



U.S. Department  
of Transportation

**Pipeline and  
Hazardous Materials Safety  
Administration**

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

APR 27 2007

Mr. Kris Richard  
RA/QA Associate  
Bioject, Inc.  
20245 SW 95<sup>th</sup> Avenue  
Tualatin, OR 97062

Ref. No.: 07-0078

Dear Mr. Richard:

This is in response to your March 29, 2007 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) concerning certain carbon dioxide cylinders that are used in a medical device to administer needle-free injections. Specifically, you ask whether cylinders may continue to be carried on board a passenger-carrying aircraft in checked or carry-on luggage under the exceptions in § 175.10 of the HMR.

Our December 13, 2000 reply (Reference Number 02-0206) to Alaska Airlines remains valid. In that letter we stated that it is our opinion the cylinders may be carried aboard passenger-carrying aircraft in checked or carry-on luggage under the provisions in § 175.10(a)(4)(i). We also stated that the devices do not qualify for the exceptions in §§ 175.10(a)(18) and (a)(25). Please note that in a final rule published March 22, 2006, under Docket HM-228 (71 FR 14586), we amended the requirements in the HMR for the transportation of hazardous materials by aircraft. As a result of those amendments, the provisions previously found in § 175.10(a)(4)(i) are now found in § 175.10(a)(1)(i). Additionally, the provisions previously found in §§ 175.10(a)(18) and (a)(25) are now found in §§ 175.10(a)(12) and (a)(11) respectively.

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

Sincerely,

Charles E. Betts  
Senior Transportation Regulations Specialist  
Office of Hazardous Materials Standards



070078

175.10(a)

Drakeford  
§ 175.10 (a)(2)(i)  
Aircraft  
07-0078

**Jones, Diane <PHMSA>**

**From:** HMIS <PHMSA>  
**Sent:** Friday, March 30, 2007 10:02 AM  
**To:** PHMSA Approvals; Jones, Diane <PHMSA>  
**Subject:** FW: Medical device hazardous material travel  
**Attachments:** CO2 travel letter 2.pdf; CO2 travel letter.pdf

**From:** Kris Richard [mailto:KRichard@bioject.com]  
**Sent:** Thursday, March 29, 2007 4:54 PM  
**To:** HMIS <PHMSA>  
**Cc:** Kris Richard  
**Subject:** Medical device hazardous material travel

To whom it may concern,

Approximately 5 years ago, we received the attached letters from Hattie Mitchell which our customers use with air carriers when they travel. Due to the age of the letters, our customers are beginning to have problems taking their medical device aboard planes.

Will you please provide me with what information you would need in order for us to receive an updated approval letter? Your response reference number in the letter is 00-0206.

I appreciate any help you can provide.

Sincerely,

Kris Richard  
RA/QA Associate  
Bioject, Inc.  
20245 SW 95th Avenue  
Tualatin, OR 97062  
503-691-4152

4/11/2007



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

SEP 24 2002

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

Mr. Tom Brooks  
Materials Manager  
Bioject, Inc.  
7620 S.W. Bridgeport Road  
Portland, Oregon 97224

Ref. No. 02-0193

Dear Mr. Brooks:

This responds to your letter concerning certain carbon dioxide cylinders that are used in a medical device to administer needle-free injections. Specifically, you ask if the cylinders may be carried on board a passenger-carrying aircraft in checked or carry-on luggage under the exception in § 175.10(a)(4)(i) of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

Our December 13, 2000 reply (Reference Number 00-0206) to Alaska Airlines remains valid. In that letter we stated that it is our opinion the cylinders may be carried aboard passenger-carrying aircraft in checked or carry-on luggage under the provision in § 175.10(a)(4)(i). We also stated that the devices do not qualify for the exceptions in §§ 175.10(a)(18) and 175.10(a)(25).

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

Sincerely,

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



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of Transportation  
**Research and  
Special Programs  
Administration**

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

DEC 13 2000

Mr. Tom Brooks  
Bioject, Inc.  
7620 SW Bridgeport Road  
Portland, OR 97224

Dear Mr. Brooks:

Thank you for providing us technical specifications for the Bioject 2000 Needle-Free Injection Management System.

Based on our evaluation of the Bioject 2000 Needle-Free Injection Management System, it is our opinion that this product may be carried aboard passenger-carrying aircraft in checked or carry on luggage under the provisions in 49 CFR 175.10(a)(4)(i).

A copy of our response to Alaska Airlines is enclosed. We are returning the confidential information which you provided and appreciate your making this information available to us.

Sincerely,

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

Enclosure