

April 04, 2019



U.S. Department
of Transportation

East Building, PHH-30
1200 New Jersey Avenue S.E.
Washington, D.C. 20590

**Pipeline and Hazardous
Materials Safety Administration**

DOT-SP 20564

EXPIRATION DATE: 2021-03-31

(FOR RENEWAL, SEE 49 CFR 107.109)

1. GRANTEE: ACE Pyro, LLC
Saline, MI
2. PURPOSE AND LIMITATION:
 - a. This special permit authorizes the transportation in commerce of fireworks with black powder in the same freight container or trailer. This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein. The most recent revision supersedes all previous revisions.
 - b. The safety analyses performed in the development of this special permit only considered the hazards and risks associated with the 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 177.848(g)(3)(vi) in the fireworks can be transported in the same freight container or trailer with black powder.
5. BASIS: This special permit is based on the application of ACE Pyro, LLC dated October 4, 2017 submitted in accordance with § 107.105, the public proceeding thereon, and the application dated May 17, 2018 submitted in accordance with § 107.123.

Tracking Number: 2018059975

6. HAZARDOUS MATERIALS (49 CFR 172.101):

| Hazardous Materials Description | | | |
|--|-------------------------------|------------------------------|----------------------|
| Proper Shipping Name | Hazard Class/ Division | Identification Number | Packing Group |
| Black Powder | 1.1D | UN0027 | N/A |
| Fireworks | 1.1G | UN0333 | N/A |
| Fireworks | 1.3G | UN0335 | N/A |
| Fireworks | 1.4G | UN0336 | N/A |

7. SAFETY CONTROL MEASURES:

a. PACKAGING: The special permit does not authorize any relief from the packaging requirements found in 49 CFR 173.62.

b. OPERATIONAL CONTROLS: Black powder and fireworks may be transported in the same freight container or trailer when the following conditions are met.

(1) The black powder must be separated from all fireworks by a minimum of 4 feet and must include at least one barrier wall made of plywood (or other suitable material).

(2) The barrier wall may be adjacent to either the black powder or the fireworks.

(3) The separation distance between the fireworks and black powder (minimum 4 feet) may be filled with non-hazardous dunnage.

(4) The maximum quantity of black powder per shipment must not exceed 3000 pounds.

(5) Each transport vehicle must be placarded as 1.1D.

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(6) All shipments made under this special permit must be transported by ACE Pyro LLC employees or by a contract carrier under the exclusive use of ACE Pyro LLC.

8. SPECIAL PROVISIONS: A current copy of this special permit must be maintained at each facility where the package is offered or reoffered for transportation.
9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle
10. MODAL REQUIREMENTS: A current copy of this special permit must be carried aboard each cargo vessel, aircraft, or motor vehicle used to transport packages covered by this special permit. The shipper must furnish a 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 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

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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 William Schoonover
Associate Administrator for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Material Safety Administration, U.S. Department of Transportation, East Building PHH-30, 1200 New Jersey Avenue, Southeast, Washington, D.C. 20590.

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. Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

PO: RT/TG