U.S. Department
of Transportation

**Pipeline and
Hazardous Materials
Safety Administration**

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

MAY 4 2005

DOT-E 14181
(FIRST REVISION)

EXPIRATION DATE: July 4, 2005

1. GRANTEE: American Promotional Events (dba TNT Fireworks) Florence, AL,

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes the one-time, one-way transportation in commerce of Division 1.4G fireworks in non-DOT specification bulk fiberboard packagings. This exemption provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.

b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce. The safety analyses did not consider the hazards and risks associated with consumer use or other uses not associated with transportation in commerce.

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

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 172.302 (b) and (c) in that the requirement to mark the exemption number on the outside of the package is waived and § 173.62 in that fireworks are not authorized to be shipped in bulk packagings, except as specified herein.

5. BASIS: This emergency exemption is based on the application of American Promotional Events dated April 21, 2005, submitted in accordance with § 107.117 and additional information received April 26 and 27, 2005, May 2, 2005 and a determination that it is necessary to prevent significant economic loss.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper shipping name	**Hazard Class/ Division**	**Identi-fication Number**	**Packing Group**
Fireworks	1.4G	UN0336	PGII

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packagings prescribed are approximately 12,000 non-DOT specification two-part bulk fiberboard boxes. Each fiberboard box must be as described in Wyle Laboratories Test Report 47014-02+AC1903 on file with the Office of Hazardous Materials Exemptions and Approvals. The fiberboard box is secured to a wooden pallet with dimensions not to exceed 48-1/8" x 40" x 64" and is certified for a maximum gross weight of 368 Kgs.

b. OPERATIONAL CONTROLS -

(1) Fireworks may not be shipped if in launching tubes or devices.

(2) This exemption only authorizes the one-time, one-way transportation of the packagings described in paragraph 7.a. above from TNT distribution facilities to retail outlets.

(3) The packagings must be transported by a private or contract motor carrier, or by a common carrier in exclusive use or full truck load quantities. Alternatively, a common carrier is authorized to transport packagings (as described in 7.a. above), provided that no package contains any "firecracker", aerial device, rocket, mortar, "bottle rocket", "roman candle", or any other propulsive device.

(4) The driver of the transport vehicle must be instructed that when the vehicle is in an accident involving spilled fuel or fire, the vehicle must be

moved to a safe location unless moving the vehicle would directly endanger others.

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.

c. The marking requirements of § 172.302(b) and (c) are waived.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS: A current 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. 5101 et seq:

- All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- 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: Shipments or operations conducted under this exemption 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 exemption must notify the Associate Administrator for Hazardous Materials Safety -- OHMEA, in writing, of any incident involving a package, shipment or operation conducted under terms of this exemption.

Issued in Washington, D.C.:

Robert A. McGuire
for Associate Administrator for
Hazardous Materials Safety

MAY 4 2005
DATE

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 400 Seventh Street, SW, Washington, D.C. 20590.
Attention: PHH-31.

Copies of this exemption may be obtained by accessing the Hazardous Materials Safety Homepage at http://hazmat.dot.gov/exemptions Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

PO: DBurger/CHHochman/DFB