

Minnesota Attorney General: Administrative Rules Proceedings

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MINNESOTA STATE REGULATIONS

Notice of filing by the Commissioner of Administration

We have received on this date, stamped and filed 2 copies of Rules and Regulations pertaining to

the Dept. of Public Safety - Crime Bureau
(Agency or Board)

Regulation No. CBH-1- Thru CBH49

Subject: Manufacture, transportation, storage, use of Explosives and Blasting Agents

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MINNESOTA DEPARTMENT OF PUBLIC SAFETY
BUREAU OF CRIMINAL APPREHENSION

REGULATIONS FOR THE MANUFACTURE, TRANSPORTATION, STORAGE, AND USE OF EXPLOSIVES AND BLASTING AGENTS

CHAPTER ONE: GENERAL PROVISIONS AND DEFINITIONS

BCA 1 PURPOSE AND SCOPE

The purpose of these regulations is to adopt safety standards for the manufacture, transportation, storage and use of explosives and blasting agents. The scope of these regulations is intended to be consistent with Minnesota Statutes 1971, Section 299F.71 through 299F.83 (Session Laws 1971, Chapter 845).

BCA 2 DEFINITIONS

In these regulations the following words are used as defined below:

(a) APPROVED

Approved by the Superintendent or his authorized assistants.

(b) BLASTING AGENT

Any material or mixture, consisting of a fuel and oxidizer, intended for blasting, not otherwise classified as an explosive and in which none of the ingredients are classified as an explosive, provided that the finished product, as mixed and packaged for use or shipment, cannot be detonated by means of a No. 8 test blasting cap when unconfined.

NOTE 1. A No. 8 blasting cap is one containing 2 grams of a mixture of 80% mercury fulminate and 20% potassium chlorate, or a cap of equivalent strength.

NOTE 2. Nitro-Carbo-Nitrate This term applies to any blasting agent which has been classified as nitro-carbo-nitrate under the Department of Transportation Regulations, and which is packaged and shipped in compliance with the regulations of the Department of Transportation.

(c) DEPARTMENT OF TRANSPORTATION

The United States Department of Transportation

(d) EXPLOSIVE-ACTUATED DEVICES

Any tool or special mechanized device which is actuated by explosives, but not to include propellant-actuated power devices. Examples of explosive-actuated power devices are jet trappers and jet perforators.

(e) EXPLOSIVES

Any chemical compound, mixture or device, the primary or common purpose of which is to function by explosion, i.e., with substantially instantaneous release of gas and heat, unless such compound, mixture of device is otherwise specifically classified by the Department of Transportation. The term "Explosives" shall include all material which is classified as Class A, Class B and Class C explosives by the Department of Transportation, and includes, but is not limited to, dynamite, black powder, pellet powders, initiating explosives, blasting caps, electric blasting caps, safety fuse, fuse lighters, fuse igniters, squibs, detonating cord, instantaneous fuse, igniter cord, igniters, small arms ammunition, small arms ammunition primers, smokeless propellant, cartridges for propellant-actuated power devices and cartridges for industrial guns, and some special fireworks. (Commercial explosives are those explosives which are intended to be used in commercial or industrial operations.) Certain chemicals and certain fuel materials may have explosive characteristics which are not specifically classified by the Department of Transportation and are not readily classified for coverage in the Code. Authoritative information should be obtained for such unclassified materials and action commensurate with their hazards,

location, isolation and safeguards, should be taken. Classification of explosives is described by the Department of Transportation as follows:

(1) Class A Explosives. Possessing detonating or otherwise maximum hazard; such as dynamite, nitroglycerin, picric acid, lead azide, fulminate of mercury, blasting caps, and detonating primers.

(2) Class B Explosives. Possessing flammable hazard, such as propellant explosives (including some smokeless propellants), photographic flash powders, black powder, and some special fireworks.

(3) Class C Explosives. Includes certain types of manufactured articles which contain Class A or Class B explosives, or both, as components but in restricted quantities.

(4) Forbidden or Not Acceptable Explosives. Explosives which are forbidden or not acceptable for transportation by common carriers, by rail freight, rail express, highway, or water in accordance with the regulations of the Department of Transportation.

(f) HIGHWAY

Any public street, public alley or public road.

(g) INHABITED BUILDING

A building or structure regularly used in whole or part as a place of human habitation. The term "inhabited building" shall also mean any church, school, store, railway passenger station, airport terminal for passengers, and any other building or structure where people are accustomed to congregate or assemble, but excluding any building or structure occupied in connection with the manufacture, storage and use

of explosives.

(h) MAGAZINE

Any building or structure, other than an explosives manufacturing building, approved for the storage of explosives.

(i) PROPELLANT-ACTUATED DEVICES

Any tool or special mechanized device or gas generator system which is actuated by a smokeless propellant or which releases and directs work through a smokeless propellant charge.

(j) PYROTECHNICS

Any combustible or explosive composition or manufactured article designed and prepared for the purpose of producing audible or visible effects which are commonly referred to as fireworks.

(k) PERSON

Any individual, firm, co-partnership, corporation, company, association, joint stock association, and including any trustee, receiver, assignee or personal representative thereof.

(l) PUBLIC CONVEYANCE

Any railroad car, street car, ferry, cab, bus, airplane or other conveyance which carries passengers for hire.

(m) RAILWAY

Any steam, electric, diesel, or other railroad or railway which carries passengers for hire on the particular line or branch in the vicinity where explosives are stored or where explosives manufacturing buildings are situated.

(n) SINGULAR AND PLURAL

Words used in the singular number shall include the plural and words used in the plural shall include the singular.

(o) SMALL ARMS AMMUNITION

Any shotgun, rifle, pistol or revolver cartridge, and cartridge for propellant-actuated power devices and industrial guns. Military-type ammunition containing explosive bursting charges, spotting or pyrotechnic projectiles is excluded from this definition.

(p) SMALL ARMS AMMUNITION PRIMERS

Small percussion-sensitive explosive charges, encased in a cup, used to ignite propellant powder.

(q) SMOKELESS PROPELLANTS

Solid propellants, commonly called smokeless powders in the trade, used in small arms ammunition, cannon, rockets, propellant-actuated power devices, etc.

(r) SPECIAL INDUSTRIAL EXPLOSIVE DEVICES

Explosive-actuated power devices and propellant-actuated power devices.

(s) SPECIAL INDUSTRIAL EXPLOSIVE MATERIALS

Shaped materials and sheet forms and various other extrusions, pellets and packages of high explosives, which include dynamite, Trinitrotoluene, (TNT), pentaerythritoltertranitrate, (PETN), cyclotrimethylene-trinitramine, (RDX), and other similar compounds used for high-energy-rate forming, expanding and shaping in metal fabrication, and for dismemberment and quick reduction of scrap metal.

(t) SUPERINTENDENT

The Superintendent of the Bureau of Criminal Apprehension of the Minnesota Department of Public Safety.

(u) VEHICLE

Any self-propelled motor vehicle, truck, tractor, semi-trailer, or truck-full trailer used for the transportation of freight over

public highways.

(v) WATER GELS OR SLURRY EXPLOSIVES

These comprise a wide variety of materials used for blasting. They all contain substantial proportions of ammonium nitrate, some of which is in solution in the water. Two broad classes of water gels are those which are sensitized by a material classed as an explosive, such as TNT or smokeless powder; and those which contain no ingredient classified as an explosion, which are sensitized with metals such as aluminum or other fuels. Water gels may be premixed at an explosives plant or mixed at the site immediately before delivery into the bore hole.

BCA 3 APPLICABILITY AND EXEMPTIONS

(a) These regulations shall apply to the manufacture, keeping, having, storage, sale, transportation, and use of explosives, blasting agents, and pyrotechnics.

(b) These regulations shall not apply to the transportation of explosives or blasting agents when under the jurisdiction of and in compliance with the regulations of the Department of Transportation, the regulations of the United States Coast Guard and the Regulations of the Federal Aviation Agency and the Board of Transport Commissioners for Canada. They shall, however, apply to municipal supervision as to compliance with federal regulations within the jurisdiction of a municipality.

(c) These regulations shall not apply to the shipment, transportation and handling of military explosives by the Armed Forces of the United States, State Militia or the Armed Forces of Canada.

(d) These regulations shall not apply to the transportation and use of

explosives or blasting agents in the normal and emergency operation of federal agencies such as the Bureau of Mines, the Federal Bureau of Investigation, the Secret Service and equivalent Canadian governmental agencies. Also they shall not apply to recognized bomb technicians acting in an official capacity under emergency conditions.

(e) These regulations shall not apply to the sale and use (public display) of pyrotechnics commonly known as fireworks.

(f) The Superintendent shall have the power to grant exemption from these rules and regulations upon request in writing when such request shows that the enforcement of the rules and regulations will cause unnecessary hardship to the petitioner, provided that said request shall not be granted where the requested modification of these rules and regulations will constitute a distinct hazard to life or adjoining property. Such petition shall be in triplicate and state full particulars of such exemptions requested and when granted shall be attached to the notification of approval. Two copies of the request shall be retained by the Superintendent.

(g) The Superintendent or his designee, after acquiring necessary security clearance, shall have the power to conduct, during normal business hours, routine inspections of storage sites and use sites for such explosives as are herein regulated and the records required by these regulations to be kept by explosives dealers, to determine whether the sites and the records conform to these regulations. In addition, the Superintendent, his designee, or any duly authorized law enforcement official shall have the power to conduct such inspections at any time in connection with the investigation of a crime.

(h) The Superintendent or his authorized assistants may restrict the quantity of explosives or blasting agents that may be handled at any location (city, county, state or other area).

BCA 4 REPEAL OF PREVIOUS REGULATIONS

The provisions of State Fire Marshal Regulations 351 through 395, previously adopted, are hereby repealed.

BCA 5 EXPLOSIVES MANUFACTURING

(a) The manufacture of any explosive or explosive device including small arms ammunition, pyrotechnics, and blasting agents as herein defined shall be prohibited unless such manufacture is authorized by the Superintendent or his authorized assistants and is conducted in accordance with recognized safe practices satisfactory to the Superintendent or his authorized assistants. This shall not apply to hand loading of small arms ammunition prepared for personal use and not for resale.

(b) The manufacture of explosives or blasting agents shall be prohibited when such manufacture presents an undue hazard to life and property as determined by the Superintendent or his authorized assistants.

BCA 6 GENERAL PROHIBITIONS

(a) No person shall store, handle, or transport explosives or blasting agents when such storage, handling and transportation of explosives or blasting agents constitutes an undue hazard to life and property.

(b) No person shall possess, keep, store, sell, or offer for sale, give away, use, transport, or dispose of in any manner any explosive or blasting agent except as provided in these regulations or by law, provided however that this limitation shall not apply to small arms ammunition and components, cartridges for propellant-actuated power

devices, cartridges for industrial guns intended for personal use and not for resale, and railroad fusees.

(c) No person shall sell or give away any explosive or blasting agent to any unauthorized person, as defined in Minnesota Statutes 1971, 299F.77.

(d) No person shall physically sell, display or expose for sale any explosive or blasting agent on any highway, street, sidewalk, public way, or public place.

(e) Nothing in these regulations shall be construed to prohibit the use of explosives in the form prescribed by the Official United States Pharmacopeia.

(f) Government and industrial laboratories, laboratories of technical institutes, colleges, universities, and similar institutions may be permitted to keep, store and use explosives or blasting agents when confined to the purpose of scientific or technical instruction or research, provided the storage and use of explosives or blasting agents is for the purpose of scientific or technical instruction or research, and provided the storage and use of explosives or blasting agents is under experienced and competent supervision and not more than 15 pounds of explosives (exclusive of small arms ammunition, small arms ammunition primers and smokeless propellants) or blasting agents are kept on hand at any time in such laboratories. When additional quantities of explosives or blasting agents are required, application shall be made for a special ruling by the Superintendent or his authorized assistants.

CHAPTER TWO: STORAGE, TRANSPORTATION, AND USE OF EXPLOSIVES

BCA 7 STORAGE OF EXPLOSIVES

(a) All Class A, Class B, and Class C explosives, special industrial explosives, and any newly developed and unclassified explosives shall be kept in magazines which meet the requirements of this section. This shall not be construed as applying to the following:

(1) Stocks of small arms ammunition, propellant-actuated power cartridges, small arms ammunition primers in quantities of less than 1,000,000 and smokeless propellants in quantities of less than 750 pounds. (See Chapter 6).

(2) Explosive-actuated power devices when in quantities of less than 50 pounds net weight of explosive.

(3) Fuse lighters and fuse igniters.

(4) Safety fuse (safety fuse does not include detonating cord).

(b) Blasting caps, electric blasting caps, detonating primers and primed cartridges shall not be stored in the same magazine with other explosives.

(c) Ground around magazines shall slope away for drainage. The land surrounding magazines shall be kept clear of brush, dried grass, leaves, and other combustible materials for a distance of at least 25 feet.

(d) Magazines shall be as required in Title 27, Code of Federal Regulations, Commerce in Explosives, Part 181 - Department of Treasury, Section 181.182 through 181.200, which is herein adopted.

BCA 8 TRANSPORTATION OF EXPLOSIVES, GENERAL PROVISIONS

(a) In addition to all other applicable requirements set forth in these regulations, the transportation of explosives over all highways

shall be in accordance with Department of Transportation regulations. The Department of Transportation regulations and changes lawfully on file and approved by the Department of Transportation are hereby adopted as a part of these regulations.

(b) Explosives shall not be transported through any prohibited vehicular tunnel, or subway, or over any prohibited bridge, roadway, or elevated highway.

(c) No person shall smoke, carry matches or any other flame-producing device, or carry any firearms or loaded cartridges while in or near a vehicle transporting explosives; or drive, load or unload such vehicle in a careless or reckless manner.

(d) Explosives shall not be carried or transported in or upon a public conveyance or vehicle carrying passengers for hire.

(e) Explosives may be loaded into and transported in the following:

(1) Truck or automotive vehicle not transporting passengers.

(2) Truck with semitrailer.

(3) Truck with full trailer.

(4) Truck tractor with semitrailer.

(5) Truck tractor with semitrailer and full trailer.

(f) Explosives shall not be transferred from one vehicle to another within any city, county, state of other area without informing the fire and police departments thereof. In the event of breakdown or collision, the local fire and police departments shall be promptly notified to help safeguard such emergencies. Explosives shall be transferred from the disabled vehicle to another only when proper and qualified supervision is provided. A qualified supervisor is any person except those excluded under Minnesota Statutes 1971, 299F.77.

(g) Blasting caps or electric blasting caps shall not be transported over the highways on the same vehicles with other explosives, except in compliance with Department of Transportation regulations.

(h) Any person who ships, transports, imports or causes to be carried across state lines, in any manner whatever into Minnesota any explosives shall be required to inform the Superintendent twenty-four (24) hours prior to such crossing of the state line of the fact of such crossing and in addition supply the Superintendent with the following information:

(1) Name and address of the shipper, importer, and transporter.

(2) Quantity of total shipment.

(3) Destination and amount of each consignment of the total shipment.

(4) Expected time of crossing state lines and expected time of destination arrival.

(i) In those cases where a person carries explosives across state lines on a regular schedule of at least once a week, the Superintendent may, in his discretion, allow such persons to comply with paragraph (h) of this section by submitting to the Superintendent a time-table of his usual and customary, regularly scheduled interstate transfers. Any deviations from that time-table will be required to be submitted to the Superintendent at least twenty-four (24) hours prior to such transfer.

(j) The provisions of BCA 8, 9, and 10 do not apply to the transportation of small arms ammunition and components, cartridges for propellant-actuated power devices, and small arms ammunition primers. (See Chapter 6).

BCA 9 TRANSPORTATION VEHICLES

(a) Vehicles while being used for transporting explosives shall be strong enough to carry the load without difficulty and be in good mechanical condition. If vehicles do not have a closed body, the body shall be covered with a flameproof and moistureproof tarpaulin or other effective protection against moisture and sparks. All vehicles used for the transportation of explosives shall have tight floors and any exposed spark-producing metal on the inside of the body shall be covered with wood or other non-sparking materials to prevent contact with packages of explosives. Packages of explosives shall not be loaded above the sides of an open-body vehicle.

(b) Every vehicle while being used for transporting Class A or Class B explosives shall be marked or placarded on both sides, front and rear with the word "Explosives" in letters not less than four inches in height in contrasting colors. In addition to such marking, or placarding, the vehicle may display, in such a manner that it will be readily visible from all directions, a red flag 18 inches X 30 inches, with the word "Explosives" painted, stamped, or sewed thereon in white letters, at least six inches in height.

(c) Every vehicle while being used for transporting explosives shall be equipped with at least one fire extinguisher of 20 pound dry chemical or equal.

(d) A vehicle while being used for transporting explosives shall be inspected prior to every loading of explosives to determine that it is in proper condition in all respects for handling and safe transportation of explosives and no vehicle shall be so used unless:

(1) Fire extinguishers shall be filled and in working order.

(2) All electrical wiring shall be completely protected and securely fastened to prevent short-circuiting.

(3) Chassis, motor, pan and underside of body shall be reasonably clean and free of excess oil and grease.

(4) Fuel tank and feed line shall be secure and have no leaks.

(5) Brakes, lights, horn, windshield wipers, and steering apparatus shall function properly.

(6) Tires shall be properly inflated and shall have no visible defects.

BCA 10 OPERATION OF TRANSPORTATION VEHICLES

(a) Vehicles transporting explosives shall only be driven by and be in charge of a driver who is in possession of a valid motor vehicle operator's license, physically fit, careful, capable, reliable, able to read and write the English language, and not addicted to the use, or under the influence of intoxicants or narcotics, and not less than 18 years of age. He shall be familiar with the traffic regulations, state laws, and the provisions of these regulations and shall be familiar with the operation of the vehicle used.

(b) Except under emergency conditions, no vehicle transporting explosives shall be parked before reaching its destination, even though attended, on any public street adjacent to or in proximity to any bridge, tunnel, dwelling, building, or place where people work, congregate, or assemble.

(c) Every vehicle transporting any quantity of Class A or Class B explosives shall, at all times, be attended by a driver or other attendant of the motor carrier. This attendant shall have been made aware of the class of the explosive material in the vehicle and of its inherent dangers, and shall have been instructed in the measures

and procedures to be followed in order to protect the public from those dangers. He shall have been made familiar with the vehicle he is assigned to attend, and shall be trained, supplied with the necessary means, and authorized to move the vehicle when required.

(d) For the purpose of this section, a vehicle shall be deemed "attended" only when the driver or other attendant is physically on or in the vehicle, or has the vehicle within his field of vision and can reach it quickly and without any kind of interference. "Attended" also means that the driver or attendant is awake, alert and not engaged in other duties or activities which may divert his attention from the vehicle, except for necessary communication with public officers, or representatives of the carrier, shipper or consignee, or except for necessary absence from the vehicle to obtain food or to provide for his physical comfort.

(e) An explosive-laden vehicle may be left unattended if parked within a securely fenced or walled area with all gates or entrances locked or guarded where parking of such vehicle is otherwise permissible, or at a magazine site established solely for the purpose of storing explosives.

(f) No spark-producing metal, spark-producing metal tools, oils, matches, firearms, electric storage batteries, flammable substances, acids, oxidizing materials or corrosive compounds shall be carried in the body of any motor truck and/or vehicle transporting explosives, unless the loading of such dangerous articles and the explosives complies with Department of Transportation regulations.

(g) Vehicles transporting explosives shall avoid congested areas and heavy traffic. Where routes through congested areas have been

designated by local authorities such routes shall be followed.

(h) Delivery shall only be made to authorized persons and into authorized magazines or approved temporary storage or handling areas.

BCA 11 USE OF EXPLOSIVES, GENERAL PROVISIONS

(a) The handling of explosives shall be performed by a person experienced in the use of explosives or by other employees under his direct supervision provided that such employees are at least 18 years of age

(b) While explosives are being handled or used, smoking shall not be permitted and no one near the explosives shall possess matches, open light or other fire or flame producing devices. No person shall handle explosives while under the influence of intoxicating liquor or narcotics.

(c) Original containers or authorized containers shall be used for taking detonators and other explosives from storage magazines to the blasting area.

(d) When the blasting is done in congested areas or in close proximity to a structure, railway, or highway or other installation that may be damaged, the blast shall be covered before firing with a mat constructed so that it is capable of preventing fragments from being thrown.

(e) Persons authorized to prepare explosive charges or conduct blasting operations shall use every reasonable precaution, including, but not limited to, warning signals, flags, barricades, or woven wire mats to insure the safety of the general public and workmen.

(f) Blasting operations, except by special permission of the Superintendent or his authorized assistants, shall be conducted during daylight hours.

(g) Whenever blasting is being conducted in the vicinity of gas, electric,

water, fire alarm, telephone, telegraph and steam utilities, the blaster shall notify the appropriate representatives of such utilities at least 24 hours in advance of blasting, specifying the location and intended time of such blasting. Verbal notice shall be confirmed with written notice. In an emergency this time limit may be waived by the local authority issuing the original permit.

(h) Due precautions shall be taken to prevent accidental discharge of electric blasting caps from current induced by radar, radio transmitters, lightning, adjacent power lines, dust storms or other sources of extraneous electricity. These precautions shall include:

(1) The suspension of all blasting operations and removal of persons from the blasting area during the approach and progress of an electric storm.

(2) The posting of signs warning against the use of mobile radio transmitters on all roads within 350 feet of the blasting operation.

(3) Compliance with the latest recommendations of the Institute of Makers of Explosives with regard to blasting in the vicinity of radio transmitters or power lines.

BCA 12 STORAGE AT USE SITES

(a) Empty boxes and paper and fiber packing materials which have previously contained high explosives shall not be used again for any purpose, but shall be destroyed by burning at an approved isolated location out of doors, and no person shall be nearer than 100 feet after burning has started.

(b) Containers of explosives shall not be left opened in any magazine or within 50 feet of any magazine. In opening kegs or wooden cases, no sparking metal tools shall be used; wooden wedges and either

wood, fiber or rubber mallets shall be used. Non-sparking metallic slitters may be used for opening fiberboard cases.

(c) Explosives or blasting equipment that are obviously deteriorated or damaged shall not be used.

(d) No explosives shall be abandoned.

BCA 13 LOADING OF EXPLOSIVES IN BLAST HOLES

(a) All drill holes shall be sufficiently large to admit freely the insertion of the cartridges of explosives.

(b) Tamping shall be done only with wood or approved plastic rods without exposed metal parts, but non-sparking metal connectors may be used for jointed poles. Violent tamping shall be avoided.

(c) No holes shall be loaded except those to be fired in the next round of blasting. After loading, all remaining explosives shall be immediately returned to an authorized location.

(d) Drilling shall not be started until all remaining butts of old holes are examined with a wooden stick for unexploded charges, and if any are found, they shall be refired before work proceeds.

(e) No person shall be allowed to deepen drill holes which contain explosives.

BCA 14 INITIATION OF EXPLOSIVES CHARGES

(a) Only electric blasting caps shall be used for blasting operations in congested districts, or in highways, or adjacent to highways open to traffic, except where sources of extraneous electricity make such use dangerous.

(b) When fuse is used, the blasting cap shall be securely attached to the safety fuse with a standard ring type cap crimper. All primers shall be assembled at least fifty feet from any magazine.

(c) Primers shall be made up only as required for each round of blasting.

(d) No blasting cap shall be inserted in the explosives without first making a hole in the cartridge for the cap with an approved punch of proper size or standard cap crimper.

(e) Explosives shall not be extracted from a hole that has once been charged or has misfired unless it is impossible to detonate safely the unexploded charge by insertion of a fresh additional primer.

(f) If there are any misfires while using cap and fuse, all persons shall remain away from the charge for at least 30 minutes. If electric blasting caps are used and a misfire occurs, this waiting period shall be 30 minutes. Misfires shall be handled under the direction of the person in charge of the blasting and all wires shall be carefully traced and search made for unexploded charges.

(g) Blasters, when testing circuits to charged holes, shall use only blasting galvanometers or other instruments approved for this purpose.

(h) Only the person making lead wire connections in electrical firing shall fire the shot. All connections should be made from bore hole back to the source of firing current, and the leading wires shall remain shorted and not be connected to the blasting machine or other source of current until the charge is to be fired.

BCA 15 WARNING REQUIRED

Before a blast is fired, a suitable warning signal shall be given by the person in charge, who has made certain that all surplus explosives are in a safe place, all persons and vehicles are at a safe distance or under sufficient cover, and that an adequate warning has been given.

BCA 16 FORBIDDEN EXPLOSIVES

Explosives forbidden or not acceptable for transportation by regulations

of the Department of Transportation include, but are not limited to:

(a) Liquid Nitroglycerin

(b) Dynamite (except gelatin dynamite) containing over 60% of liquid explosive ingredient.

(c) Nitrocellulose in a dry and uncompressed condition in quantity greater than 10 pounds net weight in one package.

(d) Fulminate of mercury in a dry condition and fulminate of all other metals in any condition except as a component of manufactured articles not hereinafter forbidden.

(e) Explosive compositions that ignite spontaneously or undergo marked decomposition rendering the products or their use more hazardous, when subjected for 48 consecutive hours or less to a temperature of 167°F. (75°C.)

(f) Explosives containing an ammonium salt and a chlorate.

(g) New explosives until approved by the Department of Transportation, except that a permit may be granted for transportation and possession for laboratory examination when under development by responsible research organizations.

(h) Explosives not packaged or marked in accordance with the requirements of the Department of Transportation.

(i) Explosives condemned by the Department of Transportation.

