

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.*

[FR Doc. 2012–28238 Filed 11–20–12; 8:45 am]

**BILLING CODE 4910–60–P**

**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.

which would qualify it as a Class III rail carrier, and further states that its projected annual revenue would not exceed \$5 million.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions to stay must be filed no later than November 28, 2012 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35688, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Rose-Michele Nardi, 1300 19th Street NW., Fifth Floor, Washington, DC 20036-1609.

Board decisions and notices are available on our Web site at [www.stb.dot.gov](http://www.stb.dot.gov).

Decided: November 15, 2012.

By the Board, Rachel D. Campbell,  
Director, Office of Proceedings.

**Jeffrey Herzig,**

*Clearance Clerk.*

[FR Doc. 2012-28289 Filed 11-20-12; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. FD 35691]

#### Western Carolina Railway Service Corporation, Steven C. Hawkins and Cheryl R. Hawkins—Continuance in Control Exemption—Aiken Railway Company, LLC

Western Carolina Railway Service Corporation (WCRS) and Steven C. Hawkins and Cheryl R. Hawkins (the Hawkins) (collectively, Applicants) have filed a verified notice of exemption pursuant to 49 CFR 1180.2(d)(2) to continue in control of noncarrier Aiken Railway Company, LLC (AIKR), upon AIKR's becoming a Class III rail carrier.

This transaction is related to a notice of exemption filed on October 31, 2012, in which AIKR seeks to lease from Norfolk Southern Railway Company and to operate two segments of rail line as follows: (1) the SA Line extending 12.45 miles between milepost SA 63.45 at or near Warrentonville, S.C., and milepost SA 51.0 at or near Oakwood, S.C.; and (2) the AB Line extending 6.45 miles between milepost AB 23.75 at or near Aiken, S.C., and milepost AB 17.3 at or

near Seclay, S.C. *Aiken Ry.—Lease and Operation Exemption—Lines of Norfolk S. Ry. in Aiken Cnty., S.C.*, Docket No. FD 35665.

The Hawkins, noncarrier individuals, own a controlling share of voting stock in WCRS, a noncarrier corporation. In turn, WCRS wholly owns Greenville & Western Railway Company, LLC, a Class III rail carrier.

The transaction may be consummated on or after December 5, 2012 (30 days after the notice of exemption was filed).<sup>1</sup> The effective date of the related lease and operation exemption in Docket No. FD 35665 is November 30, 2012. WCRS and the Hawkins are reminded that they are not authorized to control AIKR until the continuance in control exemption becomes effective.

Applicants represent that: (1) The lines to be acquired by AIKR do not connect with any railroads in the corporate family; (2) the transaction is not part of a series of anticipated transactions that would connect the lines with other railroads in the corporate family; and (3) the transaction does not involve a Class I rail carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. See 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under 11324 and 11325 that involve only Class III rail carriers. Accordingly, the Board may not impose labor protective conditions here, because all of the carriers involved are Class III carriers.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Stay petitions must be filed no later than November 28, 2012 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35691, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on J. Marshall Lawson,

<sup>1</sup> Applicants requested that the Board expedite this transaction by making the effective date of the exemption December 1, 2012, to coincide with AIKR's proposed date to commence operations. Applicants have not, however, justified moving the effective date up four days.

4840 Forest Drive, Suite 6B, PMB-295, Columbia, SC 29206-4810.

Board decisions and notices are available on our Web site at "[www.stb.dot.gov](http://www.stb.dot.gov)."

Decided: November 16, 2012.

By the Board, Rachel D. Campbell,  
Director, Office of Proceedings.

**Derrick A. Gardner,**

*Clearance Clerk.*

[FR Doc. 2012-28328 Filed 11-20-12; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF THE TREASURY

### Open Meeting of the President's Advisory Council on Financial Capability

**AGENCY:** Department of the Treasury.

**ACTION:** Notice of meeting.

**SUMMARY:** The President's Advisory Council on Financial Capability ("Council") will convene for an open meeting on November 28, 2012, at the Department of Treasury, 1500 Pennsylvania Avenue NW., Washington DC, beginning at 8:00 a.m. Eastern Time. The meeting will be open to the public. The Council will: (1) Receive reports from the Council's subcommittees (Underserved and Community Empowerment, Research and Evaluation, Partnerships, and Youth) on their progress; (2) discuss recommendations made by the subcommittees and (3) receive a status report on the implementation of the previous recommendations of the Council.

**DATES:** The meeting will be held on November 28, 2012, at 8:00 a.m. Eastern Time.

**Submission of Written Statements:** The public is invited to submit written statements to the Council. Written statements should be sent by any one of the following methods:

#### Electronic Statements

Email: [pacfc@treasury.gov](mailto:pacfc@treasury.gov); or

#### Paper Statements

Send paper statements to the Department of the Treasury, Office of Consumer Policy, Main Treasury Building, 1500 Pennsylvania Avenue NW., Washington DC, 20220.

In general, the Department will make all statements available in their original format, including any business or personal information provided such as names, addresses, email addresses, or telephone numbers, for public inspection and photocopying in the Department's library located at Room