



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

1200 New Jersey Ave., S.E.
Washington, DC 20590

MAR 18 2008

Ms. Pamela J. Jackson
Director of Global Product Marketing
SeQual Technologies Inc.
11436 Sorrento Valley Road
San Diego, CA 92121

Ref. No.: 08-0029

Dear Ms. Jackson:

This responds to your January 22, 2008 letter requesting clarification of new requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) as amended in Docket HM-224C and HM-224E, published August 9, 2007 (72 FR 44929). Specifically you ask about the applicability of the revised passenger exceptions in § 175.10(a)(17) to individuals traveling on passenger aircraft with the Eclipse™ Oxygen System.

According to your letter, the Eclipse™ Oxygen System is a portable oxygen concentrator - a device that separates oxygen from room air for delivery to patients who require supplemental oxygen therapy. The battery pack for your Eclipse Oxygen System device contains twenty-four (24), 2.2 ampere-hour lithium ion cells. The battery pack consists of two, independent, 12-cell batteries. Both batteries are housed in a single plastic enclosure that are electrically isolated and mechanically separated from the other. The two batteries in the enclosure are not electrically connected together by permanent means. Each battery has 7.90 grams of equivalent lithium content (ELC). The lithium ion battery has been tested pursuant to the United Nations Manual of Tests and Criteria. The battery pack's electrical connectors are designed to allow independent electrical access to each of the two 12-cell batteries in the enclosures. When the battery pack is inserted into the battery compartment of your device, the two separate 12-cell batteries within the pack are electrically connected by circuitry that is part of the internal power management system, but external to and separate from the battery pack.

Your questions are paraphrased and answered as follows:

Q1. Does the exception in § 175.10(a)(17) apply to passengers carrying an Eclipse™ Oxygen System as described above?

A1. Yes. As described in your letters, the battery pack's electrical connectors are designed to allow independent electrical access to each of the two 12-cell batteries (each containing 7.90 grams ELC) in the enclosures. When the battery pack is inserted into the battery compartment of your device, the two separate 12-cell batteries within the pack are electrically connected by circuitry that is part of the internal power management system, but external to and separate from the battery pack. Therefore, when intended for personal use, the exception in § 175.10(a)(17) would apply.

Q2. Is there a limit on the number of spare lithium ion batteries as described in your letter that passengers can bring with them in their carry-on baggage?

A2. No. The two-battery limit per passenger in § 175.10(a)(17) only applies to batteries that exceed 8 grams of ELC. There is no limit to how many spare batteries passengers using the Eclipse™ Oxygen System, as described above, may have in their carry-on luggage.

Q3. May passengers traveling with the Eclipse™ Oxygen System offer the equipment as checked baggage with the lithium ion batteries installed?

A3. Yes. Passengers should be aware that any batteries for the system must be installed if offered as checked baggage.

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read 'H. Mitchell', written in a cursive style.

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