



1 December 2023

(23-8176)

Page: 1/2

Committee on Technical Barriers to Trade

Original: English

### NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

<b>1. Notifying Member:</b> <u>UNITED STATES OF AMERICA</u> <b>If applicable, name of local government involved (Article 3.2 and 7.2):</b>
<b>2. Agency responsible:</b> Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT) [2103] <b>Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:</b> Please submit comments to: USA WTO TBT Enquiry Point, Email: <a href="mailto:usatbtep@nist.gov">usatbtep@nist.gov</a>
<b>3. Notified under Article 2.9.2 [X], 2.10.1 [ ], 5.6.2 [ ], 5.7.1 [ ], 3.2 [ ], 7.2 [ ], other:</b>
<b>4. Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):</b> Energetic materials; Fireworks (HS code(s): 360410); Bombs, grenades, torpedos, mines, missiles, cartridges and other ammunition and projectiles and parts thereof, incl. buckshot, shot and cartridge wads, n.e.s. (HS code(s): 9306); Explosion protection (ICS code(s): 13.230); Explosives. Pyrotechnics and fireworks (ICS code(s): 71.100.30)
<b>5. Title, number of pages and language(s) of the notified document:</b> Hazardous Materials: Streamlining Requirements for the Approval of Certain Energetic Materials; (17 page(s), in English)
<b>6. Description of content:</b> Notice of proposed rulemaking - PHMSA proposes to amend the Hazardous Materials Regulations to revise the classification and approval process for certain low-hazard fireworks; to revise classification criteria for small arms cartridges to include tracer ammunition; to include the PHMSA portal as the method to submit applications for all explosives approvals; and to allow for voluntary termination of an explosive approval by the approval holder.
<b>7. Objective and rationale, including the nature of urgent problems where applicable:</b> Protection of human health or safety; Protection of the environment

**8. Relevant documents:**

88 Federal Register (FR) 83514, 30 November 2023; [Title 49](#) Code of Federal Regulations (CFR) Parts [107](#), [171](#), and [173](#)::

<https://www.govinfo.gov/content/pkg/FR-2023-11-30/html/2023-25887.htm>

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This notice of proposed rulemaking is identified by Docket Number PHMSA-2020-0103. The Docket Folder is available on Regulations.gov at <https://www.regulations.gov/docket/PHMSA-2020-0103/document> and provides access to primary and supporting documents as well as comments received. Documents are also accessible from [Regulations.gov](#) by searching the Docket Number. WTO Members and their stakeholders are asked to submit comments to the [USA TBT Enquiry Point](#). Comments received by the USA TBT Enquiry Point from WTO Members and their stakeholders by [4pm Eastern Time](#) on 28 February 2024 will be shared with the regulator and will also be submitted to the [Docket](#) on Regulations.gov if received within the comment period.

**9. Proposed date of adoption:** To be determined

**Proposed date of entry into force:** To be determined

**10. Final date for comments:** 28 February 2024

**11. Texts available from: National enquiry point [ ] or address, telephone and fax numbers and email and website addresses, if available, of other body:**

[https://members.wto.org/crnattachments/2023/TBT/USA/23\\_13921\\_00\\_e.pdf](https://members.wto.org/crnattachments/2023/TBT/USA/23_13921_00_e.pdf)