and received written notification from the Associate Administrator that the device has been approved for transportation and assigned an EX number.

(c) *EX numbers.* When offered for transportation, the shipping paper must contain the EX number or product code for each approved inflator, module or pretensioner in association with the basic description required by § 172.202(a) of this subchapter. Product codes must be traceable to the specific EX number assigned to the inflator, module or pretensioner by the Associate Administrator. The EX number or product code is not required to be marked on the outside package.

(d) *Exceptions.* (1) An air bag module or seat-belt pretensioner that has been approved by the Associate Administrator and is installed in a motor vehicle or in completed vehicle components, such as steering columns or door panels, is not subject to the requirements of this subchapter.

(2) An air bag module containing an inflator that has been previously approved for transportation is not required to be submitted for further examination or approval.

(3) An air bag module containing an inflator that has previously been approved as a Division 2.2 material is not required to be submitted for further examination to be reclassified as a Class 9 material.

(4) *Shipments for recycling.* When offered for domestic transportation by highway, rail freight, cargo vessel or cargo aircraft, a serviceable air bag

module or seat-belt pretensioner removed from a motor vehicle that was manufactured as required for use in the United States may be offered for transportation and transported without compliance with the shipping paper requirement prescribed in paragraph (c) of this section. However, the word "Recycled" must be entered on the shipping paper immediately after the basic description prescribed in §172.202 of this subchapter. No more than one device is authorized in the packaging prescribed in paragraph (e)(1), (2) or (3) of this section. The device must be cushioned and secured within the package to prevent movement during transportation.

(5) Until October 1, 2005, approved "Air bag inflators, compressed gas, or Air bag modules, compressed gas or Seat-belt pretensioners, compressed gas," UN3353, packaged in a non-specification packaging before October 1, 2003, may be transported or offered for domestic transportation when described, marked, and labeled as a Division 2.2 material in accordance with the HMR in effect on September 30, 2003.

(e) *Packagings*. Rigid, outer packagings, meeting the general packaging requirements of part 173, and the packaging specification and performance requirements of part 178 of this subchapter at the Packing Group III performance level are authorized as follows. The packagings must be designed and constructed to prevent movement of the articles and inadvertent operation.

(1) 1A2, 1B2, 1G or 1H2 drums.

(2) 3A2 or 3H2 jerricans.

(3) 4C1, 4C2, 4D, 4F, 4G or 4H2 boxes.

(4) Reusable high strength plastic or metal containers or dedicated handling devices are authorized for shipment of air bag inflators, air bag modules, and seat-belt pretensioners from a manufacturing facility to the assembly facility, subject to the following conditions:

(i) The gross weight of the container or handling device may not exceed 1000 kg (2205 pounds). The container or handling device structure must provide adequate support to allow them to be stacked at least three high with no damage to the containers or devices.

(ii) If not completely enclosed by design, the container or handling device must be covered with plastic, fiberboard, or metal. The covering must be secured to the container by banding or other comparable methods.

(iii) Internal dunnage must be sufficient to prevent shifting of the devices within the container.

(5) Packagings specified in the approval document issued by the Associate Administrator in accordance with paragraph (e) of this section are also authorized.

(f) *Labeling*. Notwithstanding the provisions of §172.402 of this subchapter, each package or handling device must display a CLASS 9 label. Additional labeling is not required when the package contains no hazardous materials other than the devices.

[Amdt. 173-230, 57 FR 1878, Jan. 16, 1992, as amended by Amdt. 173-241, 59 FR 67509, Dec. 29, 1994; Amdt. 173-261, 62 FR 24733, May 6, 1997; 62 FR 51560, Oct. 1, 1997; 64 FR 10778, Mar. 5, 1999; 65 FR 50461, Aug. 18, 2000; 65 FR 58629, Sept. 29, 2000; 66 FR 8647, Feb. 1, 2001; 66 FR 45183, 45379, Aug. 28, 2001; 68 FR 45034, July 31, 2003; 68 FR 57632, Oct. 6, 2003; 68 FR 61941, Oct. 30, 2003]

§ 173.170 Black powder for small arms.

Black powder for small arms that has been classed in Division 1.1 may be reclassified as a Division 4.1 material, for domestic transportation by motor vehicle, rail freight, and cargo vessel only, subject to the following conditions:

(a) The powder must be examined and approved for Division 1.1 and Division 4.1 classification in accordance with §§173.56 and 173.58;

(b) The total quantity of black powder in one motor vehicle, rail car, or freight container may not exceed 45.4 kg (100 pounds) net mass, and no more than four freight containers may be on board one cargo vessel;

(c) The black powder must be packed in inner metal or heavy wall conductive plastic receptacles not over 454 g (16 ounces) net capacity each, with no more than 25 cans in one outer UN 4G fiberboard box. The inner packagings must be arranged and protected so as to prevent simultaneous ignition of the contents. The complete package must be of the same type which has been examined as required in §173.56;