BCA 17 SALE AND DISPOSITION OF EXPLOSIVES

(a) All Class A, Class B, and Class C explosives, special industrial explosives, and any newly developed and unclassified explosives, shall not be sold or transferred in this state except as provided in this section. This paragraph shall not be construed to apply to the following commodities and items:

(1) Stocks of small arms ammunition, propellant-actuated power cartridges, small arms ammunition primers and smokeless propellants. (See Chapter 6).

(2) Explosive-actuated power devices when in quantities of less than 50 pounds net weight of explosive.

(3) Fuse lighters and fuse igniter.

(4) Safety fuse (safety fuse does not include detonating cord) and 3/32 inch cannon fuses or matchlock fuses (slow match).

(b) No vendor, transferor, buyer, or transferee of explosives within this state may accept or deliver dynamite or other explosive in any quantity unless each carton or other usual primary container of such explosive is plainly labeled, stamped or marked with identification numbers and with the words, "Dangerous Explosives". It shall be unlawful for any person to use or have in his possession any explosives not marked as above provided. All unmarked explosives found in the possession of any person, may be confiscated, seized, or destroyed by the Superintendent or his designee, or duly constitued law enforcement officer.

(c) No vendor or transferor of explosives within this state may deliver explosives of any quantity to any other person unless he first obtains and records the following information:

(1) Date of transaction;

(2) Manufacturer of the explosives being transferred;

(3) The type of and any identification numbers on explosives being transferred;

(4) Quantity of explosives being transferred;

(5) Name and address of purchaser or transferee;

(6) User permit number;

(7) Signature of the transferee;

(d) All records of transactions shall be made available to the Superintendent on request. Also, the Superintendent may require that each person mail a copy of the record of each transaction made during the preceding week on Monday of each week.

(e) If the safety measures, provided by the purchaser or transferee pursuant to the requirements contained in these regulations, do not meet the minimum requirements, the vendor or transferor shall not transfer explosives to the purchaser or transferee.

BCA 18 QUANTITY REPORTS

Immediately upon the effective date of these regulations and thereafter on the first day of January of each year any person who stores explosives for commercial transference shall report to the Superintendent the quantity of his stock of explosives as of that date, on forms provided by the Superintendent.

BCA 19 REPORT OF THEFTS

Any person who has explosives in his possession and who incurs a loss or theft of all or a portion thereof, immediately upon discovery of such loss or theft and in no event longer than twenty-four (24) hours from the time of discovery, shall inform the office of the Superintendent and the County Sheriff or the local Chief of Police of the loss or theft, the amount of explosives missing and the approximate time of the occurrence.

BCA 20 JURISDICTION OF THE FEDERAL BUREAU OF MINES

To the extent that persons otherwise covered by the contents of these regulations are within the jurisdiction and governed by regulation of the Federal Bureau of Mines, the Superintendent has the discretion to exempt such

persons from such provisions of these regulations, governing storage facilities, that he deems to be in conflict with the regulations of said Bureau of Mines. Such exemption once granted may at any time be revoked by the Superintendent. For the purpose of granting such exemption of or revoking same, or for any other purpose, the Superintendent or his designee has the authority at any time to inspect the premises and facilities of such persons.

BCA 21-25 RESERVED FOR FUTURE USE

CHAPTER THREE: EXPLOSIVES AT PIERS, RAILWAY STATIONS AND CARS OR VESSELS NOT OTHERWISE SPECIFIED IN THESE REGULATIONS

BCA 26 GENERAL PROVISIONS

(a) Except in an emergency and with permission of the local authority having jurisdiction, no person shall have or keep explosives in a railway car unless said car and contents and methods of loading are in accordance with the Department of Transportation Regulations for the Transportation of Explosives.

(b) No person shall deliver any explosive to any carrier unless such explosive conforms in all respects, including marking and packing, to the Department of Transportation Regulations for the Transportation of Explosives.

(c) Every railway car containing explosives which has reached its destination, or is stopped in transit so as no longer to be in interstate commerce, shall have placards in accordance with Department of Transportation regulations.

(d) Within the jurisdiction any explosives at a railway facility, truck terminal, pier, wharf, harbor facility, or airport terminal, whether for delivery to a consignee, or forwarded to some other destination

shall be kept in a safe place, isolated as far as practicable and in such manner that they can be easily and quickly removed.

BCA 27 NOTIFICATIONS

(a) When explosives are brought into the locality under the jurisdiction of these regulations, by any means of transportation, for delivery to an intermediate receiver, consignee's agent or consignee, or to be forwarded to some other destination, the carrier performing the shipment shall immediately notify the consignee, fire chief, port authorities, and such other authorities as may be designated, of the arrival of the explosives, and if said consignee does not receive and remove the said explosives from the possession of the carrier within 48 hours (Sundays and holidays excluded), after such notification, then the railway, trucking firm, vessel agent, or airline shall remove the said explosives from the jurisdiction to a properly permitted magazine or make a report to the Superintendent or his authorized assistants, who shall see that the said explosives are moved to a place of safety.

(b) Any person having been notified, as consignee, of a shipment of explosives being in the hands of any carrier, and within the jurisdiction, shall remove the said explosives within 48 hours (Sundays and holidays excluded) after receiving such notification to a place meeting the requirements of these regulations.

BCA 28 DESIGNATION OF FACILITIES

The local authority having jurisdiction has the authority to and may designate the location for, and limit the quantity of, explosives which may be loaded, unloaded, reloaded, or temporarily retained at any facility within the jurisdiction.

BCA 29-30 RESERVED FOR FUTURE USE

CHAPTER FOUR: MIXING, STORAGE, AND TRANSPORTATION OF BLASTING AGENTS

BCA 31 BLASTING AGENTS

Unless otherwise set forth in this chapter, blasting agents shall be transported, stored, and used in the same manner as explosives.

BCA 32 MIXING OF BLASTING AGENTS

(a) Buildings or other facilities used for mixing blasting agents, shall be located, with respect to inhabited buildings, passenger railroads and public highways in accordance with the American Table of Distances.*

(1) Any ammonium nitrate stored at a closer distance to the blasting agent storage area than as provided in (2) below shall be added to the quantity of blasting agents to calculate the total quantity involved for application of the aforementioned table.

(2) Minimum intra-plant separation distances between mixing units and the ammonium nitrate storage areas and blasting agent storage areas shall be in conformity with the Table of Recommended Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents.*

(b) Buildings used for the mixing of blasting agents shall conform to the requirements of this section unless otherwise specifically approved by the Superintendent or his authorized assistants.

(1) Buildings should preferably be of noncombustible construction or sheet metal on wood studs.

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* As revised and approved by the Institute of Makers of Explosives, November, 1971

(2) The layout of the mixing building shall be such as to provide physical separation between the finished product storage, and the mixing and packaging operation.

(3) Floors in storage areas and in the processing plant should be of concrete. Isolated fuel storage shall be provided to avoid contact between molten ammonium nitrate and fuel in case of fire.

(4) The building shall be well ventilated.

(5) Heat shall be provided exclusively from a unit outside the building.

(c) The design of the mixer should minimize the possibility of frictional heating, compaction, and especially, confinement. Open mixers are preferable to enclosed mixers. Bearings and gears should be protected against the accumulation of oxidizer dust. All surfaces should be accessible for cleaning. Mixing and packaging equipment should be constructed of materials compatible with the fuel-ammonium nitrate composition.

(d) The provisions of this section shall be considered when determining blasting agent compositions. The sensitivity of the blasting agent shall be determined by means of a No. 8 test blasting cap at regular intervals and after every change in formulation, or as may be requested by the Superintendent or his authorized assistants.

(1) Ammonium nitrate of small particle size, such as crushed prills or fines, may be more sensitive and hazardous than the ordinary prills and shall be handled with greater care.

(2) No liquid fuel with flash point lower than that of No. 2 Diesel Fuel Oil (125° minimum or legal) shall be used.

(3) Crude oil and crankcase oil shall not be used because they may contain light ends that offer increased vapor-explosion hazards or gritty particles that tend to sensitize the resulting blasting agent.

(4) If solid fuels are used, they shall be chosen so as to minimize dust-explosion hazard.

(5) Metal dusts (aluminum powder, etc.), peroxides, or chlorates shall not be used unless such operations are conducted in a manner approved by the Superintendent or his authorized assistants.

(6) Unusual compositions shall not be attempted except under the supervision of competent personnel equipped to determine the over-all hazard of the resulting compositions.

(e) All electrical switches, controls, motors, and lights, if located in the mixing room, shall conform to the requirements of Class II, Division 2 of the National Electrical Code,* otherwise they shall be located outside the mixing room. The frame of the mixer and all other equipment that may be used shall be electrically bonded and be provided with a continuous path to the ground.

(f) Washdown facilities shall be provided. An automatic water-deluge system with adequate capacity is recommended to protect mixers and the finished-explosives storage area in the plant. Floor shall be constructed so as to eliminate open floor drains and piping into which molten materials could flow and be confined in case of fire. The floors and equipment of the mixing and packaging room shall be

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* See references

thoroughly cleaned daily to prevent accumulation of oxidizers or fuels or other sensitizers. The entire mixing and packaging plant shall be washed down periodically to prevent excessive accumulation of dust.

(g) Smoking or open flames shall not be permitted in or within 50 feet of any building or facility used for the mixing of blasting agents.

(h) Empty oxidizer bags shall be disposed of daily in a safe manner.

(i) Not more than one day's production of blasting agents or the limit determined by the American Table of Distances,* whichever is less, shall be permitted in or near the mixing and packaging plant or area. Larger quantities shall be stored in separate warehouses or magazines.

BCA 33 STORAGE OF BLASTING AGENTS AND SUPPLIES

(a) Blasting agents shall be stored in the manner set forth in this section, and BCA 7.

(1) Blasting agents when stored in conjunction with explosives, shall be stored in the manner set forth in BCA 7 for explosives. The mass of blasting agents and one-half the mass of oxidizers shall be included when computing the total quantity of explosives for determining distance requirements.

(2) Blasting agents, when stored entirely separate from explosives, may be stored in the manner set forth in BCA 7, or in one story warehouses (without basements) which shall be noncombustible or fire-resistive, constructed so as to eliminate open floor drains and piping into which molten materials could flow and be confined in case of fire, weather resistant, well ventilated, and equipped

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* As revised and approved by the Institute of Makers of Explosives, November, 1971.

with a strong door kept securely locked except when open for business.

(3) Semi-trailer or full-trailer vans used for highway or on-site transportation of the blasting agents are satisfactory for temporarily storing these materials, provided they are located in accordance with the American Table of Distances* with respect to inhabited buildings, passenger railways and public highways and according to the Table of Recommended Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents* with respect to one another. Trailers should be provided with substantial means of locking, and the trailer doors shall be kept locked, except during the time of placement and removal of stocks of blasting agents.

(b) Warehouses used for the storage of blasting agents separate from explosives shall be located as set forth in this section.

(1) Warehouses used for storage of blasting agents shall be located in accordance with the provisions of the American Table of Distances* with respect to inhabited buildings, passenger railways and public highways, and according to the Table of Recommended Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents* with respect to one another.

(2) If both blasting agents and ammonium nitrate are handled or stored within the distance limitations prescribed in BCA 32(a),

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* As revised and approved by the Institute of Makers of Explosives, November, 1971.

one-half the mass of the ammonium nitrate shall be added to the mass of the blasting agent when computing the total quantity of explosives for determining the proper distance for compliance with the American Table of Distances.*

(c) Smoking, matches, open flames, spark producing devices and firearms shall be prohibited inside of or within 50 feet of any warehouse used for the storage of blasting agents. Combustible materials shall not be stored within 50 feet of warehouses used for the storage of blasting agents.

(d) The interior of warehouses used for the storage of blasting agents shall be kept clean and free from debris and empty containers. Spilled materials shall be cleaned up promptly and safely removed. Combustible materials, flammable liquids, corrosive acids, chlorates or nitrates shall not be stored in any warehouse used for blasting agents unless separated therefrom by a fire-resistive separation of not less than one hour resistance. The provisions of this section shall not prohibit the storage of blasting agents together with nonexplosive blasting supplies.

(e) Piles of ammonium nitrate and warehouses containing ammonium nitrate shall be adequately separated from readily combustible fuels.

(f) Caked ammonium nitrate, either in bags or in bulk, shall not be loosened by blasting.

(g) Every warehouse used for the storage of blasting agents shall be under the supervision of a competent person who shall be not less than 18 years of age.

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* As revised and approved by the Institute of Makers of Explosives, November, 1971.

(h) The local authority having jurisdiction has the authority to and may designate the location for, and limit the quantity of blasting agents which may be loaded, unloaded, reloaded, or temporarily retained at any facility within the jurisdiction.

BCA 34 TRANSPORTATION OF BLASTING AGENTS

(a) When blasting agents are transported in the same vehicle with explosives, all of the requirements of BCA 8 through 10 shall be complied with.

(b) Vehicles transporting blasting agents shall only be driven by and be in charge of a driver at least 18 years of age who is capable, careful, reliable and in possession of a valid motor vehicle operator's license. Such a person shall also be familiar with the State vehicle and traffic laws.

(c) No sparking metal, sparking metal tools, oils, matches, firearms, acids or other corrosive liquids shall be carried in the bed or body of any vehicle containing blasting agents.

(d) No persons shall be permitted to ride upon, drive, load or unload a vehicle containing blasting agents while smoking or under the influence of intoxicants or narcotics.

(e) It is prohibited for any person to transport or carry any blasting agents upon any public conveyance carrying passengers for hire.

(f) Vehicles transporting blasting agents shall be in safe operating conditions at all times.

(g) When offering blasting agents for transportation on public highways, the packaging, marking and labeling of containers of blasting agents shall comply with the requirements of the Department of Transportation.*

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* See appendix

(h) Vehicles while being used for transporting blasting agents on public highways shall be placarded in accordance with Department of Transportation regulations.*

(i) Vehicles while being used for transporting blasting agents shall be equipped with at least one 20 pound dry chemical fire extinguisher or equivalent.

BCA 35 USE OF BLASTING AGENTS

Persons using blasting agents shall comply with all of the applicable provisions of BCA 11 through BCA 15 of these regulations.

BCA 36-40 RESERVED FOR FUTURE USE

CHAPTER FIVE: WATER GELS, OR SLURRY EXPLOSIVES

BCA 41 GENERAL PROVISIONS

Unless otherwise set forth in this chapter, water gels shall be transported, stored, and used in the same manner as explosives or blasting agents in accordance with the classification of the product.

BCA 42 PREMIXED WATER GELS

(a) Premixed water gels containing a substance in itself classified as an explosive shall be classified as an explosive and manufactured, transported, stored, and used as specified for explosives in these regulations.

(b) Premixed water gels containing no substance in itself classified as an explosive and which are cap-sensitive as defined in BCA 2(b) shall be classified as an explosive and manufactured, transported, stored and used as specified for explosives in these regulations.

(c) Premixed water gels containing no substance in itself classified as an explosive and which are not cap-sensitive as defined in BCA 2(b)

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* See appendix

shall be classified as blasting agents and manufactured, transported, stored and used as specified for blasting agents in these regulations.

BCA 43 ON-SITE-MIXED WATER GELS

(a) Ingredients for on-site-mixed water gels shall be stored as set forth in this section.

(1) Ingredients in themselves classified as Class A or Class B explosives shall be stored in conformity with BCA 7.

(2) Ingredients, other than ammonium nitrate, not themselves classified as explosives, shall be stored in warehouses which shall be noncombustible or fire-resistive.

(3) Prilled, grained, or granulated ammonium nitrate shall be stored in accordance with NFPA 490, Code for the Storage of Ammonium Nitrate, 1967 Edition. If ammonium nitrate is stored in the vicinity of explosives or blasting agents, the separation distances specified in BCA 7 of these regulations shall be observed.

(4) Liquid ammonium nitrate solutions shall be stored in tank cars, tank trucks, or permanent tanks in a location approved by the Superintendent or his authorized assistants. Spills or leaks which may contaminate combustible materials shall be cleaned up immediately.

(b) If electric power is used, it shall be furnished by cable from an outside source or by a self-contained motor generator. In the case of a self-contained power source, it shall be located at the end of the storage container opposite that at which the blasting agent is discharged. It shall have adequate capacity for the loads to be expected and be equipped with suitable overload protection devices.

(c) Electric wiring carrying voltages greater than 12 volts shall be in armored cable or in conduit and, if dry ingredients are employed, the wiring shall conform to the requirements of Class II, Division 2 of the current edition of the National Electrical Code, NFPA No. 70*. The materials protecting the electric wiring must be of such composition that they will not be chemically attached by the ingredients being processed.

(d) Mixing equipment for on-site-mixed water gels shall comply with the requirements of this section.

(1) All electric motors, electrically operated proportioning devices, etc., shall be electrically bonded.

(2) All electric motors, electrically operated proportioning devices, etc., used for dry ingredients shall conform to the requirements of Class II, Division 2 of the current edition of the National Electrical Code, NFPA No. 70*.

(3) The entire loading and mixing equipment shall be cleaned daily to ensure against accumulations of ingredients.

BCA 44-45 RESERVED FOR FUTURE USE

CHAPTER SIX: SMALL ARMS AMMUNITION, SMALL ARMS PRIMERS, AND SMOKELESS PROPELLANTS

BCA 46 GENERAL PROVISIONS

(a) In addition to all other applicable requirements of these regulations, the intrastate transportation of small arms ammunition, small arms ammunition primers and smokeless propellants shall be in accordance with current Department of Transportation regulations.

(b) The provisions of this chapter do not apply to in-process storage

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* See references

and intra-plant transportation during manufacture of small arms ammunition, small arms primers, and smokeless propellants.

BCA 47 SMALL ARMS AMMUNITION

(a) No restrictions are imposed on truck or rail transportation of small arms ammunition other than those which are imposed by the Department of Transportation or by the presence of other hazardous materials.

(b) No quantity limitations shall be imposed on storage of small arms ammunition in warehouses, retail stores and other general occupancies, except those imposed by limitation of storage facilities and consistency with public safety.

(c) Small arms ammunition shall be separated from flammable liquids, flammable solids (as classified by the Department of Transportation) and oxidizing materials by a fire-resistive wall of one-hour rating or by a distance of 25 feet.

(d) Small arms ammunition shall not be stored together with Class A or Class B explosives (as defined by Department of Transportation regulations) unless the storage facility is adequate for this latter storage.*

BCA 48 SMOKELESS PROPELLANTS

(a) Quantities of smokeless propellants in shipping containers approved by the Department of Transportation not in excess of 25 pounds may be transported in a passenger vehicle.

(b) Quantities in excess of 25 pounds but not exceeding 50 pounds in a passenger vehicle shall be transported in a portable magazine having wooden walls of at least 1 inch nominal thickness.

(c) Transportation of quantities in excess of 50 pounds is prohibited in vehicles transporting passengers.

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* See "Commerce in Explosives," Part 181 of Title 27, Code of Federal Regulations, Internal Revenue Service.

(d) Transportation of quantities in excess of 50 pounds in other than passenger vehicles shall be in accordance with Department of Transportation regulations, except that warning placards shall be prominently displayed when more than 250 pounds are being transported.

(e) All smokeless propellants shall be stored in Department of Transportation approved shipping containers.

(f) Smokeless propellants intended for personal use in quantities not to exceed 20 pounds may be stored in residences; quantities over 20 pounds, but not to exceed 50 pounds, shall be stored in a wooden box or cabinet having walls of at least one inch nominal thickness.

(g) Not more than 20 pounds of smokeless propellants in containers of 1 pound maximum capacity, shall be displayed in commercial establishments. Commercial stocks of smokeless propellants over 20 pounds and not more than 100 pounds shall be stored in approved wooden boxes having walls of at least 1 inch nominal thickness. Not more than 50 pounds shall be permitted in any one box.

(h) Commercial stocks in quantities not to exceed 750 pounds shall be stored in storage cabinets having wooden walls of at least 1 inch nominal thickness. Not more than 400 pounds shall be permitted in any one cabinet.

(i) Quantities in excess of 750 pounds shall be stored in magazines constructed and located as specified in BCA 7.

BCA 49 SMALL ARMS AMMUNITION PRIMERS

(a) Small arms ammunition primers shall not be transported or stored except in the original shipping container approved by the Department of Transportation.

(b) Truck or rail transportation of small arms ammunition primers shall

be in accordance with the Department of Transportation regulations.

(c) Not more than 25,000 small arms ammunition primers shall be transported in a passenger vehicle.

(d) Not more than 10,000 small arms ammunition primers may be stored in residences.

(e) Not more than 10,000 small arms ammunition primers may be displayed in commercial establishments.

(f) Small arms ammunitions primers shall be separated from flammable liquids, flammable solids (as classified by the Department of Transportation) and oxidizing materials by a fire-resistive wall of one hour rating or by a distance of 25 feet.

(g) Quantities of small arms ammunition primers in excess of 1,000,000 shall be stored in magazines in accordance with BCA 7.

BCA 50-55 RESERVED FOR FUTURE USE

APPENDIX

(included as reference material only)

1. Federal Regulations

(a) United States Coast Guard Regulations*

Coast Guard Port Security Regulations (Title 33, Code of Federal Regulations, Parts 6 and 126) require that an owner or operator of a designated waterfront facility obtain a permit from the Captain of the Port before Class A explosives in any amount may be handled, loaded, discharged and transported on or over a waterfront facility. The facility operator is also required to notify the Coast Guard Captain of the Port when the quantities of Class B explosives in excess of one ton, or Class C explosives in excess of 10 tons are present on the facility. These safety measures are pursuant to Executive Order 10173 with its amendments, Regulations Relating to the Safeguarding of Vessels, Harbors, Ports and Waterfront facilities of the United States, enacted on August 9, 1950. Public Law 562 amended Section 4472 of the Revised Statutes(46 USC 170) by adding a new subsection 7(e). This pertinent subsection reads as follows:

"(e) The United States Coast Guard shall issue no permit or authorization for the loading or discharging to or from any vessel at any point or place in the United States, its territories or possessions (not including Panama Canal Zone) of any explosives unless such explosives, for which a permit is required by the regulations promulgated pursuant to this section, are packaged, marked, and labeled in conformity with regulations prescribed by

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* Available from U.S. Government Printing Office, Washington 25, D.C.

the Department of Transportation under Section 835 of title 18 of the United States Code, and unless such permit or authorization specifies that the limits as to maximum quantity, isolation and remoteness established by local, municipal, territorial, or State authorities of each port shall not be exceeded. Nothing herein contained shall be deemed to limit or restrict the shipment, transportation, or handling of military explosives by or for the Armed Forces of the United States.

Approved July 16, 1952

Public Law 562 is applicable only to those explosives for which a permit is required by the Dangerous Cargo Regulations (46CFR-146.20-85, 146.20-87) which requires a permit for those explosives classed as Class A explosives. Code of Federal Regulations: Title 33 (Parts 6,126) Protection and Security of Vessels, Harbors, and Waterfront Facilities.

Code of Federal Regulations: Title 46 (subchapter N, Parts 146-147) Explosives or Other Dangerous Articles or Substances, and Combustible Liquids on Board Vessels.

(b) Interstate Commerce Commission Regulations*

Code of Federal Regulations: Title 49 (Parts 71-78) Transportation of Explosives and Other Dangerous Articles by Land and Water in Rail Freight Services and by Motor Vehicle (Highway).

Code of Federal Regulations: Title 49 (Parts 190-197) Motor Carrier Safety Regulations.

2. References

(a) Quantity - Distance Limitations on Storage of Commercial Explosives.

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* Available from U. S. Government Printing Office, Washington 25, D.C.

"American Table of Distances for Storage of Explosives," Institute of Makers of Explosives, Pamplet No. 2, Revised Edition, November, 1971.

(b) Safety Guide for the Prevention of Radio Frequency Radiation Hazards in the Use of Electric Blasting Caps, Institute of Makers of Explosives, Pamphlet No. 20, March, 1971.

(c) Fireworks Regulations. Minnesota Statutes Section 624.20

(d) "National Electrical Code," National Fire Protection Association, NFPA Volume 5, 1973-74.

(e) "Blasters' Handbook," E.I. DuPont DeNemours & Company, Inc. Fifteenth Edition - 1969.

(f) "Safety Recommendations for Sensitized Ammonium Nitrate Blasting Agents," Bureau of Mines, U.S. Department of Interior, Information Circular 8179, 1963.

(g) "Commerce in Explosives," Part 181 of Title 27, Code of Federal Regulations, Internal Revenue Service.

APPROVED AS TO FORM AND LEGALITY
10-15- 1975
WARREN SPANNAUS, ATTORNEY GENERAL
BY /s/ Michael B. Miller
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
OCT 15 1975 - 1:45 pm
Joan Anderson Growe
Secretary of State

FILED
RICHARD L. BRUBACHER
Commissioner of Administration
OCT 15 1975
BY Edna Stenderman
AUTH. SIGNATURE

STATEMENT OF COMPLIANCE WITH

MANUAL OF RULE MAKING PROCEDURES

I, Special Assistant Attorney General Thomas H. Jensen, do hereby declare that I have examined the proposed rules and all related documents and that, based on them and my personal familiarity with the applicable procedures, the Manual of Rule Making Procedures has been followed.

Thomas H. Jensen

THOMAS H. JENSEN
Special Assistant
Attorney General

Dated: September 12, 1975

EXHIBIT A

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE Edward G. Novak

COMMISSIONER OF PUBLIC SAFETY

In the matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing the Use, Storage Transportation and Handling of Explosives and Blasting Agents.

