



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

JUL 13 2004

DOT-E 12982
(FIRST REVISION)

EXPIRATION DATE: May 31, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Arthur L. Fleener
Ames, IA
2. PURPOSE AND LIMITATION:
 - a. This exemption authorizes the transportation in commerce of black powder for small arms and primers by passenger-carrying aircraft to remote access areas in Alaska where there is no other practical alternative to air shipments. 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 Hazardous Materials Table, Column (9A) and 175.30(a)(1) in that black powder for small arms and primers, cap type may not be transported by passenger carrying aircraft except as provided herein; § 172.301(c) in that each package is required to be marked with the exemption number.
5. BASIS: This exemption is based on Arthur L. Fleener's application of June 22, 2004 submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

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Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Black powder for small arms	4.1	NA0027	I
Primers, cap type	1.4S	UN0044	II

7. SAFETY CONTROL MEASURES:a. PACKAGING -

(1) Packaging consists of a can containing no more than 1 pound of black powder for small arms and a tin containing no more than 100 primers.

(i) The black powder for small arms must be packed in inner metal or heavy wall conductive plastic receptacles not over one pound capacity.

(ii) Primers must be packaged to prevent any contact during the flight.

(2) One (1) can of black and one (1) tin of primers must then be packed in fiber, wood, or metal boxes, or other packaging specially designed to carry small amounts of ammunition (see § 175.10(a)(5)).

b. OPERATIONAL CONTROLS -

(1) Black powder for small arms and primers, cap type must have been approved and issued an EX-number by the Associate Administrator for Hazardous Materials Safety.

(2) No more than five (5) one pound cans of black powder and five (5) tins of primers may be transported on any one aircraft.

(3) Each package authorized under this exemption must be loaded in such a manner that a crew member or other authorized person can see, handle and separate such packages from other cargo during flight.

(4) Passenger-carrying aircraft authorized by this exemption are limited to small charter flights (bush planes) with all passengers and flight crew having knowledge and consent that black powder for small arms and primers, cap type are being transported on the aircraft.

8. SPECIAL PROVISIONS:

a. This exemption may only be used for remote access areas in Alaska where there is no other practical alternative to air shipments.

b. The marking requirements in § 172.301(c) are waived.

9. MODES OF TRANSPORTATION AUTHORIZED: Passenger-carrying aircraft.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried each aircraft used to transport the materials 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 Hazardous Materials transportation law, 49 U.S.C. 5101 et seq:

- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o 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.
- 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 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 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 incident involving the package and shipments made under the terms of this exemption.

Issued in Washington, D.C.:



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Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

JUL 13 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: DLaValle/CHHochman/sln