



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

JUN 18 2004

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

Wes Ware, BS, RRT, NREMT
Flight Respiratory Therapist
Arkansas Children's Hospital
800 Marshall Street
Little Rock, Arkansas 72202

Reference No.: 04-0142

Dear Mr. Ware:

This responds to your letter concerning the exception for oxygen in § 175.10 of the Hazardous Materials Regulations (HMR; 49 CFR parts 171-180). Specifically, you ask whether a mixture of "Helium" and "Oxygen," commonly called Heliox, and ranging in ratios from 80:20 to 60:40 and used for medical purposes is excepted from the HMR under the provisions in § 175.10(a)(7).

The answer is yes. As provided in § 175.10(a)(7), oxygen or any hazardous material, including a mixture of helium and oxygen, used for the generation of oxygen, for medical use by a passenger, and furnished by the aircraft operator in accordance with 14 CFR 121.574 or 135.91 is excepted from the HMR.

I trust this satisfies your request.

Sincerely,

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards



040142

175.10(a)(7)

No. 6577 P. 2

Corbin
§ 175.10(a)(7)
Air Exception
04-0142

Edward T. Mazzullo, Director
Office of Hazardous Materials Standards
DHM-10
400 7th St., S.W.
Washington, DC 20590-0001

Dear Mr. Mazzullo

I would like a clarification on 49CFR 175.10(a)(7) which states:

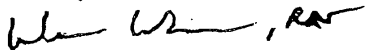
Oxygen, or any hazardous material used for the generation of oxygen, for medical use by a passenger, which is furnished by the aircraft operator in accordance with or 135.91. For purposes of this paragraph, an aircraft operator that is not a certificate holder under 14 CFR part or part 135, may apply this exception in conformance with or 135.91 in the same manner as required for a certificate holder.

The Clarification I am seeking deals with using Oxygen that is mixed with Helium. Heliox, as it is commonly called, is composed of Helium and Oxygen mixed in ratios ranging from 80:20 to 60:40. Heliox is commonly used to treat respiratory conditions in a manner similar to Oxygen. Heliox is available in compressed gas cylinders. Due to size limitations and need for portability, an "E" cylinder would most likely be used.

Does 49CFR 175.10(a)(7) apply to a Helium-Oxygen mixture for medical use by a passenger in an aircraft?

Thank you for your help in this matter. If I may be of further assistance please contact me.

Sincerely,



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Jun. 1. 2004 4:38PM

No. 6577 P. 1W



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Arkansas Children's Hospital
Arkansas Children's Hospital

Fax Transmittal Form

To: Edward Mazullo, Office of Hazardous Materials Standards

Organization Name/Dept: US DOT

CC: _____

Phone number: 202-366-4488

Fax number: 202-366-3012

From: Wes Ware

Phone Number: 501-364-6429

Date sent: 6/1/04

Time sent: ~ 12:00 CT

Number of pages including cover page: 2

Urgent

For Review

Please Comment

MESSAGE:

I faxed this earlier and realized my address ~~could~~
~~to~~ information was incomplete. Please use this new
letter.

Jun. 1. 2004 4:37PM