censed dealer exporting explosive materials shall maintain records showing the manufacture or acquisition of explosive materials as required by this part and records showing the quantity, the manufacturer's name or brand name of explosive materials, the name and address of the foreign consignee of the explosive materials, and the date the explosive materials were exported.

Subpart H—Exemptions

§ 55.141 Exemptions.

(a) General.

This part does not apply with respect to:

(1) Any aspect of the transportation of explosive materials via railroad, water, highway, or air which is regulated by the U.S. Department of Transportation and its agencies.

(2) The use of explosive materials in medicines and medicinal agents in the forms prescribed by the official **United States Pharmacopeia** or the **National Formulary.** The United States Pharmacopeia and the National Formulary, USP and NF Compendia, are available from the United States Pharmacopeial Convention, Inc., 12601 Twinbrook Parkway, Rockville, Maryland 20852.

(3) The transportation, shipment, receipt, or importation of explosive materials for delivery to any agency of the United States or to any State or its political subdivision.

(4) Small arms ammunition and components of small arms ammunition.

(5) The manufacture under the regulation of the military department of the United States of explosive materials for, or their distribution to or storage or possession by, the military or naval services or other agencies of the United States.

(6) Arsenals, navy yards, depots, or other establishments owned by, or operated by or on behalf of, the United States.

(7) The importation and distribution of fireworks classified as Class C explosives and generally known as **"common fireworks"**, and other Class C explosives, as described by U.S. Department of Transportation regulations in 49 CFR 173.100 (p), (r), (t), (u) and (x).

(8) Gasoline, fertilizers, propellant actuated devices, or propellant actuated industrial tools manufactured, imported, or distributed for their intended purposes.

(9) Industrial and laboratory chemicals which are intended for use as reagents and which are packaged and shipped pursuant to U.S. Department of Transportation regulations, 49 CFR Parts 100 to 177, which do not require explosives hazard warning labels.

(b) Black powder.

Except for the provisions applicable to persons required to be licensed under subpart D, this part does not apply with respect to commercially manufactured black powder in quantities not to exceed 50 pounds, percussion caps, safety and pyrotechnic fuses, quills, quick and slow matches, and friction primers, if the black powder is intended to be used solely for sporting, recreational, or cultural purposes in antique firearms, as defined in 18 U.S.C. 921(a)(16) or antique devices, as exempted from the term **"destructive devices"** in 18 U.S.C. 921(a)(4).

[Amended by T.D. ATF-87, 46 FR 46916, Sept. 23, 1981; T.D. ATF-293, 55 FR 3722, Feb. 5, 1990]

§ 55.142 Relief from disabilities incurred by indictment, information or conviction.

(a) Any person may make application for relief from the disabilities under the Act incurred by reason of an indictment or information for, or conviction of, a crime punishable by imprisonment for a term exceeding one year.

(b) An application for relief from disabilities is filed with the Director and supported by data that the applicant considers appropriate. In the case of a corporation, or of any person having the power to direct or control the management of the corporation, the supporting data is to include information as to the absence of culpability in the offense for which the corporation, or any such person, was indicted, formally accused or convicted.

(c) The Director may grant relief to an applicant if it is established to the satisfaction of the Director that the circumstances regarding the indictment, information or conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

(d) A person who has been granted relief under this section is relieved of any disabilities imposed by the Act with respect to engaging in the business of importing, manufacturing, or dealing in explosive materials, or the purchase of explosive materials, that were incurred by reason of such indictment, information or conviction.

(e)(1) A licensee or permittee who is under indictment or information for, or convicted of, a crime punishable by imprisonment for a term exceeding one year during the term of a current license or permit, or while he has pending a license or permit

PLOSIVES, CLASS B, and SMALL-ARMS PRIMERS," as the case may be.

[29 FR 18683, Dec. 29, 1964. Redesignated at 32 FR 5606, Apr. 5, 1967]

EDITORIAL NOTE: For Federal Register citations affecting § 173.93, see the List of CFR Sections Affected appearing in the Finding Aids section of this volume.

