

delay supports the implementation of more effective methods for increasing passenger awareness of, and compliance with, the HMR. Additionally, we acknowledge that better notification of industry stakeholders is necessary if we wish to gain widespread support of the collaborative approach to implementing effective and value-added solutions as discussed during the August 16, 2012 public meeting.

Therefore, PHMSA and FAA are providing this notification of our intent to extend in a future rulemaking action, the compliance date by no less than one year, beyond the current January 1, 2013 compliance date. We look forward to collaborating with all interested parties as we move forward to address this issue and enhance aviation safety.

Issued in Washington, DC on November 15, 2012 under authority delegated in 49 CFR Part 106.

**Magdy El-Sibaie,**

*Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration.*

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## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA-2012-0247; Notice No. 12-09]

#### International Standards on the Transport of Dangerous Goods; Public Meeting

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation.

**ACTION:** Notice of public meeting.

**SUMMARY:** This notice is to advise interested persons that PHMSA will conduct a public meeting in preparation for the 42nd session of the United Nations Sub-Committee of Experts on the Transport of Dangerous Goods (UNSCOE TDG) to be held December 3 to 11, 2012, in Geneva, Switzerland. During this meeting, PHMSA is also soliciting comments relative to potential new work items which may be considered for inclusion in its international agenda.

*Information Regarding The UNSCOE TDG Public Meeting:*

**DATES:** Wednesday, November 28, 2012; 9:00 a.m.–12:00 noon.

**ADDRESSES:** The meeting will be held at the DOT Headquarters, West Building, Conference Rooms 8–10, 1200 New

Jersey Avenue SE., Washington, DC 20590.

**Registration:** It is requested that attendees pre-register for this meeting by completing the form at <http://www.phmsa.dot.gov/hazmat/regs/international>. Failure to pre-register may delay your access to the building. Participants attending in person are encouraged to arrive early to allow time for security checks necessary to obtain access to the building.

**Conference Call Capability/Live Meeting Information:** Conference call-in and “live meeting” capability will be provided for this meeting. Specific information on call-in and live meeting access will be posted when available at <http://www.phmsa.dot.gov/hazmat/regs/international>.

#### FOR FURTHER INFORMATION CONTACT:

Vincent Babich or Kevin Leary, Office of Hazardous Materials Safety, International Standards, Department of Transportation, Washington, DC 20590; (202) 366-8553.

**SUPPLEMENTARY INFORMATION:** The primary purpose of this meeting will be to prepare for the 42nd session of the UNSCOE TDG. The 42nd session of the UNSCOE TDG is the final meeting scheduled for the 2011–2012 biennium. The UNSCOE will consider proposals for the 18th Revised Edition of the United Nations Recommendations on the Transport of Dangerous Goods Model Regulations which will be implemented within relevant domestic, regional, and international regulations from January 1, 2015. Copies of working documents, informal documents, and the meeting agenda may be obtained from the United Nations Transport Division's Web site at <http://www.unece.org/trans/main/dgdb/dgsubc3/c3age.html>.

General topics on the agenda for the UNSCOE TDG meeting include:

- Explosives and related matters
- Listing, classification and packing
- Electric storage systems
- Miscellaneous proposals of amendments to the Model Regulations
- Cooperation with the International Atomic Energy Agency (IAEA)
- Global harmonization of transport of dangerous goods regulations
- New proposals for amendments to the Model Regulations
- Globally Harmonized System of Classification and Labeling of Chemicals (GHS)

Since this is the final session of the UNSCOE TDG for the current biennium, the Sub-Committee will establish its work plan for the 2013–2014 biennium during this meeting. PHMSA is soliciting comments and input for the 2013–2014 biennium work plan.

Following the 42nd session of the UNSCOE TDG, a copy of the Sub-Committee's report will be available at the United Nations Transport Division's web site at <http://www.unece.org/trans/main/dgdb/dgsubc3/c3rep.html>. PHMSA's site at <http://www.phmsa.dot.gov/hazmat/regs/international> provides additional information regarding the UNSCOE TDG and related matters.

Issued in Washington, DC, on November 15, 2012 under authority delegated in 49 CFR part 106.

**Magdy El-Sibaie,**

*Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration.*

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## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA-2012-0280; Notice No. 12-11]

#### Safety Advisory Notice: Safety Advisory for Shippers and Carriers of Air Bags

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** Safety Advisory Notice.

**SUMMARY:** PHMSA has been alerted by the National Highway Traffic Safety Administration (NHTSA) that counterfeit air bags have been sold as replacement parts to consumers and repair professionals. These counterfeit products may contain unapproved explosives and thus pose additional transportation risks when compared to air bags manufactured through legitimate means. Therefore, PHMSA is issuing this Safety Advisory Notice to (1) notify shippers and carriers of problems involving counterfeit air bags; (2) provide guidance on the proper classification of air bags; (3) specify provisions applicable to devices containing unapproved explosives; and (4) provide the next steps that PHMSA will take to address this problem. Consumers or repair professionals who suspect they have a counterfeit air bag should contact a call center established by their auto manufacturer. A list of these call centers and other additional information, including the list of vehicles that may contain counterfeit air bags, can be found at [www.SaferCar.gov](http://www.SaferCar.gov).

