DEC 10 1997

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

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

DOT-E 11931
(Second Revision)

EXPIRATION DATE: December 31, 1999

(FOR RENEWAL, SEE 49 CFR SECTION 107.109)

1. GRANTEE: Mine Safety Appliances Company
P.O. Box 439
Pittsburgh, PA 15230

2. PURPOSE AND LIMITATION: This exemption authorizes the transportation in commerce of Protective Breathing Equipment (PBE), containing chemical oxygen generators which utilize special integral packaging as a secondary means of preventing actuation. It also serves as an approval as required by Special Provision 60. This exemption provides no relief from any regulation other than as specifically stated herein.

3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR 172.102(c)(1) Special Provision 60 regarding the requirement for two independent means (non-packaging) of preventing actuation.

5. BASIS: This exemption is based on the application of Mine Safety Appliances Company dated August 1, 1997, submitted in accordance with 49 CFR 107.105 and the public proceeding thereon.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous materials description -- proper shipping name	Hazard Class/ Division	Identi-fication Number	Packing Group
Oxygen generator, chemical	5.1	UN3356	II

7. SAFETY CONTROL MEASURES AND PACKAGING:

a. SAFETY CONTROL MEASURES: Only PBE's that contain oxygen generators that are authorized by the Associate Administrator to be described as "Oxygen generator, chemical, 5.1, UN3356" may be transported under the terms of this exemption.

b. Testing: Each oxygen generator, without packaging, must be capable of withstanding a 1.8 meter drop onto a rigid, non-resilient, flat and horizontal surface, in the position most likely to cause damage, with no loss of contents or actuation.

c. Packaging for Transportation by Motor Vehicle, Rail Freight, and Cargo Vessel: (i) Each PBE must be placed in a protective bag or cover that fully encloses the PBE in a manner that prevents unintentional actuation of the PBE within the bag or cover; and

(ii) The enclosed PBEs must be packaged in accordance with 49 CFR § 173.212.

d. Packaging for Transportation by Cargo Aircraft Only: In addition to the packaging requirements in paragraph 7.c., PBEs must be packaged in a manner which will meet the following requirements:

When one PBE in the package is actuated-

(i) Other PBEs in the package will not actuate;

(ii) the packaging materials will not ignite; and

(iii) the outside surface temperature of the package

may not exceed 100°C.

8. SPECIAL PROVISIONS:

a. A copy of this exemption must be maintained at each facility from which shipments of PBE's are offered for transportation under the terms of this exemption.

b. Persons who receive the packages covered by this exemption may reoffer them for transportation provided no modifications or changes are made to the packages, all terms of this exemption are complied with and a current copy of this exemption is maintained at each facility from which such reoffering occurs.

c. Only the exemption holder(s) may prepare PBE's for transportation by cargo aircraft in accordance with paragraph 7.d.

d. If the packaging described in paragraph 7.e. is opened subsequent to its original offering for transportation, it may only be reoffered for transportation and transported by surface modes in accordance with paragraph 7.c. Any marking or label (including a "Cargo Aircraft Only" label) indicating it may be offered for transportation by air must be removed or covered.

e. Marking Requirements: (i) Each package, and overpack if used, prepared under the provisions of paragraph 7.c. must be plainly marked with the exemption number and the following statement:

THIS PACKAGE IS NOT AUTHORIZED FOR TRANSPORTATION ABOARD AIRCRAFT

(ii) Each package, and overpack if used, prepared under the provisions of paragraph 7.d. must be plainly marked with the exemption number and the following statement:

THIS PACKAGE IS NOT AUTHORIZED FOR TRANSPORTATION ABOARD AIRCRAFT IF IT HAS BEEN OPENED

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight, cargo vessel, cargo aircraft only.

10. MODAL REQUIREMENTS: The shipper shall furnish a copy of this exemption to air carrier before or at the time the shipment

is tendered.

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. Section 5101 et seq:

    - All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.

    - Registration required by 49 CFR 107.601 et seq., when applicable.

    No person may use or apply this exemption, including display of its number, when the exemption has expired or is otherwise no longer in effect.

    Each "Hazmat employee", as defined in 49 CFR 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by 49 CFR 172.700 through 172.704.

12. REPORTING REQUIREMENTS: The carrier is required to report any incident involving loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable. (49 CFR 171.15 and 171.16 apply to any activity undertaken under the authority of this

exemption.) In addition, the holder(s) of this exemption must inform the AAHMS, in writing, of any incident involving the package and shipments made under the terms of this exemption.

Issued at Washington, D.C.:

DEC 10 1997

Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, Washington, D.C. 20590. Attention: DHM-31.

The original of this exemption is on file at the above office. Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

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