§ 173.94 Explosive power devices, Class B.

(a) Explosive power devices, Class B may not be shipped with igniters assembled therein unless shipped by or for the Department of Defense (DOD) and in accordance with established practices and procedures specified by DOD. Explosive power devices, Class B, must be packed in outside containers complying with the following specifications:

(1) Specification 14, 15A, 15E, 16A, or 19B (§§ 178.165, 178.168, 178.172, 178.185, 178.191 of this subchapter). Wooden boxes or wooden boxes, fiberboard lined.

(2) Strong wooden or metal boxes or containers. Authorized only for shipments made by, for, or to the Departments of the Army, Navy, or Air Force of the United States Government.

(b) Explosive power devices, Class B packed in any other manner must be in containers of a type examined by the Bureau of Explosives and approved by the Director, OHMT.

(c) Each outside container must be plainly marked "EXPLOSIVE POWER DEVICES, CLASS B" *and* "HANDLE CAREFULLY—KEEP FIRE AWAY."

[29 FR 18683, Dec. 29, 1964. Redesignated at 32 FR 5606, Apr. 5, 1967]

EDITORIAL NOTE: For Federal Register citations affecting § 173.94, see the List of CFR Sections Affected appearing in the Finding Aids section of this volume.

§ 173.95 Rocket engines (liquid), Class B explosives.

(a) Rocket engines (liquid), Class B explosives must be packaged as follows:

(1) Specification 14, 15A, 15E, 16A, or 19B (§§ 178.165, 178.168, 178.172, 178.185, 178.191 of this subchapter). Wooden boxes or wooden boxes, fiberboard lined.

(2) Wooden boxes or metal packagings of approved military specification which comply with § 173.7(a).

(b) Rocket engines (liquid), Class B explosives, may not be shipped with igniters or initiators assembled therein unless shipped by or for the Department of Defense (DOD) and in accordance with established practices and procedures specified by DOD.

(c) Rocket engines (liquid), Class B explosives, may be packed in the same outside packaging with their separately packaged igniters, jet thurst, Class B explosives when shipped by or for the Department of Defense (DOD) and in accordance with established practices and procedures specified by DOD.

(d) Each package must be plainly marked "ROCKET ENGINES (LIQUID), CLASS B EXPLOSIVES."

[Amdt. 173-6, 34 FR 7160, May 1, 1969, as amended by Amdt. 173-94, 41 FR 16066, Apr. 15, 1976; Amdt. 173-138, 45 FR 32694, May 19, 1980; Amdt. 173-149, 46 FR 49893, Oct. 8, 1981]

CLASS C EXPLOSIVES; DEFINITIONS

§ 173.100 Definition of Class C explosives.

(a) Explosives, Class C, are defined as certain types of manufactured articles which contain Class A, or Class B explosives, or both, as components but in restricted quantities, and certain types of fireworks. These explosives are further specifically described in this section.

(b) Small arms ammunition is fixed ammunition consisting of a metallic, plastic composition, or paper cartridge case, a primer, and a propelling charge, with or without bullet, projectile, shot, tear gas material, tracer components, or incendiary compositions, or mixtures, and is further limited to the following:

(1) Ammunition designed to be fired from a pistol, revolver, rifle, or shotgun held by the hand or to the shoulder.

(2) Ammunition of caliber less than 20 millimeters with incendiary solid inert or empty projectiles (with or without tracers), designed to be fired from machine guns or cannons.

(3) Blank cartridges including canopy remover cartridges, starter cartridges, and seat ejector cartridges, containing not more than 500 grains of propellant powder, provided that such cartridges shall be incapable of functioning en masse as a result of the functioning of any single cartridge in the container or as a result of exposure to external flame.

(4) Twenty millimeter ammunition other than specified in § 173.53(q).

(c) Explosive cable cutters are used for cutting cables, etc. They consist of a metal device containing a knife-edged component which is propelled by a small charge of an explosive compound.

