

(1) Specification 2P (§178.33 of this subchapter). Inside metal containers equipped with safety relief devices of a type examined by the Bureau of Explosives and approved by the Associate Administrator, and packed in strong wooden or fiber boxes of such design as to protect valves from damage or accidental functioning under conditions incident to transportation. Pressure in the container may not exceed 85 psia at 70 °F. Each completed metal container filled for shipment must be heated until content reaches a minimum temperature of 130 °F., without evidence of leakage, distortion or other defect. Each outside shipping container must be plainly marked "INSIDE CONTAINERS COMPLY WITH PRESCRIBED SPECIFICATIONS."

(2) [Reserved]

(d) *Poisonous mixtures*. A mixture containing any poisonous material (Division 6.1 or 2.3) in such proportions that the mixture would be classed as poisonous under §173.115 or §173.132 must be shipped in packagings as authorized for these poisonous materials.

[29 FR 18743, Dec. 29, 1964. Redesignated at 32 FR 5606, Apr. 5, 1967, and amended by Amdt. 173-70, 38 FR 5309, Feb. 27, 1973, Amdt. 173-94, 41 FR 16079, Apr. 15, 1976; 45 FR 32697, May 19, 1980; Amdt. 173-224, 56 FR 66275, 66279, Dec. 20, 1991; 66 FR 45379, Aug. 28, 2001; 67 FR 61013, Sept. 27, 2002; 67 FR 51651, Aug. 8, 2002; 68 FR 24662, May 8, 2003]

§ 173.306 Limited quantities of compressed gases.

(a) Limited quantities of compressed gases for which exceptions are permitted as noted by reference to this section in §172.101 of this subchapter are excepted from labeling, except when offered for transportation or transported by air, and, unless required as a condition of the exception, specification packaging requirements of this subchapter when packaged in accordance with the following paragraphs. For transportation by aircraft, the package must conform to the applicable requirements of §173.27 of this subchapter and only packages of hazardous materials authorized aboard passenger-carrying aircraft may be transported as a limited quantity. In addition, shipments are not subject to subpart F (Placarding) of part 172 of this subchapter, to part 174 of this sub-

chapter except §174.24, and to part 177 of this subchapter except §177.817. Each package may not exceed 30 kg (66 pounds) gross weight.

(1) When in containers of not more than 4 fluid ounces capacity (7.22 cubic inches or less) except cigarette lighters. Additional exceptions for certain compressed gases in limited quantities and the ORM-D hazard class are provided in paragraph (i) of this section.

(2) When in metal containers filled with a material that is not classed as a hazardous material to not more than 90 percent of capacity at 70 °F. and then charged with nonflammable, nonliquefied gas. Each container must be tested to three times the pressure at 70 °F. and, when refilled, be retested to three times the pressure of the gas at 70 °F. Also, one of the following conditions must be met:

(i) Container is not over 0.95 L (1 quart) capacity and charged to not more than 11.17 bar (482.63 kPa, 170 psig) at 21 °C (70 °F), and must be packed in a strong outer packaging, or

(ii) Container is not over 30 gallons capacity and charged to not more than 75 psig at 70 °F.

(3) When in a metal container for the sole purpose of expelling a nonpoisonous (other than a Division 6.1 Packing Group III material) liquid, paste or powder, provided all of the following conditions are met. Additional exceptions for certain compressed gases in limited quantities and the ORM-D hazard class are provided in paragraph (i) of this section.

(i) Capacity must not exceed 1 L(61.0 cubic inches).

(ii) Pressure in the container must not exceed 180 psig at 130 °F. If the pressure exceeds 140 psig at 130 °F., but does not exceed 160 psig at 130 °F., a specification DOT 2P (§178.33 of this subchapter) inside metal container must be used; if the pressure exceeds 160 psig at 130 °F., a specification DOT 2Q (§178.33a of this subchapter) inside metal container must be used. In any event, the metal container must be capable of withstanding without bursting a pressure of one and one-half times the equilibrium pressure of the content at 130 °F.

(iii) Liquid content of the material and gas must not completely fill the container at 130 °F.

(iv) The container must be packed in strong outside packagings.

