

conducted by disinterested third parties, or may approve the transportation of an explosives sample for the purpose of examination by a person approved by the Associate Administrator.

(g) An explosive may be transported under subparts B or C of part 171 or § 176.11 of this subchapter without the approval of the Associate Administrator as required by paragraph (b) of this section if the Associate Administrator has acknowledged in writing the acceptability of an approval issued by the competent authority of a foreign government pursuant to the provisions of the UN Recommendations, the ICAO Technical Instructions, the IMDG Code (IBR, see § 171.7 of this subchapter), or other national or international regulations based on the UN Recommendations. In such a case, a copy of the foreign competent authority approval, and a copy of the written acknowledgment of its acceptance must accompany each shipment of that explosive.

(h) The requirements of this section do not apply to cartridges, small arms which are:

(1) Not a forbidden explosive under § 173.54 of this subchapter;

(2) Ammunition for rifle, pistol, or shotgun;

(3) Ammunition with inert projectile or blank ammunition; and

(4) Ammunition not exceeding 50 caliber for rifle or pistol cartridges or 8 gauge for shotgun shells.

Cartridges, small arms meeting the criteria of this paragraph (h) may be assigned a classification code of 1.4S by the manufacturer.

(i) If experience or other data indicate that the hazard of a material or a device containing an explosive composition is greater or less than indicated according to the definition and criteria specified in §§ 173.50, 173.56, and 173.58 of this subchapter, the Associate Administrator may specify a classification or except the material or device from the requirements of this subchapter.

(j) Fireworks. Notwithstanding the requirements of paragraph (b) of this section, Division 1.3 and 1.4 fireworks may be classed and approved by the Associate Administrator without prior examination and offered for transport

tation if the following conditions are met:

(1) The fireworks are manufactured in accordance with the applicable requirements in APA Standard 87-1 (IBR, see § 171.7 of this subchapter);

(2) A thermal stability test is conducted on the device by the BOE, the BOM, or the manufacturer. The test must be performed by maintaining the device, or a representative prototype of a large device such as a display shell, at a temperature of 75 °C (167 °F) for 48 consecutive hours. When a device contains more than one component, those components which could be in physical contact with each other in the finished device must be placed in contact with each other during the thermal stability test; and

(3) The manufacturer applies in writing to the Associate Administrator following the applicable requirements in APA Standard 87-1, and is notified in writing by the Associate Administrator that the fireworks have been classed, approved, and assigned an EX-number. Each application must be complete, including all relevant background data and copies of all applicable drawings, test results, and any other pertinent information on each device for which approval is being requested. The manufacturer must sign the application and certify that the device for which approval is requested conforms to APA Standard 87-1 and that the descriptions and technical information contained in the application are complete and accurate. If the application is denied, the manufacturer will be notified in writing of the reasons for the denial. The Associate Administrator may require that the fireworks be examined by an agency listed in paragraph (b)(1) of this section.

[Amdt. 173-224, 55 FR 52617 Dec. 21, 1990, as amended at 56 FR 66267, Dec. 20, 1991; Amdt. 173-234, 58 FR 51532, Oct. 1, 1993; 62 FR 51560, Oct. 1, 1997; 63 FR 37461, July 10, 1998; 64 FR 10777, Mar. 5, 1999; 66 FR 45379, Aug. 28, 2001; 68 FR 75743, Dec. 31, 2003; 72 FR 25177, May 3, 2007]

#### **§ 173.57 Acceptance criteria for new explosives.**

(a) Unless otherwise excepted, an explosive substance must be subjected to the Drop Weight Impact Sensitivity

## § 173.58

## 49 CFR Ch. I (10–1–10 Edition)

Test (Test Method 3(a)(i)), the Friction Sensitivity Test (Test Method 3(b)(iii)), the Thermal Stability Test (Test Method 3(c)) at 75 °C (167 °F) and the Small-Scale Burning Test (Test Method 3(d)(i)), each as described in the Explosive Test Manual (UN Manual of Tests and Criteria) (IBR, see §171.7 of this subchapter). A substance is forbidden for transportation if any one of the following occurs:

(1) For a liquid, failure to pass the test criteria when tested in the Drop Weight Impact Sensitivity Test apparatus for liquids;

(2) For a solid, failure to pass the test criteria when tested in the Drop Weight Impact Sensitivity Test apparatus for solids;

(3) The substance has a friction sensitiveness equal to or greater than that of dry pentaerythrite tetranitrate (PETN) when tested in the Friction Sensitivity Test;

(4) The substance fails to pass the test criteria specified in the Thermal Stability Test at 75 °C (167 °F); or

(5) Explosion occurs when tested in the Small-Scale Burning Test.

(b) An explosive article, packaged or unpackaged, or a packaged explosive substance must be subjected to the Thermal Stability Test for Articles and Packaged Articles (Test method 4(a)(i)) and the Twelve Meter Drop Test (Test Method 4(b)(ii)), when appropriate, in the Explosive Test Manual. An article or packaged substance is forbidden for transportation if evidence of thermal instability or excessive impact sensitivity is found in those tests according to the criteria and methods of assessing results prescribed therein.

(c) Dynamite (explosive, blasting, type A) is forbidden for transportation if any of the following occurs:

(1) It does not have uniformly mixed with the absorbent material a satisfactory antacid in a quantity sufficient to have the acid neutralizing power of an amount of magnesium carbonate equal to one percent of the nitroglycerin or other liquid explosive ingredient;

(2) During the centrifuge test (Test Method D-2, in appendix D to this part) or the compression test (Test Method D-3 in appendix D to this part), a non-gelatin dynamite loses more than 3 percent by weight of the liquid explo-

sive or a gelatin dynamite loses more than 10 percent by weight of the liquid explosive; or

(3) During the leakage test (Test Method D-1 in appendix D to this part), there is any loss of liquid.

[Amdt. 173–224, 55 FR 52617 Dec. 21, 1990, as amended at 58 FR 51532, Oct. 1, 1993; 64 FR 51918, Sept. 27, 1999; 68 FR 75743, Dec. 31, 2003]

### § 173.58 Assignment of class and division for new explosives.

(a) *Division 1.1, 1.2, 1.3, and 1.4 explosives.* In addition to the test prescribed in §173.57 of this subchapter, a substance or article in these divisions must be subjected to Test Methods 6(a), 6(b), and 6(c), as described in the UN Manual of Tests and Criteria (IBR, see §171.7 of this subchapter), for assignment to an appropriate division. The criteria for assignment of class and division are as follows:

(1) Division 1.1 if the major hazard is mass explosion;

(2) Division 1.2 if the major hazard is dangerous projections;

(3) Division 1.3 if the major hazard is radiant heat or violent burning, or both, but there is no blast or projection hazard;

(4) Division 1.4 if there is a small hazard with no mass explosion and no projection of fragments of appreciable size or range;

(5) Division 1.4 Compatibility Group S (1.4S) if the hazardous effects are confined within the package or the blast and projection effects do not significantly hinder emergency response efforts; or

(6) Not in the explosive class if the substance or article does not have significant explosive hazard or if the effects of explosion are completely confined within the article.

(b) Division 1.5 explosive. Except for ANFO, a substance that has been examined in accordance with the provisions §173.57(a) of this subchapter, must be subjected to the following additional tests: Cap Sensitivity Test, Princess Incendiary Spark Test, DDT Test, and External Fire Test, each as described in the Explosive Test Manual. A material may not be classed as a Division 1.5 explosive if any of the following occurs: