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

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

JUL 18 2002

DOT-E 13073

EXPIRATION DATE: July 31, 2003

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

2. PURPOSE AND LIMITATION:
a. This emergency exemption authorizes the one-time, one-way transportation in commerce of a small sample of an unapproved explosives substance or article to a U.S. government laboratory, U.S. government contractor laboratory or other ATF offices 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" shall be substituted for the technical names required; § 172.102, Special Provision 113 requiring a tentative approval is waived, and §§ 173.56(b) in that prior examination, classification and approval of the explosive samples are waived, and § 173.62 in that packaging is as prescribed herein.

5. BASIS: This exemption is based on the application of ATF dated July 17, 2002, submitted in accordance with § 107.117 and a determination that it is necessary for the protection of life and the environment.

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

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, shall 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: Box, fiberboard, 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 shall 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. Treasury Department, Bureau of Alcohol, Tobacco and Firearms Laboratory; 2) a U.S. government contractor; 3) a U.S. Government contract laboratory or 4) another ATF office, are authorized.

d. The outer package shall be legibly and durably marked with the following: "DOT-E 13073".

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

9. MODES OF TRANSPORTATION AUTHORIZED: Cargo-only aircraft.

10. MODAL REQUIREMENTS: None as a requirement of 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:

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

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 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.:

JUL 18 2002

Robert A. McGuire
Associate Administrator
for Hazardous Materials Safety

(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