(d) Cord, detonating *flexible* is a device consisting of a core of pentaerythrite tetranitrate, cyclotrimethylene- trinitramine or similar explosive overspun with tapes, yarns and plastics or waterproofing compounds without wire countering. Approval of detonating cord as a class C explosive is contingent upon:

(1) examination by an agency listed in § 173.86(b); and

(2) a demonstrated ability to confine blast effects of a detonation to the package as prepared for transportation, and without propagation of detonation to similar packages which surround it.

(e) Percussion fuzes, combination fuzes, and time fuzes are devices designed to ignite powder charges of ammunition or to initiate an intermediate charge (booster) in projectiles, bombs, etc. When such fuzes are assembled with booster charges they are properly described as "detonating fuzes" (see § 173.53(g)(2)).

(f) Tracer fuzes and tracers are devices which are attached to projectiles and contain a slow-burning composition to show the flight of projectiles at night.

(g) Cartridge bags, empty, with black powder igniters consist of empty bags having attached thereto an igniter composed of black powder. (See § 173.93 (b), (c), and (d) when shipped with propellant explosives.)

(h) Igniters consist of fiberboard, plastic, paper or metal tubes containing a small quantity of igniting compound which is ignited by the action of a primer, pull wire or scratch composition.

(i) Delay electric igniters consist o small metal, fiberboard, or pasteboar tubes containing a wire bridge in con tact with a small quantity of ignitio compound. The ignition compound i in contact with or in close proximit to a short piece of safety fuse.

(j) Electric squibs consist of smal tubes or blocks containing a smal quantity of ignition compound in con tact with a wire bridge.

(k) Fuse lighters and fuse igniter are small cylindrical hollow paste board or metal tubes containing an ig niting composition in one end, the other end being open to permit it to be placed on safety fuse.

(l) Safety squibs are small paper tubes containing a small quantity o black powder. One end of each tube is usually twisted and tipped with sulfur.

(m) Instantaneous fuse is cotton yarn impregnated with metal powder. No restrictions other than packing in strong wooden boxes or barrels plainly marked "INSTANTANEOUS FUSE" are prescribed in this part.

(n) Primers are devices used to ignite the powder charges of ammunition or the black powder bursting charges of projectiles. For small-arms ammunition the primers are "small-arm primers" or "percussion caps".

(o) Safety fuse, consisting of a core of black powder overspun with yarns, waterproofing compounds, and/or tapes must be packed in outside fiberboard boxes, wooden boxes, wooden barrels, bales, or metal containers, and must be described for shipping purposes as "SAFETY FUSE". No other restrictions apply in this part.

(p) Toy plastic or paper caps for toy pistols in sheets, strips, rolls, or individual caps, must not contain more than an average of twenty-five hundredths of a grain of explosive composition per cap and must be packed in inside packages constructed of cardboard not less than 0.013-inch in thickness, metal not less than 0.008-inch in thickness, noncombustible plastic not less than 0.015-inch in thickness, or a composite blister package consisting of cardboard not less than 0.013-inch in thickness and noncombustible plastic not less than 0.005-inch in thickness, which shall provide a complete enclosure and the mimimum dimensions of

each side or end of such package shall be not less than ⅛-inch in height. The number of caps in these inside packages shall be limited so that not more than 10 grains of explosives composition shall be packed into one cubic inch of space and not exceeding 17.5 grains of the explosive composition of toy caps shall be packed in any inside container. These inner containers must be packed in outside containers as specified in § 173.109.

(q) Explosive rivets, each containing not more than 375 milligrams of explosive composition, are exempt from specification packaging and labeling requirements when packed in pasteboard or other inside boxes in securely closed strong wooden boxes, fiberboard boxes or metal containers. Each outside container must be marked "EXPLOSIVE RIVETS". No other restrictions apply in this part.