NOTICE OF HEARING

Notice is hereby given that a public hearing will be held pursuant to M.S. 1974 Section 15.0412, Subd. 4, in the above-entitled matter, in Conference Room A of the Veterans Service Building, 20 West 12th Street and Columbus Avenue, St. Paul, Minnesota, on May 1, 1975, commencing at 9:00 am, and continuing until all representatives or other interested groups or persons have had an opportunity to be heard concerning adoption of the proposed rules captioned above by submitting either oral or written data, statements, or arguments. Statements or briefs may be submitted without appearing at the hearing. In addition written statements or briefs may be submitted after the hearing to the Commissioner of Public Safety, State Highway Building, St. Paul, Minnesota, 55155. Such briefs must be postmarked no later than midnight May 21, 1975.

The Commissioner proposes to adopt rules relating to the following matter:

The manufacture, transportation, storage, use, handling, sale and disposition of explosives, blasting agents, water gels or slurry explosives, small arms ammunition, small arms primers, and smokeless propellants.

Copies of the proposed rules are available and may be obtained by writing to Jerry Clysdale, Room 161, Highway Building, St. Paul, Minnesota, 55155. Additional copies will be available at the door on the date of the hearing.

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY

Edward G Novak
COMMISSIONER OF PUBLIC SAFETY

2-21-75
DATE

PROPOSED REGULATIONS

MINNESOTA DEPARTMENT OF PUBLIC SAFETY

BUREAU OF CRIMINAL APPREHENSION

CHAPTER ONE: MANUFACTURE, TRANSPORTATION, STORAGE AND USE OF EXPLOSIVES

BCA 1 PURPOSE AND SCOPE

The purpose of these regulations is to adopt safety standards for the manufacture, transportation, storage and use of explosives and blasting agents. The scope of these regulations is intended to be consistent with Minnesota Statutes 1971, Section 299F.71 through 299F.83 (Session Laws 1971, Chapter 845).

BCA 2 DEFINITIONS

In these regulations the following words are used as defined below:

(a) APPROVED

Approved by the Superintendent or his authorized assistants.

(b) BLASTING AGENT

Any material or mixture, consisting of a fuel and oxidizer, intended for blasting, not otherwise classified as an explosive and in which none of the ingredients are classified as an explosive, provided that the finished product, as mixed and packaged for use or shipment, cannot be detonated by means of a No. 8 test blasting cap when unconfined.

NOTE 1. A No. 8 blasting cap is one containing 2 grams of a mixture of 80% mercury fulminate and 20% potassium chlorate, or a cap of equivalent strength.

NOTE 2. Nitro-Carbo-Nitrate This term applies to any blasting agent which has been classified as nitro-carbo-nitrate under the Department of Transportation (DOT) Regulations, and which is packaged and shipped in compliance with the regulations of the Department of Transportation.

(c) EXPLOSIVE-ACTUATUATED DEVICES

Any tool or special mechanized device which is actuated by explosives, but not to include propellant-actuated power devices. Examples of explosive-actuated power devices are jet trappers and jet perforators.

(d) EXPLOSIVES

Any chemical compound, mixture or device, the primary or common purpose of which is to function by explosion, i.e., with substantially instantaneous release of gas and heat, unless such compound, mixture or device is otherwise specifically classified by the Department of Transportation. The term "Explosives" shall include all material which is classified as Class A, Class B and Class C explosives by the Department of Transportation, and includes, but is not limited to, dynamite, black powder, pellet powders, initiating explosives, blasting caps, electric blasting caps, safety fuse, fuse lighters, fuse igniters, squibs, cordeau detonant fuse, instantaneous fuse, igniter cord, igniters, small arms ammunition, small arms ammunition primers, smokeless propellant, cartridges for propellant actuated power devices and cartridges for industrial guns, and some special fireworks. (Commercial explosives are those explosives which are intended to be used in commercial or industrial operations.) Certain chemicals and certain fuel materials may have explosive characteristics which are not specifically classified by the Department of Transportation and are not readily classified for coverage in the Code. Authoritative information should be obtained for such unclassified materials and action commensurate with their hazards, location, isolation and safeguards, should be taken. Classification of explosives is described by the Department of Transportation as follows:

(1) Class A Explosives. Possessing detonating or otherwise maximum hazard; such as dynamite, nitroglycerin, picric acid, lead azide, fulminate of mercury, blasting caps, and detonating primers.

(2) Class B Explosives. Possessing flammable hazard, such as propellant explosives (including some smokeless propellants), photographic flash powders, black powder, and some special fireworks.

(3) Class C Explosives. Includes certain types of manufactured articles which contain Class A or Class B explosives, or both, as components but in restricted quantities.

(4) Forbidden or Not Acceptable Explosives. Explosives which are forbidden or not acceptable for transportation by common carriers, by rail freight, rail express, highway, or water in accordance with the regulations of the Department of Transportation.

(e) HIGHWAY

Any public street, public alley or public road.

(f) INHABITED BUILDING

A building or structure regularly used in whole or part as a place of human habitation. The term "inhabited building" shall also mean any church, school, store, railway passenger station, airport terrminal for passengers, and any other building or structure where people are accustomed to congregate or assemble, but excluding any building or structure occupied in connection with the manufacture, storage and use of explosives.

(g) MAGAZINE

Any building or structure, other than an explosives manufacturing building, approved for the storage of explosives.

(h) MOTOR VEHICLE

Any self-propelled vehicle, truck, tractor, semi-trailer, or truck-full trailers used for the transportation of freight over public highways.

(i) PROPELLANT-ACTUATED DEVICES

Any tool or special mechanized device or gas generator system which is actuated by a smokeless propellant or which releases and directs work through a smokeless propellant charge.

(j) PYROTECHNICS

Any combustible or explosive compositions or manufactured articles designed and prepared for the purpose of producing audible or visible effects which are commonly referred to as fireworks.

(k) PERSON

Any individual, firm, co-partnership, corporation, company, association, joint stock association, and including any trustee, receiver, asignee or personal representative thereof.

(l) PUBLIC CONVEYANCE

Any railroad car, street car, ferry, cab, bus, airplane or other vehicle which is carrying passengers for hire.

(m) RAILWAY

Any steam, electric, diesel, electric or other railroad or railway which carries passengers for hire on the particular line or branch in the vicinity where explosives are stored or where explosives manufacturing buildings are situated.

(n) SINGULAR AND PLURAL

Words used in the singular number shall include the plural and words used in the plural shall include the singular.

(o) SMALL ARMS AMMUNITION

Any shotgun, rifle, pistol or revolver cartridge, and cartridge for propellant-actuated power devices and industrial guns. Military-type ammunition containing explosive bursting charges, spotting or pyrotechnic projectiles is excluded from this definition.

(p) SMALL ARMS AMMUNITION PRIMERS

Small percussion-sensitive explosive charges, encased in a cup, used to ignite propellant powder.

(q) SMOKELESS PROPELLANTS

Solid propellants, commonly called smokeless powders in the trade, used in small arms ammunition, cannon, rockets, propellant-actuated power devices, etc.

(r) SPECIAL INDUSTRIAL EXPLOSIVE DEVICES

Explosive-actuated power devices and propellant-actuated power devices.

(s) SPECIAL INDUSTRIAL EXPLOSIVE MATERIALS

Shaped materials and sheet forms and various other extrusions, pellets and packages of high explosives, which include dynamite, Trinitrotoluene, (TNT), pentaerythritoltertranitrate, (PETN), cyclotrimethylene-trinitramine, (RDX), and other similar compounds used for high-energy-rate forming, expanding and shaping in metal fabrication, and for dismemberment and quick reduction of scrap metal.

(t) SUPERINTENDENT

The Superintendent of the Bureau of Criminal Apprehension of the Minnesota Department of Public Safety.

(u) WATER GELS OR SLURRY EXPLOSIVES

These comprise a wide variety of materials used for blasting. They all contain substantial proportions of ammonium nitrate, some of which is in solution in the water. Two broad classes of water gels are those which are sensitized by a material classed as an explosive, such as TNT or smokeless powder; and those which contain no ingredient classified as an explosion, which are sensitized with metals such as aluminum or other fuels. Water gels may be premixed at an explosives plant or mixed at the site immediately before delivery into the bore hole.

BCA 3 APPLICABILITY AND EXEMPTIONS

(a) These regulations shall apply to the manufacture, keeping, having, storage, sale, transportation, and use of explosives, blasting agents, and pyrotechnics.

(b) They shall not apply to the transportation of explosives or blasting agents when under the jurisdiction of and in compliance with the regulations of the Department of Transportation, the regulations of the United States Coast Guard and the Regulations of the Federal Aviation Agency (FAA) and the Board of Transport Commissioners for Canada. They shall, however, apply to municipal supervision as to compliance with federal regulations within the jurisdiction of a municipality.

(c) They shall not apply to the shipment, transportation and handling of military explosives by the Armed Forces of the United States, State Militia or the Armed Forces of Canada.

(d) They shall not apply to the transportation and use of explosives or blasting agents in the normal and emergency operation of federal agencies such as the Bureau of Mines, the Federal Bureau of Investigation, the Secret Service and equivalent Canadian governmental agencies.

(e) They shall not apply to the sale and use (public display) of phrotechnics commonly known as fireworks.

(f) The Superintendent, shall have the power to grant exemption from these rules and regulations upon request in writing when such request shows that the enforcement of the rules and regulations will cause unnecessary hardship to the petitioner, provided that said request shall not be granted where the requested modification of these rules and regulations will constitute a distinct hazard to life or adjoining property. Such petition shall be in triplicate

and state full particulars of such exemptions requested and when granted shall be attached to the notification of approval. Two copies of the request shall be retained by the Superintendent.

(g) The Superintendent, his designee, or any duly constituted law enforcement official, shall have the power at all times to inspect storage sites and use sites for such explosives as are regulated by these regulations to determine whether such facilities as exist on these sites for storage of explosives conform to the regulations contained herein. The Superintendent, his designee, or any duly qualified law enforcement official, shall, in addition, have the power to inspect at any time the records required to be kept by these regulations by explosives dealers.

(h) The Superintendent or his authorized assistants may restrict the quantity of explosives or blasting agents that may be handled at any location (city, county, state or other area).

BCA 4 REPEAL OF PREVIOUS REGULATIONS

The provisions of State Fire Marshal Regulations 351 through 395, previously adopted, are hereby repealed.

BCA 5 EXPLOSIVES MANUFACTURING

(a) The manufacture of any explosive or explosive device including small arms ammunition, pyrotechnics, and blasting agent as herein defined shall be prohibited unless such manufacture is authorized by the Superintendent or his authorized assistants and is conducted in accordance with recognized safe practices satisfactory to the Superintendent or his authorized assistants. This shall not apply to hand loading of small arms ammunition prepared for personal use and not for resale.

(b) The manufacture of explosives or blasting agents shall be prohibited when such manufacture presents an undue hazard to life and property as determined by the Superintendent or his authorized assistants.

BCA 6 HANDLING AND USE OF EXPLOSIVES

(a) No person shall store, handle, or transport explosives or blasting agents when such storage, handling and transportation of explosives or blasting agents constitutes an undue hazard to life and property.

(b) No person shall possess, keep, store, sell, or offer for sale, give away, use, transport, or dispose of in any manner any explosive or blasting agent except as provided in these regulations or by law provided however that this limitation shall not apply to small arms ammunition and components, cartridges for propellant-actuated power devices, and cartridges for industrial guns intended for personal use and not for resale.

(c) No person shall sell or give away any explosive or blasting agent to any unauthorized person, as defined in Minnesota Statutes 299F.77 (1971).

(d) No person shall physically sell, display or expose for sale any explosive or blasting agent on any highway, street, sidewalk, public way, or public place.

(e) Nothing in these regulations shall be construed to prohibit the use of explosives in the form prescribed by the Official United States Pharmacopeia.

(f) Government and industrial laboratories, laboratories of technical institutes, colleges, universities, and similar institutions may be permitted to keep, store and use explosives or blasting agents when confined to the purpose of scientific or technical instruction or research, provided the storage and use of explosives or blasting

agents when confined to the purpose of scientific or technical instruction or research, provided the storage and use of explosives or blasting agents is under experienced and competent supervision and not more than 15 pounds of explosives (exclusive of small arms ammunition, small arms ammunition primers and smokeless propellant) or blasting agents are kept on hand at any time in such laboratories. When additional quantities of explosives or blasting agents are required, application shall be made for a special ruling by the Superintendent or his authorized assistants.

BCA 7 STORAGE OF EXPLOSIVE

(a) All Class A, Class B, Class C explosives, and special industrial explosives, and any newly developed and unclassified explosives, shall be kept in magazines which meet the requirements of this chapter. This shall not be construed as applying to the following:

(1) Stocks of small arms ammunition, propellant-actuated power cartridges, small arms ammunition primers in quantities of less than 1,000,000 and smokeless propellant in quantities of less than 750 pounds (see Chapter 4).

(2) Explosive-actuated power devices when in quantities of less than 50 pounds net weight of explosive.

(3) Fuse lighters and fuse igniters.

(4) Safety fuse (safety fuse does not include cordeau detonant fuse).

(b) Blasting caps, electric blasting caps, detonating primers and primed cartridges shall not be stored in the same magazine with other explosives.

(c) Ground around magazines shall slope away for drainage. The land surrounding magazines shall be kept clear of brush, dried grass, leaves, and other combustible materials for a distance of at least 25 feet.

(d) Magazines shall be as required in Title 26, Code of Federal Regulations, Commerce in Explosives, Part 181 - Department of the Treasury, Section 181.182 through 181.200, which is herein adopted.

BCA 8 TRANSPORTATION OF EXPLOSIVES

(a) In addition to all other applicable requirements set forth in these regulations, the transportation of explosives over all highways shall be in accordance with Department of Transportation (DOT) regulations. The Department of Transportation regulations and changes lawfully on file and approved by the Department of Transportation are hereby adopted as a part of these regulations.

(b) Explosives shall not be transported through any prohibited vehicular tunnel, or subway, or over any prohibited bridge, roadway, or elevated highway.

(c) No person shall smoke, carry matches or any other flame-producing device, or carry any firearms or loaded cartridges while in or near a motor vehicle transporting explosives; or drive, load or unload such vehicle in a careless or reckless manner.

(d) Explosives shall not be carried or transported in or upon a public conveyance or vehicle carrying passengers for hire.

(e) Explosives may be loaded into and transported in the following:

(1) Truck or automotive vehicle not transporting passengers.

(2) Truck with semitrailer.

(3) Truck with full trailer.

(4) Truck tractor with semitrailer.

(5) Truck tractor with semitrailer and full trailer.

(f) Explosives shall not be transferred from one vehicle to another within any city, county, state or other area without informing the fire and police departments thereof. In the event of breakdown or collision,

the local fire and police departments shall be promptly notified to help safeguard such emergencies. Explosives shall be transferred from the disabled vehicle to another only when proper and qualified supervision is provided. A qualified supervisor is any person except those excluded under Minnesota Statute 299F.77 (1971).

(g) Blasting caps or electric blasting caps shall not be transported over the highways on the same vehicles with other explosives, except in compliance with Department of Transportation regulations.

(h) Any person who ships, transports, imports or causes to be carried across state lines, in any manner whatever into Minnesota any explosives shall be required to inform the Superintendent twenty-four (24) hours prior to such crossing of the state line of the fact of such crossing and in addition supply the Superintendent with the following information:

(1) Name and address of the shipper, importer, and transporter.

(2) Quantity of total shipment.

(3) Destination and amount of each consignment of the total shipment ment.

(4) Expected time of crossing state lines and expected time of destination arrival.

(i) In those cases where a person carries explosives across state lines on a regular schedule of at least once a week, the Superintendent may, in his discretion, allow such persons to comply with paragraph (h) of this chapter by submitting to the Superintendent a time-table of his usual and customary, regularly scheduled interstate transfers. Any deviations from that time-table will be required to be submitted to the Superintendent at least twenty-four (24) hours prior to such transfer.

(j) This chapter does not apply to the transportation of small arms ammunition and components (see Chapter 3).

BCA 9 TRANSPORTATION VEHICLES

(a) Vehicles while being used for transporting explosives shall be strong enough to carry the load without difficulty and be in good mechanical condition. If vehicles do not have a closed body, the body shall be covered with a flameproof and moistureproof tarpaulin or other effective protection against moisture and sparks. All vehicles used for the transportation of explosives shall have tight floors and any exposed spark-producing metal on the inside of the body shall be covered with wood or other non-sparking materials to prevent contact with packages of explosives. Packages of explosives shall not be loaded above the sides of an open-body vehicle.

(b) Every vehicle while being used for transporting explosives shall be marked or placarded on both sides, front and rear with the word "Explosives" in letters not less than four inches in height in contrasting colors. In addition to such marking, or placarding, the vehicle may display, in such a manner that it will be readily visible from all directions, a red flag 18 inches X 30 inches, with the word "Explosives" painted, stamped, or sewed thereon in white letters, at least six inches in height.

(c) Every motor vehicle while being used for transporting explosives shall be equipped with at least one fire extinguisher of 20 pound dry chemical or equal.

(d) A motor vehicle while being used for transporting explosives shall be inspected prior to every loading of explosives to determine that it is in proper condition in all respects for handling and safe

transportation of explosives and no vehicle shall be so used unless:

(1) Fire extinguishers shall be filled and in working order.

(2) All electrical wiring shall be completely protected and securely fastened to prevent short-circuiting.

(3) Chassis, motor, pan and underside of body shall be reasonable clean and free of excess oil and grease.

(4) Fuel tank and feed line shall be secure and have no leaks.

(5) Brakes, lights, horn, windshield wipers, and steering apparatus shall function properly.

(6) Tires shall be properly inflated and shall have no visible defects.

BCA 10 OPERATION OF TRANSPORTATION VEHICLES

(a) Vehicles transporting explosives shall only be driven by and be in charge of a driver who is in possession of a valid motor vehicle operators license, physically fit, careful, capable, reliable, able to read and write the English language, and not addicted to the use, or under the influence of intoxicants or narcotics, and not less than 18 years of age. He shall be familiar with the traffic regulations, state laws, and the provisions of the code, and shall be familiar with the traffic regulations, state laws, and the provisions of the code, and shall be familiar with the operation of the vehicle used.

(b) Except under emergency condiitions, no vehicle transporting explosives shall be parked before reaching its destination, even though attended, on any public street adjacent to or in proximity to any bridge, tunnel, dwelling, building, or place where people work, congregate, or assemble.

(c) Every motor vehicle transporting any quantity of Class A or Class B explosives shall, at all times, be attended by a driver or other

attendant of the motor carrier. This attendant shall have been made aware of the class of the explosive material in the vehicle and of its inherent dangers, and shall have been instructed in the measures and procedures to be followed in order to protect the public from those dangers. He shall have been made familiar with the vehicle he is assigned to attend, and shall be trained, supplied with the necessary means, and authorized to move the vehicle when required.

(d) For the purpose of this section, a motor vehicle shall be deemed "attended" only when the driver or other attendant is physically on or in the vehicle, or has the vehicle within his field of vision and can reach it quickly and without any kind of interference. "Attended" also means that the driver or attendant is awake, alert and not engaged in other duties or activities which may divert his attention from the vehicle, except for necessary communication with public officers, or representatives of the carrier, shipper or consignee, or except for necessary absence from the vehicle to obtain food or to provide for his physical comfort.

(e) An explosive-laden vehicle may be left unattended if parked within a securely fenced or walled area with all gates or entrances locked or guarded where parking of such vehicle is otherwise permissible, or at a magazine site established solely for the purpose of storing explosives.

(f) No spark-producing metal, spark-producing metal tools, oils, matches, firearms, electric storage batteries, flammable substances, acids, oxidizing materials or corrosive compounds shall be carried in the body of any motor truck and/or vehicle transporting explosives, unless the loading of such dangerous articles and the explosives comply with Department of Transportation regulations.

(g) Vehicles transporting explosives shall avoid congested areas and heavy traffic. Where routes through congested areas have been designated by local authorities such routes shall be followed.

(h) Delivery shall only be made to authorized persons and into authorized magazines or approved temporary storage or handling areas.

BCA 11 USE OF EXPLOSIVES

(a) The handling of explosives shall be performed by a person experienced in the use of explosives or by other employees under his direct supervision provided that such employees are at least 18 years of age.

(b) While explosives are being handled or used, smoking shall not be permitted and no one near the explosives shall possess matches, open light or other fire or flame producing devices. No persons shall handle explosives while under the influence of intoxicating liquors or narcotics.

(c) Original containers or authorized containers shall be used for taking detonators and other explosives from storage magazines to the blasting area.

(d) When the blasting is done in congested areas or in close proximity to a structure, railway, or highway or other installation that may be damaged, the blast shall be covered before firing with a mat constructed so that it is capable of preventing fragments from being thrown.

(e) Persons authorized to prepare explosive charges or conduct blasting operations shall use every reasonable precaution, including, but not limited to, warning signals, flags, barricades, or woven wire mats to insure the safety of the general public and workmen.

(f) Blasting operations, except by special permission of the Superintendent or his authorized assistants, shall be conducted during daylight hours.

(g) Whenever blasting is being conducted in the vicinity of gas, electric, water, fire alarm, telephone, telegraph and steam utilities, the blaster shall notify the appropriate representatives of such utilities at least 24 hours in advance of blasting, specifying the location and intended time of such blasting. Verbal notice shall be confirmed with written notice. In an emergency this time limit may be waived by the local authority issuing the original permit.

(h) Due precautions shall be taken to prevent accidental discharge of electric blasting caps from current induced by radar, radio transmitters, lightning, adjacent power lines, dust storms or other sources of extraneous electricity. These precautions shall include:

(1) The suspension of all blasting operations and removal of persons from the blasting area during the approach and progress of an electric storm.

(2) The posting of signs warning against the use of mobile radio transmitters on all roads within 350 feet of the blasting operation.

(3) Compliance with the latest recommendations of the Institute of Makers of Explosives with regard to blasting in the vicinity of radio transmitters or power lines.

BCA 12 STORAGE AT USE SITES

(a) Empty boxes and paper and fiber packing materials which have previously contained high explosives shall not be used again for any purpose, but shall be destroyed by burning at an approved isolated location out of doors, and no person shall be nearer than 100 feet after burning has started.

(b) Containers of explosives shall not be left opened in any magazine or within 50 feet of any magazine. In opening kegs or wooden cases, no sparking metal tools shall be used; wooden wedges and either wood, fiber or rubber mallets shall be used. Non-sparking metallic slitters may be used for opening fiberboard cases.

(c) Explosives or blasting equipment that are obviously deteriorated or damaged shall not be used.

(d) No explosives shall be abandoned.

BCA 13 LOADING OF EXPLOSIVES IN BLAST HOLES

(a) All drill holes shall be sufficiently large to admit freely the insertion of the cartridges of explosives.

(b) Tamping shall be done only with wood or plastic rods without exposed metal parts, but non-sparking metal connectors may be used for jointed poles. Violent tamping shall be avoided.

(c) No holes shall be loaded except those to be fired in the next round of blasting. After loading, all remaining explosives shall be immediately returned to an authorized location.

(d) Drilling shall not be started until all remaining butts of old holes are examined with a wooden stick for unexploded charges, and if any are found, they shall be refired before work proceeds.

(e) No person shall be allowed to deepen drill holes which contain explosives.

BCA 14 INITIATION OF EXPLOSIVES CHARGES

(a) Only electric blasting caps shall be used for blasting operations in congested districts, or in highways, or adjacent to highways open to traffic, except where sources of extraneous electricity make such use dangerous.

(b) When fuse is used, the blasting cap shall be securely attached to the safety fuse with a standard ring type cap crimper. All primers shall be assembled at least fifty feet from any magazine.

(c) Primers shall be made up only as required for each round of blasting.

(d) No blasting cap shall be inserted in the explosives without first making a hole in the cartridge for the cap with a ~~wooden~~ approved punch of proper size or standard cap crimper.

(e) Explosives shall not be extracted from a hole that has once been charged or has misfired unless it is impossible to detonate safely the unexploded charge by insertion of a fresh additional primer.

(f) If there are any misfires while using cap and fuse, all persons shall remain away from the charge for at least 30 minutes. If electric blasting caps are used and a misfire occurs, this waiting period shall be 30 minutes. Misfires shall be handled under the direction of the person in charge of the blasting and all wires shall be carefully traced and search made for unexploded charges.

(g) Blasters, when testing circuits to charged holes, shall use only blasting galvanometers designed for this purpose.

(h) Only the man making lead wire connections in electrical firing shall fire the shot. All connections should be made from bore hole back to the source of firing current, and the leading wires shall remain shorted and not be connected to the blasting machine or other source of current until the charge is to be fired.

BCA 15 WARNING REQUIRED

Before a blast is fired, a ~~loud~~ suitable warning signal shall be given by the person in charge, who has made certain that all surplus explosives are in a safe place, all persons and vehicles are at a safe distance or under sufficient

cover, and that an adequate warning has been given.

BCA 16 EXPLOSIVES AT PIERS, RAILWAY STATIONS AND CARS OR VESSELS NOT OTHERWISE SPECIFIED IN THIS CODE

(a) Except in an emergency and with permission of the local authority having jurisdiction, no person shall have or keep explosives in a railway car unless said car and contents and methods of loading are in accordance with the Department of Transportation (DOT) Regulations for the Transportation of Explosives.

(b) No person shall deliver any explosive to any carrier unless such explosive conforms in all respects, including marking and packing, to the DOT Regulations for the Transportation of Explosives.

(c) Every railway car containing explosives which has reached its destination, or is stopped in transit so as no longer to be in interstate commerce, shall have attached to both sides and ends of the car, cards with the words "Explosives" - Handle Carefully - Keep Fire Away" in red letters at least 1½ inches high on a white background.