**FOR FURTHER INFORMATION CONTACT:** Field Operations Division, Office of Hazardous Materials Safety, (202) 366-

4700, 1200 New Jersey Avenue SE., Washington, DC 20590.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

PHMSA was recently advised by NHTSA that consumers and repair professionals may face a potential safety risk involving the sale of counterfeit air bags for use as replacement parts. Some of these devices look nearly identical to legitimate products, including the branding of certain major automakers. While NHTSA is not aware of any fatalities or injuries that have resulted from counterfeit equipment, their testing has shown malfunctioning ranging from non-deployment of the air bag to the expulsion of metal shrapnel during deployment. NHTSA estimates this problem affects a minute percent of vehicles in the U.S. vehicle fleet. NHTSA described the risk in a press release as “only vehicles which have had an air bag replaced within the past three years by a repair shop that is not part of a new car dealership may be at risk.” NHTSA’s press release is available at the following URL: <http://www.nhtsa.gov/About+NHTSA/Press+Releases/2012/Safety+Advisory:+NHTSA+Alerting+Consumers+to+Dangers+of+Counterfeit+Air+Bags>.

**II. Current Regulatory Requirements**

Many air bags incorporate a pyrotechnic device, known as an initiator or electric match, consisting of an electrical conductor cocooned in combustible material. A current pulse heats up the conductor, which in turn ignites the combustible material and the reaction causes gases that fill the air bag. Air bags that deploy a pyrotechnic device meet the definition of an explosive for which PHMSA has regulatory authority. These air bags must be approved by PHMSA before the air bag is authorized for transportation in commerce. An air bag without an approval, including a counterfeit air bag, is considered a forbidden explosive as specified in § 173.54(a) of the Hazardous Materials Regulations (HMR; 49 CFR parts 171–180) and may not be offered for transportation or transported in commerce.

The classification and packing group requirements contained in the HMR provide for the safe transportation of properly manufactured and approved air bag products. In addition to classification by the shipper, each air bag is required to acquire approval by the Associate Administrator for Hazardous Materials Safety (§ 173.166(b)). This approval is a mechanism of ensuring that these products, which contain pyrotechnic

initiators, meet the appropriate safety standards.

An approved airbag may be shipped under the description “UN3268, Air bag inflators, or Air bag modules, or Seat-belt pretensioners, 9, PGIII.” The air bag must be in rigid, outer packaging that meets the general packaging requirements of part 173, packaging specification requirements of part 178, and is designed and constructed to prevent movement of the articles and inadvertent operation. Authorized packagings are as follows: 1A2, 1B2, 1G or 1H2 drums; 3A2 or 3H2 jerricans; and 4C1, 4C2, 4D, 4F, 4G or 4H2 boxes. Shipments of Class 9 air bags are required to display a Class 9 label, according to § 173.166(f). In addition, as stated in § 173.166(c), when offered for transportation, shipping papers accompanying an air bag must contain the EX number or product code for each approved device.

**III. PHMSA Guidance for Unapproved Explosives**

PHMSA recognizes the increased transportation hazards presented by the shipping of suspected counterfeit devices and potentially unapproved explosives. Suspected counterfeit air bags are subject to approval by the Associate Administrator for Hazardous Materials Safety as explosive devices, using the classification criteria in § 173.56. In accordance with § 173.54(a) a forbidden explosive is an explosive that has not been approved as specified in § 173.56. Therefore, per § 173.21(b), the offering for transportation or transportation of an unapproved explosive is forbidden by the HMR.

Information regarding training as well as guidance documents regarding the requirements of the HMR can be found on PHMSA’s Hazardous Materials Safety Web site at <http://www.phmsa.dot.gov/hazmat>. The HMR are also accessible through our Web site, and answers to specific questions regarding the HMR may be obtained from the Hazardous Materials Information Center at 1–800–467–4922 (in Washington, DC, call 202–366–4488).

**IV. Next Steps**

PHMSA and NHTSA are continuing to work with our partners at the U.S. Customs and Border Protection’s Commercial Targeting and Analysis Center to identify and target potential manufacturers and importers of these unapproved devices in order to prevent the entry of unsafe products into the U.S. PHMSA continues to work with the regulated community to assess and monitor concerns related to the reverse

logistics of these devices. In an effort to further the investigation on the sale of counterfeit air bags, if a shipper or carrier believes they are in possession of an unapproved device, please contact the Hazardous Materials Information Center at 1–800–467–4922 (in Washington, DC, call 202–366–4488).

Issued in Washington, DC, on November 14, 2012, under authority delegated in 49 CFR Part 106.

**Magdy El-Sibaie,**

*Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration.*

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**DEPARTMENT OF TRANSPORTATION**

**Surface Transportation Board**

[Docket No. FD 35688]

**Transco Railway Products Inc.—  
Acquisition and Operation  
Exemption—D&W Railroad LLC**

Transco Railway Products Inc. (Transco), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from D&W Railroad LLC (D&W) and to operate approximately 23 miles of tracks in Oelwein, Iowa. The tracks consist of: (1) A series of approximately 24 parallel, stub-ended track segments (identified as the “Stub-ended Tracks”); (2) track segments that connect to the D&W main line, which segments include three parallel tracks northeast of the Stub-ended Tracks (identified as Track Nos. 0, 1, and 2), and tracks identified as the “Depress Track,” the “Back Lead,” and the “Freight Track” (the Freight Track leads to Transco’s facility in Oelwein); and (3) track segments identified as the “Round House Track” and the “Diesel Track” (each of which connects to the Freight Track), and the “Crossover Track” (which connects the Freight Track to the Back Lead track).<sup>1</sup> The tracks are located west of the main line, north of Fourth Street SW., and south of 50th Street.

The transaction may not be consummated prior to December 5, 2012 (30 days after the notice of exemption was filed).

Transco certifies that its projected annual revenues would not exceed that

<sup>1</sup> Concurrently with its verified notice of exemption, Transco filed a motion to dismiss the notice, alleging that it does not need Board authority to acquire and operate over the subject tracks because the tracks are excepted yard track, pursuant to 49 U.S.C. 10906. Transco’s motion to dismiss will be addressed in a subsequent Board decision.