



U.S. Department
of Transportation

1200 New Jersey Avenue SE
Washington, DC 20590

**Pipeline and Hazardous
Materials Safety
Administration**

JUL 15 2011

Mr. Tae Kim
9671 Irvine Center Drive
Koll Center II – Building 6
Irvine, CA 92618

Reference No.: 11-0108

Dear Mr. Kim:

This responds to your May 6, 2011 email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the use and packaging of a chemical oxygen generator (COG). Specifically, you request written confirmation that the manner in which you are preparing and packaging your insulated handheld COG is in compliance with the HMR. You also indicate in your email that you received verbal confirmation from the Pipeline and Hazardous Materials Safety Administration's (PHMSA) Hazardous Materials Information Center (HMIC) that your packaging is in compliance with the HMR.

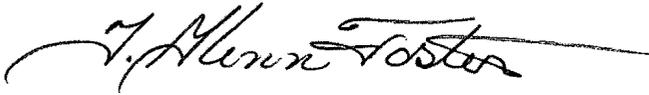
In your incoming email, you describe a scenario in which you purchased a COG whose design has been approved by the Associate Administrator of the PHMSA. In addition, in your incoming email, you included a document from the manufacturer of the packaging used to initially transport the COG which states the packaging that contains the COG has been successfully tested in accordance with § 173.168. Subsequently, you modified the COG by adding insulation to facilitate handheld use, and then repackaged the modified COG in the originally-tested and approved packaging. However, you modified the approved original packaging configuration by removing some of the inner packaging to accommodate the increased size of the modified insulated COG.

Based on the original approval of the COG and the descriptions, pictures and documentation you provided with your incoming email, it is the opinion of this Office that the modified insulated COG no longer meets the original approval for the COG and, thus, would require submittal for approval from the Associate Administrator of PHMSA in order to be in shipped in compliance with the HMR. Furthermore, it is the opinion of this Office

that the packaging design you modified deviates significantly enough from the originally-tested package design that the modified packaging would need to be subjected to the testing requirements described in § 173.168 in order to be shipped in compliance with the HMR.

I hope this satisfies your inquiry and apologize for any misunderstanding in the response you received from the HMIC. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in cursive script that reads "T. Glenn Foster". The signature is written in black ink and includes a long horizontal flourish extending to the right.

T. Glenn Foster
Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division

Drakeford, Carolyn (PHMSA)

Benedict
§173.168
Chemical Oxygen Generators
11-0108

From: INFOCNTR (PHMSA)
Sent: Monday, May 09, 2011 11:28 AM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Request for formal letter of interpretation
Attachments: DAe-MPL-0102_2009_091006.pdf; image001.jpg

Hi Carolyn,

The caller below requested a formal letter of interpretation. He previously spoke with Andrew Eckenrode and Adam Lucas in the Info Center.

Thanks,
Victoria

Victoria Lehman
Hazmat Information Center (HMIC)
<http://phmsa.dot.gov/hazmat/info-center>
(202) 366-1035

From: Tae Kim [<mailto:tkim@ppp.aero>]
Sent: Friday, May 06, 2011 4:41 PM
To: PHMSA HM InfoCenter
Cc: Emmanuel Fantuzzi; Francois Vigier; Gerald White; Francisco Castro; William Somsak
Subject: Request for formal letter of interpretation

Hazmat Interpretations,

We at Pacific Precision Products request written confirmation that our interpretations for shipping Chemical Oxygen Generators are accurate.

We purchase approved chemical oxygen generators then insulate them for handheld usage. We plan to ship the insulated chemical oxygen generators in the approved shipping container that we received them in; assuming the shipping containers are not damaged. The shipping containers will be marked as chemical oxygen generators. We cut out some of the inner packaging to accommodate the larger insulated generators. Attached is a letter of conformance for the shipping container from the generator manufacturer. The tested packaging consists of a standard cardboard box coated with glass fiber liners inside.

Our understanding as well as that of the hazardous materials information center representative, Andrew, and his supervisor we contacted @ 800-467-4922, was that we did not require any additional testing or approvals. We are shipping approved chemical oxygen generators in packaging that is compliant to Generator Hazardous Goods Packaging to the Requirements of 49 CFR § 173.168 Chemical Oxygen Generators. The insulated, handheld case could be considered inner packing for the shipping container.

Please contact me if you require any additional information in order to give us written confirmation that our interpretations for shipping Chemical Oxygen Generators are accurate. Unless we hear otherwise from you, we will begin shipping the units as described on 5/10/11. Thank you for your support.

Best regards,

Tae Kim
Sr. Project Engineer



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Koll Center II - Building 6
Irvine, CA 92618
Phone : 949-727-3844 ext 202
E-mail: tkim@ppp.aero



11-0108

DAe
SYSTEMS

DAe Systems GmbH, D-23560 Lübeck

To whom it may concern

Dept. Office of Airworthiness
Name: Harald Friedrichs
Head of Department
Tel.: +49 - 451 - 4093-3758
Telefax: +49 - 451 - 4093-4488
Ref.: DAe-MPL-0102/2009

Date: October 6th, 2009

Ref.: Compliance of Generator Hazardous Goods Packaging to the Requirements of 49 CFR § 173.168 Chemical Oxygen Generators

Hereby DAe Systems GmbH confirms that the packagings (PNR 8713304-01 or 8713305-01) used for transportation of chemical generator families E63237, E63337; E63320, -30, -40; E63420, -30, -40; E71240, E72220, -30, -40; E71720, -30, -40 as well as E74020; -30, -40 comply with the requirements set forth in 49 CFR § 173.168 Chemical Oxygen Generators.

The packaging consists of a standard cardboard box coated with glass fibre liners inside.

The required tests, as there are:

Generator Drop Test
Flame Penetration Test
Thermal Resistance Test
Actuation in Packaging Test etc.

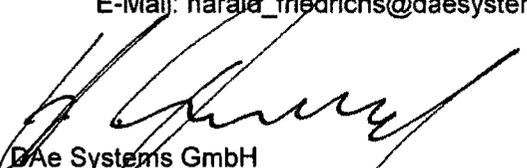
have been successfully performed and demonstrated the compliance to 49 CFR § 173.168.

Test results were documented and are kept on file at DAe Systems GmbH.

Questions regarding the packaging may be addressed to the contact named below:

Contact Data

DAe Systems GmbH
Office of Airworthiness
Mr. Harald Friedrichs
Revalstraße 1
23560 Lübeck / Germany
Tel.: +49 451 4093 3758
Fax: +49 451 4093 4488
E-Mail: harald_friedrichs@daesystems.aero


DAe Systems GmbH
Harald Friedrichs
Office of Airworthiness / Head of Department


DAe Systems GmbH
Dr. Detlev Degenhardt
Director Engineering