(d) Within the jurisdiction any explosives at a railway facility, truck terminal, pier, wharf, harbor facility, or airport terminal, whether for delivery to a consignee, or forwarded to some other destination shall be kept in a safe place, isolated as far as practicable and in such manner that they can be easily and quickly removed.

(e) Within the jursidiction explosives shall not be delivered to or received from any railway station, truck terminal, pier, wharf, harbor facility, or airport terminal between the hours of sunset and sunrise, except by special permit from the Superintendent.

BCA 17 NOTIFICATIONS

(a) When explosives are brought into the locality under the jurisdiction of this code, by any means of transportation, for delivery to an intermediate receiver, consignee's agent or consignee, or to be forwarded to some other destination, the carrier performing the shipment shall immediately notify the consignee, fire chief, port authorities, and such other authorities as may be designated, of the arrival of the explosives, and if said consignee does not receive and remove the said explosives from the possession of the carrier within 48 hours (Sundays and holidays excluded), after such notification, then the railway, trucking firm, vessel agent, or airline shall remove the said explosives from the jurisdiction and to a properly permitted magazine or make a report to the Superintendent or his authorized assistants, who shall see that the said explosives are moved to a place of safety.

(b) Any person having been notified, as consignee, of a shipment of explosives being in the hands of any carrier, and within the jurisdiction, shall remove the said explosives within 48 hours, Sundays and holidays excluded, after receiving such notification to some place meeting the requirements of this code.

BCA 18 DESIGNATION OF FACILITIES

The local authority having jurisdiction has the authority to and may designate the location for, and limit the quantity of, explosives which may be loaded, unloaded, reloaded, or temporarily retained at any facility within the jurisdiction.

BCA 19 FORBIDDEN EXPLOSIVES

Explosives forbidden or not acceptable for transportation by regulations of the Department of Transportation include, but are not limited to:

(a) Liquid Nitroglycerin

(b) Dynamite (except gelatin dynamite) containing over 60% of liquid explosive ingredient.

(c) Nitrocellulose in a dry and uncompressed condition in quantity greater than 10 pounds net weight in one package.

(d) Fulminate of mercury in a dry condition and fulminate of all other metals in any condition except as a component of manufactured articles not hereinafter forbidden.

(e) Explosive compositions that ignite spontaneously or undergo marked decomposition rendering the products or their use more hazardous, when subjected for 48 consecutive hours or less to a temperature of 167°F. (75°C.)

(f) Explosives containing an ammonium salt and a chlorate.

(g) New explosives until approved by the Department of Transportation (formerly ICC), except that a permit may be granted for transportation and possession for laboratory examination when under development by responsible research organizations.

(h) Explosives not packaged or marked in accordance with the requirements of the Department of Transportation (formerly ICC).

(i) Explosives condemned by the Department of Transportation (formerly ICC).

BCA 20 SALE AND DISPOSITION OF EXPLOSIVES

(a) All Class A, Class B, Class C explosives, and special industrial explosives, and any newly developed and unclassified explosives, shall not be sold or transferred in this state except as herein provided. This paragraph shall not be construed to apply to the following commodities and items:

(1) Stocks of small arms ammunition, propellant-actuated power cartridges, small arms ammunition primers in quantities of less than 1,000,000, smokeless propellant in quantities of less than 750 pounds (see Chapter 4).

(2) Explosive-actuated power devices when in quantities of less than 50 pounds net weight of explosive.

(3) Fuse lighters and fuse igniters.

(4) Safety fuse (safety fuse does not include cordeau detonant fuse), and 3/32 inch cannon fuses or matchlock fuses (slow match).

(5) Transactions pursuant to M.S. 1969, Section 365.25.

(b) No vendor, transferor, buyer, or transferee of explosives within this state may accept or deliver dynamite or other explosive in any quantity unless each carton or other usual primary container of such explosive is plainly labeled, stamped or marked with identification numbers, and each carton or other usual primary container to be labeled, stamped or marked with the words, "Dangerous Explosives". It shall be unlawful for any person, to use or have in his possession any explosives not marked as above provided. All unmarked explosives found in the possession of any person, may be confiscated, seized, or destroyed by the Superintendent or his designee, or duly constituted law enforcement officer.

(c) No vendor or transferor of explosives within this state may deliver explosives of any quantity to any other person unless he first obtains and records the following information:

(1) Date of transaction;

(2) Manufacturer of the explosives being transferred;

(3) The type of and any identification numbers on explosives being transferred;

(4) Quantity of explosives being transferred;

(5) Name and address of purchaser or transferee;

(6) User permit number;

(7) Signature of the transferee;

(d) On Monday of each week, each person shall mail a copy of the record of each transaction made during the preceding week to the Superintendent.

(e) If the safety measures, provided by the purchaser or transferee pursuant to the requirements contained in these regulations, do not meet the minimum requirements, the vendor or transferor shall not transfer explosives to the purchaser or transferee.

BCA 21 QUANTITY REPORTS

Immediately upon the effective date of these regulations and thereafter on the first day of January of each year any person who stores explosives for commercial transference shall report to the Superintendent the quantity of his stock of explosives as of that date, on forms provided by the Superintendent.

BCA 22 REPORT OF THEFTS

Any person who has explosives in his possession and who incurs a loss or theft of all or a portion thereof upon discovery of such loss or theft immediately, and in no event longer than twenty-four (24) hours from the time of discovery, shall inform the office of the Superintendent and the County Sheriff or the local Chief of Police of the loss or theft, the amount of explosives missing and the approximate time of the occurrence.

BCA 23 JURISDICTION OF THE FEDERAL BUREAU OF MINES

To the extent that persons otherwise covered by the contents of these regulations are within the jurisdiction and governed by regulation of the Federal Bureau of Mines, the Minnesota Bureau of Criminal Apprehension has the discretion to exempt such persons from such provisions of these emergency regulations, governing security of storage facilities, that he deems to be in conflict with the regulations of said Bureau of Mines. Such exemption once granted may at any time be revoked by the Superintendent. For the purpose of granting such exemption of or revoking same, or for any other purpose, the Superintendent or his designee has the authority at any time to inspect the premises and facilities of such persons.

BCA 24 EFFECTIVE DATE

No explosives covered by these regulations may be sold or transferred commercially on and after the effective date of these regulations unless the vendor or transferor and purchaser or transferee complies with these regulations and the previously existing regulations of the state. No such explosives may be sold or transferred after the effective date of these regulations unless such sale or transfer complies with the notice and record-keeping requirements of these regulations and existing regulations of the state.

BCA 25-30 RESERVED FOR FUTURE USE

CHAPTER TWO: MIXING, STORAGE AND TRANSPORTATION OF BLASTING AGENTS

BCA 31 BLASTING AGENTS

Unless otherwise set forth in this chapter, blasting agents shall be transported, stored, and used in the same manner as explosives.

BCA 32 MIXING OF BLASTING AGENTS

(a) Buildings or other facilities used for mixing blasting agents, shall be located, with respect to inhabited buildings, passenger railroads and public highways in accordance with the American Table of Distances.*

(1) Any ammonium nitrate stored at a closer distance to the blasting agent storage area than as provided in (2) below shall be added to the quantity of blasting agents to calculate the total quantity of blasting agents to calculate the total quantity involved for application of the aforementioned table.

(2) Minimum intra-plant separation distances between mixing units and the ammonium nitrate storage areas and blasting agent storage areas shall be in conformity with the Table of Recommended Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents.*

(b) Buildings used for the mixing of blasting agents will conform to the requirements of this section, unless otherwise specifically approved by the Superintendent or his authorized assistants.

(1) Buildings should preferably be of noncombustible construction or sheet metal on wood studs.

(2) The layout of the mixing building shall be such as to provide

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* See "Commerce in Explosives," Part 181 of Title 26, Code of Federal Regulations, Internal Revenue Service.

physical separation between the finished product storage, and the mixing and packaging operation.

(3) Floors in storage areas and in the processing plant should be of concrete. Isolated fuel storage shall be provided to avoid contact between molten ammonium nitrate and fuel in case of fire.

(4) The building shall be well ventilated.

(5) Heat shall be provided exclusively from a unit outside the building.

(c) The design of the mixer should minimize the possibility of frictional heating, compaction, and especially, confinement. Open mixers are preferable to enclosed mixers. Bearings and gears should be protected against the accumulation of oxidizer dust. All surfaces should be accessible for cleaning. Mixing and packaging equipment should be constructed of materials compatible with the fuel-ammonium nitrate composition.

(d) The provisions of this section shall be considered when determining blasting agent compositions. The sensitivity of the blasting agent shall be determined by means of a No. 8 test blasting cap at regular intervals and after every change in formulation, or as may be requested by the Superintendent or his authorized assistants.

(1) Ammonium nitrate of small particle size, such as crushed prills or fines, may be more sensitive and hazardous than the ordinary prills and shall be handled with greater care.

(2) No liquid fuel with flash point lower than that of No. 2 Diesel Fuel Oil (125° minimum or legal) shall be used.

(3) Crude oil and crankcase oil shall not be used because they may

contain light ends that offer increased vapor-explosion hazards or gritty particles that tend to sensitize the resulting blasting agent.

(4) If solid fuels are used, they shall be chosen so as to minimize dust-explosion hazard.

(5) Metal dusts (aluminum powder, etc.) peroxides, chlorates, or perchlorates shall not be used unless such operations are conducted in a manner approved by the Superintendent or his authorized assistants.

(6) Unusual compositions shall not be attempted except under the supervision of competent personnel equipped to determine the over-all hazard of the resulting compositions.

(e) All electrical switches, controls, motors, and lights, if located in the mixing room, shall conform to the requirements of Class II, Division 2 of the National Electrical Code,* otherwise they shall be located outside the mixing room. The frame of the mixer and all other equipment that may be used shall be electrically bonded and be provided with a continuous path to the ground.

(f) Washdown facilities shall be provided. An automatic water-deluge system with adequate capacity is recommended to protect mixers and the finished-explosives storage area in the plant. Floor shall be constructed so as to eliminate open floor drains and piping into which molten materials could flow and be confined in case of fire. The floors and equipment of the mixing and packaging room shall be thoroughly cleaned daily to prevent accumulation of oxidizers or fuels or other sensitizers. The entire mixing and packaging plant

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* See references

shall be washed down periodically to prevent excessive accumulation of dust.

(g) Smoking or open flames shall not be permitted in or within 50 feet of any building or facility used for the mixing of blasting agents.

(h) Empty oxidizer bags shall be disposed of daily in a safe manner.

(i) Not more than one day's production of blasting agents or the limit determined by the American Table of Distances,* whichever is less, shall be permitted in or near the mixing and packaging plant or area. Larger quantities shall be stored in separate warehouses or magazines.

BCA 33 STORAGE OF BLASTING AGENTS AND SUPPLIES

(a) Blasting agents shall be stored in the manner set forth in this section, and BCA 7.

(1) Blasting agents when stored in conjuction with explosives, shall be stored in the manner set forth in BCA 7 for explosives. The mass of blasting agents and one-half the mass of oxidizers shall be included when computing the total quantity of explosives for determining distance requirements.

(2) Blasting agents, when stored entirely separate from explosives, may be stored in the manner set forth in BCA 7, or in one story warehouses (without basements) which shall be noncombustible or fire-resistive, constructed so as to eliminate open floor drains and piping into which molten materials could flow and be confined in case of fire, weather resistant, well ventilated, and equipped with a strong door kept securely locked except when open for business.

(3) Semi-trailer or full-trailer vans used for highway or on-site

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* See "Commerce in Explosives," Part 181 of Title 26, Code of Federal Regulations, Internal Revenue Service.

for the storage of blasting agents. Combustible materials shall not be stored within 50 feet of warehouses used for the storage of blasting agents.

(d) The interior of warehouses used for the storage of blasting agents shall be kept clean and free from debris and empty containers. Spilled materials shall be cleaned up promptly and safely removed. Combustible materials, flammable liquids, corrosive acids, chlorates or nitrates shall not be stored in any warehouse used for blasting agents unless separated therefrom by a fire-resistive separation of not less than one hour resistance. The provisions of this section shall not prohibit the storage of blasting agents together with nonexplosive blasting supplies.

(e) Piles of ammonium nitrate and warehouses containing ammonium nitrate shall be adequately separated from readily combustible fuels.

(f) Caked ammonium nitrate, either in bags or in bulk, shall not be loosened by blasting.

(g) Every warehouse used for the storage of blasting agents shall be under the supervision of a competent person who shall be not less than 18 years of age.

(h) The local authority having jurisdiction has the authority to and may designate the location for, and limit the quantity of blasting agents which may be loaded, unloaded, reloaded, or temporarily retained at any facility within the jurisdiction.

BCA 34 TRANSPORTATION OF BLASTING AGENTS

(a) When blasting agents are transported in the same vehicle with explosives, all of the requirements of BCA 8 through 10 shall be complied with.

transportation of the blasting agents are satisfactory for temporarily storing these materials, provided they are located in accordance with the American Table of Distances* with respect to inhabited buildings, passenger railways, and public highways and according to the Table of Recommended Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents* with respect to one another. Trailers should be provided with substantial means of locking, and the trailer doors shall be kept locked, except during the time of placement and removal of stocks of blasting agents.

(b) Warehouses used for the storage of blasting agents separate from explosives shall be located as set forth in this section.

(1) Warehouses used for storage of blasting agents shall be located in accordance with the provisions of the American Table of Distances* with respect to inhabited buildings, passenger railways and public highways, and according to the Table of Recommended Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents* with respect to one another.

(2) If both blasting agents and ammonium nitrate are handled or stored within the distance limitations prescribed in BCA 32a, one-half the mass of the ammonium nitrate shall be added to the mass of the blasting agent when computing the total quantity of explosives for determining the proper distance for compilance with the American Table of Distances.*

(c) Smoking, matches, open flames, spark producing devices and firearms shall be prohibited inside of or within 50 feet of any warehouse used

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* See "Commerce in Explosives," Part 181 of Title 26, Code of Federal Regulations, Internal Revenue Service.

(b) Vehicles transporting blasting agents shall only be driven by and be in charge of a driver at least 18 years of age who is capable, careful, reliable and in possession of a valid motor vehicle operator's license. Such a person shall also be familiar with the State vehicle and traffic laws.

(c) No sparking metal, sparking metal tools, oils, matches, firearms, acids or other corrosive liquids shall be carried in the bed or body of any vehicle containing blasting agents.

(d) No persons shall be permitted to ride upon, drive, load or unload a vehicle containing blasting agents while smoking or under the influence of intoxicants or narcotics.

(e) It is prohibited for any person to transport or carry any blasting agents upon any public vehicle carrying passengers for hire.

(f) Vehicles transporting blasting agents shall be in safe operating conditions at all times.

(g) When offering blasting agents for transportation on public highways, the packaging, marking and labeling of containers of blasting agents shall comply with the requirements of the Department of Transportation.*

(h) Vehicles while being used for transporting blasting agents on public highways shall be placarded in accordance with Department of Transportation regulations.*

(i) Vehicle while being used for transporting blasting agents shall be equipped with at least one 20 pound dry chemical fire extinguisher or equal.

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* See appendix

BCA 35 USE OF BLASTING AGENTS

Persons using blasting agents shall comply with all of the applicable provisions of BCA 11 through BCA 15 of this code.

BCA 36-40 RESERVED FOR FUTURE USE

CHAPTER THREE: WATER GELS, OR SLURRY EXPLOSIVES

BCA 41 GENERAL PROVISIONS

Unless otherwise set forth in this Chapter, water gels shall be transported, stored, and used in the same manner as explosives or blasting agents in accordance with the classification of the product.

BCA 42 PREMIXED WATER GELS

(a) Premixed water gels containing a substance in itself classified as an explosive shall be classified as an explosive and manufactured, transported, stored, and used as specified for explosives in these regulations.

(b) Premixed water gels containing no substance in itself classified as an explosive and which are cap-sensitive as defined in BCA 2 under Blasting Agent shall be classified as an explosive and manufactured, transported, stored and used as specified for explosives in this Code.

(c) Premixed water gels containing no substance in itself classified as an explosive and which are not cap-sensitive as defined in BCA 2 under Blasting Agent shall be classified as blasting agents and manufactured, transported, stored and used as specified for blasting agents in this Code.

BCA 43 ON-SITE-MIXED WATER GELS

(a) Ingredients for on-site-mixed water gels shall be stored as set forth in this section.

(1) Ingredients in themselves classified as Class A or Class B explosives shall be stored in conformity with BCA 7.

(2) Ingredients, other than ammonium nitrate, not themselves classified as explosives, shall be stored in warehouses which shall be noncombustible or fire-resistive.

(3) Prilled, grained, or granulated ammonium nitrate shall be stored

in accordance with NFPA 490, Code for the Storage of Ammonium Nitrate, 1967 Edition. If ammonium nitrate is stored in the vicinity of explosives or blasting agents, the separation distances specified in BCA 7 of these regulations shall be observed.

(4) Liquid ammonium nitrate solutions shall be stored in tank cars, tank trucks, or permanent tanks in a location approved by the Superintendent or his authorized assistants. Spills or leaks which may contaminate combustible materials shall be cleaned up immediately.

(b) If electric power is used, it shall be furnished by cable from an outside source or by a self-contained motor generator. In the case of a self-contained power source, it shall be located at the end of the storage container opposite that at which the blasting agent is discharged. It shall have adequate capacity for the loads to be expected and be equipped with suitable overload protection devices.

(c) Electric wiring carrying voltages greater than 12 volts shall be in armored cable or in conduit and, if dry ingredients are employed, the wiring shall conform to the requirements of Class II, Division 2 of the National Electrical Code, NFPA No. 70*, 1965 Edition. The materials protecting the electric wiring must be of such composition that they will not be chemically attacked by the ingredients being processed.

(d) Mixing equipment for on-site-mixed water gels shall comply with the requirements of this section.

(1) All electric motors, electrically operated proportioning devices, etc., shall be electrically bonded.

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* See references

(2) All electric motors, electrically operated proportioning devices, etc., used for dry ingredients shall conform to the requirements of Class II, Division 2 of the National Electrical Code, NFPA No. 70*, 1965 Edition.

(3) The entire loading and mixing equipment shall be cleaned daily to insure against accumulations of ingredients.

BCA 44-45 RESERVED FOR FUTURE USE

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* See references

CHAPTER FOUR: SMALL ARMS AMMUNITION, SMALL ARMS PRIMERS, AND SMOKELESS PROPELLANTS

BCA 46 GENERAL PROVISIONS

(a) In addition to all other applicable requirements of these regulations, the intrastate transportation of small arms ammunition, small arms ammunition primers and smokeless propellants shall be in accordance with current Department of Transportation regulations.

(b) The provisions of this chapter do not apply to in-process storage and intra-plant transportation during manufacture of small arms ammunition, small arms primers, and smokeless propellants.

BCA 47 SMALL ARMS AMMUNITION

(a) No restrictions are imposed on truck or rail transportation of small arms ammunition other than those which are imposed by the Department of Transportation or by the presence of other hazardous material.

(b) No quantity limitations shall be imposed on storage of small arms ammunition in warehouses, retail stores and other general occupancies, except those imposed by limitation of storage facilities and consistency with public safety.

(c) Small arms ammunition shall be separated from flammable liquids, flammable solids (as classified by the Department of Transportation) and oxidizing materials by a fire-resistive wall of one-hour rating or by a distance of 25 feet.

(d) Small arms ammunition shall not be stored together with Class A or Class B explosives (as defined by Department of Transportation regulations) unless the storage facility is adequate for this latter storage.*

BCA 48 SMOKELESS PROPELLANTS

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* See "Commerce in Explosives," Part 181 of Title 26, Code of Federal Regulations, Internal Revenue Service.

(a) Quantities of smokeless propellants in shipping containers approved by the Department of Transportation (formerly ICC) not in excess of 25 pounds may be transported in a passenger vehicle.

(b) Quantities in excess of 25 pounds but not exceeding 50 pounds in a passenger vehicle shall be transported in a portable magazine having wooden walls of at least 1 inch nominal thickness.

(c) Transportation of quantities in excess of 50 pounds is prohibited in vehicles transporting passengers.

(d) Transportation of quantities in excess of 50 pounds in other than passenger vehicles shall be in accordance with Department of Transportation regulations, except that warning placards shall be prominently displayed when more than 250 pounds are being transported.

(e) All smokeless propellants shall be stored in Department of Transportation approved shipping containers.

(f) Smokeless propellants intended for personal use in quantities not to exceed 20 pounds may be stored in residences; quantities over 20 pounds, but not to exceed 50 pounds, shall be stored in a wooden box or cabinet having walls of at least one inch nominal thickness.

(g) Not more than 20 pounds of smokeless propellants in containers of 1 pound maximum capacity, shall be displayed in commercial establishments. Commercial stocks of smokeless propellants over 20 pounds and not more than 100 pounds shall be stored in approved wooden boxes having walls of at least 1 inch nominal thickness. Not more than 50 pounds shall be permitted in any one box.

(h) Commercial stocks in quantities not to exceed 750 pounds shall be stored in storage cabinets having wooden walls of at least 1 inch nominal thickness. Not more than 400 pounds shall be permitted in any one cabinet.

(i) Quantities in excess of 750 pounds shall be stored in magazines constructed and located as specified in BCA 7.

BCA 49 SMALL ARMS AMMUNITION PRIMERS

(a) Small arms ammunition primers shall not be transported or stored except in the orignial shipping container approved by the Department of Transportation.

(b) Truck or rail transportation of small arms ammunition primers shall be in accordance with the Department of Transportation regulations.

(c) Not more than 25,000 small arms ammunition primers shall be transported in a passenger vehicle.

(d) Not more than 10,000 small arms ammunition primers may be stored in residences.

(e) Not more than 10,000 small arms ammunition primers may be displayed in commercial establishments.

(f) Small arms ammunitions primers shall be separated from flammable liquids, flammable solids (as classified by the Department of Transportation) and oxidizing materials by a fire-resistive wall of one hour rating or by a distance of 25 feet.

(g) Quantities of small arms ammunition primers in excess of 1,000,000 shall be stored in magazines in accordance with BCA 7.

BCA 50 RESERVED FOR FUTURE USE

APPENDIX

(included as reference material only)

1. Federal Regulations

(a) United States Coast Guard Regulations*

Coast Guard Port Security Regulations (Title 33, Code of Federal Regulations, Parts 6 and 126) require that an owner or operator of a designated waterfront facility obtain a permit from the Captain of the Port before Class A explosives in any amount may be handled, loaded, discharged and transported on or over a waterfront facility. The facility operator is also required to notify the Coast Guard Captain of the Port when the quantities of Class B explosives in excess of one ton, or Class C explosives in excess of 10 tons are present on the facility. These safety measures are pursuant to Executive Order 10173 and its amendments, Regulations Relating to the Safeguarding of Vessels, Harbors, Ports and Waterfront facilities of the United States, enacted on August 9, 1950. Public Law 562 amended Section 4472 of the Revised Statutes (46 USC 170) by adding a new subsection 7 (e). This pertinent subsection reads as follows:

> "(e) The United States Coast Guard shall issue no permit or authorization for the loading or discharging to or from any vessel at any point or place in the United States, its territories or possessions (not including Panama Canal Zone) of any explosives unless such explosives, for which a permit is required by the regulations promulgated pursuant to this section, are packaged, marked, and labeled in conformity with regulations prescribed by the Department of Transportation under Section 835 of title 18 of the United States Code, and unless such permit or authorization specifies that the limits as to maximum quantity, isolation and remoteness established by local,

* Available from U.S. Government Printing Office, Washington 25, D.C.

municipal, territorial, or State authorities for each port shall not be exceeded. Nothing herein contained shall be deemed to limit or restrict the shipment, transportation, or handling of military explosives by or for the Armed Forces of the United States.

Approved July 16, 1952

Public Law 562 is applicable only to those explosives for which a permit is required by the Dangerous Cargo Regulations (46CFR-146.20-85, 146.20-87) which requires a permit for those explosives classed as Class A explosives. Code of Federal Regulations: Title 33 (Parts 6,126) Protection and Security of Vessels, Harbors, and Waterfront Facilities.

Code of Federal Regulations: Title 46 (subchapter N, Parts 146-147) Explosives or Other Dangerous Articles or Substances, and Combustible Liquids on Board Vessels.

(b) Interstate Commerce Commission Regulations*

Code of Federal Regulations: Title 49 (Parts 71-78) Transportation of Explosives and Other Dangerous Articles by Land and Water in Rail Freight Service and by Motor Vehicle (Highway).

Code of Federal Regulations: Title 49 (Parts 190-197) Motor Carrier Safety Regulations.

2. References

(a) Quantity - Distance Limitations on Storage of Commercial Explosives. "American Table of Distances for Storage of Explosives," Institute of Makers of Explosives, Pamphlet No. 2, Revised Edition, September 30, 1955.

(b) Hazards of Radio, Television and Radar Frequencies on Blasting Caps. "Radio Frequency Energy - A Potential Hazard in the Use and Transportation of Electric Blasting Caps," Institute of Makers of Explosives, Pamphlet No. 20, 1953.

* Available from U.S. Government Printing Office, Washington 25, D.C.

(c) Fireworks Regulations

"Model State Fireworks Law", National Fire Protection Association NFPA No. 49 L - 1949.

(d) "National Electrical Code," National Fire Protection Association, NFPA No. 70 - 1959.

(e) "Blasters' Handbook," E.I. DuPont DeNemours & Company, Inc. Forteenth Edition - 1962.