(v) Each container, after it is filled, must be subjected to a test performed in a hot water bath; the temperature of the bath and the duration of the test must be such that the internal pressure reaches that which would be reached at 55 °C (131 °F) (50 °C (122 °F) if the liquid phase does not exceed 95% of the capacity of the container at 50 °C (122 °F)). If the contents are sensitive to heat, the temperature of the bath must be set at between 20 °C (68 °F) and 30 °C (86 °F) but, in addition, one container in 2,000 must be tested at the higher temperature. No leakage or permanent deformation of a container may occur.

(vi) Each outside packaging must be marked “INSIDE CONTAINERS COMPLY WITH PRESCRIBED REGULATIONS.”

(4) Gas samples must be transported under the following conditions:

(i) A gas sample may only be transported as non-pressurized gas when its pressure corresponding to ambient atmospheric pressure in the container is not more than 105 kPa absolute (15.22 psia).

(ii) Non-pressurized gases, toxic (or toxic and flammable) must be packed in hermetically sealed glass or metal inner packagings of not more than one L (0.3 gallons) overpacked in a strong outer packaging.

(iii) Non-pressurized gases, flammable must be packed in hermetically sealed glass or metal inner packagings of not more than 5 L (1.3 gallons) and overpacked in a strong outer packaging.

(5) For limited quantities of Division 2.2 gases with no subsidiary risk, when in a plastic container for the sole purpose of expelling a liquid, paste or powder, provided all of the following conditions are met. Additional exceptions for certain compressed gases in limited quantities and the ORM-D hazard class are provided in paragraph (i) of this section.

(i) Capacity must not exceed 1 L (61.0 cubic inches).

(ii) Pressure in the container must not exceed 160 psig at 130 °F. If the

pressure in the container is less than 140 psig at 130 °F, a non-DOT specification container may be used. If the pressure in the container exceeds 140 psig at 130 °F but does not exceed 160 psig at 130 °F, the container must conform to specification DOT 2S. All non-DOT specification and specification DOT 2S containers must be capable of withstanding, without bursting, a pressure of one and one-half times the equilibrium pressure of the contents at 130 °F.

(iii) Liquid content of the material and gas must not completely fill the container at 130 °F.

(iv) The container must be packed in strong outside packagings.

(v) Except as provided in paragraph (a)(5)(vi) of this section, each container must be subjected to a test performed in a hot water bath; the temperature of the bath and the duration of the test must be such that the internal pressure reaches that which would be reached at 55 °C (131 °F) or 50 °C (122 °F) if the liquid phase does not exceed 95% of the capacity of the container at 50 °C (122 °F). If the contents are sensitive to heat, or if the container is made of plastic material which softens at this test temperature, the temperature of the bath must be set at between 20 °C (68 °F) and 30 °C (86 °F) but, in addition, one container in 2,000 must be tested at the higher temperature. No leakage or permanent deformation of a container may occur except that a plastic container may be deformed through softening provided that it does not leak.

(vi) As an alternative to the hot water bath test in paragraph (a)(5)(v) of this section, testing may be performed as follows:

(A) *Pressure and leak testing before filling.* Each empty container must be subjected to a pressure equal to or in excess of the maximum expected in the filled containers at 55 °C (131 °F) (or 50 °C (122 °F) if the liquid phase does not exceed 95 percent of the capacity of the container at 50 °C (122 °F). This must be at least two-thirds of the design pressure of the container. If any container shows evidence of leakage at a rate equal to or greater than 3.3×10^{-2} mbar L/s at the test pressure, distortion or other defect, it must be rejected; and

(B) *Testing after filling.* Prior to filling, the filler must ensure that the crimping equipment is set appropriately and the specified propellant is used before filling the container. Once filled, each container must be weighed and leak tested. The leak detection equipment must be sufficiently sensitive to detect at least a leak rate of 2.0×10^{-3} mbar L/s at 20 °C (68 °F). Any filled container which shows evidence of leakage, deformation, or excessive weight must be rejected.

(vi) Each outside packaging must be marked "INSIDE CONTAINERS COMPLY WITH PRESCRIBED REGULATIONS."

