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

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

MAR 29 2001

DOT-E 7648
(THIRTEENTH REVISION)

EXPIRATION DATE: February 28, 2003

(FOR RENEWAL, SEE 49 CFR SECTION 107.109)

1. GRANTEE: American Aviation, Inc.
Salt Lake City, Utah
(Former grantee: Sunwest Aviation)

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the transportation of flares, aerial classed as Division 1.3G in a small cargo aircraft only, for test purposes under the conditions specified below. This exemption provides no relief from any Hazardous Materials Regulation (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 §§ 172.204(c), 172.300(a), 172.400(a), 173.62, 175.3 and 175.35(a) except as specified herein .

5. BASIS: This exemption is based on the application of American Aviation, Inc. dated March 27, 2001, submitted in accordance with § 107.109 and additional information dated March 29, 2001.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi- fication Number	Packing Group
Flares, aerial	1.3G	UN0093	II

7. SAFETY CONTROL MEASURES:

a. Packaging prescribed is an open styrofoam case containing not more than two aerial flares. Not more than eight such cases must be loaded aboard the Navajo Chieftain specified in the application; not more than six such cases may be loaded aboard all other aircraft.

b. The cases must be loaded aboard the aircraft under the direction and control of safety personnel of Thiokol Corp., Tactical Division (the flare manufacturer). Emergency equipment must be present and a member of the safety personnel must brief the pilot on the test to be performed and may accompany the flight and handle the flares during the testing. The petitioner may use its own qualified personnel to handle the flares during testing. These qualified personnel must be trained by Thiokol Corp. under a documented training program approved by the local Federal Aviation Administration (FAA) office.

c. The aircraft must follow the most direct route available over uninhabited areas from the Ogden Municipal Airport, Brigham City Municipal Airport or Thiokol airport to the drop zone and return as soon as the testing of the flares is completed. The impact area must be under the control of Thiokol Corporation and representatives of Thiokol Corporation must be present.

d. The aircraft must be specially modified to conduct the testing operation and must be specifically approved for such operations by the local FAA office.

8. SPECIAL PROVISION: This exemption is to be used only when the petitioner is assisting Thiokol Corporation to fulfill a contractual requirement with the Department of Defense to test a certain number of aerial flares, manufactured for the Department of Defense by Thiokol, and any contractual requirement involving a sale to a foreign government which has been granted an export license.

9. MODES OF TRANSPORTATION AUTHORIZED: 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.

- 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.:

J. Suzanne Hedgspeth

Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

MAR 29 2001
(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.

Copies of exemptions may be obtained from the AAHMS, U.S. Department of Transportation, 400 7th Street, Washington, DC 20590-0001, Attention: Records Center, 202-366-5046.

PO: sln