(r) Common fireworks are fireworks devices suitable for use by the public and designed primarily to produce visible effects by combustion. Some small devices designed to produce audible effects are also included in this class. The types, sizes and amount of pyrotechnic contents of these devices are limited as enumerated in this paragraph. No component, of any device listed in this paragraph, which produces or is intended to produce an audible effect shall contain pyrotechnic composition in excess of 2 grains in weight; nor shall such device or component, upon functioning, project or disperse any metal, glass or brittle plastic fragments. (Propelling or expelling charges consisting of a mixture of sulfur, charcoal, and saltpeter are not considered as designed to produce audible effects). Any new device, not enumerated in this paragraph, must be examined by the Bureau of Explosives and approved by the Director, OHMT, before being offered for transportation as Common Fireworks. Common fireworks must be in a finished state exclusive of mere ornamentation as supplied to the retail trade and must be so constructed and packed that loose pyrotechnic composition will not be present in packages in transportation. Fireworks, except articles defined in paragraphs (s) through (y) inclusive, of this section, other than common fireworks as defined in this paragraph, and those forbidden for transportation in § 173.51, are classed as Special Fireworks (see § 173.88(d)).

(1) Roman candles, not exceeding ten balls spaced uniformly in the tube, total pyrotechnic composition not to exceed twenty grams each in weight. The inside tube diameter shall not exceed ⅜ inch.

(2) Sky rockets with sticks, total pyrotechnic composition not to exceed twenty grams each in weight. The inside tube diameter shall not exceed ½ inch. The rocket sticks must be securely fastened to the tubes.

(3) Helicopter type rockets, total pyrotechnic composition not to exceed twenty grams each in weight. The inside tube diameter shall not exceed ½ inch.

(4) Cylindrical fountains, total pyrotechnic composition not to exceed seventy-five grams each in weight. The inside tube diameter shall not exceed ¾ inch.

(5) Cone fountains total pyrotechnic composition not to exceed fifty grams each in weight.

(6) Wheels, total pyrotechnic composition not to exceed sixty grams for each driver unit or two hundred and forty grams for each complete wheel. The inside tube diameter of driver units shall not exceed ½ inch.

(7) Illuminating torches and colored fire in any form, total pyrotechnic composition not to exceed one hundred grams each in weight.

(8) Dipped sticks, the pyrotechnic composition of which contains any chlorate or perchlorate shall not exceed 5 grams. Sparklers, the composition of which does not exceed 100 grams each and which contain no magnesium or magnesium and a chlorate or perchlorate, are not subject to the regulations in Parts 170–189 and 397 of this title.

(9) Mines and shells of which the mortar is an integral part, total pyrotechnic composition not to exceed forty grams each in weight.

(10) Firecrackers and salutes with casings, the external dimensions of which do not exceed one and one-half inches in length or one-quarter inch in diameter, total pyrotechnic composition not to exceed two grains each in weight.

(11) Novelties consisting of two or more devices enumerated in this paragraph when examined by the Bureau of Explosives and approved by the Director, OHMT.

(s) Igniter cord consists of textile yarns and/or a wire uniformly covered with a combustible chemical mixture, with or without additional textile or wire counterings, waterproofing or finishing coatings which, when ignited burns externally at various rates according to design. Igniter cord must be packed in strong, tight, outside fiberboard boxes or drums, wooden boxes or metal containers plainly marked "IGNITER CORD."

(t) Explosive auto alarms are tubular devices containing a small amount of explosive composition and igniting compound which is ignited by an electric spark. These devices must be so designed that they will neither burst nor cause external flame on functioning.

(u) Toy propellant devices and toy smoke devices consist of small paper or composition tubes or containers containing a small charge of slow burning propellant powder or smoke producing powder. These devices must be so designed that they will neither burst nor produce external flame on functioning. Ignition elements, if attached, must be of a design examined by the Bureau of Explosives and approved by the Director, OHMT.

(v) Oil well cartridges are tubular devices each containing not more than 350 grains of propellant powder and having no ignition device or element. Cartridges must be constructed and packed so that they will be incapable of functioning en masse as a result of exposure to external flame.