(f) "Safety Recommendations for Sensitized Ammonium Nitrate Blasting Agents," Bureau of Mines, U.S. Department of Interior, Information Circular 8179, 1963.

(g) "Commerce in Explosives," Part 181 of Title 26, Code of Federal Regulations, Internal Revenue Service.

EXHIBIT B

STATE OF MINNESOTA

BEFORE Edward G. Novak

COUNTY OF RAMSEY

COMMISSIONER OF PUBLIC SAFETY

In the matter of the Proposed Adoption of Rules of the State Department of Public Safety Relating to the Use, Storage, Transportation and Handling of Explosives and Blasting agents.

STATEMENT OF NEED

The above captioned rules repeal and replace existing rules of the Department of Public Safety. The rules were originally promulgated July 25, 1967, and were amended October 27, 1970.

The need to adopt these rules arises because of the legislative mandate in M.S. 1974, Section 299F.19, Subdivision 1, which states that "The State Fire Marshal shall make, promulgate and enforce reasonable rules and regulations for the safekeeping, storage handling, use,transportation, or other desposition of flammable liquids and flammable gases, blasting agents and explosives..."

The current regulation originally provided rules for the manufacture, transportation, storage and use of explosives and blasting agents. Amendments in 1970 provided for additional administrative authority, increased storage security requirements and rules for the sale and desposition of explosives. On February 4, 1974, the Commissioner of Public Safety pursuant to M.S. 1971, Section 299A.01, Subdivision 1, and Laws 1973, Chapter 720, Section 34, transferred the enforcement functions and related regulations of the provisions of M.S. 1971, Sections 299F.71 - 299F.83 from the State Fire Marshal to the Bureau of Criminal Apprehension.

The proposed regulation makes the following administrative and technical changes to correct problems associated with the current regulations.

1. References to the State Fire Marshal are changed to the Superintendent of the Bureau of Criminal Apprehension.

2. The regulations repeal and replace the provisions of State Fire Marshal Regulations 351 through 395.

3. The age requirement has been changed from 21 to 18 to reflect current state law.

4. Black powder has been reduced in classification from a Class A explosive to a Class B explosive because it is low explosive.

5. The federal requirements for the storage of explosives have been adopted since the federal requirements are more practical and flexible.

6. Several internal inconsistencies within the regulations have been eliminated.

7. The regulations have been made consistent with federal regulations and current state statutes.

8. The storage requirements for ammonium nitrate have been deleted as it is not consistent to require special storage for ammonium nitrate that was to be mixed into a blasting agent and not have any requirements for storage of ammonium nitrate that was to be used as a fertilizer.

Edward R Novak
COMMISSIONER OF PUBLIC SAFETY

3-19-75
DATE

EXHIBIT C

STATE OF MINNESOTA

BEFORE Edward G. Novak

COUNTY OF RAMSEY

COMMISSIONER OF PUBLIC SAFETY

In the matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing the Use, Storage Transportation and Handling of Explosives and Blasting Agents.

ORDER FOR HEARING

To effectively implement M.S. 1974, Section 299F.09, Subdivision 1, the Minnesota Commissioner of Public Safety deems it necessary to consider adoption of the proposed rules captioned above pursuant to the authority vested in me by M.S. 1974 Section 299A.01, Subdivision 6.

NOW, THEREFORE, IT IS ORDERED this 21 day of February, 1975, that a public hearing on the proposed rules captioned above be held in Conference Room A of the Veterans Service Building, 20 West 12th Street and Columbus Ave., St. Paul, Minnesota on May 1, 1975, commencing at 9:00 am, and continuing until all representatives of associations or other interested groups or persons have had an opportunity to be heard.

IT IS FURTHER ORDERED, thatnotice of said hearing be given to all representatives of associations or other interested groups or persons who have registered their names with the Secretary of State for that purpose and all persons who are presently members of the Minnesota Legislature.

STATE OF MINNESOTA
DEPARTMENT OF PBULIC SAFETY

Edward G. Novak
COMMISSIONER OF PUBLIC SAFETY

EXHIBIT D

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the matter of the Proposed Adoption of Rules of the State Dapartment of Public Safety Governing the Use, Storage, Transportation and Handling of Explosives and Blasting agents.

CERTIFICATE

I hereby certify that the enclosed 420 general labels and Public Safety list constitute the complete list of persons, associations, and other interested groups who as of 8:30 o'clock A .M., this 26th day of March ,1975, have requested pursuant to M.S. 1974, Section 15.0412, Subdivision 4, that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearing on proposed rules on the subject captioned above.

Secretary of State

Joan Anderson Growe

Joan Anderson Growe

By Gail Davis

EXHIBIT E

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing the Use, Storage, Transportation and Handling of Explosives and Blasting agents.

AFFIDAVIT OF MAILING

JEROME CLYSDALE, being first duly sworn, deposes and says:

That on the 28TH day of MARCH, 1975, at the City of St. Paul, County of Ramsey, State of Minnesota, he served the attached Notice of Hearing by depositing in the United States mail at said City of St. Paul, a true and correct copy thereof, properly enveloped, with postage prepaid, to all persons and associations at the addresses listed on the attached Certificate of the Secretary of State as well as to all persons presently being members of the Minnesota Legislature.

James Clysdale

Subscribed and sworn to before me this 28th day of March, 1975.

Dorothy D. Hogan

EXHIBIT C

OFFICE OF THE COMMISSIONER
211 STATE HIGHWAY BUILDING

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY
SAINT PAUL 55155

COMMISSIONER'S APPOINTMENT AND DELEGATION ORDER NO. 28

Pursuant to the authority vested in me by Minnesota Statutes 1971, Section 299A.01, Subdivision 1, and Laws of 1973, Chapter 720, Section 34; IT IS HEREBY ORDERED that the function of personnel assigned to the Division of Fire Marshal, Department of Public Safety, relating to the enforcement of the provisions Minnesota Statutes 1971, Sections 299F.71 - 299F.83 be transfered to personnel assigned to the Bureau of Criminal Apprehension, Department of Public Safety.

It is intended by this order that no personnel be reassigned between the two divisions of the Department of Public Safety heretofore mentioned.

This order is effective the 11th day of February, 1974.

Dated at St. Paul, Minnesota, this 11th day of February, 1974.

M. P. Heaffland
Commissioner of Public Safety

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
FEB 4 - 1974
Arlen I. Erdahl
Secretary of State

EXHIBIT G

CHANGES:

Page 6 Line 20. Add. Also, they shall not apply to recognized bomb technicians acting in an official capacity under emergency conditions.

Reason for change. To exempt bomb technicians who may find it necessary in the course of their duties, to transport blasting caps and high explosives together in a "primed" condition.

Daily, Thomas, Economics Lab, 370 Wabasha St., St. Paul, Minn. 55102

Dawson, James M., Felhaber, Larson et al; W-1080 1st Natl Bk Bldg, St Paul 55101

Johnson, Clarence, IBEW Local 292, 3615 - 37th Ave. So., Mpls, Minn. 55406

Matthias, Dr. Howard, 329 Brown Hall, St. Cloud State College 56301

Pure Power Company, 5917 View Lane, Mpls 55436

St. Paul Motorcycle Escort Club, Inc., PO Box 3264, St.Paul 55101

Shields, J.B., Driver Ed.Range, 1000 N. Snelling Ave., St.Paul 55108

Smith, Michael, 1423 Newton Ave. No., Mpls., Minn. 55411

Thorson,Mork & Henefield,Attorneys at Law,1st Nat.Bank.Bldg., Blooming Prairie 55917

Whiting, Ralph, 555 Wabasha St., Suite 204, St. Paul, Minn. 55102

Cavins, Jane, Ass.General Merchandise Chains, 1625 Eye St.NW, Wash.D.C. 20006

~~Chap Plymouth Con, Attn: Tom J. Haine, 656 W. 98th St., Rm. 14, Mpls. 55420~~

Böse, Vilmar K., Ellerbe Arch.,333 Sibley St., St. Paul 55101

Merlite Industries, Inc., 114 E. 32nd St., New York, N.Y. 10016.

Northern Natural Gas Company, c/o C T Corp.System, 405 2nd Ave.S., Mpls 55401

Northwest Petroleum Ass'n, ~~84 S. 6th St.~~, Mpls. ~~55402~~ 512 Nicollet Mall

~~Sund, C. H. 7000 Portland Ave, Richfield, Mpls. 55423~~

Scherer, Roger E., 7036 Willow Lake, Brooklyn Center 55430

Berkeland, Merle, Fire Marshal, Box 932, Willmar 56201

Buresh, Robert J. 4801 W. 50th St., Edina 55424
Burke, Donald A., 6700 Portland S., Richfield 55423

Hove, Donald E, Fire Chief, 1616 Humboldt Ave, W.St.Paul 55118

Ryden, Bruce, Fire Marshal, 2701 N. Lexington, Roseville 55113

Sherwin Oil Co., 200 S. Water St., Northfield 55057

QUIRIN E W
408 HWY BLDG
ST PAUL MN
55155

RAUENHORST CORP-C ANDERSON
7900 XERXES S. S-2200
MPLS MN
55431

RED OWL STORES INC
215 E EXCELSIOR AVE
HOPKINS MN
55343

RAMSEY CO MEDICAL SOCIETY
1500 LOWRY MEDICAL BLDG
ST PAUL MN
55102

RICHARDSON THOS
7851 METRO PKWY S 103
MPLS MN
55420

ROBBIE JOSEPH
904 CARGILL BLDG NO CTR
MPLS MN
55402

ROBERTS DAVID E
1260 NW NATL BK BLDG
ST PAUL MN
55101

SAN SIMEON DEVELOP CORP
OLD 1ST STATE BK BLDG
PAYNESVILLE MN

SAX DOVE & STENSON
310 ENDICOTT BLDG
ST PAUL MN
55101

ST PAUL ASSN PLBG HTG MECH
614 AM NATL BK
ST PAUL MN

SCARBOROUGH WILLIAM
DIV.ED. U.M.
MORRIS MN
56267

SCHLICHT REV ROBT
611 W MAIN ST
BELLE PLAINE MN
56011

SCHMIDT LARRY WCCO-TV NEWS
50 S 9TH ST
MPLS MN
55402

SCHNEIDER MAHLON
GREEN GIANT
LESUEUR MN
56058

SCHWERMAN EARL JR
1535 8TH AVE SE
ROCHESTER MN
55901

SCHWINN ROBT.P.
1400 SOO LINE BLDG.
MPLS. MN
55402

SENATE COUN OFF J ST MARIE
STATE CAPITOL
ST PAUL MN
55101

SENATE FINANCE COMMITTEE
113 STATE CAPITOL
ST PAUL MN
55101

SHARP BOB
4125 HIGHWOOD RD
ST LOUIS PK MN
55416

SHAW ROBERT M
616 MOBIL OIL BLDG
MPLS MN
55402

SKELLY OIL CO R R WELLINGTON
PO BOX 436
KANSAS CITY MO

SLOCUM CHARLES A
1203 IDS TOWER
MPLS MN
55402

RADMAN RICHARD-LABOR TEMPLE
418 AUDITORIUM
ST PAUL MN
55102

RANALLO CLARENCE
800 CENTRAL AVE N E
MPLS MN
55413

REID DAVID H
5633 WASHBURN AVE S
MPLS MN
55410

RENNER R.H. ST PAUL AREA
300 OSBORN BLDG.
ST PAUL MN
55102

RICHARDS MONTGOMERY ET AL
1430 RAND TOWER
MPLS MN
55402

ROE DAVID
175 AURORA
ST PAUL MN
55103

ROSS ALFRED
6356 WARE RD
LINO LAKES MN
55014

RUDY FLOYD
118 AVE C
CLOQUET MN
55720

SANFORD SID
7000 PORTLAND AVE
RICHFIELD MN
55423

SATHRE, HARVEY
375 MARION STREET
ST PAUL MN
55103

ST PAUL BUR HLTH DR P COX
555 CEDAR ST
ST PAUL MN
55101

ST PAUL FOOD RETAILERS AS
1220 ARCADE
ST PAUL MN
55106

SCHMIDT D R MN ASSN REALTORS
6101 WAYZATA BLVD
MPLS MN
55416

SCHMIDT H W TCHRS RETIREM
302 CAPITOL SQ BLDG
ST PAUL MN
55101

SCHUTZ LINDA
RM 328 CAPITOL BLDG
ST PAUL MN
55155

SCHWARTAU NEAL METH HOSP
201 W CENTER ST
ROCHESTER MN
55901

SCHNEIDER & NEESER
706 1ST ST SO PO BX 876
WILLMAR MN
56201

SCHROEDER ALFRED H
2172 CARROLL AVE
ST PAUL MN
55104

SENATE GOV OP COMM
RM 303 STATE CAPITOL
ST PAUL MN
55155

SHABATURA EUGENE H
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DULUTH MN
55811

SHELL OIL CO. W.A. ROQUET
ONE SHELL PLAZA BX 2463
HOUSTON TX
77001

SITE ENGINEERS INC
900 REDWELL LANE
APPLE VALLEY MN
55124

SMERIKA WN.
BOISE CASCADE PAPERS
INTL FALLS MN
56649

SNELL LYN
BOX 314
EDEN VALLEY MN
55329

MOFFITT R.C. DIR.ENV.CONTROL
MPLS.CITY HALL RM 301M
MPLS MN
55415

MOOD R BLOOMINGTON HLTH DEPT
10200 PENN SO
BLOOMINGTON MN
55431

MPIRG
BOX 45 ST MARYS COLLEGE
WINONA MN
55987

MUELLER SHIRLEY A
787 W COTTAGE AVE
ST PAUL MN
55117

NATL CAR RENTAL ATT D MITZEL
5501 GREEN VALLEY DR
MPLS MN
55437

NATL COUNCIL JEWISH WOMEN
4330 CEDAR LK RD
MPLS MN
55416

NCEC INC C/O DR DAHLBERG
CONCORDIA COLLEGE
MOORHEAD MN
56560

NELSON DONALD E NSP CO
414 NICOLLET AVE
MPLS MN
55401

NEUMAN RALPH W
RT 2 BOX 125
EMBARRASS MN
55732

NIELSEN STOCK & BLACKBURN
415 730 BLDG
MPLS MN

NW COUNTRY ELEVATOR ASSN
802 GRAIN EXCH BLDG
MPLS MN
55415

NURSING HOME ADMRS BD EXAMRS
277 W UNIV AVE
ST PAUL MN
55103

NYQUIST DEAN A
3707 53RD PL N
BROOKLYN CTR MN
55429

O'BRIEN J.DENNIS
1100 1ST NATL.BANK BLDG
MINNEAPOLIS MN
55402

OLD COLONY GAS & OIL COMPANY
17TH AVE N AT 2ND ST
MPLS MN
55411

OSTRUM DONALD E
10213 PIERCE ST NE
BLAINE MN
55434

PATTISON ORVIS
BOX 645
WILLMAR MN
56201

PAYNE COL ALVIN

DEGRAFF MN
56233

PETERSON GARY
854 MIDLAND BK BLDG
MPLS MN
55401

PFEIFER AND SHULTZ, INC
1433 UTICA AVE S
MPLS MN
55416

POPOVICH PETER S
314 MINN BLDG
ST PAUL MN
55101

PORTER LYLE O

TRACY MN
56175

POYZER ROBT
BOX 675
FERGUS FALLS MN
56357

PRAUSE JOS.C.
2220 105TH AVE.N.W.
COON RAPIDS MN
55433

MOONEY, MICHAEL A.
BOX 903, ST.JOHN'S UNIV
COLLEGEVILLE MN
56321

MORTON BUILDINGS INC
R #1
FOLEY MN
56329

NASS GEO V HENN CO GEN HO
5TH AND PORTLAND AVE
MPLS MN
55415

NATL FAMILY INS CO
2147 UNIV AVE
ST PAUL MN
55114

NAT'L SOLID WASTES-R. GRA
1730 RHODE ISLAND AV.NW
WASHINGTON DC
20036

NEDELL HAROLD - MEINEKE
6300 W LOOP S SUITE 200
BELLAIRE TX
77401

NESBITT JOHN
7851 METRO PKWY S 118
MPLS MN
55420

NO SUB MONTESSORI-S SADDLER
2487 HELEN COURT
NO ST PAUL MN
55109

NORTH CENTRAL ELEC ASSN
PO BOX 202
BATTLE LAKE MN
56515

NUTTER JULIA
743 W MONTANA
ST PAUL MN
55117

NW BELL TEL CO LEGAL DEPT
224 S 5TH ST RM 2000
MPLS MN
55402

OCONNOR GREEN THOMAS ET AL
845 NW BANK BLDG
MPLS MN
55402

OFFICE OF THE GOVERNOR
130 STATE CAPITOL
ST PAUL MN
55101

OTTER TAIL POWER CO.
215 S. CASCADE ST.
FERGUS FALLS MN
56537

PAYNE WM B
2400 FIRST NATL BK BLDG
MPLS MN
55402

PETERSON JOHN W
510 NW BK BLDG
ST PAUL MN
55101

PHAR MFGRS ASSN WM D PATTON
1155 15TH ST NW
WASHINGTON DC DC
20005

PHILLIPS LEGISLATIVE SERV
459 RICE ST
ST PAUL MN
55103

PORT AUTH CITY OF ST PAUL
330 MINNESOTA BLDG
ST PAUL MN
55101

POSS DONALD G
6301 SHINGLE CREEK PKWY
BROOKLYN CTR MN
55430

PULSCHER RBT SPRINGSTED INC
813 OSBORN BLDG
ST PAUL MN
55102

MINN APT ASSN
GRIGGS-MIDWAY BLDG
ST PAUL MN
55104

MN. ASN.C&IND H.D.PETERSON
480 CEDAR ST.
ST.PAUL MN
55101

MINN ASSN COOPERATIVES
55 SHERBURNE AVE
ST PAUL MN
55103

MINN ASSN ELEC COOPERATIVES
4901 W 77TH ST
MPLS MN
55435

MINN AUTOMOBILE DEALERS ASSN
GRIGGS MIDWAY BLDG
ST PAUL MN
55104

MINN COMM FOR HANDICAPPED
METRO SQ 492 7TH & ROBT
ST PAUL MN
55101

MINN DEPT HEALTH J C MCKASY
717 DELAWARE S E
MPLS MN
55440

MINN DENTAL HYGIENISTS
5041 YVONNE TERRACE
MPLS MN
55436

MINN FARMERS UNION PRES OFF
1275 UNIV AVE
ST PAUL MN
55104

MINN FOOD RETAILERS ASSN
555 WABASHA
ST PAUL MN
55101

MINN HOUSING INST N T CARTER
7801 METRO PKWY
MPLS MN
55420

MINN HWYS MANAGEMENT SERVICE
407 HWY BLDG
ST PAUL MN
55101

MINNE MINE CREDIT UNION
3000 HUDSON PK S 100
ST PAUL MN
55119

MINN.MTR.TRANSP. .J.N.DENN
1821 UNIV.
ST.PAUL MN
55104

MN REP STATE CENTRAL COMM
555 WABASHA AVE
ST PAUL MN
55102

MINN RETAIL HARDWARE ASSN
3033 EXCELSIOR BLVD 313
MPLS MN
55416

MINN SCH BUS OPERATORS ASSN

FARIBAULT MN
55021

MINN STATE BAR ASSN
100 MINN FED BLDG
MPLS MN
55402

MINN ST BD PHAR P G GRUSSING
1965 FORD PKWY
ST PAUL MN
55116

MINN STATE RETIREMENT SYSTEM
529 JACKSON ST
ST PAUL MN
55101

MINN TEAMSTERS CREDIT UNION
2021 HENN AVE E
MPLS MN
55413

MINN VETERANS MED ASSN
24 S 6TH ST
MPLS MN
55402

MINN WATER RESOURCES BD
RM 206 555 WABASHA ST
ST PAUL MN
55102

MINN AFL-CIO, L O LA SHOMB
414 AUDITORIUM ST
ST PAUL MN
55102

MINN ASPHALT PAVEMENT ASS
555 WABASHA RM 209
ST PAUL MN
55102

MINN. ASSN. PET RETAILERS
1115 2ND AVE. SO.
MINNEAPOLIS MN
55403

MINN ASSN WATERSHED DIST'

