

January 29, 2010



U.S. Department
of Transportation

East Building, PHH-30
1200 New Jersey Avenue S.E.
Washington, D.C. 20590

**Pipeline and Hazardous
Materials Safety Administration**

DOT-SP 14961

EXPIRATION DATE: March 31, 2010

1. GRANTEE: Lynden Air Cargo
Anchorage, AK
2. PURPOSE AND LIMITATION:
 - a. This emergency special permit authorizes the air transportation in commerce of cylinders of compressed oxygen without their outer packaging being capable of passing the Flame Penetration and Resistance Test and the Thermal Resistance Test to Haiti earthquake disaster areas. This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein. The most recent revision supersedes all previous revisions.
 - b. The safety analyses performed in development of this special permit only considered the hazards and risks associated with transportation in commerce. The safety analyses did not consider the hazards and risks associated with consumer use, use as a component of a transport vehicle or other device, or other uses not associated with transportation in commerce.
 - c. No party status will be granted to this special permit.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 171.24(d)(2) in that use of the ICAO Technical Instructions is not authorized unless compressed oxygen is transported in outer packages as required by § 173.302(f), except as provided herein.

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5. BASIS: This emergency special permit is based on the application of Lynden Air Cargo dated January 20, 2010, submitted in accordance with § 107.117 and a determination that it is necessary to prevent significant injury to persons or property.
6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper shipping name	Hazard Class/ Division	Identification Number	Packing Group
Oxygen, compressed	2.2	UN1072	N/A

7. SAFETY CONTROL MEASURES:
- a. PACKAGING - Cylinders as required by § 173.302(f) (1) with a capacity of 116 cubic feet up to 281 cubic feet must be:
- (i) Secured within a frame;
 - (ii) Completely covered with a fire resistant blanket when possible; and
 - (iii) Fitted with a securely attached metal cap of sufficient strength to protect the valve from damage during transportation
8. SPECIAL PROVISIONS:
- a. A current copy of this special permit must be maintained at each facility where the package is offered for transportation.
- b. A current copy of this special permit must be carried aboard each aircraft used to transport packages covered by this special permit.
9. OPERATIONAL CONTROLS:
- a. Authorized Aircraft: The aircraft must be owned and operated by Lynden Air Cargo.

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- b. Transportation under the terms of this special permit is authorized only to Haiti earthquake disaster areas.
- c. **Operations Manual:** Operations must be conducted in accordance with the conditions and limitations specific in Lynden Air Cargo's certificate holder's operations manual accepted and approved by the FAA. It does not waive any FAA airworthiness operating requirements or the need to obtain FAA operating authorizations.
- e. The crewmember(s) must have access to the cylinder(s) and at least two fire extinguishers must be readily available for use by the crewmember(s) unless stowed in a Class C cargo compartment or its equivalent.
- f. The compressed oxygen may not be transported in the same aircraft with other hazardous materials except Division 2.2 with no subsidiary risk, Class 9 and ORM-D materials.
- g. The granting of this Special Permit does not grant the authority to use foreign controlled airspace or airports outside of the United States. Transportation in foreign controlled airspace and airports is authorized only through a Competent Authority Approval.
10. **MODES OF TRANSPORTATION AUTHORIZED:** Cargo aircraft only. Each cylinder with a maximum of 281 cubic feet capacity may only be transported in a Class B aircraft cargo compartment (see 14 CFR 25.857(b)) or its equivalent (i.e., an accessible cargo compartment equipped with a fire or smoke detection system, but not a fire suppression system) or a Class C cargo compartment or equivalent.
11. **MODAL REQUIREMENTS:** A current copy of this special permit must be carried aboard each aircraft used to transport packages covered by this special permit. The shipper must furnish a copy of this special permit to the air carrier before or at the time the shipment is tendered.
12. **COMPLIANCE:** Failure by a person to comply with any of the following may result in suspension or revocation of this special permit and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:
- o All terms and conditions prescribed in this special permit and the Hazardous Materials Regulations, 49 CFR Parts 171-180.

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- o Persons operating under the terms of this special permit must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- o Registration required by § 107.601 et seq., when applicable.

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

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

Under Title VII of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)- "The Hazardous Materials Safety and Security Reauthorization Act of 2005" (Pub. L. 109-59), 119 Stat. 1144 (August 10, 2005), amended the Federal hazardous materials transportation law by changing the term "exemption" to "special permit" and authorizes a special permit to be granted up to two years for new special permits and up to four years for renewals.

13. REPORTING REQUIREMENTS: Shipments or operations conducted under this special permit are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous materials incident reports. In addition, the grantee(s) of this special permit must notify the Associate Administrator for Hazardous Materials Safety, in writing, of any incident involving a package, shipment or operation conducted under terms of this special permit.

Issued in Washington, D.C.:



for Dr. Magdy El-Sibaie
Acting Associate Administrator for Hazardous Materials Safety

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Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Material Safety Administration, U.S. Department of Transportation, East Building PHH-30, 1200 New Jersey Avenue, Southeast, Washington, D.C. 20590.

Copies of this special permit may be obtained by accessing the Hazardous Materials Safety Homepage at http://hazmat.dot.gov/sp_app/special_permits/spec_perm_index.htm Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

PO: LAVALLE