



U.S. Department
of Transportation

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

**Pipeline and
Hazardous Materials
Safety Administration**

SEP 27 2005

DOT-E 11412
(SEVENTH REVISION)

EXPIRATION DATE: August 31, 2007

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Wizard Works, Inc.
Arthur, North Dakota
2. PURPOSE AND LIMITATION:
 - a. This exemption authorizes the transportation in commerce of certain approved Division 1.3G fireworks devices that may, when packaged, marked and offered for transportation and transported fully in accordance with the conditions of this exemption, be classed during transportation as Division 1.4G fireworks. 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.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 173.56 (j) in that the amount of chemicals in the device exceeds 500 g allowed by APA Standard 87-1.
5. BASIS: This exemption is based on the application of Wizard Works, Inc., dated September 6, 2005 submitted in accordance with § 107.109.

SEP 27 2005

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

This exemption applies only to Division 1.3G fireworks devices approved under approval EX-9502033 that are, for the purpose and extent of this exemption, described, classed and identified as follows:

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi- fication Number	Packing Group
Fireworks	1.4G	UN0336	II

7. SAFETY CONTROL MEASURES:

a. CONSTRUCTION - Construction of fireworks devices must be as follows:

(i) Each fireworks device may contain no more than 16 mortar tubes that are mounted on a single solid base no less than 5/8" thick.

(ii) Each tube may contain no more than 40 grams of chemical composition further limited to chemicals listed in Table 4.3-1 of the American Pyrotechnics Association (APA) Standard 87-1 (December 1, 2001 version) and no more than 20 grams of lift charge. Each lift charge must be fully contained within the mortar by use of an inner bag or similar packaging. The total chemical composition in a device, including the lift charge, may not exceed 800 grams.

(iii) Except as specifically provided by this exemption, each fireworks device must meet all applicable requirements of the current APA Standard 87-1.

b. PACKAGING -

(i) Each fireworks device must be packaged in a UN 4G box with a plywood pad, no less than a 3/16th inch thick and has equal dimensions to the length and width of the base of the device, that is placed inside the box to completely cover the muzzle of each tube.

(ii) Each package may contain no more than one sixteen-tube device, two twelve-tube devices, or two eight-tube devices.

c. OPERATIONAL CONTROLS -

(i) A firework device (including a component thereof) subject to this exemption may not be marked in any manner that would indicate it falls within Division 1.4 or any classification for fireworks in effect prior to October 1, 1993.

(ii) In addition to marking requirements specified in § 172.300, each package must be legibly marked, near the required exemption identification, with the following statement "The 1.4G classification indicated by the label on this package is not valid if this packaging, including inner packaging materials for the fireworks device(s) in this package, deviates in any manner from the packaging required by DOT Exemption 11412".

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.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard 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:

SEP 27 2005

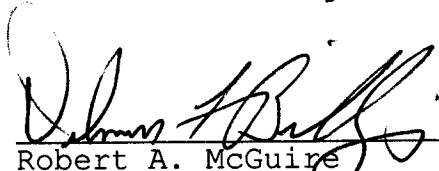
- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- o Registration required 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 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
Associate Administrator for
Hazardous Materials Safety

SEP 27 2005

DATE

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

SEP 27 2005

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: RDT/sln