ADA MN
56510

MINN COMMUNITY DEVELOP SERV
512 ROSSMOR BLDG
ST PAUL MN
55101

MINN COUNCIL STATE EMP NO
475 RICE ST
ST PAUL MN
55103

MINN ELECTRICAL ASSN INC
525 SO 7TH
MPLS MN
55415

MINN ENV LAW INST INC
PO BOX 15076 COMM STA
MPLS MN
55415

MINN HEREFORD-LJ SCHAFER

BUFFALO LAKE MN
55314

MINN. HOTEL & MTR. ASSN
2001 UNIVERSITY AVE
ST PAUL MN

MINN LAND USE COMMITTEE
4344 IDS CENTER
MPLS MN
55402

MINN LP GAS ASSN
7515 WAYZATA BLVD 106
MPLS MN
55426

MINN PETROLEUM COUNCIL
1020 NORTHERN FED BLDG
ST PAUL MN
55102

MINN POULTRY & HATCHERY A
BOX 158
MADELIA MN
56062

MINN RESTAURANT ASSN
2001 UNIVERSITY AVE.
ST PAUL MN 55
104

MINN RETAIL FEDERATION
7600 PARKLAWN STE 457
MPLS MN
55435

MINN SOCIETY ARCHITECTS AIA
NW NATL BK BLDG
ST PAUL MN
55101

MINN SOC CERTIFIED PUB AC
1102 WESLEY TEMPLE BLDG
MPLS MN
55403

MINN STATE CAPITOL EMP UNION
PO BOX 3215
ST PAUL MN
55165

MINN STATE MED ASSN
375 JACKSON ST
ST PAUL MN
55101

MINN TBR PRODUCERS ASSN
200 CHRISTIE BLDG
DULUTH MN
55802

MINN.TURKEY GROWERS ASSN
2383 UNIV AVE
ST PAUL MN
55114

MINN-WISC BOUNDARY AREA COMM
600 2ND ST
HUDSON WI
54016

MN PUB INT RESEARCH GROUP
3036 UNIV AVE SE
MPLS MN
55414

KNUTSON R N GRANNIS ETAL
F J SCHULT BLDG
ST ST PAUL MN
55075

KOLLER MR & MRS ERWIN A
1568 DULUTH ST
ST PAUL MN
55108

KRONLOKKEN J E
10048 NORD RD
BLOOMINGTON MN
55437

LANGVIN DAVID
7500 80TH ST S
COTTAGE GROVE MN
55016

LANSING & OAKES
400 SIBLEY ST
ST PAUL MN
55101

LARSON HANS P DIV HOSP SERV
717 DELAWARE ST SE
MPLS MN
55440

LEAGUE MN MUNIC
300 HANOVER 480 CEDAR
ST PAUL MN
55101

LINDALL & JONATHAN DEVELOP.
VILLAGE ONE CENTER
CHASKA MN
55318

LOCKNER GARY
R R 1 BOX 23
BAUDETTE MN
56623

LYNCH DONALD SIBLEY CO
184 E 6TH ST
ST PAUL MN
55102

MCKIBBON MRS SHIRLEY
11 EVERGREEN LN
BABBITT MN
55706

MCLELLAN LARKIN
215 ADM BLDG ST CAPITOL
ST PAUL MN
55101

MANKATO STAT STUDENT SENATE
CENTENNIAL STUDENT UN
MANKATO MN
56001

MANKATO STATE STUDENT ASSN
BOX 58 MANKATO COLLEGE
MANKATO MN
56001

MAUL WARREN E
320 S 4TH ST
MPLS MN
55415

MAYO FOUNDATION G ORWOLL
200 FIRST AVE NW
ROCHESTER MN
55901

MERRITT GRANT POLLUTION CONT
1935 W CO RD 32
ROSEVILLE MN
55113

MET TFR MEN ASSN A ROSENTHAL
1821 UNIV AVE
ST PAUL MN
55104

MILLER RICHARD A
1020 PLYMOUTH BLDG
MPLS MN
55402

MILLER TOM
2311 PILLSBURY AVE S
MPLS MN
55404

MPLS STAR PRESS ROOM
STATE CAPITOL
ST PAUL MN
55101

MPLS TRIBUNE CITY DESK
425 PORTLAND AVE
MPLS MN
55415

KOPP MRS VERNON
2050 65TH ST E
INVER GR HGHT MN
55075

KRAMER ERNEST W
717 DELAWARE ST SE
MPLS MN
55440

LAKE SUPERIOR INDUSTRIAL BUR
828 FIRST AM. BK. BLDG.
DULUTH MN
55802

LANAHAN E F - SIBLEY CO
184 E 6TH ST
ST PAUL MN
55101

LAPP LAZAR LAURIE ET AL
1200 BUILDERS EXCHANGE
MINNEAPOLIS MN
55402

LARSON C L
3800 MINNEHAHA AVE SO
MPLS MN
55406

LEAGUE WOMEN VOTERS OF MINN
555 WABASHA
ST PAUL MN
55102

LIBBEY LEONARD
BOX 17011 NOKOMIS STA
MPLS MN
55417

LOOS CALVIN J
6809 LYNDALE AVE SO
MPLS MN
55423

LOWE DOUG
2701 N LEXINGTON AVE
ROSEVILLE MN
55113

MCDONALD PHILIP M
2077 SELBY AVE
ST PAUL MN
55104

MCFADDEN G H DISPATCH-PR
55 E 4TH ST
ST PAUL MN
55101

MALONE E I COMM LABOR & I
444 LAFAYETTE RD 5TH FL
ST PAUL MN
55101

MANTHEY T J PICKANDS MATHER
1100 SUPERIOR AVE
CLEVELAND OH
44114

MASTOR & MATTSON LTD
315 PEAVEY BLDG
MPLS MN
55402

MECCA
867 GRAND AVE
ST PAUL MN
55105

MEIEROTTO, JOAN
1794 SO LEXINGTON
ST PAUL MN
55118

METROPOLITAN COUNCIL LIBRARY
300 METRO SQUARE
ST PAUL MN
55155

MIDLAND GLASS- HD SPURLIN
PO BOX 69
SHAKOPEE MN
55379

MPLS CHAMBER COMM TRANSP DPT
15 S 5TH ST
MPLS MN
55402

MPLS CITY ATTORNEY
325M CITY HALL
MPLS MN
55415

MIDLAND GLASS-HD SPURLING
PO BOX 69
SHAKOPEE MN
55379

MILLER PAUL J PHARMACY SE
ST MARYS HOSP
ROCHESTER MN
55901

HARVEY MICHAEL
1390 W M HAHA PKWY
MPLS MN
55409

HALLBERG LEE & MCCABE
4927 34TH AVE S
MPLS MN
55417

HESS DONALD MIDWEST PLANNING
2101 HENN BLDG
MPLS MN
55405

HART PATRICK V
112 E LIBERTY BOX 3271
MANKATO MN
56001

HEINTZ MARY ELLEN
PO BOX 599
CINCINNATI OH
45201

HEISENFELT WM
BOX 516
BEMIDJI MN
56601

HINRICHSEN PATRICK
MANKATO FREE PRESS
MANKATO MN
56001

HOLDAHL SCOTT
380 N BLDG GRAIN EXCH
MPLS MN
55415

HOUSE APPROPRIATIONS COMM
RM 109 STATE CAPITOL
ST PAUL MN
55101

HOUSE ED STANDING SUB COMM
RM 109 STATE CAPITOL
ST PAUL MN
55101

HUMAN RIGHTS DEPT
60 STATE OFF BLDG
ST PAUL MN
55101

HUNT JAMES P JR
11470 GALTIER DR
BURNSVILLE MN
55378

INGEBRIGTSEN DR K H
23 SE 4TH ST
MPLS MN
55414

IUOE LOC 49 CHAS SWENSON
2580 UNIV AVE
ST PAUL MN
55101

IVERSON DR JOS DEPT ED
ST OLAF COLLEGE
NORTHFIELD MN
55057

JACKMAN DONALD G
4023 E LAKE ST
MPLS MN
55406

JENOS INC
525 LAKE AVE SO
DULUTH MN
55801

JOHNSON M.D. FRUNDT & FRUNDT

BLUE EARTH MN
56013

JOHNSON LANCE J
265 S LAFAYETTE RD
ST PAUL MN
55107

KEABLE MIKE
909 6TH AVE N
ST CLOUD MN
56301

KEENAN RICHARD J
4444 IDS BLDG
MPLS MN
55402

KLOSTER MARION PEAVEY CO
730 2ND AVE S
MPLS MN
55402

KLUZ STEVEN J
1910 1ST NATL BK BLDG
MPLS MN
55402

HAYES,THOMAS W
700 SELLWOOD BLG
DULUTH MN
55812

HEALTH MANPOWER C LARSON
717 DELAWARE ST SE
MPLS MN
55440

HARTFELDT WILL
415 HAMM BLDG 6TH ST
ST PAUL MN
55102

HEAD & TRUHN
1007 SOO LINE BLDG
MPLS MN
55402

HICHINGER-MARK PLANNING
421 WABASHA ST
ST PAUL MN
55102

HILL JIM ASSOC.MILK PROD
7850 METRO PARKWAY
MINNEAPOLIS MN
55420

HOPKINS WM.B. DIR.MISCCA
3915 GOLDEN VALLEY ROAD
GOLDEN VALLEY MN
55422

HOULE MELVIN
881 W HWY 96
SHOREVIEW MN
55112

HULSTRAND ANDERSON & LARSON
PO BOX 130
WILLMAR MN
56201

HULTMAN WARREN R
C/O BARBAROSSA R3
OSSEO MN
55369

HUTCHISON R.M. ANOKA CO.COMP
COURT HOUSE
ANOKA MN
55303

HYLAND DEAN
1501 W 50TH ST
MPLS MN
55419

INGVALSON VERN MN.FARM BUR.
3110 WOODDALE DR PO 337
OST PAUL MN
55165

INS FED OF MINN
902 SOO LINE BLDG
MPLS MN
55402

IZAAK WALTON LEAGUE MN DIV
106 TIMES BLDG 57 S 4TH
MPLS MN
55401

JENSEN CARL A
127 E MAIN ST
SLEEPY EYE MN
56085

JOHNSON & SANDERSON
ST MARYS HOSPITAL
ROCHESTER MN
55901

KABLE RICHARD W

BETHEL MN
55006

KIMBALL ROBERT
647 CAPITOL SQ BLDG
ST PAUL MN
55101

KING,TIMOTHY
3333 OAKLAND AVE S
MPLS MN
55407

KNVDSON ROBT
4375 BROWNDALE AVE
MPLS MN
55424

KNUTSON DR KEITH,BIOLOGY
ST CLOUD STATE
ST CLOUD MN
56301

ENV SERV-GEN RESOURCE CORP
6340 INDUSTRIAL DR
HOPKINS MN
55343

ERDMAN ROGER TENNANT CO
701 N LILAC DR
MPLS MN
55441

EVANS CHAS.L. PRENTICE-HALL
ENGELWOOD CLIFFS
NEW JERSEY

EVERETT JERRY NW PETRO ASSN
512 NICOLLET MALL RM917
MPLS MN
55402

FAEGRE & BENSON ATTN LIBR
1260 NW BANK BLDG
MPLS MN
55402

FINLEY JAMES F
920 MINN BLDG
ST PAUL MN
55101

FINNEGAN J.R.
55 E. 4TH
ST.PAUL MN
55101

FITZGERALD DR BOB
3007 LYNDALE AVE SO
MPLS MN
55408

FORBES GORDON MINN RRS ASSN
203 HANOVER 480 CEDAR
ST PAUL MN
55101

FRANKLIN ROBERT B MPLS TRIB
426 PORTLAND
MPLS MN
55415

FREDIN CONRAD M
811 FIRST NATL BK BLDG
DULUTH MN
55802

FURLONG DR JOHN
RT 1
BOVEY MN
55709

F W WOOLWORTH CO
3316 W 66TH ST
EDINA MN
55424

GEBERT K L
220 GRAIN EXCH
MPLS MN
55415

GENERAL MILLS INC-CORP ENG
9000 PLYMOUTH AVE N
MPLS MN
55427

GIEL DAVID
RM B-28 STATE CAPITOL
ST PAUL MN
55155

GLEESON MICHAEL
909 SOC SC BLDG U OF M
MPLS MN
55455

GRAHAM THOS H
854 MIDLAND BK BLDG
MPLS MN
55401

GRANATH MARVIN -HONEYWELL
2701 4TH AVE SO
MPLS MN
55408

GREEN JANET
9773 N SHORE DR
DULUTH MN
55804

GUSTAFSON DAN-LABOR TEMPLE
312 CENTRAL
MPLS MN
55414

H B FULLER CO
2400 KASOTA AVE
ST PAUL MN
55108

HANFT PHILIP M
1200 ALWORTH BLDG
DULUTH MN
55802

ERNEST K LEHMANN & ASSOC.
1409 WILLOW ST.
MPLS MN
55403

ESSE KENNETH
4801 W 50TH ST
EDINA MN
55424

EWALD DOUGLAS MINN HOSP ASSN
2333 UNIV AVE SE
MPLS MN
55414

EWING MRS WM
42 ASTAR RD
BABBITT MN
55706

FARMERS ELEVATOR ASSN
852 GRAIN EXCH BLDG
MPLS MN
55415

FELHABER R S
W 1ST NATL BANK BLDG
ST PAUL MN
55101

FLADLAND CLINTON MN L&P BUR
796 RAYMOND AVE
ST PAUL MN
55114

FLEMING FREDERICK A
1860 HIGHLAND PARKWAY
ST PAUL MN
55116

FORSBERG AGR SERV
518 SUMMIT AVE
NEW ULM MN
56073

FOX W.E. LINDQUIST & VENN
4200 IDSCTR 80 S.8TH ST
MINNEAPOLIS MN
55402

FREDRIKSON BYRON ET AL
47TH FLR IDS CENTER M
PLS MN
55402

FROST THOS R
RM 391 STATE OFF BLDG
ST PAUL MN
55155

GALVIN M J JR
W2162 1ST NATL BK BLDG
ST PAUL MN
55101

GEO A HORMEL & CO LAW DEPT
PO BOX 800
AUSTIN MN
55912

GEORGE K GRANSE CO
1477 SELBY AVE
ST PAUL MN
55104

GLEN. HILLS HOSP.R.VAN HAUER
3901 GOLDEN VALLEY RD.
MPLS. MN
55422

GODIN RALPH J
3824 47TH AVE SO
MPLS MN
55406

GREEN DEL CITY MGR
BLOOMINGTON CITY HALL
BLOOMINGTON MN
55431

GREEN GARY J
41 SHERBURNE AVE
ST PAUL MN
55102

GUSTAFSON WALLACE
BOX 567
WILLMAR MN
56201

HANSON ETHEL
2813 85TH AVE N
MPLS MN
55444

HAROLD J WESTIN CONSTRUCT
45 E 8TH ST
ST PAUL MN
55101

CAIN RUTH
730 E 38TH ST
MPLS MN
55407

CARLSON VERNE E
BOX 755 CITY HALL
WILLMAR MN
56201

CARRISON DALE K
MANKATO STATE COLLEGE
MANKATO MN
56001

CHAMBER OF COMMERCE
30 SO 1ST AVE EAST
ELY MN
55731

CHAMBERLAIN JOHN L
PO BOX 241
MPLS MN
55440

CHRISTIANSEN FREDRIK
RM 505 CAPITOL SQ BLDG
ST PAUL MN
55155

CITY CLERK
386 CITY HALL
ST PAUL MN
55102

CLAUSEN PHILLIP
2255 PRESCILLA ST
ST PAUL MN
55108

COLEMAN NICHOLAS D
700 LINWOOD AVE
ST PAUL MN
55105

CONCORDIA COLLEGE
DEAN
MOORHEAD MN
56560

CONSUMER SERVICES DEPT COMM
5TH FLR METRO SQ BLDG
ST PAUL MN
55101

CRAVEN NORMAN
10637 THOMAS AVE S
BLOOMINGTON MN
55431

CROW WING CO PLANNING & ADV
COURT HOUSE
BRAINERD MN
56401

DANFORTH & ALLEN
731 NW BANK BLDG
MPLS MN
55402

DANKERS,KENNETH
1200 WEST FOURTH STREET
RED WING MN
55066

DICKINSON MRS JOANNE
BOX 1065
MARSHALL MN
56258

DIEHL JOHN
26 KENWOOD PKWY
ST PAUL MN
55105

DOUGLASS BELL
525 OSBORN BLDG
ST PAUL MN
55102

DOW CHEMICAL
47 BLDG
MIDLAND MI
48640

DUNN OLIVER PLUMBERS LOC 15
708 SO 10TH ST
MPLS MN
55404

ELDER DR JAMES B
11140 WASHBURN AVE SO
BLOOMINGTON MN
55431

ELDRED R W ARMOUR & CO
UNION STOCK YARDS
SO ST PAUL MN
55075

CAIPNS JOHN A
1460 NW BK BLDG
MPLS MN
55402

CARLSON CARL L
7516 80TH ST S
COTTAGE GROVE MN
55016

CENTRAL BUSINESS DATA
BENSON RADIO ARCADE BLD
BENSON MN
56215

CENTRAL MN REGIONAL DEV C
1139 FRANKLIN AVE
SAUK RAPIDS MN
56379

CHERCHES CHRIS CITY MGR
5005 MTKA BLVD
ST LOUIS PARK MN
55416

CHRISTIAN SCI COMM ON PUB
1821 UNIV AVE SUITE 271
ST PAUL MN
55104

CITIZENS LEAGUE
530 SYNDICATE BLDG
MPLS MN
55402

CLARKSON J.B.
2350 I.D.S. CENTER
MINNEAPOLIS MN
55402

COLLIN LAURENCE
RT 2
ISANTI MN
55040

COMMUNITY DESIGN CENTER
118 E 26TH ST
MPLS MN
55404

COUNTY ATTYS COUNCIL
95 SHERBURNE AVE S203
ST PAUL MN
55103

COX AND KING
600 BUILDERS EXCH
MPLS MN
55402

CUSHMAN J S DAYTON HUDSON
700 NICOLLET MALL
MPLS MN
55402

DANIELSON RODNEY L
418 AUDITORIUM
ST PAUL MN
55102

DAYTON CHAS SIERRA CLUB
800 MIDLAND BANK BLDG
MPLS MN
55401

DISPATCH PIONEER PRESS
PRESS RM STATE CAPITOL
ST PAUL MN
55101

DORSEY MARQUART
2400 1ST NATL BANK BLDG
MPLS MN
55402

DOYTON MAURICE, MET SEWER BD
350 METRO SQ BLDG
ST PAUL MN
55101

DUDLEY E H
RT 7 BOX 122
EXCELSIOR MN
55331

EBELING EDWARD H.
161 W. MAIN
PERHAM MN
56573

EDINA FIRE D JAMES MCNELL
4801 W 50TH ST
EDINA MN
55424

ELMER EDWIN W
2901 PLEASANT AVE
MPLS MN
55408

EMERICK RICHARD A
1908 IDS CENTER
MPLS MN
55402

ALBERT,AA CALDER CORP
366 JACKSON ST
ST PAUL MN
55101

AM INST PROF GEOLOGISTS
2201 PRINCETON AVE
ST PAUL MN
55105

ANCHOR BLOCK COMPANY
PO BOX 3360
ST PAUL MN
55165

ANDERSON HAROLD
BOX 3047
MANKATO MN
56001

ANDERSON JAMES
7703 NORMANDALE RD
MPLS MN
55435

ANTHONY R.S. E.L.M.
1222 FOURTH ST. S.E.
MINNEAPOLIS MN
55414

ARMOUR AND COMPANY
UNION STOCK YARDS
SO ST PAUL MN
55075

ARVER JOHN A
2467 COHANCY
ST PAUL MN
55113

ASMUSSEN,DENNIS,MPIRG
3036 UNIV AVE SE
MPLS MN
55414

ASSN OF MINN COUNTIES
55 SHERBURNE AVE #203
ST PAUL MN
55103

ASSN RESIDENCES FOR RETARDED
459 RICE SUITE 301
ST PAUL MN
55103

BABCOCK LOCHER NELSON ET AL
118 E MAIN ST
ANOKA MN
55303

BADALICH JOHN P
2025 THOMPSON AVE
SO ST PAUL MN
55075

BARTHOLOW HAROLD E FIRE CHF
2600 109 AVE N W
COON RAPIDS MN
55433

BEUTEL ROBERT
2200 SILVER LAKE RD
NEW BRIGHTON MN
55112

BEMIDJI STATE COLLEGE
PLACEMENT BUR.J.C.BRADY
BEMIDJI MN
56601

BENSONI PETER USW OF AM.
609 PROVIDENCE BLDG.
DULUTH MN

BEUTEL ROBERT
2200 SILVER LAKE RD
NEW BRIGHTON MN
55112

BLOMQUIST BARRY L

NORTH BRANCH MN
55056

BRIGGS & MORGAN - B F FRIEL
2200 W 1ST NATL BK BLDG
ST PAUL MN
55101

BRIGHAM E M III
RR4
RED WING MN
55066

BROWN D M GOODRIDGE PUB SCH
IND DIST #561
GOODRIDGE MN
56725

BRUBACHER RICHARD COMM ADM
208 ADM BLDG
ST PAUL MN
55101

BURGER ALBERT
600 DEGREE OF HONOR BLD
ST PAUL MN
55101

BUR.ENGR.IND.DIV. MR.KIBIGER
219 N. 2ND ST.
MPLS. MN

ALTMAN MILTON H
707 DEGREE OF HONOR BLD
ST PAUL MN
55101

AM CAMPING ASSN MRS LEACO
1235 BRIGHTON SQ
NEW BRIGHTON MN
55112

ANDERSON GRAHAM
951 E HENN
MPLS MN
55414

ANDERSON HERBERT
418 8TH ST. SO.
VIRGINIA MN
55792

ANDERSON STANFORD P
14600 MINNETONKA BLVD
MINNETONKA MN
55343

ANTHONY DICK WDSM RADIO
230 E SUPR ST
DULUTH MN
55102

ARNOLD ROBERT MESPA
41 SHERBURNE
ST PAUL MN
55103

ARROWHEAD REGIONAL DEV CO
900 ALWORTH BLDG
DULUTH MN
55802

ASSOCIATED GEN CONTROF MN
910 BUILDERS EX BLDG
MPLS MN
55402

ASSOCIATED INDUST OF MPLS
NATIONAL BLDG
MPLS MN
55402

AUTOMOBILE MFRS ASSN INC
55 SHERBURNE AVE
ST PAUL MN
55103

BARRETT FRED
ST LOUIS CO COURT HOUSE
DULUTH MN

BARKER KENT
8100 34TH AVE SO
MPLS MN
55420

BECKLIN ROBERT C
447 N W 4TH
CAMBRIDGE MN
55008

BEECHER EVERETT
10 10 1ST ST SO
HOPKINS MN

BERGERUD ALF
300 ROANOKE BLDG
MPLS MN
55402

BEST FLANAGAN ET AL
1ST NATL BANK BLDG
MPLS MN
55402

BLOOMINGTON CITY CLERK
2215 W OLD SHAKOPEE RD
BLOOMINGTON MN
55431

BREHL JAMES W
332 HAMM BLDG
ST PAUL MN
55102

BROEKER JOHN
2850METRO DR. SUITE 504
BLOOMINGTON MN
55420

BROOKS WILLIAM F JR
854 MIDLAND BK BLDG
MPLS MN
55401

BRUNING C.R.DEPT.CLINIC.EXP.
BURTON HALL
MPLS. MN
55455

BUCHHOLTZ CHARLES
5044 BRENT AVE E
INV GRV HTS MN
55075

BUR NATL AFFAIRS INC
1231 25TH ST NW
WASHINGTON DC
20037

BUSCH NOEL
3131 FERNBROOK LANE N
MPLS MN
55441

SNYDER ROBERT W
248 CO B [redacted] OF M
ST PAUL MN
55101

SODERMAN ANTHONY
15[redacted]S PLAZA BLDG
MPLS MN
55416

STATE BD VETERINARY EXAMINER
C/O DR A C SPANNAUS DVM
WACONIA MN

STD AM LIFE & ANNUITY CO
3801 W 50TH ST
MPLS MN
55410

STROBEL LOUIS
RM 1180 176 E 5TH ST
ST PAUL MN
55101

STOLPESTAD BROWN & SMITH
1550 NW BK BLDG
ST PAUL MN
55101

SUMMIT NATL BANK D L MORRILL
205 AURORA AVE
ST PAUL MN
55103

SUSSEL CO.ATTN:TED SCHWENKER
1850 COMO AVE.
ST PAUL MN
55108

SWANSON GERALD H
212 CITY HALL
ROCHESTER MN
55901

SWEITZER R L HONEYWELL INC
2701 4TH AVE S
MPLS MN
55408

THOMPSON CONRAD
1107 23RD ST NW
ROCHESTER MN
55901

THOMPSON HESSIAN ET AL
1500 MIDWEST PLAZA BLDG
MPLS MN
55402

TWIN CITY RETAIL DRUGGIST AS
2388 UNIV AVE
ST PAUL MN
55104

VAN CLEVE JOHN H
2101 HENN AVE
MPLS MN
55405

VAN DRAKE STEPHEN R
BOX 353
PELICAN RAPID MN
56572

VILLAGE OF WOODBURY-F.STRONG
561 TOWER DRIVE
NEWPORT MN
55055

VOLDNESS PERRY
IDS 8TH & MARQUETTE
MPLS MN
55402

WALD JEAN
5746 SANDER DR
MPLS MN
55417

WANQUIST ALLEN
RM 252 FEDERAL BLDG
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414 NICOLLET MALL
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OSSEO MN
55369

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676 17TH AVE NW
NEW BRIGHTON MN
55112

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401 FIRST FED BLDG
ST PAUL MN
55101

STANSFIELD ARLENE LAND OLKS
PO BOX 116
MPLS MN
55440

STATE BD.BARBER EXAMINERS
555 WABASHA
ST PAUL MN
55102

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BOX 250
BABBITT MN
55706

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AUSTIN MN
55912

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MIDTOWN BLDG
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55912

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PO BOX 200
BOISE ID
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W-2162 1ST NATL BK BLDG
ST PAUL MN
55101

SWANSON DALE
P O BOX 339
FOREST LAKE MN
55025

TATE VERN 3M CO
3M CENTER 220/6W
ST PAUL MN
55101

TIMESAVERS INC ATT R S VOLD
5270 HANSON COURT
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55422

TOUCHE ROSS & CO K H STOC
780 NORTHSTAR CNTR
MPLS MN
55402

UNION STOCK YARDS
ATTN PRES
SO ST PAUL MN
55075

VAN EVERA MUNDT ET AL
700 TORREY BLDG
DULUTH MN
55802

VERRILL JOHN E
DEPT SECONDARY ED UOF M
DULUTH MN
55812

VOSS REV GORDON O
11120 NE 7TH ST
BLAINE MN
55434

VOS LEROY
2137 BURNS AVE
ST PAUL MN
55119

WALIGORA ROBERT
3228 SO 17TH AVE
MPLS MN
55407

WALTERS THOS H
4510 W 77TH ST STE 235
MPLS MN
55435

WESTIN CHAS W
220 MEDICAL ARTS BLDG
DULUTH MN
55802

WHITLOCK A G
ECON LAB OSBORN BLDG
ST PAUL MN
55102

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1GATEWAY CENTER
PITTSBURGH PA
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WIS FEEDER PIG MARKET CO-

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STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

HIGHWAY BUILDING

ST. PAUL, MINNESOTA 55155

In the Matter of:

The Proposed Adoption of Rules of the State Department of Public Safety Relating to the Use, Storage, Transportation and Handling of Explosives and Blasting Agents.

Transcript of proceedings taken in the above-entitled matter, and taken before Martha E. Cahill, a Notary Public in and for the County of Ramsey, State of Minnesota, on Thursday, the 1st day of May, 1975, commencing at approximately 9:00 o'clock in the morning in Conference Room A, Veteran's Service Building, located in the City of St. Paul, Minnesota.

* * *

Hemlock
ERASABLE
RAG CONTENT

APPEARANCES:

PHILLIP A. IVERSON, Chairman.

JAMES STOCKTON, Assistant State Fire Marshal.

EARL MOORE, Bureau of Alcohol, Tobacco and Firearms.

JAMES MASSOTH, Bureau of Criminal Apprehension.

MARVIN L. SEMAN, Bureau of Criminal Apprehension.

TOM JENSEN, Assistant Attorney General.

* * *

WHEREUPON, the following proceedings were duly had: --

* * *

MR. IVERSON: I'll bring this hearing to order. My name is Phillip A. Iverson, Minnesota Commissioner, Department of Public Safety, and I will be presiding over this hearing today. The other members of the panel with me are Mr. Jim Stockton, to my left, Assistant Fire Marshal; Earl Moore, to my far left, Bureau of Alcohol, Tobacco and Firearms; James Massoth, to my far right on this side of the reporter; and Marvin L. Seman, next to him, Bureau of Criminal Apprehension; to my right, Tom Jensen, Assistant Attorney General; and I think most of you have signed in. If you have not, I would like you to do so. This hearing is being held this 1st day of May, 1975, in Conference Room A of the Veteran's Service Building, St. Paul, Minnesota, commencing at 9:00 o'clock a.m., and continuing until all representatives

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of associations or other interested groups or persons have had an opportunity to be heard concerning the proposed adoption of rules of the State Department of Public Safety governing the use, storage, transportation and handling of explosives and blasting agents. The need to adopt these rules arises because in the matter of the proposed adoption of rules of the State Department of Public Safety relating to the use, the storage, the transportation and handling of explosives and blasting agents, the above-captioned rules repeal and replace the existing rules of the Department of Public Safety. The rules were originally promulgaged July 25th, 1967, and were amended October 27th, 1970. The need to adopt these rules arises because of the legislative mandate in Minnesota 1974, Section 299F.19, Subdivision 1, which states that the State Fire Marshal shall make, promulgate and enforce reasonable rules and regulations for the safekeeping, storage, handling, use, transportation, or other disposition of flammable liquids and flammable gasses, blasting agents and explosives. The current regulation originally provided rules for the manufacture, transportation, storage and use of explosives and blasting agents. Amendment in 1970 provided for additional administrative authority, increased storage security requirements and rules for the sale and disposition of explosives.

