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JUN 30 1999

The Honorable Jim Hall  
Chairman  
National Transportation Safety Board  
Washington, DC 20594

DEPT. OF TRANSPORTATION

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Dear Mr. Chairman:

This letter addresses National Transportation Safety Board safety recommendation A-96-29 issued to the Research and Special Programs Administration (RSPA). Recommendation A-96-29 was issued as the result of the Safety Board's investigation of the accident involving ValuJet Flight 592 in the Everglades near Miami, Florida, on May 11, 1996. The recommendation states that RSPA should:

In cooperation with the Federal Aviation Administration, permanently prohibit the transportation of chemical oxygen generators as cargo on board any passenger or cargo aircraft when the generators have passed expiration dates, and the chemical core has not been depleted.

RSPA does not allow the transportation of "expired" chemical oxygen generators as cargo on board passenger or cargo aircraft.

RSPA prohibited the transportation of chemical oxygen generators as cargo on passenger-carrying aircraft in an interim final rule published on May 24, 1996 (61 Fed. Reg. 26418), and in a further final rule published on December 30, 1996 (61 Fed. Reg. 68952). This prohibition applies to chemical oxygen generators that have exceeded their twelve-year service life as well as those that have not passed their expiration dates.

In a separate final rule published on June 5, 1997 (62 Fed. Reg. 30767), and corrected on June 27, 1997 (62 Fed. Reg. 34667), RSPA added certain requirements for the transportation of chemical oxygen generators on cargo-only aircraft. Under these provisions, which have been in effect since August 7, 1997, any chemical oxygen generator that is to be shipped (by any mode) with its means of initiation attached must (1) incorporate at least two positive means of preventing unintentional activation, and (2) be classed and approved by RSPA's Associate Administrator for Hazardous Materials Safety. Copies of RSPA's June 5 and June 27, 1997 final rules are enclosed.

An additional requirement in RSPA's June 5, 1997 final rule provides that, when transported by cargo aircraft, a chemical oxygen generator must be transported in a packaging prepared and originally offered for transportation by the approval holder. This means that a chemical oxygen generator that has been removed from an aircraft may not be offered for transportation on a cargo aircraft unless the offeror applies for and obtains a new approval from RSPA's Associate Administrator for Hazardous Materials Safety, because the generator has been removed from its original packaging. Each approval is limited to "serviceable" chemical oxygen generators, and RSPA has not issued any approval for the transportation by cargo aircraft of a chemical oxygen generator that is beyond its expiration date. A generator that has passed its expiration date is not serviceable.

For these reasons RSPA believes the actions it has taken meet the provisions of Safety Recommendation A-96-29 and I respectfully request that the Board classify recommendation A-96-29 as "Closed-Acceptable Action."

Sincerely,

  
Kelley S. Coyner

Enclosures