

the explosive or sheathed explosive unit;

- (2) Are chemically unstable;
- (3) Show leakage;
- (4) Use aluminum clips to seal the cartridge;
- (5) Contain any combination of perchlorate and aluminum;
- (6) Contain more than 5 percent perchlorate; or
- (7) Contain any perchlorate and less than 5 percent water.

(c) *Storage.* Explosives and sheathed explosive units shall be stored in a magazine for at least 30 days before gallery tests are conducted.

**§ 15.6 Issuance of approval.**

(a) MSHA will issue an approval or a notice of the reasons for denying approval after completing the evaluation and testing provided for by this part.

(b) An applicant shall not advertise or otherwise represent an explosive or sheathed explosive unit as approved until MSHA has issued an approval.

**§ 15.7 Approval marking.**

(a) An approved explosive or sheathed explosive unit shall be marketed only under the brand or trade name specified in the approval.

(b) The wrapper of each cartridge and each case of approved explosives shall be legibly labeled with the following: the brand or trade name, "MSHA Approved Explosive", the test detonator strength, and the minimum product firing temperature.

(c) The outer covering of each sheathed explosive unit and each case of approved sheathed explosive units shall be legibly labeled with the following: the brand or trade name, "MSHA Approved Sheathed Explosive Unit", the test detonator strength, and the minimum product firing temperature.

[FR 46761, Nov. 18, 1988; 54 FR 351, Jan. 5, 1989; 54 FR 27641, June 30, 1989; 60 FR 33723, June 29, 1995]

**§ 15.8 Quality assurance.**

(a) Applicants granted an approval or an extension of approval under this part shall manufacture the explosive or sheathed explosive unit as approved.

(b) Applicants shall immediately report to the MSHA Approval and Cer-

tification Center, any knowledge of explosives or sheathed explosive units that have been distributed that do not meet the specifications of the approval.

[53 FR 46761, Nov. 18, 1988, as amended at 60 FR 33723, June 29, 1995]

**§ 15.9 Disclosure of information.**

(a) All information concerning product specifications and performance submitted to MSHA by the applicant shall be considered proprietary information.

(b) MSHA will notify the applicants of requests for disclosure of information concerning its explosives or sheathed explosive units and shall give the applicant an opportunity to provide MSHA with a statement of its position prior to any disclosure.

**§ 15.10 Post-approval product audit.**

(a) Approved explosives and sheathed explosive units shall be subject to periodic audits by MSHA for the purpose of determining conformity with the technical requirements upon which the approval was based. Any approved explosive or sheathed explosive unit which is to be audited shall be selected by MSHA and be representative of those distributed for use in mines. The approval-holder may obtain any final report resulting from such audit.

(b) No more than once a year, except for cause, the approval-holder, at MSHA's request, shall make one case of explosives or 25 sheathed explosive units available at no cost to MSHA for an audit. The approval-holder may observe any tests conducted during this audit.

(c) An approved explosive or sheathed explosive unit shall be subject to audit for cause at any time MSHA believes that it is not in compliance with the technical requirements upon which the approval was based.

(d) Explosives approved under regulations in effect prior to January 17, 1989, shall conform to the provisions on field samples set out in those regulations (See 30 CFR part 15, 1987 edition).

**§ 15.11 Revocation.**

(a) MSHA may revoke for cause an approval issued under this part if the explosive or sheathed explosive unit—