

## § 15.4

## 30 CFR Ch. I (7–1–11 Edition)

### § 15.4 Application procedures and requirements.

(a) *Application.* Requests for an approval or an extension of approval under this part shall be sent to: U.S. Department of Labor, Mine Safety and Health Administration, Approval and Certification Center, 765 Technology Drive, Triadelphia, WV 26059.

(b) *Fees.* Fees calculated in accordance with Part 5 of this Title shall be submitted in accordance with § 5.40.

(c) *Original approval for explosives.* Each application for approval of an explosive shall include—

(1) A technical description of the explosive, including the chemical composition of the explosive with tolerances for each ingredient;

(2) A laboratory number or other suitable designation identifying the explosive. The applicant shall provide the brand or trade name under which the explosive will be marketed prior to issuance of the approval;

(3) The lengths and diameters of explosive cartridges for which approval is requested;

(4) The proposed minimum product firing temperature of the explosive; and

(5) The name, address, and telephone number of the applicant's representative responsible for answering any questions regarding the application.

(d) *Original approval for sheathed explosive units.* Each application for approval of a sheathed explosive unit shall include—

(1) A technical description of the sheathed explosive unit which includes the chemical composition of the sheath, with tolerances for each ingredient, and the types of material used for the outer covering;

(2) The minimum thickness weight, and specific gravity of the sheath and outer covering;

(3) The brand or trade name, weight, specific gravity, and minimum product firing temperature of the approved explosive to be used in the unit;

(4) The ratio of the weight of the sheath to the weight of the explosive; and

(5) The name, address and telephone number of the applicant's representative responsible for answering any questions regarding the application.

(e) *Subsequent approval of a similar explosive or sheathed explosive unit.* Each application for approval of an explosive or sheathed explosive unit similar to one for which the applicant already holds an approval shall include—

(1) The approval number of the explosive or sheathed explosive unit which most closely resembles the new one;

(2) The information specified in paragraphs (c) and (d) of this section for an original approval, as applicable, except that any document which is the same as the one listed by MSHA in the prior approval need not be submitted but shall be noted in the application; and

(3) An explanation of all changes from the existing approval.

(f) *Extension of the approval.* Any change in an approved explosive or sheathed explosive unit from the documentation on file at MSHA that affects the technical requirements of this Part shall be submitted for approval prior to implementing the change.

(1) Each application for an extension of approval shall include—

(i) The MSHA-assigned approval number for the explosive or sheathed explosive unit for which the extension is sought;

(ii) A description of the proposed change to the approved explosive or sheathed explosive unit; and

(iii) The name, address, and telephone number of the applicant's representative responsible for answering any questions regarding the application.

(2) MSHA will determine what tests, additional information, samples, or material, if any, are required to evaluate the proposed change.

(3) When a change involves the chemical composition of an approved explosive or sheathed explosive unit which affects the firing characteristics, MSHA may require the explosive or sheathed explosive unit to be distinguished from those associated with the former composition.

[FR 46761, Nov. 18, 1988; 54 FR 351, Jan. 5, 1989; 60 FR 33723, June 29, 1995; 73 FR 52211, Sept. 9, 2008]

### § 15.5 Test samples.

(a) *Submission of test samples.* (1) The applicant shall not submit explosives

or sheathed explosive units to be tested until requested to do so by MSHA.

(2) The applicant shall submit 70 pounds of 1¼-inch diameter explosives and additional cartridges in the amount of 3200 divided by the length in inches, except for cartridges 12, 20 and greater than 36 inches long. The applicant shall submit 70 pounds and additional cartridges in the amount of 3800 divided by the length in inches for cartridges 12, 20 and greater than 36 inches long.

(3) If approval is requested for cartridges in diameters less than 1¼ inches, the applicant shall submit a number of cartridges equal to 1800 divided by the length in inches, except for cartridges 12, 20 and greater than 36 inches long. The applicant shall submit cartridges in the amount of 2200 divided by the length in inches for cartridges 12, 20 and greater than 36 inches long.

(4) If approval is requested for cartridges in diameters larger than 1¼ inches, the applicant shall submit an additional 10 cartridges of each larger diameter.

(5) If approval is requested for cartridges in more than one length, the applicant shall submit an additional 10 cartridges for each additional length and diameter combination.

(6) Each applicant seeking approval of sheathed explosive units shall submit 140 units.

(b) *Condition and composition.* Explosives and sheathed explosive units will not be tested that—

(1) Contain chlorites, chlorates, or substances that will react over an extended time and cause degradation of the explosive or sheathed explosive unit;

(2) Are chemically unstable;

(3) Show leakage;

(4) Use aluminum clips to seal the cartridge;

(5) Contain any combination of perchlorate and aluminum;

(6) Contain more than 5 percent perchlorate; or

(7) Contain any perchlorate and less than 5 percent water.

(c) *Storage.* Explosives and sheathed explosive units shall be stored in a magazine for at least 30 days before gallery tests are conducted.

**§ 15.6 Issuance of approval.**

(a) MSHA will issue an approval or a notice of the reasons for denying approval after completing the evaluation and testing provided for by this part.

(b) An applicant shall not advertise or otherwise represent an explosive or sheathed explosive unit as approved until MSHA has issued an approval.

**§ 15.7 Approval marking.**

(a) An approved explosive or sheathed explosive unit shall be marketed only under the brand or trade name specified in the approval.

(b) The wrapper of each cartridge and each case of approved explosives shall be legibly labeled with the following: the brand or trade name, "MSHA Approved Explosive", the test detonator strength, and the minimum product firing temperature.

(c) The outer covering of each sheathed explosive unit and each case of approved sheathed explosive units shall be legibly labeled with the following: the brand or trade name, "MSHA Approved Sheathed Explosive Unit", the test detonator strength, and the minimum product firing temperature.

[FR 46761, Nov. 18, 1988; 54 FR 351, Jan. 5, 1989; 54 FR 27641, June 30, 1989; 60 FR 33723, June 29, 1995]

**§ 15.8 Quality assurance.**

(a) Applicants granted an approval or an extension of approval under this part shall manufacture the explosive or sheathed explosive unit as approved.

(b) Applicants shall immediately report to the MSHA Approval and Certification Center, any knowledge of explosives or sheathed explosive units that have been distributed that do not meet the specifications of the approval.

[53 FR 46761, Nov. 18, 1988, as amended at 60 FR 33723, June 29, 1995]

**§ 15.9 Disclosure of information.**

(a) All information concerning product specifications and performance submitted to MSHA by the applicant shall be considered proprietary information.

(b) MSHA will notify the applicants of requests for disclosure of information concerning its explosives or