



DEPARTMENT OF TRANSPORTATION

[4910-EX-P]

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2007-28043]

Hours of Service (HOS) of Drivers; Revision of Exemption; American Pyrotechnics Association (APA)

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of revised regulatory exemption.

SUMMARY: The FMCSA announces a revision to the list of member motor carriers of the American Pyrotechnics Association (APA) that were granted an exemption from FMCSA's prohibition on driving commercial motor vehicles (CMVs) after the 14th hour after the driver comes on duty, during the periods of June 28 - July 8, inclusive, in 2011 and 2012. The exemption covered renewal of 53 APA-member motor carriers and added 9 new APA-member carriers. It allowed drivers of specified carriers who operate CMVs in conjunction with staging fireworks shows celebrating Independence Day to exclude off-duty and sleeper-berth time of any length from the calculation of the 14-hour period. These drivers continue to be subject to the 11-hour driving time limit and the 60- and 70-hour weekly on-duty limits. This revision, requested by APA, removes 14 APA-member carriers that have either gone out of business or no longer require the exemption.

DATES: This revision to the exemption is effective during the period of June 28, 2012, through July 8, 2012, inclusive.

FOR FURTHER INFORMATION CONTACT: Ms. Christine Hydock, FMCSA Driver and Carrier Operations Division, Office of Bus and Truck Standards and Operations, Telephone: 202-366-4325. E-mail: MCPSD@dot.gov.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31315 and 31136(e), FMCSA may grant an exemption from the HOS requirements in 49 CFR 395.3(a)(2) for up to 2 years if it finds “such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption” (49 U.S.C. 31315(b)(1)).

The initial APA application for waiver or exemption relief from the 14-hour rule was submitted in 2004; a copy of the application is in the docket. That application fully describes the nature of the pyrotechnic operations of the CMV drivers employed by APA-member motor carriers during a typical Independence Day period. The CMV drivers are trained pyrotechnicians and hold commercial driver’s licenses with hazardous materials endorsements. They transport fireworks and related equipment by CMV on a very demanding schedule, often to remote locations. After they arrive, the APA drivers are responsible for set-up and staging of the fireworks shows.

In 2011, FMCSA granted an exemption renewal to 53 APA-member motor carriers and added 9 new APA-member carriers (76 FR 37876 and 76 FR 37880, June 28, 2011) for their Independence Day fireworks displays in 2011 and 2012.

APA is currently requesting removal from the 2012 Independence Day exemption of 14 APA-member companies that have either gone out of business or no longer require the exemption. A list of these companies is included as Appendix A and a revised list of the 48 APA-member companies, still covered by the 2012 exemption is included as Appendix B to this notice.

The HOS rules prohibit a property-carrying CMV driver from driving after the 14th hour after coming on duty following 10 consecutive hours off duty (49 CFR 395.3(a)(2)). During the periods June 28 - July 8, 2012, inclusive, the companies named in Appendix B, and CMV drivers employed by them, will be exempt from section 395.3(a)(2) if they are operating in conjunction with the staging of fireworks shows celebrating Independence Day.

The exemption permits CMV drivers engaged in these operations to exclude off-duty and sleeper-berth time of any length from the calculation of the 14-hour on-duty period. These drivers must continue to obtain 10 consecutive hours off duty prior to the 14-hour period, and observe the 11-hour driving time limit, as well as the 60- and 70-hour on-duty limits. The drivers must comply with all other applicable provisions of the Federal Motor Carrier Safety Regulations (49 CFR 390-399). For a full explanation of the terms and conditions of the exemption, see the **Federal Register** notice published on June 28, 2011 (76 FR 37876-37882).

Issued on: June 21, 2012

Larry W. Minor
Associate Administrator for Policy

Appendix A to the Notice of Revised Regulatory Exemption for the American
Pyrotechnics Association (APA)
Removal of 14 Motor Carriers for a Limited HOS Exemption during the 2012
Independence Day Celebrations

	Motor Carrier	Address 1	Address 2	Dot #
1.	Arrowhead Fireworks Co., Inc.	3625 Normanna Rd	Duluth, MN 55803	125673
2.	Atlas Pyrovision Productions, Inc.	136 Old Sharon Rd	Jaffrey, NH 03452	789777
3.	Fireworks Productions of Arizona, Ltd.	17034 S 54th Street	Chandler, AZ 85226	948780
4.	Ingram Enterprises dba Fireworks over America	6597 W Independence Drive	Springfield, MO 65802	0268419
5.	Island Fireworks Company	N735 825th St	Hager City, WI 54014	414583
6.	Jake's Fireworks/Fireworks Spectacular	2311 A West 4th St	Pittsburg, KS 66762	449599
7.	Johnny Rockets Fireworks Display Co.	4410 N. Hamilton	Chicago, IL 60625	1263181
8.	Montana Display Inc	9480 Inspiration Drive	Missoula, MT 59808	1030231
9.	Rich Brothers Company	700 S Marion Rd	Sioux Falls, SD 57106	001356
10.	Wald & Co., Inc.	PO Box 319	Greenwood, MO 64034-0319	087079
11.	Walt Disney Parks & Resorts, USA Inc.	5700 Maple Road	Lake Buena Vista, FL 32830	148477
12.	Winco Fireworks Int. LLC	1992 NW Hwy 50	Lone Jack, MO	259688
13.	Victory Fireworks Inc.	579 Vincent Lane	Ellsworth, WI 54011	539751
14.	Young Explosives Corp	P.O. Box 18653	Rochester, NY	450304

Appendix B to the Notice of Revised Regulatory Exemption for the American
Pyrotechnics Association (APA)
For a Limited HOS Exemption for 48 Motor Carriers during the 2012 Independence Day
Celebrations

