



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

MAY 19 1998

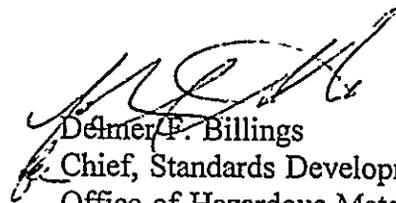
Mr. Steven Charles Hunt
ShipMate, Inc.
1810 Green Lane
Redondo Beach, CA 90278-3618

Dear Mr. Hunt:

This is in response to your letter dated March 4, 1998, regarding the EX-number marking requirements in 49 CFR 172.320. Specifically, you ask if a package containing an oxygen generator is required to be marked with the EX-number that was assigned to the primary cap in addition to the approval number that is assigned to the oxygen generator in accordance with Special Provision 60.

The requirement in § 172.320 to mark the outside of the package with the EX-number of each Class 1 material contained therein is applicable only to materials or devices that meet the definition of Class 1. The oxygen generator described in your letter is assigned to Division 5.1. Therefore, packages containing these oxygen generators are not required to be marked with the EX-number. However, a package that contains an oxygen generator is required to be marked with the approval number that was assigned to it in accordance with Special Provision 60. In addition, a Class 1 material may only be reclassified by the Associate Administrator for Hazardous Materials Safety.

Sincerely,



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

*Sale
File 172.320*

ShipMate, Inc.
1810 Green Lane
Redondo Beach, CA 90278-3618
Phone: 310-798-4200
Fax: 310-798-4339
E-mail: shipmate@shipmate.com

ShipMate

March 4, 1998

Mr. Edward Mazullo
Chief, Standards Branch
Research and Specials programs Administration
U.S. Department of Transportation
400 Seventh Street, SW
Washington, DC 20590-0001

Subject: Oxygen Generators, Chemical – Marking of EX-Number

Dear Mr. Mazullo:

I represent a client who transports Oxygen Generators, Chemical, UN3356, under the terms of a Competent Authority Approval.

The original design, manufactured by a third party, was submitted to the Explosives Bureau (formerly Bureau of Explosives) for Classification of Explosives. The Explosives Bureau assigned the proper shipping name, Oxygen Generators, Chemical, and Class, 5.1. However, an EX-Number is also assigned to the product. The device contains a small primary cap that initiates the chemical reaction between the oxidizing solids contained within it.

Under the provisions of Title 49, Code of Federal Regulations, section 172.320, packages which contain Class 1 explosives are required to be marked with the EX number (or the NSN or manufacturers part number, which must be capable of being cross referenced to the EX number).

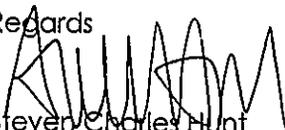
My client, I am told does not mark the NSN or manufacturers part number. Because the device is assigned an EX number, must it be marked on packages containing this device, even though the device is classified as a Class 5.1 oxidizer?

We have received conflicting answers when we called the Hazardous Materials Information Center. Naturally, we are confused. We would appreciate your assistance in this matter. Because of the nature of the device and its importance in the timely completion of aircraft, we would appreciate your assistance as quickly as possible.

In the meantime, I have advised my client to mark the packages with the applicable EX number until and unless we receive a written interpretation to the contrary.

If I may be of assistance, please call.

Regards


Steven Charles Hunt
ShipMate, Inc.

*~~in ad~~
the EX number assigned
to the cap in addition to
the CA approval.*