



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

MAY 15 1998

Mr. Allen L. Mossman
ALM Safety Associates
65 Sarazen Street
Saratoga Springs, NY 12866-8719

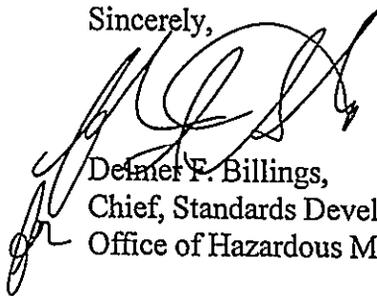
Dear Mr. Mossman:

This is in response to your letter regarding the proper shipping name for mixtures containing oxygen under the Hazardous Materials Regulations (HMR; 49 Parts 171-180). You requested information explaining what concentration of oxygen in a gas mixture meets the oxidizing gas definition.

RSPA has determined that concentrations of oxygen greater than 23.5 % cause or contribute to the combustion of other material more than air does, and therefore meet the definition of oxidizing gas in § 171.8. RSPA will consider referencing Special Provision 77 for rare gases and oxygen mixtures containing more than 23.5% oxygen in a future rulemaking. This issue will be addressed at the next meeting of the United Nations Committee of Experts on the Transport of Dangerous Goods.

I hope this answers your inquiry. If we can be of further assistance, please do not hesitate to contact us.

Sincerely,



Delmer F. Billings,
Chief, Standards Development
Office of Hazardous Materials Standards

AIM Safety Associates

65 Sarazen Street • Saratoga Springs, NY 12866-8719
Phone 518-583-2528 • Fax 518-583-2539

George
File: 172.102
SC: 178 170

June 25, 1997

Delmer F. Billings, Chief, Regs. Dev.
Office of Hazardous Materials Standards
RSPA - US Dept. of Transportation
400 Seventh Street, S.W.
Washington, DC 20590

Dear Mr. Billings:

I am in receipt of a copy of your letter of interpretation of June 19, 1997, to Richard P. Schweitzer, Esq.

Last autumn I proposed questions to RSPA similar to those of Mr. Schweitzer's, mainly those relating to proper shipping descriptions for mixtures containing oxygen in concentrations high enough to be defined as oxidizing, and the concentration above which the oxidizing classification should be used. Enclosed is a copy of the reply I received from RSPA.

Can I assume, that with the publication of final HM215-B, that the interpretation as expressed in your letter of June 18th now supercedes the one I received in November? If so, shouldn't special provision 77 also be referenced for rare gas and oxygen mixtures? Also, since special provision 77 indicates that the Div. 5.1 subsidiary label is not required if the oxygen concentration is not above 23.5% for domestic transportation, should I assume that for international shipments the Div. 5.1 label is required for all concentrations of oxygen?

I am currently doing consultation for a label printing company, and the answers to the above questions would help resolve a number of outstanding problems related to the production of oxygen mixture labels. We have been operating under the interpretations provided in the RSPA letter of Nov. 8, 1996 and want to be sure of our position regarding any revised rulings. Best regards.

Sincerely,



Allen L. Mossman

cc: R. Schweitzer
R. Ackerman
M. Lopez