(b) *Exceptions for foodstuffs, soap, biologicals, electronic tubes, and audible fire alarm systems.* Limited quantities of compressed gases (except Division 2.3 gases) for which exceptions are provided as indicated by reference to this section in §172.101 of this subchapter, when accordance with one of the following paragraphs, are excepted from labeling, except when offered for transportation or transported by aircraft, and the specification packaging requirements of this subchapter. For transportation by aircraft, the package must conform to the applicable requirements of §173.27 of this subchapter and only packages of hazardous materials authorized aboard passenger-carrying aircraft may be transported as a limited quantity. In addition, shipments are not subject to subpart F (Placarding) of part 172 of this subchapter, to part 174 of this subchapter, except §174.24, and to part 177 of this subchapter, except §177.817. Additional exceptions for certain compressed gases in limited quantities and the ORM-D hazard class are provided in paragraph (i) of this section.

(1) Foodstuffs or soaps in a nonrefillable metal or plastic container not exceeding 1 L (61.0 cubic inches), with soluble or emulsified compressed gas, provided the pressure in the container does not exceed 140 psig at 130 °F. Plastic containers must only contain Division 2.2 non-flammable soluble or emulsified compressed gas. The metal or plastic container must be capable of withstanding, without bursting, a pressure of one and one-half times the equi-

librium pressure of the contents at 130 °F.

(i) Containers must be packed in strong outside packagings.

(ii) Liquid content of the material and the gas must not completely fill the container at 130 °F.

(iii) Each outside packaging must be marked "INSIDE CONTAINERS COMPLY WITH PRESCRIBED REGULATIONS."

(2) Cream in refillable metal or plastic containers with soluble or emulsified compressed gas. Plastic containers must only contain Division 2.2 non-flammable soluble or emulsified compressed gas. Containers must be of such design that they will hold pressure without permanent deformation up to 375 psig and must be equipped with a device designed so as to release pressure without bursting of the container or dangerous projection of its parts at higher pressures. This exception applies to shipments offered for transportation by refrigerated motor vehicles only.

(3) Nonrefillable metal or plastic containers charged with a Division 6.1 Packing Group III or nonflammable solution containing biological products or a medical preparation which could be deteriorated by heat, and compressed gas or gases. Plastic containers must only contain 2.2 non-flammable soluble or emulsified compressed gas. The capacity of each container may not exceed 35 cubic inches (19.3 fluid ounces). The pressure in the container may not exceed 140 psig at 130 °F, and the liquid content of the product and gas must not completely fill the containers at 130 °F. One completed container out of each lot of 500 or less, filled for shipment, must be heated, until the pressure in the container is equivalent to equilibrium pressure of the contents at 130 °F. There must be no evidence of leakage, distortion, or other defect. The container must be packed in strong outside packagings.

(4) Electronic tubes, each having a volume of not more than 30 cubic inches and charged with gas to a pressure of not more than 35 psig and packed in strong outside packagings.

(5) Audible fire alarm systems powered by a compressed gas contained in

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an inside metal container when shipped under the following conditions:

(i) Each inside container must have contents which are not flammable, poisonous, or corrosive as defined under this part,

(ii) Each inside container may not have a capacity exceeding 35 cubic inches (19.3 fluid ounces),

(iii) Each inside container may not have a pressure exceeding 70 psig at 70 °F. and the liquid portion of the gas may not completely fill the inside container at 130 °F., and

(iv) Each nonrefillable inside container must be designed and fabricated with a burst pressure of not less than four times its charged pressure at 130 °F. Each refillable inside container must be designed and fabricated with a burst pressure of not less than five times its charged pressure at 130 °F.

(c)–(d) [Reserved]

(e) *Refrigerating machines.* (1) New (unused) refrigerating machines or components thereof are excepted from the specification packaging requirements of this part if they meet the following conditions. In addition, shipments are not subject to subpart F of part 172 of this subchapter, to part 174 of this subchapter except §174.24 and to part 177 of this subchapter except §177.817.

(i) Each pressure vessel may not contain more than 5,000 pounds of Group A1 refrigerant as classified in ANSI/ASHRAE Standard 15 or not more than 50 pounds of refrigerant other than Group A1.

(ii) Machines or components having two or more charged vessels may not contain an aggregate of more than 2,000 pounds of Group I refrigerant or more than 100 pounds of refrigerant other than Group I.

(iii) Each pressure vessel must be equipped with a safety device meeting the requirements of ANSI/ASHRAE 15 (IBR, see §171.7 of this subchapter).

(iv) Each pressure vessel must be equipped with a shut-off valve at each opening except openings used for safety devices and with no other connection. These valves must be closed prior to and during transportation.

