U.S. Department
of Transportation

**Research and
Special Programs
Administration**

MAR 16 2000

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

DOT-E 12436

EXPIRATION DATE: March 31, 2000 or upon completion of one shipment.

1. GRANTEE: State of Alaska, Department of Transportation and Public Facilities, Central Region, Division of Maintenance & Operations, Southwest District Anchorage, Alaska

2. PURPOSE AND LIMITATION:

   a. This emergency exemption authorizes the one-time transportation of 12 rounds of 105mm munitions by cargo aircraft for purposes of avalanche control at a remote location. 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 Table Column 9(a) and 9(b) in that cartridges for weapons, *with bursting charge*, 1.2E, UN0321 are forbidden for transportation by aircraft; § 172.301(c) in that each package is required to be marked with the exemption number.

5. BASIS: This emergency exemption is based on the application of the State of Alaska, Department of Transportation and Public Facilities, dated March 16, 2000, submitted in accordance with § 107.117 and a determination that it is necessary in order to protect life and property.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi-fication Number	Packing Group
Cartridges for weapons, *with bursting charge*	1.2E	UN0321	II

7. SAFETY CONTROL MEASURES:

The cartridges are to be packaged, marked and labeled in conformance with the HMR.

8. SPECIAL PROVISIONS:

a. The transportation of the material in paragraph 6 is limited to the following:

(1) The State of Alaska is offering the material for transportation.

(2) ERA Aviation is the air carrier.

(3) The air shipment will originate in Anchorage, Alaska and terminate at Chignik Bay, Alaska on a twin otter aircraft.

b. The marking requirement of § 172.301(c) is waived.

9. MODES OF TRANSPORTATION AUTHORIZED: Cargo aircraft only.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard the aircraft used to transport the package 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. 5101 et seq:

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

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 this 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.:

MAR 16 2000

(DATE)

Robert A. McGuire
Acting 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.

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

Dist: FAA
PO: rp