



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

MAY 01 2019

James Fish
Grand Finale Entertainment, Inc.
103 Kenton Court
Simpsonville, SC 29681

Reference No. 18-0092

Dear Mr. Fish:

This letter is in response to your June 25, 2018, letter and subsequent phone conversations with a member of my staff requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the classification of explosives and general packaging requirements for fireworks. Specifically, you describe the following scenario and seek confirmation that the package as described complies with the HMR and if the device would be considered a new explosive:

- Your company uses 1.4G fireworks (UN0336), that have valid EX numbers, and securely attaches those fireworks to a base.
- You attach an "initiator" to the visco fuse of each firework, and connect the initiator to a firing terminal that can be remotely activated, allowing someone to fire the device in any desired order. (The firing terminal requires batteries to function, but there are no batteries installed during transportation).
- The "initiator" may or may not have pyrotechnic material.
- The "initiator" does not alter the 1.4G firework except for attaching the "initiator" to the preexisting visco fuse of the firework.
- Batteries (9-volt battery and/or AA's) are shipped in the same package, but the batteries are wrapped and secured in such a way that the terminals of the batteries are completely protected and covered.
- The assembled device is packaged inside a box and has the necessary markings and label on the exterior of the box in compliance with the HMR for fireworks (UN0336).

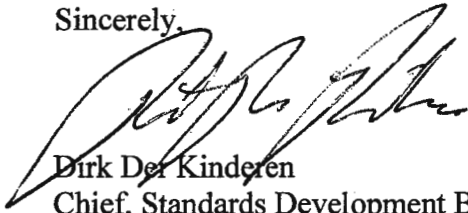
Your question is, does this configuration constitute a new explosive?

The answer is yes. Based on the information provided, fusing the devices together and to a central control board that could be used to fire the devices in any desired order, constitutes the manufacturing of a new explosive device. Thus, the device is subject to review and approval under the provision of § 173.56. The special nature of your device (only using already approved

devices that have existing EX approvals) may make it possible to obtain a single approval to cover a large array of possible fireworks that could be configured in one device. We recommend that you review the application process in § 173.56 and contact the Office of Approval and Permits (202-366-4511) to see what options may be available to your company.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dirk De Kinderen', written in a cursive style.

Dirk De Kinderen
Chief, Standards Development Branch
Standards and Rulemaking Division

Grand Finale Entertainment, LLC
103 Kenton Court
Simpsonville, SC 29681



September 25, 2017

Mr. William J. Boyle III
Explosives Enforcement Specialist
Bureau of Alcohol, Tobacco, Firearms & Explosives
Explosives Industry Programs Branch
99 New York Avenue NE (6.N-660)
Washington, DC 20226

Dear Mr. Boyle:

I'm writing to follow up our conversation from Sep. 7, 2017 at the National Fireworks Association's Expo meeting where we reviewed a tray assortment that I'm working on called *ViViD, The Fireworks Show In A Box*.

My company is developing a box of UN0336 1.4G fireworks whereby we assemble a tray assortment of these finished products into a package for consumer use. I'm writing to request a letter of determination to confirm that assembly of this tray assortment does not constitute my company as an explosives manufacturer and that we do not require an explosives manufacturing licensing.

As further explanation, my company only uses finished UN0336 1.4G fireworks with EX numbers that we purchase from authorized U.S. importers. We mount these finished UN0336 1.4G fireworks into a tray assortment and attach to each device's existing green fuse a plastic clip and consumer Firewire Initiator that extends to a terminal which has no power supply. None of this alters the originally manufactured firework device or its intended performance in any way, shape or form. Enclosed is a list of UN0336 1.4G fireworks with EX numbers that we use, copy of the Safety Data Sheet for the Firewire Initiator, and a photograph of the tray assortment.

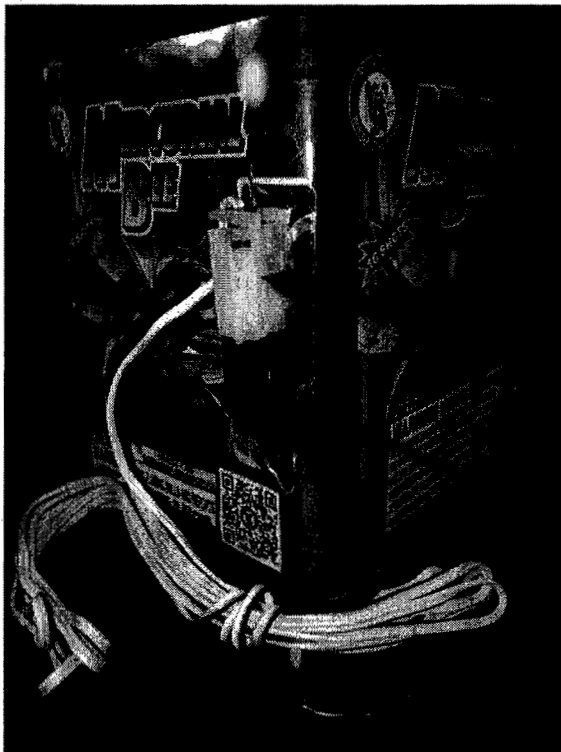
It would be helpful if the Bureau of Alcohol, Tobacco, Firearms & Explosives could provide a letter of determination to confirm that assembly of this tray assortment using only finished UN0336 1.4G fireworks with EX numbers does not constitute my company as an explosives manufacturer and that we do not require an explosives manufacturing license.

Sincerely,

James Fish
President & Founder
Grand Finale Entertainment, LLC
(864) 256-1694

Enclosure

Grand Finale Entertainment, LLC
103 Kenton Court
Simpsonville, SC 29681



UN0336 1.4G consumer firework device with existing EX number and AFSL certification

Plastic connector and Firewire Initiator attached to the tip of the green fuse

Unaltered pre-existing green fuse



UN0336 1.4G fireworks assembled and mounted into a tray assortment