

firework device and the Fireworks Certification Agency that certified the device. The record must be accessible at or through its principal place of business and be made available, upon request, to an authorized official of a Federal, State, or local government agency at a reasonable time and location. Copies of certification records must be maintained by each importer, manufacturer, or a foreign manufacturer's U.S. agent, for five (5) years after the device is imported. The certification record must be made available to a representative of PHMSA upon request.

[78 FR 42477, July 16, 2013]

**§ 173.66 Requirements for bulk packagings of certain explosives and oxidizers.**

When §172.101 of this subchapter specifies that a hazardous material may be transported in accordance with this section (per special provision 148 in §172.102(c)(1)), only the bulk packagings specified for these materials in IME Standard 23 (IBR, see §171.7 of this subchapter) are authorized, subject to the requirements of subparts A and B of this part and the special provisions in column 7 of the §172.101 table. See Section I of IME Standard 23 for the standards for transporting a single bulk hazardous material for blasting by cargo tank motor vehicles (CTMV), and Section II of IME Standard 23 for the standards for CTMVs capable of transporting multiple hazardous materials for blasting in bulk and non-bulk packagings (*i.e.*, a multipurpose bulk truck (MBT) authorized to transport the Class 1 (explosive) materials, Division 5.1 (oxidizing) materials, Class 8 (corrosive) materials, and Combustible Liquid, n.o.s., NA1993, III, as specified in IME Standard 23 (also see §177.835(d) of this subchapter)). In addition, the requirements in paragraph (a) of this section apply to: A new multipurpose bulk truck constructed after April 19, 2016; and a modified existing multipurpose bulk truck after April 19, 2016 (see §173.66(b) regarding the term *modified*).

(a) *Federal Motor Vehicle Safety Standard (FMVSS)*. Multipurpose bulk trucks must be in compliance with the FMVSS found in 49 CFR part 571, as applicable. Furthermore, the multipur-

pose bulk truck manufacturer must maintain a certification record ensuring the final manufacturing is in compliance with the FMVSS, in accordance with the certification requirements found in 49 CFR part 567. These certification records must be made available to DOT representatives upon request.

(b) *Modified*. The term *modified* means any change to the original design and construction of a multipurpose bulk truck (MBT) that affects its structural integrity or lading retention capability, (*e.g.* rechassisising, etc.). Excluded from this category are the following:

(1) A change to the MBT equipment such as lights, truck or tractor power train components, steering and brake systems, and suspension parts, and changes to appurtenances, such as fender attachments, lighting brackets, ladder brackets; and

(2) Replacement of components such as valves, vents, and fittings with a component of a similar design and of the same size.

[80 FR 79453, Dec. 21, 2015]

**Subpart D—Definitions Classification, Packing Group Assignments and Exceptions for Hazardous Materials Other Than Class 1 and Class 7**

SOURCE: Amdt. 173–224, 55 FR 52634 Dec. 21, 1990, unless otherwise noted.

**§ 173.115 Class 2, Divisions 2.1, 2.2, and 2.3—Definitions.**

(a) *Division 2.1 (Flammable gas)*. For the purpose of this subchapter, a *flammable gas* (Division 2.1) means any material which is a gas at 20 °C (68 °F) or less and 101.3 kPa (14.7 psia) of pressure (a material which has a boiling point of 20 °C (68 °F) or less at 101.3 kPa (14.7 psia)) which—

(1) Is ignitable at 101.3 kPa (14.7 psia) when in a mixture of 13 percent or less by volume with air; or

(2) Has a flammable range at 101.3 kPa (14.7 psia) with air of at least 12 percent regardless of the lower limit. Except for aerosols, the limits specified in paragraphs (a)(1) and (a)(2) of this section shall be determined at 101.3