U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

MAY 8 1998

DOT-E 11454
(SECOND REVISION)

EXPIRATION DATE: **MARCH 31, 1999**

(FOR RENEWAL, SEE 49 CFR SECTION 107.109)

1. GRANTEE: Hodgdon Powder Company
Shawnee Mission, KS

(See Appendix A to this document for a list of additional grantees)

2. PURPOSE AND LIMITATION: This exemption authorizes domestic transportation in commerce by cargo vessel and cargo-only aircraft of limited quantities of "smokeless powder for small arms" (100 pounds or less) classed as Division 4.1, subject to the packaging and special provisions prescribed herein. This exemption provides no relief from any regulation other than as specifically stated herein.

3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR Part 173.171, insofar as carriage by aircraft and/or cargo vessel is prohibited.

5. BASIS: This exemption is based on the application of Hodgdon Powder Company dated February 14, 1997, submitted in accordance with 49 CFR 107.109.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous materials description -- proper shipping name	Hazard Class/ Division	Identi-fication Number	Packing Group
"Smokeless powder for small arms"(100 pounds or less)	4.1	NA3178	I

7. PACKAGING AND SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging is as prescribed in 49 CFR Part

173.171 for "smokeless powder for small arms." The complete package must be approved by the Associate Administrator for Hazardous Materials Safety as Division 4.1 in writing prior to the first shipment.

b. OPERATIONAL CONTROLS - Transportation is limited to 100 pounds of "smokeless powder for small arms" per freight container or cargo aircraft for shipment within the United States or its territories.

c. MARKING - In addition to the markings required in 49 CFR 172 Subpart D, each package shipped under this exemption must also be marked with the following: "DOT-E 11454" in durable lettering at least 2.5 cm (1 inch) high on the same panel where the proper shipping name and NA number are displayed.

8. SPECIAL PROVISIONS:

Persons who receive the packages covered by this exemption may reoffer them for transportation provided no modifications or changes are made to the packages, all terms of this exemption are complied with and a current copy of this exemption is maintained at each facility from which such reoffering occurs.

9. MODES OF TRANSPORTATION AUTHORIZED: cargo vessel, cargo aircraft only.

10. MODAL REQUIREMENTS:

a. A copy of this exemption must be carried aboard each cargo vessel or cargo-only aircraft used to transport packages covered by this exemption. The shipper shall furnish a copy of this exemption to the air carrier before or at the time the shipment is tendered.

b. Shipments of Division 4.1 "smokeless powder for small arms" by cargo vessel must be transported in a closed freight container, which must be sheathed with a non-metallic material unless the packages are of a sealed, dust-tight construction.

c. The total quantity of Division 4.1 "smokeless powder for small arms" in one cargo vessel freight container or cargo aircraft may not exceed 45.4 kg.(100 pounds) net weight.

d. Not more than four freight containers carrying Division 4.1 "smokeless powder for small arms" may be on board a cargo vessel at the same time.

e. For the purposes of column 10A of Section 172.101 Hazardous Materials Table, stowage category "E" shall apply to Division 4.1 "smokeless powder for small arms" by cargo vessel.

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. Section 5101 et seq:

- All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- Registration required by 49 CFR 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in 49 CFR 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 49 CFR 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. (49 CFR 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 at Washington, D.C.:

Ann Mazzullo 5/8/98

for Alan I. Roberts (DATE)
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.

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