



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, D.C. 20590

DEC 13 2014

Mr. Len Satkowski
Principal
Complete Compliance Services
7727 Parkside Ave.
Burbank, IL 60459

Ref. No.: 14-0098

Dear Mr. Satkowski:

This responds to your May 15, 2014 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to oxygen generators. Your scenarios and questions are summarized and addressed as follows:

Q1: You have a customer that assembles and ships Passenger Service Units (PSU) containing oxygen generators but does not place the EX numbers on the PSU package. You ask if the outside package must be marked with the EX approval number associated with the individual oxygen generator contained within.

A1: The answer is no. As specified in § 173.168, there is no requirement to place the EX number on an outside package containing a chemical oxygen generator. However, under § 173.168(d), the outside surface of equipment containing a chemical oxygen generator that is not readily apparent (e.g., a sealed passenger service unit) must be clearly marked to indicate the presence of the oxygen generator (example: "Oxygen Generator Inside").

Q2: The company referenced above has an affiliated company that manufactures chemical oxygen generators and has several EX numbers. Each time the affiliated company creates a new stock number it applies for a new EX number although the same explosives/primer is used in all other generators. You ask when is a new EX number required for chemical oxygen generators?

A2: As provided in § 173.56(a)(2), a previously approved explosive (or new oxygen generator) with a design change is considered a new explosive and must be examined and approved by the Associate Administrator under the provisions of Part 107 Subpart H. However, if the chemical oxygen generator retains the exact same design and drawing number as approved under the EX approval, a change in a part number would only require a modification under § 107.709.

- Q3: You ask if, prior to the final rule entitled "Chemical Oxygen Generators" under Docket No. PHMSA-2009-0238 (HM-224G) published on October 15, 2009 [74 FR 5289], PSU manufactures were required to display the Competent Authority (CA) number on a shipment of a PSU which was not in compliance with EX number requirements.
- A3: The answer is yes. Prior to the publication of HM-224G, the CA number was required to be marked on the outside packaging per Special Provision 60 of § 172.102, Special Provisions.
- Q4: You ask if the PSU manufacturer is required to put an EX number on the outer package of the oxygen generator since it does not make the oxygen generator. You state that the outer package meets all of the marking requirements in § 173.168.
- A4: See A1.
- Q5: You ask in the event a PSU containing a chemical oxygen generator needs to be returned to the manufacturer, may you use the EX number provided to the generator maker?
- A5: The answer is yes. The manufacturer's EX number may be utilized on the PSU containing a chemical oxygen generator for shipments returned to the manufacturer.

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,



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

Andrews
§ 173.56,
EXPLOSIVES
14-0098

Drakeford, Carolyn (PHMSA)

From: Foster, Glenn (PHMSA)
Sent: Monday, May 19, 2014 8:40 AM
To: Drakeford, Carolyn (PHMSA)
Cc: Betts, Charles (PHMSA); Benedict, Robert (PHMSA); Kelley, Shane (PHMSA); Dodd, Alice (PHMSA); Goodall, Shante CTR (PHMSA)
Subject: FW: EX numbers for Oxygen Generators
Importance: High

Carolyn,

Please check in the attached as a formal request for a letter of interpretation and assign.

Thanks,
Glenn

From: Fink, William (PHMSA)
Sent: Friday, May 16, 2014 11:46 AM
To: Len Satkowski (len.satkowski@gmail.com)
Subject: FW: EX numbers for Oxygen Generators
Importance: High

Mr. Satkowski,

Thank you for allowing me to ask some clarifying questions and chat concerning the shipment of O2 Generators in PSU's.

My quick comments follow, an official response will be provided via an interpretation letter.

1. PSU's are shipped clearly marked "Oxygen Generator Inside" does the PSU and the outside packaging also need to be marked with the EX approval number associated with the individual O2 Generator contained therein? PHMSA will research and answer the question via an interpretation letter to be issued at a later date.
2. The definition of a new explosive (or new O2 generator) is found in 49 CFR 173.56, design changes that meet the definition of a new explosive must be submitted to a US DOT Explosives test lab for evaluation. When the part does not change, new part number only, that is the exact same design, made to the exact same drawing number, as the O2 Generator already approved, the manufacture of the O2 Generator must apply for a "part number/name change" modification in accordance with 49 CFR 107.709.
3. Researching CA approvals initially issued for O2 Generators, the CA (Competent Authority) number was required to be marked on the outside packaging.
4. Statement- no action required.
5. See 1 above.
6. EX numbers are issued to manufacturers of the O2 Generators. The manufacturer's EX number may be utilized when offering a O2 Generators for transportation.

We further discussed the process associated with assembling a PSU:

- a. Personnel assembling PSU's pull from the warehouse the appropriate O2 generator from the storage shelf.
- b. O2 Generators stored on the shelf are not stored with their associated EX number as no EX number is marked on the O2 Generator. (What EX applies is therefore in question.)
- c. Personnel assembling the PSU's have no way of knowing what EX number is associated with the PSU they just pulled from the shelf.

- d. No EX number is marked on the PSU, marked on the PSU is "Oxygen Generator Inside" . (Should all PSU's be required to be permanently marked with the associated EX number)

Again your questions will be forwarded to our Standards Group for a formal response.

Bill Fink

From: Len Satkowski [<mailto:len.satkowski@gmail.com>]
Sent: Thursday, May 15, 2014 10:05 AM
To: Fink, William (PHMSA)
Subject: EX numbers for Oxygen Generators
Importance: High

Bill

We talked several days ago regarding explosive testing for O2 generators and the assignment of EX numbers under 173.56. The following is my dilemma:

1. I have a customer that assembles and ships Passenger Service Units (PSU) containing O2 generators and they are like all manufactures of PSUs not placing EX numbers on packages of PSUs.
2. This company has a sister company that manufactures the O2 generators and has several EX numbers. Each time they make a new stock number they apply for a new EX number even though the explosive/primer involved is the same as being used in all other generators.
3. Prior to the adoption of HM 224F, the PSU manufacture had like all manufactures had CA numbers to cover the shipment of the PSU which did not make reference to EX requirements.
4. Both companies meet the packaging requirements of 49 CFR 173.168(d)
5. Does the PSU manufacture need to put an EX number on the outer package of the O2 generator since they do not make O2 generator? The outer package meets all of the marking requirements of 173.168.
6. In the event the PSU people need to return an O2 generator to the generator, may they use the EX number provided to the generator maker, or do they need to file for party status to the EX number?

Bill I would appreciate a prompt response as this effects thousands of shipments a month by all modes of transportation, both domestically and internationally, not to mention PSUs containing O2 generators being returned from airlines to FAA repair stations. Thanks again for your time. Below is my contact information.

Len

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