



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

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

AUG 8 2003

DOT-E 11136
(NINTH REVISION)

EXPIRATION DATE: May 31, 2005

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Members of the American Pyrotechnics Association Washington, DC identified in Appendix A and other companies who have obtained party status and are listed in Appendix B of this exemption.
2. PURPOSE AND LIMITATION:
 - a. This exemption authorizes the transportation in commerce of Fireworks, Division 1.3G, UN0335 which are forbidden or exceed the quantity limitations authorized for transportation by cargo-only aircraft. This exemption provides no relief from the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) 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.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR Table § 172.101, Column (9B), § 172.204(c)(3), § 173.27(b)(2) and (b)(3); § 175.30(a)(1) in that an explosive is forbidden by cargo aircraft or the quantity limitation is exceeded.
5. BASIS: This exemption is based on the application of American Pyrotechnics Association dated February 26, 2003, on behalf of their members identified in the February 26, 2003, letter as listed in Appendix A, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Fireworks	1.3G	UN0335	II

The above description applies only to fireworks that have been approved pursuant to § 173.56.

7. SAFETY CONTROL MEASURES:

- a. PACKAGING - Packaging is as prescribed in § 173.62 except that inner packagings must be bags or receptacles that can be tightly sealed to prevent the release of pyrotechnic powders to the outer packaging.
- b. Authorized explosives: Division 1.3 explosives that are not permitted for shipment by air, or are in quantities greater than those prescribed for shipment by air in the HMR, may be accepted and transported in cargo aircraft only subject to the conditions stated herein. Explosives carried under the terms of this exemption must be authorized to be transported by common carrier by highway in the HMR.
- c. Operations manual: Air carrier operations must be conducted in accordance with conditions and limitations specified in the certificate holder's operations manual accepted by the FAA.
- d. Maximum weight: Not more than 2,000 pounds total net weight of explosives may be carried in the aircraft.
- e. Advance Notice to FAA Regional Dangerous Goods Manager: The operator of the aircraft must notify the regional Dangerous Goods Manager in the region where the flight will originate. This notification must be given at least 72 hours in advance of plans to operate under the exemption, unless prior arrangements have been made with the cognizant Regional Dangerous Goods Manager. The notification must include the point of departure, intermediate stops, destination(s), and a loading and departure schedule. If a flight schedule deviates more than four hours from the originally scheduled departure time, the operator of the aircraft must notify the cognizant Regional Dangerous Goods

Manager. Alternate notification procedures may be established subject to the written approval of the cognizant Regional Dangerous Goods Manager.

f. Advance notification to an airport: The operator of the aircraft must provide advanced notification to the owner or operator of each manned airport where the material is to be loaded or unloaded or where aircraft is to land while the materials are on board. When the destination is changed after departure because of weather or other unforeseen circumstances, advanced notification must be made to the owner or operator of the alternate airport as soon as practicable.

g. Flight plan: The operator of the aircraft must include the following information in the "Remarks" section of each flight plan when the provisions of this exemption are exercised:

- (1) The classification of each hazardous material aboard the aircraft.
- (2) The net weight of each class of hazardous material aboard the aircraft.

h. Loading and unloading: Loading and unloading operations under this exemption must comply with the following:

- (1) The loading and unloading of the aircraft must be conducted at a safe distance from heavily populated areas and from any place of human abode or assembly. However, at an airport where the airport owner or operator or authorized representative thereof has designated a specific location for loading or unloading, the explosives may not be loaded or unloaded at any other location.
- (2) Carriage of explosives under this exemption is subject to the same limitations and conditions specified for their transportation by motor vehicle in § 177.835(g) and § 177.848.
- (3) The loading arrangements to be used aboard the aircraft for the materials listed in paragraph 6, must be identified in the operator's operating specifications and have been accepted and approved in writing by an FAA-assigned Principal Operations

Inspector in accordance with the operator's approved weight and balance program.

(4) During loading or unloading, no person may smoke or carry a lighted cigarette, cigar or pipe, or operate any device capable of causing an open flame or spark within 50 feet of the aircraft.

