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

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

MAY 29 2002

DOT-E 9997
(NINTH REVISION)

EXPIRATION DATE: **April 30, 2004**

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Hodgdon Powder Company, Inc.
Shawnee Mission, KS

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the transportation in commerce of muzzle-loading firearms kits ("Ammo Packs") containing certain Division 1.4S cap-type primers together with certain Division 4.1 smokeless powders for small arms and also with non-hazardous accessories, when packaged 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 §§ 173.61(a), 175.3, 176.3, and 177.801 in that they relate to the shipment of Class 1 explosives with another hazardous or non-hazardous material in the same package.

5. BASIS: This exemption is based on the application of Hodgdon Powder Company Inc. dated April 15, 2002, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	ID Number	Packing Group
Articles, explosive, n.o.s (kit containing primers, cap type, and smokeless powder)	1.4S	UN0349	II

*** Note: Authorized explosives are: Primer caps approved in EX-8912144, EX-9503141 and EX-9611053; and smokeless powders for small arms approved in EX-9510130B, EX-9602001 and EX-9803092.**

7. SAFETY CONTROL MEASURES: Prescribed packaging is as follows:

a. INNER PACKAGING - Inner packaging for Division 1.4S cap type primers must be a durable metal or plastic receptacle containing not more than 100 units each. Inner packaging for Division 4.1 smokeless powder for small arms which are in the form of powders or pellets must be a durable plastic receptacle with a metal lid containing not more than 114 grams (0.250 pounds) of solid propellant each. Inner packaging for Division 4.1 smokeless powders for small arms which are in the form of pellets may also be packed in sealed plastic "blister packed" receptacles, each containing not more than 59 grams (0.130 pounds.)

b. INTERMEDIATE PACKAGING - The intermediate packaging must be a durable plastic or fiberboard receptacle. Each muzzle-loading firearm "ammo pack" intermediate packaging may not contain more than one inner packaging of cap type primers and one inner packaging of smokeless powder for small arms, each containing not more than 114 grams (0.250 pounds) or two inner packagings of smokeless powder for small arms, each containing not more than 59 grams (0.130 pounds). The "ammo-pack" may contain hazardous materials and non-hazardous accessories, which may include, but are not limited to: lead bullets, cloth patches, wax lubricants, etc. The inner packagings containing hazardous materials must be prevented from movement within the intermediate packaging during transportation and separated from each other, as well as from the non-hazardous accessories, either by design (e.g., a molded plastic or fiberboard "case" immobilizing and segregating each individual hazardous and non-hazardous component of the "ammo pack") or by use of cushioning and partitioning materials within the intermediate packaging.

c. OUTER PACKAGING - The intermediate "ammo pack" packages must be placed in an outer DOT Specification UN 4G box. Each outer box may not contain more than twelve (12) intermediate packages.

8. SPECIAL PROVISIONS:

a. A person who is not a holder of this exemption who receives a package covered by this exemption may reoffer it for transportation provided no modification or change is made to the package or its contents and it is reoffered for transportation in conformance with this exemption and the HMR.

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

c. This exemption serves as a Competent Authority Approval (CA-9701014) issued by the Associate Administrator for Hazardous Materials Safety of the United States Department of Transportation, in accordance with Section 7.9 of the International Maritime Dangerous Goods Code and Part 1, Paragraph 1.2 of the International Civil Aviation Organization's Technical Instructions for the safe transportation of dangerous goods by air.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight, cargo vessel, cargo aircraft only.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each cargo vessel or cargo 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 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 incident involving the package and shipments made under the terms of this exemption.

Issued in Washington, D.C.:

Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

MAY 29 2002
(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: SCWATSON/alb