(w) Actuating cartridges, explosive, fire extinguisher or valve consist of a small metal or fiber housing containing a small amount of initiating explosive and a propellant and are used to actuate valves on remotely controlled fire extinguishers or other apparatus.

(x) Cigarette loads, trick matches, and trick noise makers, explosive, must be of type examined by the Bureau of Explosives and approved by the Director, OHMT and are described as follows:

(1) Cigarette loads consist of wooden pegs to which are affixed a small amount of explosive composition.

(2) Trick matches consist of book matches, strike anywhere matches, or strike-on-box matches which have small amounts of explosive or pyrotechnic composition affixed to the match stem just below the match head.

(3) Trick noise makers, explosive, consist of spheres containing a small amount of explosive composition.

(y) Smoke candles, smokepots, smoke grenades, smoke signals, signal flares, hand signal devices, and very signal cartridges are devices designed to produce visible effects for signal purposes. These devices must contain no bursting charges and no more than 200 grams of pyrotechnic composition each (see Note 1), exclusive of smoke composition (see Note 2), unless greater weight of composition is examined by the Bureau of Explosives and approved by the Director, OHMT.

NOTE 1: Pyrotechnic compositions (other than smoke compositions) are defined as chemical mixtures which on burning and without explosion, produce visible or brilliant displays or bright lights.

NOTE 2: Pyrotechnic smoke compositions are defined as chemical smoke producing mixtures, which on ignition burn at a controlled rate, without the production of flame and without the build-up of internal pressure that would rupture or burst the end product.

(z) Explosive release devices consist of a rod or link fitted with means for mechanical attachment to other apparatus or equipment and containing a small electrically initiated explosive charge which will break the rod or link upon functioning. These devices must be so designed that they will not function other explosive devices in the package sympathetically.

(aa) Explosive power devices, Class C, are devices designed to drive generators or mechanical apparatus by means of propellant explosives, Class B. The devices consist of a housing with a contained propellant charge and an electric igniter or squib. The devices must be of a type examined by the Bureau of Explosives and ap-

U.S. Department of Transportation
Research and Special Programs Administration

400 Seventh Street, S.W.
Washington, D.C. 20590

The US Department of Transportation
Competent Authority for the United States

CLASSIFICATION OF EXPLOSIVES

Based upon a request by Gary Rosenfield on behalf of Aero Tech, Inc., 1955 S. Palm Street, Suite 15, Las Vegas, Nevada, the following items are classed in accordance with Section 173.56, Title 49, Code of Federal Regulations (49 CFR).

U.N. PROPER SHIPPING NAME AND NUMBER:

Articles, explosive, n.o.s., UN0351 (see note 1)

U.N. CLASSIFICATION CODE: 1.4C

REFERENCE NUMBER	PRODUCT DESIGNATION/PART NUMBER
EX-9305148	White Lightning Reload Kit up to 62.5g propellant, 8.3g Delay charge and 1.4g Ejection charge
EX-9305149	Blue Thunder Reload Kit up to 62.5g propellant, 8.3g Delay charge and 1.4g Ejection charge
EX-9305150	Black Jack Reload Kit up to 62.5g propellant, 8.3g Delay charge and 1.4g Ejection charge

Note 1 - Packagings authorized are: The reload kit or kits must be packed in a plastic bag as the inner packaging. Each inner packaging may contain up to 62.5 grams of propellant, 8.3 grams of delay charge and 1.4 grams of ejection charge. No more than 12 inner packagings may be packed in a fiberboard box intermediate packaging. The intermediate packaging must be packed in a 4G fiberboard box outer packaging. Intermediate packaging is not required for a package containing 12 or less inner packagings.

***** The following is provided to facilitate transition to the UN system *****

Classification under Sections 173.86 or 173.114a (49 CFR):

DOT DESCRIPTION/COMMERCIAL NAME: Toy propellant device

DOT HAZARD CLASSIFICATION: Class C explosive

Approved by:

Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

MAY 27 1993
(DATE)