

under regulations in place prior to January 17, 1989, and in compliance with those regulations, may continue to be manufactured and marked as approved as long as no change to the explosive is made.

[FR 46761, Nov. 18, 1988; 54 FR 351, Jan. 5, 1989]

§ 15.2 Definitions.

The following definitions apply in this part.

Applicant. An individual or organization that manufactures or controls the production of an explosive or an explosive unit and that applies to MSHA for approval of that explosive or explosive unit.

Approval. A document issued by MSHA which states that an explosive or explosive unit has met the requirements of this part and which authorizes an approval marking identifying the explosive or explosive unit as approved as permissible.

Explosive. A substance, compound, or mixture, the primary purpose of which is to function by explosion.

Extension of approval. A document issued by MSHA which states that the change to an explosive or explosive unit previously approved by MSHA under this part meets the requirements of this part and which authorizes the continued use of the approval marking after the appropriate extension number has been added.

Minimum product firing temperature. The lowest product temperature at which the explosive or explosive unit is approved for use under this part.

Post-approval product audit. Examination, testing, or both, by MSHA of approved explosives or explosive units selected by MSHA to determine whether they meet the technical requirements and have been manufactured as approved.

Sheath. A chemical compound or mixture incorporated in a sheathed explosive unit and which forms a flame inhibiting cloud on detonation of the explosive.

Sheathed explosive unit. A device consisting of an approved or permissible explosive covered by a sheath encased in a sealed covering and designed to be fired outside the confines of a borehole.

Test detonator. An instantaneous detonator that has a strength equivalent to that of a detonator with a base charge of 0.40–0.45 grams PETN.

[FR 46761, Nov. 18, 1988; 54 FR 351, Jan. 5, 1989]

§ 15.3 Observers at tests and evaluations.

Only personnel of MSHA and the Bureau of Mines, U.S. Department of the Interior, representatives of the applicant, and such other persons as agreed upon by MSHA and the applicant shall be present during tests and evaluations conducted under this part.

§ 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, P.O. Box 251, Industrial Park Road, Triadelphia, West Virginia 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

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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

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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]

§ 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