



U.S. Department of Transportation  
**Pipeline and Hazardous Materials  
Safety Administration**

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

JUN 25 2010

Mr. Ken Seise  
Quality Assurance/  
Regulatory Compliance Manager  
Essex Cryogenics of Missouri, Inc.  
8007 Chivvis Drive  
St. Louis, MO 63123-2395

Ref. No. 10-0089

Dear Mr. Seise:

This is in reference to your email requesting a clarification of the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to an oxygen converter that is part of a component permanently installed in ambulances and other emergency response vehicles. You state the converter encompasses a 10 – 25 liter non-DOT specification liquid oxygen cylinder.

According to the design and construction specifications you submitted (Federal Specification for the Star-of-Life Ambulance, KKK-A-1822E, General Services Administration, June 1, 2002), the cylinder is to be installed at the time the vehicle is placed in service. A cylinder installed in a motor vehicle as part of equipment necessary for the safety of its operator or passengers is not subject to the HMR requirements but may be subject to the requirements of other Federal, State or local agencies. Also the filled cylinder would be subject to the HMR if it is removed from the vehicle and offered for transportation in commerce.

I hope this information is helpful. If you need further assistance, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Hattie L. Mitchell".

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

Mitchell  
\$171.1-

**Drakeford, Carolyn (PHMSA)**

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**From:** Mitchell, Hattie (PHMSA)  
**Sent:** Wednesday, April 21, 2010 12:30 PM  
**To:** Drakeford, Carolyn (PHMSA)  
**Subject:** FW: Specification Cylinders  
**Attachments:** Letter from Hattie Mitchell 2005-3-10 Ref No. 05-0045.pdf

Applicability  
10-0089

Carolyn, please log in.

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**From:** Ken Seise [mailto:KSeise@essexind.com]  
**Sent:** Wednesday, April 21, 2010 11:41 AM  
**To:** Mitchell, Hattie (PHMSA)  
**Subject:** Specification Cylinders

Hattie,

There has been some discussion lately at Essex as to whether or not the converters noted in the attached emails require inner containers that comply with the DOT 4L packaging specification. Some think that there may be a letter from the DOT that states that since the 10 and 25 liter liquid oxygen converters are part of a product that gets permanently installed in an ambulance, and that the 4L containers are not mobile, meaning that someone who transports the container does not carry it on the vehicle and take it off when reaching a destination, that the product does not need to be made to the 4L spec. I cannot find such a letter in my files. So, does a permanent container installed in a vehicle need to be built to a specification cylinder spec? If not would you have a letter in your files that states that? Please let me know what you find.

Thanks,  
Ken

**Ken Seise**  
**Quality Assurance/  
Regulatory Compliance Manager**

Essex Cryogenics of Missouri, Inc.  
8007 Chivis Drive  
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U.S. Department  
of Transportation

**Pipeline and  
Hazardous Materials Safety  
Administration**

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

MAR 10 2005

Mr. Russell Zavadil  
Quality Manager  
Essex Aerospace and Defense  
8007 Chivvis Drive  
St. Louis, MO 63213

Ref. No. 05-0045

Dear Mr. Zavadil:

This is in response to your request for a clarification on the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to an oxygen converter that will be mounted onboard ambulances and other emergency response vehicles. You state the converter stores 10 or 25 liters of liquid oxygen that it converts into breathing gas for patients. The vehicles will be operated by Federal, state or local government personnel.

The transport of hazardous materials in government vehicles operated by government personnel solely for non-commercial purposes are not subject to the HMR. However, if the purpose is commercial, or if the government entity offers hazardous materials for transportation to commercial carriers, then the HMR would apply.

I hope this information is helpful. If you need further assistance, please do not hesitate to contact us.

Sincerely,

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