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

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

MAY 17 2000

DOT-E 12459
(FIRST REVISION)

EXPIRATION DATE: June 1, 2000, or upon completion of one shipment, whichever occurs first.

1. GRANTEE: Alaska-Pacific Powder Company
Anchorage, Alaska

2. PURPOSE AND LIMITATION: 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.

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

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 172.101 Table, Column (9B) and 175.320(a).

5. BASIS: This emergency exemption is based on the application of Alaska-Pacific Powder Company dated April 27, 2000, submitted in accordance with § 107.117 and a determination that it is necessary to prevent significant economic loss, and an additional letter dated May 15, 2000.

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 |
| Cord, Detonating, flexible | 1.1D | UN0065 | II |
| Explosive, Blasting, Type E | 1.5D | UN0332 | II |
| Explosive, Blasting, Type B | 1.5D | UN0331 | II |
| Explosive, Blasting, Type A | 1.1D | UN0081 | II |

7. SAFETY CONTROL MEASURES: The explosives must be packaged in accordance with the provisions of § 173.62. The explosives are permitted only when no detonators or detonator assemblies are aboard the aircraft. The packages must be secured inside a Class 1 type explosive magazine.

8. SPECIAL PROVISIONS: The shipment will be transported by Lyden Air Cargo originating in Fairbanks or Deadhorse, Prudhoe Bay, Alaska, destined for Cape Lizburne, 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 the explosives 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.:

J. Suzanne Hedgepeth

Robert A. McGuire
Acting Associate Administrator for
Hazardous Materials Safety

MAY 17 2000
(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.

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.

PO: AM