(5) No fueling operations of the aircraft carried out during loading and unloading of the explosives.

i. Requirements during operation of aircraft: Operation of the aircraft during takeoff, en route, and landing must be conducted at a safe distance from heavily populated areas.

(1) Before movement of the aircraft prior to take-off, the pilot of the aircraft must notify the control tower of the class(es) of explosive(s) (including ammunition) on board.

(2) The pilot of the aircraft, prior to entering an airport traffic area, must notify the control tower of the amount and class of explosives on board and request this information be relayed to the appropriate airport officials. For airports without control towers, this call must be made to the Flight Service Station nearest the airport of intended landing.

(3) When under radar control during the approach and landing phase, the pilot must request appropriate vectors so as to avoid heavily populated areas.

(4) Whenever explosives are on board the aircraft, the pilot must ensure that no person on the aircraft may smoke, or carry a lighted cigarette, cigar, or pipe, or operate any device capable of causing an open flame or spark.

j. Pilot requirements: The operator of the aircraft must ensure the following with respect to pilots of aircraft operating under this exemption:

(1) A minimum of two pilots is required aboard any multi-engine aircraft carrying explosives under this exemption.

(2) Each pilot of the aircraft must be provided written instructions stating the conditions and limitations of the operations being conducted and the name of the official(s) granting the advance permission required by paragraph (g) above except when a landing permit has been granted by an agency of the Department of Defense for landing at a military installation.

(3) Each pilot of an aircraft being operated under this exemption must have received formal training on the requirements of 49 CFR Parts 171-180 that are applicable to his duties and be thoroughly familiar with the specific requirements of this exemption.

k. Attendance of explosives: Division 1.3 explosives must be attended at all times they are in the possession of the operator (from the time of receipt from the consignor until time of receipt by the consignee) unless placed in an explosive storage magazine that is approved by the Federal, State or local authority or at a location on a military installation designated by appropriate military authorities.

l. MARKING - In addition to the markings required in 49 CFR Part 172, Subpart D, the outside of each package must be marked "DOT-E 11136".

8. SPECIAL PROVISIONS: The companies identified in Appendix A of this exemption are authorized to offer the fireworks identified in Paragraph 6 for transportation by cargo-only aircraft, under the terms and conditions specified herein.
9. MODES OF TRANSPORTATION AUTHORIZED: Cargo-only aircraft.
10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each aircraft used to transport packages covered by this exemption. The shipper shall furnish a copy of this exemption 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 exemption and penalties prescribed by the Hazardous materials transportation law, 49 U.S.C. 5101 et seq:

- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations 49 CFR Parts 171-180.
- 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 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 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. (Sections 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 the package and shipments made under the terms of this exemption.

Issued in Washington, D.C.:



Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

AUG 8 2003

(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.