(v) Pressure vessels must be manufactured, inspected and tested in accordance with ANSI/ASHRAE 15, or

when over 6 inches internal diameter, in accordance with Section VIII of the ASME Code (IBR, see §171.7 of this subchapter).

(vi) All parts subject to refrigerant pressure during shipment must be tested in accordance with ANSI/ASHRAE 15.

(vii) The liquid portion of the refrigerant, if any, may not completely fill any pressure vessel at 130 °F.

(viii) The amount of refrigerant, if liquefied, may not exceed the filling density prescribed in §173.304.

(f) *Accumulators (Articles, pressurized pneumatic or hydraulic containing non-flammable gas).* The following applies to accumulators, which are hydraulic accumulators containing nonliquefied, nonflammable gas, and nonflammable liquids or pneumatic accumulators containing nonliquefied, nonflammable gas, fabricated from materials which will not fragment upon rupture.

(1) Accumulators installed in motor vehicles, construction equipment, and assembled machinery and designed and fabricated with a burst pressure of not less than five times their charged pressure at 70 °F., when shipped, are not subject to the requirements of this subchapter.

(2) Accumulators charged with limited quantities of compressed gas to not more than 200 p.s.i.g. at 70 °F. are excepted from labeling (except when offered for transportation by air) and the specification packaging requirements of this subchapter when shipped under the following conditions. In addition, shipments are not subject to subpart F of part 172 of this subchapter, to part 174 of this subchapter except §174.24 and to part 177 of this subchapter except §177.817.

(i) Each accumulator must be shipped as an inside packaging,

(ii) Each accumulator may not have a gas space exceeding 2,500 cubic inches under stored pressure, and

(iii) Each accumulator must be tested, without evidence of failure or damage, to at least three times its charged pressure of 70 °F., but not less than 120 p.s.i. before initial shipment and before each refilling and reshipment.

(3) Accumulators with a charging pressure exceeding 200 p.s.i.g. at 70 °F. are excepted from labeling (except

when offered for transportation by air) and the specification packaging requirements of this subchapter when shipped under the following conditions:

(i) Each accumulator must be in compliance with the requirements stated in paragraph (f)(2), (i), (ii), and (iii) of this section, and

(ii) Each accumulator must be designed and fabricated with a burst pressure of not less than five times its charged pressure at 70 °F. when shipped.

(4) Accumulators intended to function as shock absorbers, struts, gas springs, pneumatic springs or other impact or energy-absorbing devices are not subject to the requirements of this subchapter provided each:

(i) Has a gas space capacity not exceeding 1.6 L and a charge pressure not exceeding 280 bar, where the product of the capacity expressed in liters and charge pressure expressed in bars does not exceed 80 (for example, 0.5 L gas space and 160 bar charge pressure);

(ii) Has a minimum burst pressure of 4 times the charge pressure at 20 °C for products not exceeding 0.5 L gas space capacity and 5 times the charge pressure for products greater than 0.5 L gas space capacity;

(iii) Design type has been subjected to a fire test demonstrating that the article relieves its pressure by means of a fire degradable seal or other pressure relief device, such that the article will not fragment and that the article does not rocket; and

(iv) Accumulators must be manufactured under a written quality assurance program which monitors parameters controlling burst strength, burst mode and performance in a fire situation as specified in paragraphs (f)(4)(i) through (f)(4)(iii) of this section. A copy of the quality assurance program must be maintained at each facility at which the accumulators are manufactured.

(5) Accumulators not conforming to the provisions of paragraphs (f)(1) through (f)(4) of this section, may only be transported subject to the approval of the Associate Administrator.

(g) *Water pump system tank.* Water pump system tanks charged with compressed air or limited quantities of nitrogen to not over 40 psig for single-

trip shipment to installation sites are excepted from labeling (transportation by air not authorized) and the specification packaging requirements of this subchapter when shipped under the following conditions. In addition, shipments are not subject to subpart F of this subchapter, to part 174 of this subchapter except § 174.24 and part 177 except § 177.817.

(1) The tank must be of steel, welded with heads concave to pressure, having a rated water capacity not exceeding 120 gallons and with outside diameter not exceeding 24 inches. Safety relief devices not required.

(2) The tank must be pneumatically tested to 100 psig. Test pressure must be permanently marked on the tank.