On February 4th, 1974, the Commissioner of Public Safety, pursuant to Minnesota 1971, Section 299A.01, Subdivision 1, and Laws 1973, Chapter 720, Section 34, transferred the enforcement functions and related regulations of the provisions of Minnesota 1971, Sections 299F.71-299F.83 from the State Fire Marshal to the Bureau of Criminal Apprehension. The proposed regulation makes the following administrative and techincal changes to correct problems associated with the current regulations: 1. References to the State Fire Marshal are changed to the Superintendent of the Bureau of Criminal Apprehension. 2. The regulations repeal and replace the provision of State Fire Marshal regulations 351 through 395. 3. The age requirement has been changed from twenty-one to eighteen to reflect current State law. 4. Black powder has been reduced in classification from a Class A explosive to a Class B explosive because it is low explosive. 5. The Federal requirements for the storage of explosives have been adopted since the Federal requirements are more practical and flexible. 6. Several internal inconsistencies within the regulations have been eliminated. 7. The regulations have been made consistent with Federal regulations and current State statutes. 8. The storage requirements for amonium nitrate have been deleted as it is not consistent

to require special storage for amonium nitrate that was to be mixed into a blasting agent and not have any requirement for storage of amonium nitrate that was to be used as a fertilizer. Signed by the Commissioner of Public Safety, Edward G. Novak, on 3-19-75. All interested persons will be given an opportunity to give testimony limited to the subject of this hearing. It is permissible to present written material which should be marked as an exhibit and introduced for the record. Statements or briefs, types on 8½ x 11 inch paper, may be submitted after the hearing to the Commissioner of Public Safety, State Highway Building, St. Paul, Minnesota, 55155. Such statements must be postmarked no later than midnight, May 21st, 1975. Those who have indicated on the attendance sheet their desire to speak will be called upon first, and, thereafter, any others will be given the opportunity to speak. Please speak clearly so that our court reporter does not miss anything. Before making your statement, introduce yourself, spell your name, and give the name and address of the association you represent. Before we begin taking testimony this morning, I would like to call on Assistant Minnesota Attorney General, Tom Jensen, who is with me here on the panel, and he'll explain the procedural rules and will introduce the exhibits for this

hearing. Mr. Jensen?

MR. JENSEN: As Mr. Iverson has noted, this is a hearing pursuant to the Minnesota Statute, Chapter 15, on the proposed regulations of the Department of Public Safety governing the use, storage and transportation and handling of explosives and blasting agents. The proposed rules will be considered one at a time and those who have comments on the particular rules please wait until that rule is being considered, and I would like to reiterate that it's important for the people who address the meeting to identify themselves and whatever organization, on whose behalf they are speaking. Other than that, I think that Mr. Iverson has covered the ground rules quite adequately. At this time, I have six exhibits which are identified as Exhibits A through F. Exhibit A being the Notice of Hearing; Exhibit B, the Statement of Need for these rules; Exhibit C, the Order for Hearing; Exhibit D, the Certificate of Mailing, which has been signed by the Secretary of State; Exhibit E, the Affidavit of Mailing Notice to Interested Parties; and Exhibit F, which is the Appointment and Delegation of the Commissioner of Public Safety, relating to the transfer of functions from the State Fire Marshal to the Bureau of Criminal

Apprehension for the adoption of these rules. At this time, I would like to introduce those exhibits for the record.

MR. IVERSON: Thank you, Mr. Jensen. At this time, I would like to read into the record a change that has come about since we have given the Notice of Hearing, and that change is Page 1, Line 29e. f. "Also, they shall not apply to recognized bomb technicians acting in an official capacity under emergency conditions." Now, the reason for this change -- did you get that? Would you like me to repeat that? On Page 1, Line 29e.f., "Also, they shall not apply to recognized bomb technicians acting in an official capacity under emergency conditions." Now, the reason for that change is this: To exempt bomb technicians who may find it necessary in the course of their duties to transport cap and high explosives together in a prime condition. At this time, I'll call on our first speaker who is listed on the sheet requesting permission to give testimony here, and I'll take them in the order as they are listed. So, at this time, I would like to call on Mr. Sid Sanford. Give your name, spell it, who you represent.

MR. SANFORD: Mr. Chairman, ladies and gentlemen, my name is Sid Sanford. Please excuse my

cold. I live at 7000 Portland Avenue, Richfield. I appear in two capacities; one for myself as a person in the electrical trade and some small portion that may concern itself with the activities of sportsmen of the State or especially of the United Sportsmen of Minnesota. I would first like to state that I have had considerable experience both in connection with the Minnesota State Board of Electricity in the field of explosives, having one time been employed in ballistics and served as a specialist on many technical panels on explosives with the N.F.B.A. and Underwriter's Laboratories on their Electrical Council. One of the first items I would like to clarify is: Is it recognized in the rules that power-actuated tools actually use what is sometimes used as a blank cartridge and not to be confused with the possible prohibitions in some other section referring to blank ammunition as a fireworks? Referring to -- I don't know whether there is any further recognition. You see, being familiar with the N.F.B.A. standard, I know there is reference in some of it to blank cartridges being somewhat in the category of fireworks and I didn't want that confusion. I don't think it is there. I would like to ask the question.

MR. MASSOTH: As far as I know, they are not mixed here and not classified as a fireworks.

I don't understand your specific question on power-actuated devices.

MR. SANFORD: Like sub-guns. You see, sub-guns are used in the setting of studs into concrete or steel in construction. A .22, that just uses a small arm ammunition.

MR. JENSEN: It is a cartridge .22. Small arm ammunition is not included in here. I believe later on there is a section on the primers, standard primers, but not the ammunition.

MR. SANFORD: Okay. Thank you. I would next refer to a provision on electrical, which I believe you will find on page 34. This is a chapter that deals with general provisions; premixed water gels, onsite mixed water gels. Amonium nitrate is also used, I think. In this State, we have considerable experience with amonium nitrate. Then, I go down, beginning on line 17 on page 34, with a reference to electrical wiring, "Shall be in armored cable or in conduit and if dry ingredients are employed, the wiring shall confirm to the requirements of Class II, Division 2, of the National Electrical Code, NFPA No. 70, 1965 Edition. I think the reference of the '65 edition probably should be corrected, should have a more recent reference than that, and when I think within the matter of a couple of weeks you might

find that we'll be referring to that '75 edition. Then, let's go back to line 18, armored cable and conduit. Our experience here in the State of Minnesota has shown a corrosive effect of amonium nitrate, especially if it is handled in such a way to billow in the air and settle upon wiring of any kind, conduit included, that extreme corrosive conditions take effect within a very short period of time. I don't find reference in the Hazardous Locations provisions of the National Electrical Code that would allow armored cable under such a condition. A question of whether that is taken from a reference; may I ask that question, Mr. Chairman?

MR. IVERSON: Mr. Stockton?

MR. STOCKTON: That would refer back to our '65 code, which was the original design for the code that we had here under our blasting agents and explosives, '67 495.

MR. SANFORD: However, I think you will find that is only a partially exempt part that in Class II, Division 2 deals with dusts and explosives. It will also deal with corrosive atmospheres, in which case armored cable would not be considered; and here we are dealing in this chapter, we are dealing with a corrosive atmosphere.

MR. STOCKTON: There is nothing that would be prohibited if you went back to the '65 Electrical Codes and intertwine the two, because I think this still refers to 495 as presented in that Code. Update, yes, possibly it might be a good suggestion.

MR. SANFORD: Mr. Chairman, I did serve on the formulation of the 1965 National Electric Codes and I can tell you that at that time we did deal with many specific conditions and that this particular condition here would exclude, under the '65 Code, the use of armored cable, and so I don't think that you would want to make reference to that type of wiring or wiring method in that paragraph in that particular atmospheric condition. The difference between the Division 1 and the Division 2 should also be noted, and it would be safer, I think, to make a specific reference to the Code without mentioning a wiring method at all because in this paragraph you are dealing with several conditions and the Code itself would spell out whether that was to be considered a Class I-Division 1 or 2 or even so far as that goes, for some of the modern techniques, techniques of explosives, if it would be Class I-Division 1 even, so I think it's something that you would not want to

be specific here about but rather allow the Code to be specific. That is my suggestion.

MR. IVERSON: We'll have it in the record as a suggestion.

MR. SANFORD: At the bottom, on line 27, when the Code speaks of bonding, they usually speak of it electrically and mechanically bonded so that it is firm and especially as it has to do with hazardous locations, and there are other more important items in the National Electric Code that would apply to classifications such as this and one of them being capacitor-type lightning arrestors in this particular area, geographical area. Another reason that you would get into difficulties with the Code is because in some conditions it would call for a specific Group E type of fitting, which is polished and not capable of accepting or allowing corrosive chemicals to lodge in crevasses, corners, cracks and deteriorate the equipment; so that comes into play and another reason for probably making the reference to the Code. Mr. Chairman, I'd now like to leave that subject and go into something that possibly sportsmen may be concerned with. On page 37, where it speaks of starting -- on line 15 -- smokeless propellant, it reduces quantity over 20 pounds, not to exceed 50 pounds within a one inch thickness box. I

think that is probably a reasonable way to store powder and I do question -- you know, here is one of the common practices amongst groups of clubs and shooters: They pool their resources and buy a 25 pound keg or 50 poung keg, whatever the case might be, and then divide it up. So, the only thing I could possibly suggest there that -- well, I don't know -- how do they get such a quantity from a supplier in the stores until they get it divided up? Someone is going to have a 25 pound keg or 50 pound keg and they are going to divide it up, so how do they go about complying with the law? Ultimately, it will wind up probably 20 pounds in each business, but it is a thought that there is a practice there that might be recognized.

MR. IVERSON: Your testimony will, again, be entered in the record.

MR. SANFORD: I'd leave that and go to page 38, Mr. Chairman, where it refers to small arm ammunition primers, B.C.A. 49D, "Not more than 10,000 small arm primers may be stored in residences." I think that possibly -- I know so far as most of us are concerned, this is probably reasonable, but there are those organizations which may, again, pool their resources and many persons get

together somewhere and probably they reload -- especially crap clubs I would envision. I am not a crap shooter. I don't know, but it's something to think about. Here again, they may pool their resources, purchase more than that amount and proceed to handle this reloading in the shells in order to save money and they may at some time exceed that 10,000 primer until they divide it up. I don't know, but the transportation of it to that point might come into play and I see no reference to black powder, and I do recognize that there is a State statute that limits the private possession to five pounds. This has been changed to the Federal level, to 50 pounds, and I am happy to learn that. Somewhere, there must be a reference here to the Federal statute. You made mention of it, Chairman Iverson, but there is, somewhere here, a reference to Federal statutes.

MR. MASSOTH: Your question regarding black powder: The user of black powder would be exempt for storage. The only reference in the State statute is to the purchase of it. If an individual purchases more than five pounds, they have to provide suitable identification. There is nothing as far as the storage.

MR. SANFORD: But in order to conform to Federal, it would seem that corrective legislation would be necessary through the Legislature to change to the 50 pound Federal limit. The statute now limits it to five pounds.

MR. MASSOTH: No, it doesn't.

MR. SANFORD: I thought the statute did.

MR. MASSOTH: No, the statute says specifically, people that are going to use black powder are exempt.

MR. SANFORD: We are all right, then. We just conform to the Federal level. Okay. We are happy. I thank you very much, Mr. Chairman. I thank you especially for the opportunity to speak before your committee.

MR. IVERSON: At this time, I would like to call on Mr. Jesse Contino.

MR. CONTINO: Mr. Chairman, members of the panel, ladies and gentlemen, my name is Jesse Contino. I am an employee of Dow Chemical and a member of the Institute of Makers of Explosives. I am representing the Institute at today's hearing. The Institute of Makers of Explosives represents 12 major manufacturers of explosives. Previous to this

hearing, the Institute submitted specific written comments on a proposal pending the outcome of this hearing. Further written comments may be presented before the May 21st deadline. We wish to offer the services of the Makers of Explosives to the Committee. We would like to express our willingness to assist in any way, to assist in making regulations reasonable and uniform; so at this time, I have no specific oral comments, but as the course of the hearing progresses, I might have. Thank you.

MR. IVERSON: Thank you. I would now call on Mr. Bruce Turnbull.

MR. TURNBULL: I am Bruce Turnbull. I am employed by the DuPont Company. DuPont is also an I.M.E. member company and I am an I.M.E. representative. I support both gentlemen here in saying I am also not going to make any specific comments here. We'll submit written comments on or before May 21st, either as DuPont or I.M.E. In general, I want to commend you. I think you have done a good job in putting these proposals together. My own comment is, and here my written comments will reflect this, I think based on what I have read and the list of references you have in back, I think you may have used some obsolete or what we consider now out-of-date material. They don't quite

reflect the newer developments in products and, also, in the way of handling. I have with me, and I don't know if you also have these, the up-to-date I.M.E. publications. I am going to also present to you, if you wish, also number three, which I see you have there, the latest in the storage, handling and transportation of explosives. I also have a later "Blasters' Handbook" that you refer to, and this is also pretty much out of date. I'll be glad to present you with a copy of that. I also would like to emphasize that we are going to give you any assistance that you may need on the regulations or codes. We recently did a similar type service for the State of Alaska. We'll give you a copy of what we presented to them, if you wish. They came to us prior to the start-up of the pipeline construction. Why, they came to the I.M.E. and asked for help, and we talked to them and put together the proposed regulations which are basically what you see there, the 1973 edition, and '74 edition, of the I.M.E. Company. We'll be willing to participate in any way that we can help you in preparing your codes.

MR. IVERSON: We appreciate that very much.

MR. TURNBULL: I guess that is all I'll give you now. We'll submit more detailed

comments before the May 21st deadline.

MR. IVERSON: Thank you for being here. At this time, I'd like to call on Mr. Robert W. Sharp.

MR. SHARP: My Chairman, ladies and gentlemen, my name is Robert W. Sharp. I reside at 4125 Highwood Road, St. Louis Park, and I speak as a member of the St. Louis Park Sportsmen's Club. I have no formal testimony, but I do have a couple of questions and a point or two. Would you please turn to page 7, section BCA5. This is the last paragraph on that page. Without reading the paragraph, I'll refer to the last sentence, "This provision shall not apply to handloading of small arms ammunition prepared for personal use and not for resale." Which we think is quite fair. However, this leaves up in the air the status of the individual we call the custom hand loader who made his home a small shop and produced custom-loaded ammunition for sale. Now, is it the case then that such a custom handloader be licensed by the Superintendent?

MR. MASSOTH: Yes. We have, indeed, issued licenses to individuals who reload and then sell the ammunition.

MR. SHARP: This procedure is now

established?

MR. MASSOTH: Yes, it is.

MR. SHARP: Is there a fee for that license?

MR. MASSOTH: No, there isn't.

MR. SHARP: Thank you very much. That clears up that point. May we turn to page 38 again, please. I would like to say that I think the panel has done an excellent job and I want to congratulate you. Some of the questions I had have already been asked by Mr. Sanford and settled. I would like to get a distinct classification on the use of the word "primers". We are referring to a primer that is, has a percussion element contained in the small little case and not to primers contained in the fixed round; is that correct?

MR. MASSOTH: That is correct.

MR. SHARP: Very good. In other words, when you say that in Item E, "not more than 10,000 small arm ammunition primers may be displayed in commercial establishments," we mean just that?

MR. MASSOTH: That is correct.

MR. SHARP: Very good. Thank you. I appreciate the chance to speak.

MR. IVERSON: Thank you very much. That ends the list of persons who have indicated that they

would like to give testimony at this time. Now, I'd like to open the hearing to anyone in attendance here that might like to make a statement concerning these rules and regulations.

MR. MILLER: I am Jim Miller, the Explosives Safety Engineer of the Gap Division of Honeywell Corporation. I reside at 4482 North Snelling, St. Paul, and I represent Honeywell, or our division here, and my question concerns page 6, the applicability and exemptions and I suggest that we have here a new paragraph added to this, perhaps in the same area as C or D that would exempt certain people from the regulation; those people specifically that are under the complete and total control of the Federal Department of Defense. Our corporation, for example, is -- and in our division we operate entirely under that, we operate entirely under the Contractors' Safety Manual 4145, and I would suggest that we add an exemption for that for the following asons: That throughout the entire thing here, that there are areas where we can momentarily be in violation of the Code. For example, we have up at the Elk River Area, we have several thousand acres up there in which we do contract work for the Federal Government. That is completely and totally under their control and surveillance. For example, in the Code here

where it says that the superintendent and any law enforcement agent may at any time inspect our records or may inspect the site on which we do this. We have a problem there in that we have to guarantee and maintain the security of the area from what would develop under the espionage laws of the United States and we do at times handle explosives. For example, we'll put a pellet of explosive for test work into a vehicle and transport it within our area. This is not on the public highways. But I did not find, when I looked through here, I did not find that there was any exemption for this type of work, that it seemed to me that we would be in violation thereof. We don't mean, under any circumstances, to exclude the representatives of the Commissioner to inspect our areas like that, but we do have the problem of restricting it to a number of people. For example, if Mr. Massoth there has been out there and looked over the place, fine, we welcome him, but to have a law enforcement agent come out there, he is empowered by these regulations, we feel, to look over the area, yet at the same time we have to guarantee his security and I suggest that under -- on paragraph 6, that under the BCA, applicability and exemptions, that there would be an exemption to these regulations made for those people

that are not members of the Armed Forces of the United States or Canada that are not in the Bureau of Mines, that are not in the Federal Bureau of Investigation, Secret Service and so on, yet we are completely controlled by the Federal Government on that. We are subject to examination by DECAS, the Defense Contract Administrative Services. We have those people, their safety officers come there on a periodic basis. They come out of DECAS in St. Louis to inspect us. We would welcome men such as your Mr. Massoth. We would welcome any reasonably -- but at the same time we feel that we are going to be restricted in that we will momentarily, at any rate, be under violation such that we would be, we would have to be constantly on the alert for this. Now, if some reasonable person did arrive and say, You have that pellet in that trailer out there that you are hauling from your pressing facility where we press explosives out to, say, a test area half a mile away to fire it. We would be in violation of that even though we are not on a public highway, we are in that area, but we would have to be constantly alert for anything like this and I feel that the exemptions to these specific people close to this, operating on strict Federal Government contracts, would be exempt from these rules because these people, and in our case

particularly we are under their constant surveillance and we have this problem of espionage laws, problems of security law. If someone were to say, "We would like to look at your establishment." We'll say, "No, you cannot." Because we are required by contract to exclude them until we have satisfied ourselves that these people are not subversive or what have you. So, I suggest that under BCA3, applicability and exemptions, page 6, that we have an exemption in there and this will clarify large parts of this thing. For example, the Superintendent -- I am looking at page 6 right now --"the Superintendent or his authorized agent may restrict the quantity of explosives or blasting agent that may be handled at any location, city, county, state or any other area." We have no objection to that, provided that we have a reasonable . . . we have right now, we have in that area, thousands of pounds of explosives. These things are in magazines that are approved by the Federal Government and made to their specifications. They are in a fully-reveted area. That is, we have high dirt backs around them. Any explosion, if one of the magazines lets go, mostly up in the air. These are in the center of our reservation of 2600 acres and so on. We have no objection to any inspections by the Commissioner or his delegate, but we

do feel that there should be an exemption in there. I am not saying that we are so good at this that we can do anything that we want and that the Commissioner has no jurisdiction nor does the Commissioner have any right to inspect us. I am not saying that at all, but we'll be constantly burdened by the necessity of checking the many things, whereas the exemptions to this would eliminate the whole thing.

MR. IVERSON: Your comments will certainly be considered and they are in our record, and when we bring this before the Commissioner for review, you certainly will be noticed. Thank you very much. Anyone else that would like to speak regarding this hearing?

MR. MOSS: Robert Moss, I represent Federal Cartridge Corporation, and we would like to submit a written statement rather than going into some detailed items. I join with Mr. Miller in respect to making up the Federal exemptions, particularly paragraph CF, I believe, in the Federal Regulation 181, that exempts paragraph CF and H of Section 181.141 of the Federal Regulations of Explosives, Title 26. I think these exemptions address themselves to the problem addressed by Mr. Miller and I would like to have a clarification relative to the statement of small arms

primers versus the matter of power-actuated cartridges. I believe Mr. Massoth made a statement of a distinction and I unfortunately missed it.

MR. MASSOTH: What the rules and regulations refer to are the individual primers and specifically what we are thinking of is primers and packages. We are not talking about, and it does not include the primers that would be in a regular loaded round such as a .22 round that is used for a stud, whatever. We have no intention of placing restrictions on those type of items, so they would not be included as a power-actuated device.

MR. MOSS: Cartridges specifically designed for a power tool would be covered, as I understand these regulations?

MR. MASSOTH: Yes, that are specifically designed, but not a regular .22.

MR. IVERSON: Thank you very much, Mr. Moss. Anyone else back there who had a hand up?

MR. OLSON: I am Ken Olson of Olson-Efrom, Incorporated, and I have a question of Item 10, page 13, operation of transportation vehicles, six of which were inspected by H.E.F. twice a year and it was brought out to them to find out what the legal

age being changed throughout the country would do and he said that actually it's twenty-one. You, the State of Minnesota, says 18, so if we come in here with a group of 18-year olds, we are legal with the State of Minnesota, but are we legal with the H.E.F.?

MR. MOORE: You are talking about the driver of a vehicle?

MR. OLSON: The State of Minnesota states 18 years of age and an agent told us it was still 21.

MR. MOORE: That is right. It would be a conflict, so actually, you would be still illegal in your state.

MR. MASSOTH: Not under State rules, but Federal.

MR. OLSON: I think it's something that should be clarified. Something is going to draw a violation.

MR. IVERSON: We'll certainly consider that.

MR. OLSON: And also, on page 11, I have a comment on this, which we have been doing all the time, calling a superintendent 24 hours prior, but you have proposed licensing dealers which in turn will be able to issue permits to users, and if this is the

case, you have licensed dealers and we issue you, at the end of each week, the Bureau of Criminal Investigation, a copy of explosives used per user. I can't see how this call 24 hours in advance should have to be considered. If we are going to be licensed dealers, there are not going to be that many licensed dealers . . .

MR. IVERSON: I'll call on Mr. Massoth.

MR. MASSOTH: You are talking about really two separate areas. First of all, when you are talking about the licensed dealers and dealers-issued permit, that is part of the statute, not part of the rules and regulations. What the rules and regulations are referring to is there are explosives that are shipped across the State line. Now, I don't understand your saying that if you want to issue a permit to somebody, then you want to get away from this requirement of --

MR. OLSON: Of calling in 24 hours, but still giving you the weekly information on an invoiced bill sent out at the end of every month.

MR. MASSOTH: It seems to me still that it would be going across the State line and we should have that notification.

MR. OLSON: Irregardless of that,

you are moving it on the highway, right.

MR. MASSOTH: This is talking specifically across the State line.

MR. OLSON: I understand, but if we are going to be a licensed dealer, you would have your control for us as a licensed dealer, and we are in compliance of the rules. We are across the Minnesota border.

MR. MASSOTH: I don't see where the problem is. The people that you are selling to now should have permits anyway. If you are selling it and delivering it, all those people should have permits.

MR. OLSON: But what I am getting at is this 24 hour call. It raises the telephone bill.

MR. MASSOTH: Is there any other way that you can give us advanced notification?

MR. OLSON: No, there isn't.

MR. MASSOTH: The only other thing I can say is that we can consider your comment.

MR. OLSON: I wish you would. I guess that is all.

MR. IVERSON: Thank you, sir. The floor is open for comments or questions.

MR. MAKI: I am Gerald Maki, Irico Chemicals. Page 2, line 28, getting into primers as a

Class A explosive; then I refer to page 9, line 23, getting into primers and, "prime cartridges shall not be stored in the same magazine with other explosives." I think that is a contradiction. We, in the industry, refer to detonating primers as cast boosters or primers and they are Class A explosives. We normally stored them along with detonating for Class B or Class A explosives. I think there is a contradiction right here.

MR. IVERSON: Any comment?

MR. MASSOTH: I think you may be talking about semantics here, but we'll consider your comment.

MR. SANFORD: Mr. Chairman, it just occurred to me to ask another question, this time of a standard or regulation bordering on that portion of a standard which is normally under the jurisdiction of the State Fire Marshal and the Fire Chief. Is there some particular reason why this is to be the regulation of the Criminal Apprehension Department rather than the Fire Marshal? Is there something there? I noticed the title here applies to the Criminal Apprehension Department rather than Fire Marshal. Could you explain that?

MR. IVERSON: I'll ask our attorney, Mr. Jensen, to inform you on that.

MR. JENSEN: It's just a legislative shift in responsiblity from the State Fire Marshal to the Bureau of Crime. They are all within the Department of Public Safety, so there is no connotation in itself, just a legislative turn.

MR. SANFORD: Yes, the Fire Marshal is formerly the person that is trained in the job.

MR. IVERSON: All right. Anyone else who would like to testify at this time?

MR. DOLE: My name is Bill Dole. I am with Dole Explosives at Rosemont, Minnesota. I just have a couple of very minor items. On page 16, Item BCA14, Item B, "No blasting cap shall be inserted within the explosives without first making a hole in the cap with a wooden plunge." And there people who use approved plunges that are not wood. I'd like to see that changed to an approved plunge. And BCA15, a warning required before a blast is fired, "a loud warning signal be given." There are a lot of people in Minnesota as well as other states who have set up systems of warning and clearing an area which does not involve a loud or audible sound. It may involve hand signals. I'd like to see loud warning deleted from that. A loud signal does not apply in all cases. That

is all I have to cover that won't be covered by DuPont later.

MR. IVERSON: At this time, I am going to call on Attorney Jensen to make a correction here and an insertion.

MR. JENSEN: At the commencement of the hearing, there had been an addition to the rules and I think that the change which Mr. Iverson read previously should go on page 6, at the end of line 20. Thank you.

MR. IVERSON: Thank you, Mr. Jensen. Anyone else like to testify at this time? Anything regarding this hearing today?

(No response.)

MR. IVERSON: Anyone on the panel here? Mr. Moore, would you like to comment?

MR. MOORE: No, sir, I don't think I can add anything.

MR. IVERSON: Mr. Stockton, do you have any comment?

MR. STOCKTON: No.

