

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