

May 9, 2006



U.S. Department  
of Transportation

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

**Pipeline and  
Hazardous Materials  
Safety Administration**

DOT-SP 12982  
(SECOND REVISION)

**EXPIRATION DATE: April 30, 2010**

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Arthur L. Fleener  
Ames, IA
2. PURPOSE AND LIMITATION:
  - a. This special permit authorizes the transportation in commerce of black powder for small arms and primers by passenger-carrying aircraft to remote access areas in Alaska where there is no other practical alternative to air shipments. This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.
  - b. The safety analyses performed in development of this special permit only considered the hazards and risks associated with transportation in commerce.
  - c. No party status will be granted to this special permit.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR §§ 172.101 Hazardous Materials Table, Column (9A) and 175.30(a)(1) in that black powder for small arms and primers, cap type may not be transported by passenger carrying aircraft except as provided herein; § 172.301(c) in that each package is required to be marked with the special permit number.
5. BASIS: This special permit is based on Arthur L. Fleener's application of April 26, 2006 submitted in accordance with § 107.109.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

<b>Hazardous Materials Description</b>			
<b>Proper Shipping Name</b>	<b>Hazard Class/ Division</b>	<b>Identification Number</b>	<b>Packing Group</b>
Black powder for small arms	4.1	NA0027	I
Primers, cap type	1.4S	UN0044	II

7. SAFETY CONTROL MEASURES:a. PACKAGING -

(1) Packaging consists of a can containing no more than 1 pound of black powder for small arms and a tin containing no more than 100 primers.

(i) The black powder for small arms must be packed in inner metal or heavy wall conductive plastic receptacles not over one pound capacity.

(ii) Primers must be packaged to prevent any contact during the flight.

(2) One (1) can of black and one (1) tin of primers must then be packed in fiber, wood, or metal boxes, or other packaging specially designed to carry small amounts of ammunition (see § 175.10(a)(5)).

b. OPERATIONAL CONTROLS -

(1) Black powder for small arms and primers, cap type must have been approved and issued an EX-number by the Associate Administrator for Hazardous Materials Safety.

(2) No more than five (5) one pound cans of black powder and five (5) tins of primers may be transported on any one aircraft.

(3) Each package authorized under this special permit must be loaded in such a manner that a crew member or other authorized person can see, handle and separate such packages from other cargo during flight.

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(4) Passenger-carrying aircraft authorized by this special permit are limited to small charter flights (bush planes) with all passengers and flight crew having knowledge and consent that black powder for small arms and primers, cap type are being transported on the aircraft.

8. SPECIAL PROVISIONS:

a. This special permit may only be used for remote access areas in Alaska where there is no other practical alternative to air shipments.

b. The marking requirements in § 172.301(c) are waived.

c. Shipping papers displaying 'DOT-E 12982' may continue to be used until October 1, 2007, provided the special permit remains valid.

9. MODES OF TRANSPORTATION AUTHORIZED: Passenger-carrying aircraft.

10. MODAL REQUIREMENTS: A current copy of this special permit must be carried each aircraft used to transport the materials covered by this special permit. The shipper must furnish a current copy of this special permit 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 special permit 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 special permit and the Hazardous Materials Regulations, 49 CFR Parts 171-180.

o Persons operating under the terms of this special permit must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.

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 special permit must receive training on the requirements and conditions of this special

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permit in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this special permit, including display of its number, when this special permit has expired or is otherwise no longer in effect.

Under Title VII of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)- 'The Hazardous Materials Safety and Security Reauthorization Act of 2005' (Pub. L. 109-59), 119 Stat. 1144 (August 10, 2005), amended the Federal hazardous materials transportation law by changing the term 'exemption' to 'special permit' and authorizes a special permit to be granted up to two years for new special permits and up to four years for renewals.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this special permit are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous materials incident reports. In addition, the grantee(s) of this special permit must notify the Associate Administrator for Hazardous Materials Safety, in writing, of any incident involving a package, shipment or operation conducted under terms of this special permit.

Issued in Washington, D.C.:



for Robert A. McGuire  
Associate Administrator  
for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, Washington, D.C. 20590. Attention: PHH-31.

Copies of this special permit may be obtained by accessing the Hazardous Materials Safety Homepage at [http://hazmat.dot.gov/sp\\_app/special\\_permits/spec\\_perm\\_index.htm](http://hazmat.dot.gov/sp_app/special_permits/spec_perm_index.htm) Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited. PO: DLaValle/CHHochman/kah