	Motor Carrier	Address 1	Address 2	Dot #
1.	Alonzo Fireworks Display, Inc.	12 County Rd 75	Mechanicsville, NY 12118	420639
2.	American Fireworks Company	7041 Darrow Road	Hudson, OH 44236	103972
3.	AM Pyrotechnics, LLC	2429 East 535th Rd.	Buffalo, MO 65622	1034961
4.	Arthur Rozzi Pyrotechnics	6607 Red Hawk Ct.	Maineville, OH 45039	2008107
5.	Atlas Enterprises Inc.	6601 Nine Mile Azle Rd	Fort Worth, TX 76135	0116910
6.	B.J. Alan Company	555 Martin Luther King, Jr Blvd.	Youngstown, OH 44502-1102	262140
7.	Cartwright Fireworks, Inc.	1608 Keely Road	Franklin, PA 16323	882283
8.	Central States Fireworks, Inc.	18034 Kincaid Street	Athens, IL 62613	1022659
9.	Colonial Fireworks Company	5225 Telegraph Road	Toledo, OH 43612	177274
10.	East Coast Pyrotechnics, Inc.	4652 Catawba River Rd.	Catawba, SC 29704	545033
11.	Entertainment Fireworks, Inc.	PO Box 7160	Olympia, WA 98507- 7160	680942
12.	Falcon Fireworks	3411 Courthouse Road	Guyton, GA 31312	1037954
13.	Fireworks & Stage FX America	PO Box 488	Lakeside, CA 92040	908304
14.	Fireworks by Grucci, Inc.	1 Grucci Lane	Brookhaven, NY 11719	324490
15.	Fireworks Extravaganza	58 Maple Lane	Otisville, NY 10963	2064141
16.	Fireworks West Internationale	3200 West 910 North	Logan, UT 84321	245423
17.	Garden State Fireworks, Inc.	383 Carlton Road	Millington, NJ 07946	435878
18.	Gateway Fireworks Displays	PO Box 39327	St Louis, MO 63139	1325301
19.	Global Pyrotechnics Solutions, Inc.	10476 Sunset Drive	Dittmer, MO 63023	1183902
20.	Great Lakes Fireworks	24805 Marine	Eastpointe, MI 48021	1011216
21.	Hamburg Fireworks Display Inc.	4300 Logan Lancaster Rd	Lancaster, OH	395079
22.	Hi-Tech FX, LLC	1135 Ave. I	Fort Madison, IA 52627	1549055
23.	Hollywood Pyrotechnics, Inc.	1567 Antler Point	Eagan, MN 55122	1061068
24.	J&M Displays, Inc.	18064 170th Ave	Yarmouth, IA 52660	377461
25.	Kellner's Fireworks Inc.	478 Old Rte 8	Harrisville, PA	481553

26.	Lantis Productions dba Lantis Fireworks and Lasers	PO Box 491	Draper, UT 84202	195428
27.	Legion Fireworks Co., Inc.	10 Legion Lane	Wappingers Falls, NY 12590	554391
28.	Mad Bomber/Planet Productions	PO Box 294	Kingsbury, IN 46345	777176
29.	North Central Industries, Inc.	1500 E. Washington	Muncie, IN 47305	00165755
30.	Precocious Pyrotechnics, Inc.	4420-278th Ave NW	Belgrade, MN 56312	435931
31.	Pyro Engineering Inc., dba/Bay Fireworks	110 Route 110, Suite 102	Huntington Station, NY 11746	530262
32.	Pyro Shows Inc.	701 W. Central Ave	LaFollette, TN 37766	456818
33.	Pyro Spectacuars, Inc.	3196 N Locust Ave	Rialto, CA 92376	029329
34.	Pyro Spectaculars North, Inc.	5301 Lang Avenue	McClellan, CA 95652	1671438
35.	Pyrotechnic Display, Inc.	8450 W. St. Francis Rd.	Frankfort, IL 60423	1929883
36.	Pyrotecnico	302 Wilson Rd.	New Castle, PA 16105	526749
37.	Pyrotecnico of Louisiana, LLC	60 West Ct	Mandeville, LA 70471	548303
38.	Rainbow Fireworks, Inc.	76 Plum Ave.	Inman, KS 67546	1139643
39.	RES Specialty Pyrotechnics	21595 286th St	Belle Plaine, MN 56011	523981
40.	Rozzi's Famous Fireworks, Inc.	11605 North Lebanon Rd	Loveland, OH 45140	0483686
41.	Skyworks, Ltd.	13513 W. Carrier Rd.	Carrier, OK 73727	1421047
42.	Spielbauer Fireworks Co, Inc.	220 Roselawn Blvd	Green Bay, WI 54301	046479
43.	Stonebraker-Rocky Mountain Fireworks Co.	5650 Lowell blvd, Unit E	Denver, CO 80221	0029845
44.	Vermont Fireworks Co., Inc./Northstar Fireworks Co., Inc.	2235 Vermont Route 14 South	East Montpelier, VT 05651	310632
45.	Western Display Fireworks, Ltd.	10946 S. New Era Rd.	Canby, OR 97013	498941
46.	Western Enterprises, Inc.	PO Box 160	Carrier, OK 73727	203517
47.	Wolverine Fireworks Display, Inc	205 W Seidlers	Kawkawlin, MI	376857
48.	Zambelli Fireworks MFG, Co., Inc.	PO Box 1463	New Castle, PA 16103	033167

[FR Doc. 2012-15745 Filed 06/26/2012 at 8:45 am; Publication Date: 06/27/2012]