U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

FEB 11 1999

DOT-E 12073

EXPIRATION DATE: **January 15, 2001**

(FOR RENEWAL, SEE 49 CFR § 107.109.)

1. GRANTEE. Patriotic Fireworks
Northeast, Maryland.

2. PURPOSE AND LIMITATION.

a. This exemption authorizes the transportation in commerce of certain approved Division 1.3G fireworks devices that may, when packaged, marked and offered for transportation and transported fully in accordance with the conditions of this exemption, are authorized to be classed, during transportation only, as Division 1.4G fireworks. This exemption provides no relief from any Hazardous Materials Regulation (HMR) other than as specifically stated herein.

b. The safety analysis performed in the development of this exemption only considered the hazards and risks associated with transportation in commerce. The reduction of the Hazard Class authorized in this exemption applies only to the material while in transportation. The Hazard Class remains 1.3G for all other purposes. Requirements for storage, separation or for compliance with the requirements of other regulatory agencies are not affected by this exemption. Failure to comply with the HMR or misrepresentation of the Hazard Class of these materials, other than as specifically authorized in this exemption, may subject that person to penalties prescribed by 49 U.S.C. §§ 5123 and 5124.

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

4. REGULATIONS FROM WHICH EXEMPTED. 49 CFR § 173.56(j) to the extent specified in this exemption.

5. BASIS. This exemption is based on Patriotic Fireworks' application dated April 1, 1998, submitted in accordance with 49 CFR 107.105 and the public proceeding thereon.

6. HAZARDOUS MATERIALS (49 CFR § 172.101).

This exemption applies only to Division 1.3G fireworks devices approved under approval **EX-9801046** that are, for the purpose and extent of this exemption, described, classed and identified as follows:

Hazardous materials description/proper shipping name	**Hazard Class/ Division**	**Identification number**	**Packing Group**
Fireworks	1.4G	UN0336	II

7. PACKAGING AND SAFETY CONTROL MEASURES.

a. Construction of fireworks devices:

(1) Each fireworks device may contain no more than 16 mortar tubes that are mounted on a single solid base no less than 5/8" thick.

(2) Each tube may contain no more than 40 grams of chemical composition further limited to chemicals listed in Table 4.3-1 of the American Pyrotechnics Association (APA) Standard 87-1 (April 1993 Edition) and no more than 20 grams of lift charge. Each lift charge must be fully contained within the mortar by use of an inner bag or similar packaging. The total chemical composition in a device, including the lift charge, may not exceed 800 grams. Each mortar shall fire in sequence upon ignition of one external fuse and no more than one mortar shall fire at a time.

(3) Except as specifically provided by this exemption, each fireworks device must meet all applicable requirements of APA Standard 87-1(April 1993 Edition).

b. Packaging:

(1) Each fireworks device must be packaged in a UN 4G box with a plywood pad, no less than 3/16th inch thick and equal in dimension to the length and width of the base of the device, that is placed inside the box so as to completely cover the muzzle of each tube.

(2) Each package may contain no more than one sixteen-tube device, two twelve-tube devices, or two eight-tube devices.

c. Marking:

(1) A fireworks device (including a component thereof) subject to this exemption may not be marked in any manner that would indicate it falls within Division 1.4 or any classification for fireworks in effect prior to October 1, 1993.

(2) In addition to marking requirements specified in § 172.300, each package must be legibly marked, near the required exemption identification, with the following statement "The 1.4G classification indicated by the label on this package is not valid if this packaging, including inner packaging materials for the fireworks device(s) in this package, deviates in any manner from the packaging required by DOT Exemption 11412".

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 modifications or changes are made to the package 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.

9. MODES OF TRANSPORTATION AUTHORIZED. Motor vehicle and rail freight.

10. MODAL REQUIREMENTS. A copy of this exemption must be carried aboard each motor vehicle used to transport packages covered by this exemption.

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 § 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 fire, explosion or the package and shipments made under the terms of this exemption.

Issued at Washington, D.C.:

FEB 11 1999

Alan I. Roberts
Associate Administrator for Hazardous Materials Safety

(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.

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