U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

JUL - 8 2004

DOT-E 8228
(SEVENTEENTH REVISION)

EXPIRATION DATE: September 30, 2005

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: The Bureau of Alcohol, Tobacco and Firearms (ATF) U.S. Department of Justice, Washington, D.C.

(See Appendix A to this exemption for a list of additional grantees)

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the transportation in commerce of a small sample of an unapproved explosive substance or article to a U.S. government laboratory, U.S. government contractor laboratory, and certain law enforcement organizations, in special packagings as prescribed herein. This exemption provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.

b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce.

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

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 172.101(c) Table and § 172.203(k), in that "Sample for Laboratory Examination" must be substituted for the technical names required; § 172.102, Special Provision 113 requiring a tentative approval is waived, and §§ 173.56(b) and 175.3, in that prior examination, classification and approval of the explosive samples are waived.

5. BASIS: This exemption is based on the application of ATF dated June 16, 2004, submitted in accordance with §§ 107.105 and 107.117 and a determination that it is necessary to prevent significant economic loss.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	**Hazard Class/ Division**	**Identi-fication Number**	**Packing Group**
Samples, explosive (Sample for Laboratory Examination)	1.4S	UN0190	II
Substances, explosive, n.o.s. (Sample for Laboratory Examination)	1.4S	UN0481	II

7. SAFETY CONTROL MEASURES:

a. Not more than 35 grams of any one type of Division 1.1C, 1.1D or 1.1G explosive substance, or not more than 5 grams of any one type of Division 1.1A or "forbidden" explosive substance which has been wetted to not less than 50 percent by weight with water, or not more than one explosive article having a gross weight of not more than 35 grams, must be packaged as follows:

Note: In no case may an inner packaging contain more than 35 grams net weight of explosives.

(1) Inner Packaging: A metal, plastic or fiberboard receptacle, box or bottle, which is securely closed(a/k/a an "evidence container".) If the explosive is wetted, then the inner packaging must be water-proof.

(2) Intermediate Packaging: Box, chipboard or cardboard, each containing one inner packaging cushioned with non-combustible materials.

(3) Outer Packaging: Specification 4G fiberboard box meeting Packing Group II requirements, each containing one intermediate packaging, cushioned with non-combustible materials.

b. Only one sample of explosive substance or one explosive article per outside packaging is authorized per shipment.

c. Shipping papers must include, and packages must be marked with the notation: **"SAMPLE FOR LABORATORY EXAMINATION"** in place of the technical names required by the § 172.101 Table and § 172.203(k), as shown in the table in Paragraph 6.

8. SPECIAL PROVISIONS:

a. Only shipments destined for and consigned directly to: 1) a U.S. government laboratory; 2) a U.S. Government contract laboratory; 3) a state or local law enforcement organization; or, 4) another ATF or FBI office, are authorized.

b. The outer package must be legibly and durably marked with the following: "DOT-E 8228".

c. A current copy of this exemption must be maintained at each facility where the package is offered for transportation.

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

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each aircraft used to transport packages covered by this exemption. The shipper must furnish a current copy of this exemption to the 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. 5101 et seq:

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

- Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.

- Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 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 §§ 172.700 through 172.704.

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.

12. REPORTING REQUIREMENTS: The carrier is required to report any incident involving fire, explosion, or loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable. (Sections 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 incidents involving the package and shipments made under the terms of this exemption.

Issued in Washington, D.C.:

Robert A. McGuire
for Associate Administrator for
Hazardous Materials Safety

JUL 8 2004
(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.

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

PO: dl

JUL 8 2004

The following are hereby granted party status to this exemption based on their application(s) submitted in accordance with § 107.107 or § 107.109, as appropriate:

Company Name City/State	Application Date	Issue Date	Expiration Date
Central Intelligence Agency Washington, DC	Nov 25, 2003	Dec 09, 2003	Sep 30, 2005
Federal Bureau of Investigation (FBI), U.S. Department of Justice Quantico, VA	Sep 08, 2003 & Jan 9, 2004	Jun 07, 2004	Sep 30, 2005
U.S. Department of Homeland Security's Transportation Security Laboratory (TSL) Atlantic City, NJ	Feb 09, 2004	Jun 07, 2004	Sep 30, 2005
U.S. Department of Defense Fort Eustis, VA	Oct 20, 2003	Oct 31, 2003	Sep 30, 2005
U.S. Customs and Border Protection (CBP), Department of Homeland Security Washington, DC	May 12, 2004	Jun 07, 2004	Sep 30, 2005

Robert A. McGuire
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Hazardous Materials Safety