(3) The stress at prescribed pressure must not exceed 20,000 psi using formula:

$$S = Pd / 2t$$

where:

S = wall stress in psi;

P = prescribed pressure for the tank of at least 3 times charged pressure at 70 °F or 100 psig, whichever is greater;

d = inside diameter in inches;

t = minimum wall thickness, in inches.

(4) The burst pressure must be at least 6 times the charge pressure at 70 °F.

(5) Each tank must be overpacked in a strong outer packaging in accordance with § 173.301(h).

(h) *Lighter refills.* (1) Lighter refills (see § 171.8 of this subchapter) must not contain an ignition element but must contain a release device. Lighter refills offered for transportation under this section may not exceed 4 fluid ounces capacity (7.22 cubic inches) or contain more than 65 grams of a Division 2.1 fuel. For transportation by highway or rail, lighter refills must be tightly packed and secured against movement in strong outer packagings. For transportation by aircraft or vessel, lighter refills must be tightly packed and secured against movement in any rigid specification outer packaging authorized in Subpart L of Part 178 of this subchapter at the Packing Group II performance level.

(2) *Exceptions.* (i) For other than transportation by aircraft, exceptions for certain compressed gases in limited

quantities and the ORM-D hazard class are provided in paragraph (i) of this section.

(ii) For highway transportation, when no more than 1,500 lighter refills covered by this paragraph are transported in one motor vehicle, the requirements of subparts C through H of part 172, and Part 177 of this subchapter do not apply. Lighter refills covered under this paragraph must be packaged in rigid, strong outer packagings meeting the general packaging requirements of subpart B of this part. Outer packagings must be plainly and durably marked on two opposing sides or ends with the words “LIGHTER REFILLS” and the number of devices contained therein in letters measuring at least 20 mm (0.79 in) in height. No person may offer for transportation or transport the lighter refills or prepare the lighter refills for shipment unless that person has been specifically informed of the requirements of this section.

(i) *Limited quantities.* (1) A limited quantity that conforms to the provisions of paragraph (a)(1), (a)(3), (a)(5), (b) or, except for transportation by aircraft, paragraph (h) of this section is excepted from labeling requirements, unless the material is offered for transportation or transported by aircraft, and the specification packaging requirements of this subchapter when packaged in combination packagings according to this paragraph. Packages must be marked in accordance with §172.315(a) or (b), as appropriate, or as authorized in paragraph (i)(2) of this section. Unless otherwise specified in paragraph (i)(2) of this section, packages of limited quantities intended for transportation by aircraft must conform to the applicable requirements (*e.g.*, authorized materials, inner packaging quantity limits and closure securement) of §173.27 of this part. A limited quantity package that conforms to the provisions of this section is not subject to the shipping paper requirements of subpart C of part 172 of this subchapter, unless the material meets the definition of a hazardous substance, hazardous waste, marine pollutant, or is offered for transportation and transported by aircraft or vessel, and is eligible for the exceptions pro-

vided in §173.156 of this part. Outside packagings conforming to this paragraph are not required to be marked “INSIDE CONTAINERS COMPLY WITH PRESCRIBED REGULATIONS.” In addition, packages of limited quantities are not subject to subpart F (Placarding) of part 172 of this subchapter. Each package must conform to the packaging requirements of subpart B of this part and may not exceed 30 kg (66 pounds) gross weight.

(2) Until December 31, 2013, a limited quantity package containing a “consumer commodity” as defined in §171.8 of this subchapter may be renamed “Consumer commodity” and reclassified as ORM-D or ORM-D-AIR material and offered for transportation and transported in accordance with the applicable provisions of this subchapter in effect on October 1, 2010.

(j) *Aerosols and receptacles small, containing gas with a capacity of less than 50 mL.* Aerosols, as defined in §171.8 of this subchapter, and receptacles small, containing gas, with a capacity not exceeding 50 mL (1.7 oz.) and with a pressure not exceeding 970 kPa (141 psig) at 55 °C (131 °F), containing no hazardous materials other than a Division 2.2 gas, are not subject to the requirements of this subchapter. The pressure limit may be increased to 2,000 kPa (290 psig) at 55 °C (131 °F) provided the aerosols are transported in outer packages that conform to the packaging requirements of Subpart B of this part. This paragraph (j) does not apply to a self-defense spray (*e.g.*, pepper spray).

