

Administrator
National Highway Traffic Safety Administration
400 Seventh Street, S.W.
Washington, DC 20590.

Subject: **PETITION-FMVSS 208 S9.1 and S9.2**

NAAHAC is an issue-driven, action-oriented voluntary working group comprised of participants employed by North American Automotive companies and their key suppliers whose purpose is to consider and respond to the vital hazardous materials and dangerous goods issues of its membership.

FMVSS No. 208 (49 CFR 571.208) specifies requirements for the protection of vehicle occupants in crashes and includes equipment requirements for restraint systems. This petition makes technical amendments to two of the provisions within this standard, specifically the requirements for pressure vessels and explosive devices, which are in S9.1 and S9.2.

S9.1 and S9.2 were originally published in 1972 and amended in 2004 with the purpose of regulating occupant crash protection systems, such as Air Bag Inflators, that contain explosive materials or pressure vessels by imposing directly on manufacturers the obligation to conform to Federal hazardous materials regulations.

Since S9.1 and S9.2 were amended in 2004, the hazardous materials regulations referenced in these paragraphs have been amended under Docket No. PHMSA-2010-0201 (HM-254) and were effective July 31, 2013.

Current Requirements

S9. Pressure vessels and explosive devices.

S9.1 Pressure vessels. A pressure vessel that is continuously pressurized shall conform to the requirements of §§178.65(a), 178.65(c) (2), 178.65(d), 178.65(e) (1), and 178.65(e) (2) of this title; and to the pressure relief device requirements of §§173.301(a) (2), 173.301(a) (3) and 173.301(f) of this title. It shall not leak or evidence visible distortion when tested in accordance with §178.65(f) (1) of this title and shall not fail in any of the ways enumerated in §178.65(f) (2) of this title when hydrostatically tested to destruction. It shall not crack when flattened in accordance with §178.65(g) of this title to the limit specified in §178.65(g) (4) of this title.

S9.1 specifies that pressure vessels shall conform to certain requirements for Specification 39 non-reusable (non-refillable) cylinders found in 49 CFR 178.65 and 173.301. Since the previous amendments, many of the key automotive safety device suppliers have obtained Special Permits per 49CFR107.101 allowing for deviations from the requirements for Specification 39 non-reusable (non-refillable) cylinder requirements or have followed the guidance set forth by PHMSA within our transportation approval which allows for the transportation of limited quantities for compressed gases set forth within 173.306a.

S9.2 Explosive devices. An explosive device shall not exhibit any of the characteristics prohibited by §173.54 of this title. All explosive material shall be enclosed in a structure that is capable of containing the explosive energy without sudden release of pressure except through overpressure relief devices or parts designed to release the pressure during actuation.

S9.2 specifies requirements for explosive devices and, in particular, requires that such devices not exhibit any of the characteristics prohibited by the Federal regulation listing forbidden explosives, which, at the time S9.2 was amended, was found in 49 CFR 173.54. With the recent passage of Docket No. PHMSA-2010-0201 (HM-254) and amendment to 49CFR 173.166, the industry feels that following section 172.101 and 173.166 of the 49CFR that specifically outlines the safety and transportation testing and approval requirements for Automotive Safety Devices, would better serve to ensure compliance with the 49CFR Regulations. Safety devices such as: Air Bag Inflators, Air Bag Modules and Seat Belt Pretensioners would serve the meaning of the FMVSS 208 S9.2 criteria.

As a result of these amendments to the 49CFR Requirements, the references in FMVSS No. 208 are no longer accurate. This request is to update the references contained in S9.1 and S9.2 of this standard to reference the Hazardous Materials Regulations (49CFR). It does not make any substantive changes to the requirements specified therein.

S9.1 Pressure vessels. Pressure vessels used in Safety devices must be in compliance with requirements for the gas or gasses they contain as prescribed in 49CFR Sections 173.301, 173.302 or 173.306(a)(1).

S9.2 Explosive devices. A Safety Device shall meet all requirements of 49 CFR Section 172.102 Special Provision 160 and 49 CFR 173.166.

NAAHAC thanks the United States Department of Transportation for the opportunity to comment on the regulations that affects our industry and to ensure the best interest of commerce and public safety is addressed. If you have any questions or require additional information or documents, please contact us by telephone at 801-612-5665 or by e-mail at Dave.madsen@autoliv.com

Section 553 of the Administrative Procedure Act (5 U.S.C. 553) provides that when an agency, for good cause, finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest, the agency may issue a final rule without providing notice and an opportunity for public comment (5 U.S.C. 553(b)(B)). NAAHAC hopes that NHTSA will determine that there is good cause for making these technical amendments final without notice and an opportunity for public comment. These technical amendments update are cross-referenced to 49CFR Federal hazardous materials regulations. The amendments do not alter the substance of the amended sections nor do they alter the requirements of FMVSS No. 208. Accordingly, notice and public comment could be unnecessary.