

November 26, 2007



U.S. Department  
of Transportation

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

**Pipeline and Hazardous  
Materials Safety Administration**

DOT-SP 14441  
(SECOND REVISION)

**EXPIRATION DATE: December 31, 2008**

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: B.J. Alan Company  
Youngstown, OH
2. PURPOSE AND LIMITATION:
  - a. This special permit authorizes the one-way transportation in commerce of Division 1.4G fireworks in non-DOT specification fiberboard non-bulk outer packagings under the terms and conditions specified herein when transported by private motor carrier or contract carrier under exclusive use. This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.
  - 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 § 172.302(c) in that the requirement to mark the special permit number on the outside of the package is waived and § 173.62(c), Packaging Instruction 135 in that a non-DOT specification packaging is not authorized, except as specified herein.
5. BASIS: This special permit is based on the application of B.J. Alan Company dated August 13, 2007 submitted in accordance with § 107.105 and the public proceeding thereon.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

<b>Hazardous Materials Description</b>			
<b>Proper Shipping Name</b>	<b>Hazard Class/ Division</b>	<b>Identification Number</b>	<b>Packing Group</b>
Fireworks	1.4G	UN0336	II

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Division 1.4G fireworks must be packaged in a rigid double walled fiberboard box that is closed and sealed to prevent loss of contents. The gross weight of any package shall not exceed 30 Kilograms (66 pounds). Incompletely filled outer packagings must contain sufficient cushioning material so as to prevent any movement within the package during transport.

b. OPERATIONAL CONTROLS -

(1) All packaging, marking and labeling of the fireworks at retail outlets for return to B.J. Alan Company must be performed by B.J. Alan Company employees. B.J. Alan Company employees must prepare of all shipping documents.

(2) No unpackaged or loose fireworks or fireworks in launching tubes or devices may be shipped under the terms of this special permit.

(3) This special permit only authorizes the one-time transportation of the packagings described in paragraph 7.a. above from retail outlets to B.J. Alan Company warehouses.

(4) Transportation must be by private carrier or contract motor carrier under exclusive use of the shipper within a 600 mile radius of the B.J. Alan Company warehouse where the fireworks will be delivered.

(5) No other hazardous material may be on the motor vehicle.

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(6) 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. This exemption is only valid for transport of Division 1.4G fireworks which have been previously approved by the Associate Administrator for Hazardous Materials Safety.

b. A current copy of this exemption must be maintained at each facility where the package is offered for transportation.

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

9. MODES OF TRANSPORTATION AUTHORIZED: Motor Vehicle.

10. MODAL REQUIREMENTS: A current copy of this special permit must be carried aboard each cargo vessel or motor vehicle used to transport packages covered by this special permit.

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.

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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 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 Theodore L. Willke  
Associate Administrator for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Material Safety Administration, Department of Transportation, Washington, D.C. 20590. Attention: PHH-31.

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](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: LAVALLE/kah