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: KFW/alb

For Exemptions DOT-E 11136

February 2003

AUG 8 2003**Full Members:**

A & W Sales Company	P.O. Box 1, Muncy, PA 17756
Advanced Imports, Inc.	P.O. Box 9627, Wichita, KS 67277
Alamo Fireworks, Inc.	P.O. Box 18264, San Antonio, TX 78218
Alonzo Fireworks Display	12 County Road, #75, Mechanicsville, NY 12118
Alpha-Lee Enterprises, Inc.	4111 F. M. 2351, Friendswood, TX 77456
Amazon Fireworks	6352 Wellesly Drive, W. Bloom, MI 48322
American Eagle Fireworks	901 N. Larch Street, Lansing, MI 48906
American Fireworks Co. (Wood'N Wood, Inc.)	P.O. Box 451, Durant, OK 74702
American Fireworks Company	P.O. Box 394, Hudson, OH 44236
American Promotional Events, Inc.	P.O. Box 1318, Florence, AL 35630
American Promotional Events, Inc.	555 N. Gilbert Avenue, Fullerton, CA 92833
American Promotional Events - NW	P.O. Box 1436, Tacoma, WA 98401
American Thunder, Inc.	P.O. Box 584, Kingston, NH 03848
Amusement Brokers, Ltd.	1875 Branigan Road, Beloit, WI 53511
Arkansas Pyrotechnic Productions	P.O. Box 873, N. Little Rock, AR 72115
Arrowhead Fireworks Co., Inc.	P.O. Box 16928, Duluth, MN 55816
Atlas Advanced Pyrotechnics, Inc.	P.O. Box 498, Jaffrey, NH 03452
Atlas Enterprises, Inc.	6601 Nine Mile Azle Road, Fort Worth, TX 76135
Atlas Importers, Inc.	P.O. Box 273, Marion, SC 29571
Atomic Fireworks Inc. of Arkansas	P.O. Box 1150, West Memphis, AR 72303
Austin Pyrotechnics Productions	4440 Southeast Boulevard, Wichita, KS 67210
B.J. Alan Company	555 Martin Luther King, Jr., Boulevard, Youngstown, OH 44502-1102
Bay Fireworks	110 Rt. 110 ste 102, Huntington, NY 11746
Blue Hill Pyrotechnics	P.O. Box 694, Hampden, ME 04444-0694
Brite Star Productions, Inc.	15623 W. 21st Street, Wadsworth, IL 60083
Cartwright Fireworks, Inc.	1608 Keely Road, Franklin, PA 16323
Cassorla Brothers, Inc.	980 Broyles Ranch Road, Battle Mountain, NV 89820
Celebration Fireworks Company, Inc.	5860 N. Michigan Road, Indianapolis, IN 46228
Central Kentucky Fireworks Company	145 Eisenhower Court, Nicholasville, KY 40356
Central States Fireworks, Inc.	RR1 Box 215, Athens, IL 62613
Ches-Lee Enterprises, Inc.	P.O. Box 64, Bastrop, TX 78602
Colonial Fireworks Co., Inc.	5225 Telegraph Road, Toledo, OH 43612
Cornellier Fireworks	105 Dearborn Street, Beloit, WI 53511
Crazy Debbie's Fireworks	44 NE 5th Road, Lamar, MO 64759-8507
Dakota Pyrotechnics, Inc. **	16250 57th St. SE, Kindred, ND 58051
Daveyfire, Inc.	2121 North California Boulevard, Walnut Creek, CA 94596-8209
De La Mare Engineering, Inc.	1908 First Street, San Fernando, CA 91340
Disneyland	P.O. Box 3232, Anaheim, CA 92803
Dominion Fireworks, Inc.	P.O. Box 3015, Petersburg, VA 23805-3015
Eagle Fireworks, Inc.	Route 1 Box 55 U, Marietta, OH 45750
Elkton Sparkler Co., Inc.	Box F, North East, MD 21901
Entertainment Fireworks, Inc.	P.O. Box 7160, Olympia, WA 98507-7160
F & F All Seasons, Inc.	3030 US 12E, Niles, MI 49120
Fire Art Corporation	P.O. Box 1041, Clearfield, PA 16830
Firepower Displays Unlimited, Inc.	P.O. Box 4085, Princeton, FL 33032
Fireside Fireworks	2720 W. 5 Mile, Caledonia, WI 53018
Fireworks By Grucci	One Grucci Lane, Brookhaven, NY 11719
Fireworks Concepts Inc.	2008 Sherwood Road, Wilmington, DE 19810

MAR 17 2004

The following are hereby granted party status to this exemption based on their application(s) submitted in accordance with § 107.107 or § 107.109, as appropriate:

Company Name City/State	Application Date	Issue Date	Expiration Date
Alaska Pyrotechnics Anchorage, AL	Aug 01, 2003	Aug 21, 2003	May 31, 2005
American Pyrotechnics Association Bethesda, MD	Feb 27, 2003	Jun 12, 2003	May 31, 2005
Fire Art by Griz, Inc. Big Lake, AK	Jul 07, 2003	Jul 15, 2003	May 31, 2005
Pyro Display Company, Inc. Sebring, FL	Feb 12, 2004	MAR 17 2004	May 31, 2005



fe Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

MAR 17 2004

Date