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

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

DOT-E 12040

EXPIRATION DATE: **May 31, 1998**

1. GRANTEE: Airpack of Virginia, Inc
Sterling, VA

2. PURPOSE AND LIMITATION: This emergency exemption authorizes the one time transportation in commerce, by private motor carrier, damaged chemical oxygen generators in UN specification packaging. 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 emergency exemption is based on the applications of Airpack of Virginia Incorporated dated February 2, 1997, submitted in accordance with 49 CFR 107.117.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous materials description -- proper shipping name	Hazard Class/ Division	Identi-fication Number	Packing Group
Damaged oxygen generator, chemical -- Oxidizer solid, n.o.s. (sodium chlorate, barium peroxide)	5.1	UN1479	II

7. PACKAGING AND SAFETY CONTROL MEASURES: All loose materials must be removed from each oxygen generator and placed in a sealable plastic bag. Each oxygen generator must be placed in a separate sealable plastic bag. The bags must be packaged in a UN 4G box with sufficient cushioning to prevent movement during transportation.

8. SPECIAL PROVISIONS:

a. Only oxygen generators that were recovered from the May 11, 1996 Value Jet accident near Miami, Florida may be transported under the terms of this exemption.

b. Transportation is limited to private motor carriage by Airpack of Virginia, Inc. between Washington, DC and Port Everglades, FL.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS: A copy of this exemption must be carried aboard the motor vehicle used to transport the packages covered by this exemption.

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.:

FEB 25 1998

(DATE)

Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

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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