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

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

OCT 2 9 2003

DOT-E 13138
(FIRST REVISION)

EXPIRATION DATE: **November 30, 2003**

1. GRANTEE: Alaska-Pacific Powder Company
Olympia, WA

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes the one-time transportation in commerce of certain Division 1.1 explosives which are forbidden for shipment by cargo aircraft. 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 (9B) in that the explosives described in paragraph 6 below are forbidden by cargo aircraft except as specified herein, and § 175.320(a).

5. BASIS: This emergency exemption is based on the applications of Alaska-Pacific Powder Company dated October 1, 2002 and October 29, 2003 submitted in accordance with § 107.117 and a determination that it is necessary to prevent significant economic loss.

OCT 29 2003

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi-fication Number	Packing Group
Boosters, *without detonator*	1.1D	UN0042	II

7. SAFETY CONTROL MEASURES: The boosters (1.1D, UN0042) are packaged in accordance with 49 CFR requirements and will be secured inside a 4'x4'x4' BATF explosive magazine as an overpack unit.

8. SPECIAL PROVISIONS: The shipment will be transported by Brooks Fuel Service, from Deering, Alaska to Kobuk, Alaska.

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 packages covered by this exemption. The shipper must furnish a 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 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.:

for Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

OCT 29 2003
(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: AM