(k) *Aerosols for recycling or disposal.* Aerosols, as defined in §171.8 of this subchapter, containing a limited quantity which conforms to the provisions of paragraph (a)(3), (a)(5), (b)(1), (b)(2), or (b)(3) of this section are not subject to the 30 kg (66 pounds) gross weight limitation when transported by motor vehicle for purposes of recycling or disposal under the following conditions:

(1) The strong outer packaging and its contents must not exceed a gross weight of 500 kg (1,100 pounds);

(2) Each aerosol container must be secured with a cap to protect the valve stem or the valve stem must be removed; and

(3) The packaging must be offered for transportation or transported by—

(i) Private or contract motor carrier;
or

(ii) Common carrier in a motor vehicle under exclusive use for such service.

(1) For additional exceptions, *see* § 173.307.

[Amdt. 173-94, 41 FR 16079, Apr. 15, 1976]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 173.306, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§ 173.307 Exceptions for compressed gases.

(a) The following materials are not subject to the requirements of this subchapter:

(1) Carbonated beverages.

(2) Tires when inflated to pressures not greater than their rated inflation pressures. For transportation by air, tires and tire assemblies must meet the conditions in § 175.8(b)(4) of this subchapter.

(3) Balls used for sports.

(4) Refrigerating machines, including dehumidifiers and air conditioners, and components thereof, such as precharged tubing containing:

(i) 12 kg (25 pounds) or less of a non-flammable, non-toxic gas;

(ii) 12 L (3 gallons) or less of ammonia solution (UN2672);

(iii) Except when offered or transported by air, 12 kg (25 pounds) or less of a flammable, non-toxic gas;

(iv) Except when offered or transported by air or vessel, 20 kg (44 pounds) or less of a Group A1 refrigerant specified in ANSI/ASHRAE Standard 15 (IBR, *see* § 171.7 of this subchapter); or

(v) 100 g (4 ounces) or less of a flammable, non-toxic liquefied gas.

(5) Manufactured articles or apparatuses, each containing not more than 100 mg (0.0035 ounce) of inert gas and packaged so that the quantity of inert gas per package does not exceed 1 g (0.35 ounce).

(6) Light bulbs, provided they are packaged so that the projectile effects of any rupture of the bulb will be contained within the package.

(b) [Reserved]

[Amdt. 173-94, 41 FR 16081, Apr. 15, 1976, as amended by Amdt. 173-135, 45 FR 13090, Feb. 28, 1980; 65 FR 50462, Aug. 18, 2000; 68 FR 45038, July 31, 2003; 68 FR 75745, Dec. 31, 2003; 69 FR 76174, Dec. 20, 2004; 71 FR 14604, Mar. 22, 2006; 74 FR 2266, Jan. 14, 2009; 76 FR 3380, Jan. 19, 2011]

§ 173.308 Lighters.

(a) *General requirements.* No person may offer for transportation or transport a lighter (see § 171.8 of this subchapter) containing a Division 2.1 (flammable gas) material except under the following conditions:

(1) The lighter must contain a fuel reservoir not exceeding 4 fluid ounces capacity (7.22 cubic inches), and must contain not more than 10 grams (0.35 ounce) of flammable gas.

(2) The maximum filling density may not exceed 85 percent of the volumetric capacity of each fluid reservoir at 15 °C (59 °F).

(3) Each lighter design, including closures, must be capable of withstanding, without leakage or rupture, an internal pressure of at least two times the pressure of the flammable gas at 55 °C (131 °F).

(4) Each appropriate lighter design must be examined and successfully tested by a person or agency (authorized testing agency) who is authorized by the Associate Administrator to perform such examination and testing under the provisions of subpart E of part 107 of this chapter and who—

(i) Has the equipment necessary to perform the testing required to the level of accuracy required;

(ii) Is able to demonstrate, upon request, the knowledge of the testing procedures and requirements of the HMR relative to lighters;

(iii) Does not manufacture or market lighters, is not financially dependent or owned in whole or in part, by any entity that manufactures or markets lighters;

(iv) Is a resident of the United States; and

(v) Performs all examination and testing in accordance with the requirements of paragraph (b)(3) and (4) of this section.

(5) The Associate Administrator will assign an identification code to each