

Required Information for Requesting an Exemption under 49 CFR
Subpart B- Exemptions

Each application for an exemption or modification of an exemption must--

1. Be submitted in duplicate and, for timely consideration, at least 120 days before the requested effective date to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Admin., U.S. Department of Transportation, 400 7th Street, SW., Washington, D.C. 20590-0001, Attention: DHM-31.
2. State the name, street, mailing address, telephone number of the applicant; or an individual designated as an agent of the applicant.
3. If the applicant is not a resident of the United States, the applicant must designate an agent for service in accordance with 49 CFR 107.7.
4. For a manufacturing exemption, one must provide a statement of the name and street address of each facility where manufacturing under the exemption will occur.
5. If confidential treatment is requested, the applicant must comply with 49 CFR 107.5(a).
6. State the citation(s) of the specific regulation from which relief is sought.
7. Specify the proposed mode or modes of transportation.
8. Provide a detailed description of the proposed exemption (e.g., alternative packaging, test, procedure or activity) including, as appropriate, written descriptions, drawings, flow charts, plans and other supporting documents.
9. Specify the proposed duration or schedule of events for which the exemption is sought.
10. Provide a statement outlining the applicant's basis for seeking relief from compliance with the specified regulations and, if the exemption is requested for a fixed period, a description of how compliance will be achieved at the end of that period.
11. If an emergency exemption is requested, the applicant must comply with 49 CFR 107.117 and provide a statement of supporting facts and reasons.
12. Identify and describe the hazardous materials planned for transportation under the exemption.
13. Provide a description of each package, and include a specification or exemption number, as applicable, to be used in conjunction with the requested exemption.

14. For alternative packagings, the applicant must provide documentation of quality assurance controls, package design, manufacture, performance test criteria, in-service performance and service-life limitation.
15. The application must demonstrate that an exemption achieves a level of safety at least equal to that required by regulation, or if a required safety level does not exist, is consistent with the public interest. At a minimum the application must provide the following:
 - a. Information describing all relevant shipping and incident experience of which the applicant is aware that relates to the application.
 - b. A statement identifying any increased risk to safety or property that may result if the exemption is granted and a description of the measures to be taken to address that risk.
 - c. Either substantiation, with applicable analyses, data or test results, that the proposed alternative will achieve a level of safety that is at least equal to that required by the regulation from which the exemption is sought; or
 - d. If the regulations do not establish a level of safety, an analysis that identifies each hazard, potential failure mode and the probability of its occurrence, and how the risks associated with each hazard and failure mode are controlled for the duration of an activity or life-cycle of a packaging.

49 CFR 107.105 -- contains information on applying for an exemption as outlined above.

49 CFR 107.107 -- contains information on how to become party-to an exemption.

49 CFR 107.109 -- contains information on how to renew an exemption.

49 CFR 107.111 -- explains how an exemption request is to be withdrawn.

49 CFR 107.113 -- explains how the exemption is processed, docketed and evaluated.

49 CFR 107.117 -- explains how to file for an emergency exemption and the justification that is necessary.

49 CFR 107.121 -- explains the modification, suspension or termination process.

49 CFR 107.125 -- relates to the appeal process.