

outside door of the IME Standard 22 compartment.

(g) Detonators that are classed as 1.4B or 1.4S and contain no more than 1 g of explosive (excluding ignition and delay charges) may be packed as follows in which case they are excepted from the packaging requirements of § 173.62:

(1) No more than 50 detonators in one inner packaging;

(2) IME Standard 22 container is used as the outer packaging;

(3) No more than 1000 detonators in one outer packaging; and

(4) Each inner packaging is marked “1.4B Detonators” or “1.4S Detonators”, as appropriate.

[Amdt. 173-224, 55 FR 52617, Dec. 21, 1990, as amended at 56 FR 66268, Dec. 20, 1991; Amdt. 173-236, 58 FR 50536, Sept. 24, 1993; Amdt. 173-253, 61 FR 27175, May 30, 1996; 68 FR 75743, Dec. 31, 2003; 71 FR 14602, Mar. 22, 2006; 76 FR 3371, Jan. 19, 2011; 78 FR 1084, 1113, Jan. 7, 2013; 78 FR 65480, Oct. 31, 2013; 81 FR 18539, Mar. 31, 2016; 87 FR 79776, Dec. 27, 2022]

§ 173.64 Exceptions for Division 1.3 and 1.4 fireworks.

(a) Notwithstanding the requirements of § 173.56(b), Division 1.3 and 1.4 fireworks (see § 173.65 for Division 1.4G consumer fireworks) may be classed and approved by the Associate Administrator without prior examination and offered for transportation if the following conditions are met:

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

(2) The device must pass a thermal stability test conducted by a third-party laboratory, 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 that 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;

(3) The manufacturer applies in writing to the Associate Administrator following the applicable requirements in APA 87-1A, 87-1B, and 87-1C and is no-

tified in writing by the Associate Administrator that the fireworks have been classed, approved, and assigned an EX number. Each application must be complete and include 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 the appropriate APA Standard, that the descriptions and technical information contained in the application are complete and accurate, and with respect to APA 87-1A that no duplicate application has been submitted to a fireworks certification agency. 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 § 173.56(b)(1) of this part.

(b) [Reserved]

[78 FR 42477, July 16, 2013, as amended at 85 FR 75713, Nov. 25, 2020]

§ 173.65 Exceptions for Division 1.4G consumer fireworks.

(a) Notwithstanding the requirements of §§ 173.56(b), 173.56(f), 173.56(i), and 173.64, Division 1.4G consumer fireworks may be offered for transportation provided the following conditions are met:

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

(2) The device must pass a thermal stability test. The test must be performed by maintaining the device, or a representative prototype of the device, at a temperature of 75 °C (167 °F) for 48 consecutive hours. When a device contains more than one component, those components that 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;

(3) The manufacturer of the Division 1.4G consumer firework applies in writing to a DOT-approved Fireworks Certification Agency, and is notified in

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writing by the DOT-approved Fireworks Certification Agency that the firework has been:

(i) Certified that it complies with APA 87-1A, and meets the requirements of this section; and

(ii) Assigned an FC number.

(4) The manufacturer's application must be complete and include:

(i) Detailed diagram of the device;

(ii) Complete list of the chemical compositions, formulations and quantities used in the device;

(iii) Results of the thermal stability test; and

(iv) Signed certification declaring that the device for which certification is requested conforms to the APA 87-1A, that the descriptions and technical information contained in the application are complete and accurate, and that no duplicate applications have been submitted to PHMSA. If the application is denied, the Fireworks Certification Agency must notify the manufacturer in writing of the reasons for the denial. As detailed in the DOT-approval issued to the Fireworks Certification Agency, following the issuance of a denial from a Fireworks Certification Agency, a manufacturer may seek reconsideration from the Fireworks Certification Agency, or may appeal the reconsideration decision of the Fireworks Certification Agency to the PHMSA Administrator.

(b) *Recordkeeping requirements.* Following the certification of each Division 1.4G consumer firework as permitted by paragraph (a) of this section, the manufacturer and importer must maintain a paper record or an electronic image of the certificate, demonstrating compliance with this section. Each record must clearly provide the unique identifier assigned to the 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 certifi-

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cation record must be made available to a representative of PHMSA upon request.

[78 FR 42477, July 16, 2013, as amended at 85 FR 75713, Nov. 25, 2020]

§ 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 multipurpose 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