MR. IVERSON: We heard from Mr. Massoth on it. Would you like to add any comment?

MR. MASSOTH: No, sir.

MR. IVERSON: Mr. Seman?

MR. SEMAN: No.

MR. IVERSON: Mr. Jensen?

MR. JENSEN: No.

MR. IVERSON: There will be 20 days allowed for post-hearing comments of evidence, statements or briefs. Such statement must be typed on 8½ x 11 inch paper and must be mailed to the Commissioner of Public Safety, State Highway Building, St. Paul, Minnesota, 55155, and postmarked no later than midnight, May 21st, 1975. This concludes our hearing this morning. This meeting is adjourned. Thank you very much.

* * *

Hemlock ERASABLE CONTENT

REPORTER'S CERTIFICATE

I hereby certify and state that I recorded in stenotype the foregoing proceedings of the State of Minnesota Department of Public Safety, taken on the 1st day of May, 1975, at St. Paul, Minnesota.

I further certify and state that thereafter I caused to be transcribed into typewriting the foregoing transcript of said proceedings, consisting of the preceding thirty-two typewritten pages.

I further certify and state that the said transcript of such statement is true and correct to the best of my ability.

Martha E. Cahill

Martha E. Cahill
Court Reporter

DATED: This 8th day of May, 1975.

MARTHA E. CAHILL
NOTARY PUBLIC - MINNESOTA
RAMSEY COUNTY
My Commission Expires Jan. 14, 1982

Exhibit H

INSTITUTE OF MAKERS OF EXPLOSIVES

HARRY L. HAMPTON, JR.
Secretary-Treasurer

420 LEXINGTON AVENUE · NEW YORK, N. Y. 10017 · PHONE (212) 689-3237

April 22, 1975



Mr. Edward G. Novak
Commissioner of Public Safety
State of Minnesota
Bureau of Criminal Apprehension
1246 University Avenue
St. Paul, Minnesota 55104

Dear Mr. Novak:

This is in reference to your notice of a public hearing on proposed rules on explosives to be held in St. Paul on May 1, 1975. We are planning to have a representative of the Institute of Makers of Explosives to attend the hearing. As you may know, the I.M.E. is a trade association representing the major producers of commercial explosives in this country. We have worked closely with local, county, state and federal groups in the preparation of laws and regulations. For many years we have issued publications and suggested codes for the safe manufacture, transportation, storage and use of industrial explosives.

We wish to take this opportunity to comment on the proposed regulations as follows:

> The term "cordeau detonant fuse" should be replaced by "detonating cord" throughout the regulations to agree with the modern nomenclature used by the industry and the consumers of this commercial product to distinguish it from an earlier product formerly used in blasting operations.
>
> Note: It is found in part (d) under BCA "Definitions on page 2, and in part (4) under BCA 7 "Storage of Explosives" on page 9.
>
> BCA 8 "Transportation of Explosives" part (h) on page 11 requires that the Superintendant be advised 24 hours in advance of any interstate shipments of explosives into Minnesota. Part (i) provides for an exception for regularly scheduled deliveries at least once a week if no deviations from the time-table are made.

Blasting operations do not lend themselves to a rigid schedule because of unforeseen changes in production requirements, changes in the material being blasted, unforeseen breakdowns of equipment and changes in weather conditions. Consequently, it is not generally practical for the operator to schedule explosives deliveries sufficently far in advance to meet these requirements.

Therefore, we recommend that these requirements be deleted for the operators' records will show the sources of supply and the details of his explosives purchases.

BCA 10 "Operation of Transportation Vehicles", part (a), page 13 requires that motor vehicles transporting explosives shall be driven by a person not less than 18 years of age. It is recommended that the age limit be increased to 21 years because of the great responsibility involved which requires maturity.

Also, that this change be made in all other chapters where the age limit occurs:

(1) BCA 11 "Use of Explosives" part (a), page 15; (2) BCA 33 "Storage of Blasting Agents and Supplies", part (g), page 30, BCA 34 "Transportation of Blasting Agents", part (b), page 31.

BCA 13 "Loading of Explosives in Blast Holes", part (b), page 17 states that "tamping shall be done with wood or plastic rods...". The word approved should appear before "plastic rods" for all plastic materials are not suitable for tamping poles. Some plastics may: (1) generate hazardous accumulations of static electricity, (2) be dangerously flammable, (3) be too hard from a shock and friction standpoint, (4) be too soft to stand physical abuse, and (5) absorb nitroglycerin.

BCA 14 "Initiation of Explosives Charges", part (f), page 18, We recommend that the time for remaining away from a misfire should be increased from 30 minutes to one hour.

Also delete the word "designed" from part (g) and insert in its place or other instruments approved" for there are several other testing instruments in widespread use.

BCA 20 "Sale and Disposition of Explosives", part (d), page 23, requires mailing weekly reports to the Superintendent. To keep paper work to a minimum without the loss of information, it is recommended that all records be made available to the Superintendent on request.

Also, part (e) requires that the suppliers shall not deliver or transfer explosives to anyone who does not meet the safety standards of the regulations. This part appears to place an undue responsibility on the supplier after the material leaves his property. It should be deleted or amended to place the responsibility where it rightly belongs.

BCA 32 "Mixing of Blasting Agents", part (a), page 25, refers to the American Table of Distances (6/5/64) found in Part 181 of Title 26, Code of Federal Regulations, Internal Revenue Service. "The American Table of Distances" as revised and approved by the Institute of Makers of Explosives on November 5, 1971, should replace this information here and elsewhere in these regulations.

"Appendix", 2 references, part (a) should be corrected to show the revised edition of November 1971 of the "American Table of Distances", and part (b) should show the "Safety Guide for the Prevention of Radio Frequency Radiation Hazards in the Use of Electric Blasting Caps" of March 1971.

Note: We are enclosing copies of these Institute of Makers of Explosives publications, and including Publication No. 3, "Suggested Code of Regulations" for your information.

I wish to express our appreciation for your consideration in reviewing our comments.

Very truly yours,

J. W. Bastian

J. W. Bastian
Safety Consultant

Exhibit I

THE DOW CHEMICAL COMPANY
ABBOTT ROAD BUILDINGS
MIDLAND, MICHIGAN

May 30, 1975





Mr. Philip A. Iverson
State of Minnesota
Department of Public Safety
211 Highway Building
St. Paul, Minnesota 55155

Dear Sir:

With respect to your new BCA regulations for the manufacture, transportation, storage and use of explosives, I would like to make the following comments on behalf of The Dow Chemical Company.

BCA 2,b Definition of a blasting agent.

We are in full agreement with your present definition, which includes the statement "not otherwise classified as an explosive and in which none of the ingredients are classified as an explosive." To eliminate this statement would allow any company to put explosives into a mixture as long as it passed the number 8 blasting cap test.

For example, T.N.T. is a self explosive which will explode at 280° C. or 536° F. If a product which contained T.N.T. was in a fire such things as water solvents, etc. contained in the explosives would boil off leaving T.N.T. in the residue which would explode whereas a true blasting agent probably would not.

It is possible to produce many different explosives which contain self explosives ingredients, that when shipped will not detonate with a number 8 test cap because of water or other quenching chemicals contained in mixture. However, in a fire these chemicals evaporate changing the mixture to a sensitive explosive composition which will detonate in a fire or with a test cap, i.e. the mixture becomes as sensitive as the ingredient which is classified as an explosive.

BCA 32 d (5)

We recommend the definition from IME publication Number 3 6:024 e and f.

e. Metal powders, such as aluminum, shall be kept dry and shall be stored in containers or bins which are moisture-resistant. Solid fuels shall be used in such manner as to minimize dust explosion hazards.

f. Peroxides and chlorates shall not be used.

The hazard of metal dusts and perchlorates are far different than peroxides and chlorates. Peroxides and chlorates can be very unpredictable in mixture and should not be used without special permission. Metal dusts and powders and perchlorates are and have been used in blasting agents and explosives for years without problems and are chemically quite safe.

Yours very truly,

Charles H. Grant

Charles H. Grant
Manager, Explosives

cc: Bruce Kanuch, Patent Dept., The Dow Chemical Company
Jesse Contino, Legal Dept., The Dow Chemical Company

mrd

Exhibit J



Will you please prepare a reply for me.

Mr. Novak

I received word of your future decision on M.S. 1971 Section 15. 0412 Sub d. 4., and I feel this is a mistake in reguards to powder and primer storage. If this passes it will eleminate many good sporting goods stores who can't afford your bunker, trap and skeet shooting, bench rest shooting and to top it off, muzzle loading.

This is the first letter I've written in years to a state officer., So you know how strongly I feel about this.

Please keep me informed as to whats going on.

Thankyou for listening

Jim Thune
410 South Kendall
Thief River Falls Minn
56701

Phone # 218-681-3274

May 13, 1975

Mr. James Thune
410 South Kendahl
Thief River Falls, MN 56701

Dear Sir:

The public hearing regarding the Rules and Regulations for the storage, transportation and use of explosives was held on May 1, 1975.

Please let me assure you that the proposed Rules and Regulations will not result in the elimination of any sporting goods stores, or other interested sports people. Bunkers are not required for the storage of smokeless powder or primers; but rather simply wooden cabinets or boxes having walls of at least one inch nominal thickness. A commercial establishment can store up to 750 pounds of smokeless powder in the above mentioned cabinets, and one million small arms ammunition primers.

Individuals who reload ammunition for their own use, are exempt under Minnesota Statutes 1971, Section 299F.72. The above exemption also includes the ammunition and components for antique and replica muzzle-loading rifles, pistols, muskets, shotguns, and cannons.

If you have any additional questions regarding the storage or use of explosives, please contact the Bureau of Criminal Apprehension, at 1246 University Avenue, St. Paul, phone number 612-296-6905.

Sincerely,

Edward G. Novak
Commissioner of Public Safety

EGN/tg

Exhibit K

OUR OWN

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ESTABLISHED IN 1901

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DEPARTMENT OF PUBLIC SAFETY APR 30 1975 To Fwd to File

April 29,, 1975

Mr. Edward G. Novak
Commissioner of Public Safety
State Highway Building
St. Paul, Minnesota 55155

M.S. 1971 Sec. 15.0412 Subd. 4.

Dear Mr. Novak:

In reference to adopting rules relating to the storage,handling and sale and disposition of explosives etc. I wish to submit the following suggestions in regard to the above.

No. 1. Permit application: Leave the permit application as is, Chapter 299F.75. so that we as dealers may issue permits, and that local police and county Sheriffs have the right to do same. It creates an undue hardship for our customers who are nearly 100% Farmers to locate and find at home or elsewhere, the person to issue a permit to purchase dynamite. We find that in being able ;to issue these permits we are servicing our area without undue hardship to our customers.

90% of our customers purchase small amounts of dynamite, we handle normally four to five different types, we would like to see that we are able to have part of a 50 lb. case, or case of each available in our warehouse, so we don't have to travel 10 miles to get four or five sticks of dynamite, from our main magazine.

We can't see the idea of providing flood lights at the magazine areas This is not an item to advertise as to where our magazine is located. Our senator Mr. Ed. Schrom knows where ours is located and how inaccesable it is.

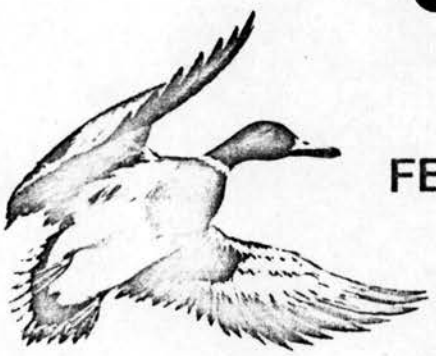
If cities like Minneapolis and St. Paul wish to have different regulations than we have let them frame their own regulations, but leave us service our customers without undue hardship.

Thanking you.

Yours truly,

William H. Blenker

Exhibit L



FEDERAL CARTRIDGE CORPORATION

2700 FOSHAY TOWER
MINNEAPOLIS, MINNESOTA 55402

DEPARTMENT OF PUBLIC SAFETY
MAY 2[illegible] 75
Fwd to _____
File _____

May 19, 1975

Commissioner of Public Safety
State Highway Building
St. Paul, Minnesota 55155

Re: Proposed Adoption of Rules - Explosives and Blasting Agents

Dear Sir:

Federal Cartridge Corporation submits, herewith, a statement (two copies) in connection with the proposed Adoption of Rules Governing the Use, Storage, Transportation and Handling of Explosives and Blasting Agents.

If we can provide additional information, please contact the undersigned.

Very truly yours,

FEDERAL CARTRIDGE CORPORATION

Counsel

RDMoss:eg
Enclosures

In the matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing the Use, Storage, Transportation and Handling of Explosives and Blasting Agents.

Statement of

FEDERAL CARTRIDGE CORPORATION

May 19, 1975

Federal Cartridge Corporation, a Minnesota corporation, has been engaged in the manufacture of sporting, military and law enforcement ammunition at its Anoka Plant, Anoka, Minnesota, for over 53 years. It is currently licensed by the State of Minnesota (No. 279) and by the federal government under Title I, Gun Control Act of 1968, for the manufacture of ammunition for firearms; and Title XI, Organized Crime Control Act of 1970, for the manufacture of explosives. It also operates the Twin Cities Army Ammunition Plant, New Brighton, Minnesota, under contract with the Dept. of the Army.

The proposed rules appear to be substantially a restatement of the Rules and Regulations of the State Fire Marshal, adopted July 1967 and amended October 1970. However, in condensing and rearranging the rules and regulations previously set forth in eleven chapters to four chapters, some ambiguities may have been created - particularly with respect to the exemption of small arms ammunition and components from the regulations, except with regard to storage requirements.

Part 181 of Title 26, Code of Federal Regulations also contains exemptions which it is believed should be incorporated in the proposed rules and regulations.

In addition, some suggested changes in terminololgy are offered for purposes of clarification or consistency with other applicable regulations.

It is believed that the following recommendations are consistent with prior regulations of the State Fire Marshal and interpretations thereof, and the provisions of Minnesota Statutes 1971 299F.71 through 299F.83, as amended by Laws 1973 - Chapter 725, and suggested codes such as NFPA-495; IME Publication No. 3 - dated August, 1974; and the Uniform Fire Code - 1973 Edition.

References are to chapter, page, and line.

BCA-3 Page 6 Line 15

Recommendation:

It is recommended that the exemptions of Part 181 of Title 26, CFR, be added to the exemptions of BCA-3, particularly the following:

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

181.141 (f) 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.

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

Purpose:

The addition of these exemptions would avoid any misunderstanding with respect to those activities under the exclusive jurisdiction and control of the United States Government.

BCA-3 Page 6 Paragraph f Line 26

Recommendation:

In lieu of phrase, "Will cause unnecessary hardship", insert phrase, "for good cause, including unnecessary hardship".

Purpose:

The possibility exists that different regulatory agencies will promulgate rules and regulations that may conflict in interpretations, definition or applicability with respect to regulated items or subjects.

BCA-3 Page 7 Paragraph g Line (5)

Recommendation:

Delete phrase "at all times" and insert phrase "during business hours" in lieu thereof.

BCA-3 Page 7 Paragraph g Line 11

Recommendation:

Delete phrase "at any time", and insert phrase "during business hours" in lieu thereof.

Purpose:

This change will conform to 26CFR, Section 181.24, on the same subject.

BCA-8 Page 12 Paragraph j Lines 1 and 2

Recommendation:

Reference to "Chapter 3" should read, "Chapter 4".

This exemption should be expanded to read as follows:

> "j. This chapter does not apply to the transportation, display, use, sale or transfer of small arms ammunition, cartridges for propellant-actuated power devices, small arms ammunition primers and components."

Purpose:

The exemption of small arms ammunition, etc., appears in a number of paragraphs of Chapter I, but not in all paragraphs where the term "explosive" is used - see BCA 20, 21, 22, 23, 24; also BCA 6(b) and BCA 6(d). It is believed that this term reflects the intent of the previous regulations and the proposed regulations with respect to transportation, transfer, use, sale, display or disposition of small arms ammunition and components, as stated.

Previous interpretations of the State Fire Marshal's office were that the requirements of BCA 20 (SFM 390), BCA 21 (SFM 392), BCA 22 (SFM 393), BCA 23 (SFM 394), BCA 24 (SFM 395) and BCA 6 (SFM 354) were not applicable to small arms ammunition and components.

BCA-9 Page 12 Paragraph (b) Line 14-17

Recommendation:

Insert "Class A" and "Class B" in the first sentence, to read as follows:

"b. Every vehicle while being used for transporting Class A or Class B explosives shall be marked ....."

Purpose:

D. O. T. Regulation, Paragraph 177.823, requires placarding only with respect to Class A and Class B explosives. Previous regulations and interpretations of the State Fire Marshal did not require placarding of Class 'C' explosives.

BCA-20 Paragraph (a) Page 21 Line 22

Subparagraph (1)

Recommendation:

It is recommended that the quantity limitation of 1,000,000 primers and 750 pounds of smokeless propellant be eliminated.

Purpose:

The limitations on quantities as set forth in Chapter 4 pertain to the storage of Small Arms Ammunition, Small Arms Primers and Smokeless Propellants.

The imposition of quantity limitations with respect to storage considerations is inappropriate with respect to the other aspects of the proposed regulations, covering functions other than storage.

No quantity limitations are imposed by federal regulations under the Gun Control Act of 1968, Organized Crime Control Act of 1970, and the U. S. Department of Transportation Regulations (D. O. T.).

It is believed that this exemption should be defined by item only, and not by item and quantity.

BCA-20 Paragraph a(5) Page 22 Line 11

Reference is made to M. S. 1969, Section 365.25

See Chapter 845 - Section 20 - Minnesota Session Laws 1971, effective July 1, 1971.

The proposed regulations refer to the Department of Transportation in several places (See p. 2, 3, 6, 10, 11, etc.) and also to D. O. T. regulations.

It is recommended that all references be uniformly stated as U. S. Department of Transportation (D. O. T.) or U. S. Department of Transportation (D. O. T.) Regulations.

It is believed that such identification will avoid confusion with any other department other than the federal agency designated.

Exhibit M

BURLINGTON NORTHERN

Frank S. Farrell
Vice President-Law

Herbert B. Krengel
General Counsel

Curtis H. Berg
Sr. Associate General Counsel — Commerce

Donald C. Knickerbocker
George A. Morrison
Assistant General Counsel — Taxes

James R. Walker
John C. Smith
Reginald Ames
Louis A. Harris
Associate General Counsel

Barry McGrath
Robert L. Bartholic
Kurt W. Kroschel
Assistant General Solicitors

Harold K. Bradford, Jr.
Richard V. Wicka
Byron D. Olsen
Richard M. Gleason
Assistant General Counsel

Peter M. Lee
William R. Power
James W. Becker
Attorneys

Commissioner of Public Safety
State Highway Building
St. Paul, Minnesota 55155

May 21, 1975

Re: In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing the Use, Storage, Transportation and Handling of Explosives and Blasting Agents.

Gentlemen:

The following comments on the above matter are submitted on behalf of Burlington Northern Inc., 176 East Fifth Street, St. Paul, Minnesota 55101, a common carrier by railroad, and other interested railroad companies operating in the State of Minnesota.

These proposed regulations appear to recognize that transportation and certain other handling of explosive materials is regulated by the United States Department of Transportation (DOT)(BCA 3(b)). This is entirely appropriate, as federal regulations in this area are generally preemptive in nature (See e.g. Sec. 112 of the Transportation Safety Act of 1974 Subsection (a) and (b)). Under this Act, state regulations that are not inconsistent with those of the DOT can be adopted only after petitioning the Secretary of Transportation for approval. It must be found that the regulation is reasonable and does not unreasonably burden commerce. State regulation inconsistent with the federal requirements is explicitely preempted.

This comment does not address itself to the use of blasting materials for excavation or other construction purposes. Railroads do not generally engage in this activity themselves, but rather employ contractors specialized in the use of explosives. This comment is concerned with two areas: (1) explosive or flammable devices used by railroads for safety and signaling purposes and (2) the extent to which the proposed regulations would attempt to regulate transportation of explosive materials by railroad.

There are two devices in common use by railroads for safety purposes. They are fusees which are a cylindrical rod that is ignited and burns for about 15 minutes after which it extinguishes itself. It produces a reddish glow while ignited and is used as a safety warning device. They are also used by motor carriers for the same purpose. It would not appear that the proposed regulations intend to apply to this type of device. We suggest that fusees be specifically excluded as have other pyrotechnic devices.

The other warning devices frequently used by railroads are track torpedoes affixed to the top of a rail which detonate with a loud report when a train passes over them. They are used to warn of an obstruction on the line ahead and for other signaling purposes. They are an explosive device simply because that is the only way a noise loud enough to be heard above the rumble of a moving train can be generated. We suggest that track torpedoes be specifically exempted under BCA 6(b) by inserting a phrase as follows after the word "devices" on line 13:

> ", railroad fusees and track torpedoes used for safety signaling and warning purposes,"

Since these safety devices are widely used throughout the state but in very small quantities, appropriate exemptions should be inserted elsewhere in the proposed regulations in connection with storage and transportation of these devices.

The use of the term "vehicles" in BCA 9(a) and (b) is ambiguous and could be applied to railroad vehicles. Since BCA 9(c) and (d) refer to motor vehicles, it is assumed that that is the attended applicability of the entire BCA 9. The references to parts of the vehicles in BCA 9(d) also supports that conclusion. That being the case, the word "vehicle" wherever used throughout BCA 9 should be preceded by the word "motor".

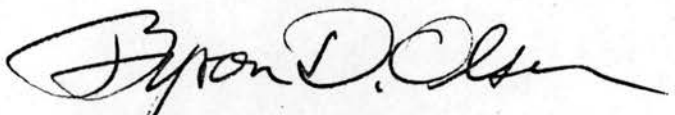
BCA 16(c) refers to railway cars containing explosives stopped "so as no longer to be in interstate commerce". There is a great deal of statutory interpretation and case law dealing with the question of when a railway car is in interstate commerce and when it is in intrastate commerce. Without attempting to exhaustively analyze the question, suffice it to say that attempting to assert in BCA 16(c) what is and what is not interstate commerce can only lead to a great deal of legal ambiguity. Generally speaking, all parts of the United States railroad system and all instrumentalities thereof are always engaged in interstate commerce. In any event, there should be no difficulty with a placarding requirement which conforms to DOT requirements, rather than setting standards of its own. Then one need not be concerned with the definitions of inter and intrastate commerce.

We see no reason for restricting delivery or receipt of explosives to daytime hours as required by BCA 16(e). Railroads are 24-hour a day, seven day a week operations and anything which restricts that, constitutes a serious interference with interstate commerce. This requirement does not appear to be consistent with DOT requirements nor to Interstate Commerce Commission tariff requirements.

The notification requirements of BCA 17 pose similar difficulties for interstate common carriers regulated by both the Department of Transportation and the Interstate Commerce Commission (I.C.C.). Carriers commonly notify consignees immediately upon arrival of shipments and safeguard such shipments until delivery. BCA 17 should be modified to specifically conform with federal requirements or deleted in its entirety.

The immediately foregoing comments are also applicable to BCA 8(h). If the carrier is construed to be the person who must notify of an impending shipment across state lines, then the previously stated conflicts with federal regulation would appear. If, on the other hand, BCA 8(h) applies to the shipper, he will have a great deal of difficulty determining with any accuracy when the shipment is likely to appear at the state border. What value this information will be to the Superintendent is not clear: the regulation appears to be in the make work category and should be deleted.

Respectfully submitted,



Byron D. Olsen

BDO/cw

Exhibit N

INSTITUTE OF MAKERS OF EXPLOSIVES

420 LEXINGTON AVENUE
NEW YORK, N.Y. 10017
PHONE (212) 689-3237

• the safety association of the commercial explosives industry •

G-105

June 17, 1975



Submitted too late!

Mr. Edward G. Novak
Commissioner of Public Safety
State of Minnesota
St. Paul, Minnesota 55155

Dear Mr. Novak:

Attached comments are respectfully submitted by the Institute of Makers of Explosives with reference to regulations proposed by the Bureau of Criminal Apprehension, Minnesota Department of Public Safety. We appreciate the opportunity afforded IME representatives to attend the May 1 hearing and review the draft regulations.

For many years the IME has cooperated with state and local governments sharing industry experience in drafting safety regulations. We are happy to offer these suggestions in the interest of safe use of explosive materials.

Sincerely,

Harry L. Hampton, Jr.
Executive Director

dg
Attachment

P.S. It has been suggested the views of the Sporting Arms and Ammunition Manufacturers' Institute, the trade association representing U.S. producers of more than 90 per cent of the sporting ammunition in this country, be offered for your consideration with the comments of IME. The SAAMI views are also attached.

IME Comments on Proposed Regulations for the Manufacture, Transportation, Storage and Use of Explosive Materials, Minnesota Department of Public Safety, Bureau of Criminal Apprehension

BCA 2 DEFINITIONS

Page 1 (b) BLASTING AGENT - (IME No. 3)

Any materials or mixture consisting of fuel and oxidizer intended for blasting, not otherwise defined as an explosive; provided that the finished product, as mixed for use or shipment cannot be detonated by means of a Number 8 Test Blasting Cap when unconfined.

A Number 8 Test Blasting Cap is one containing 2 grams of a mixture of 80% mercury fulminate and 20% potassium chlorate, or a blasting cap of equivalent strength.

An equivalent strength cap comprises 0.32 ± 0.02 grams (5 grains) of PETN base charge pressed in an aluminum shell with bottom thickness not to exceed 0.03, to a specific gravity of not less than 1.4 grams per cubic centimeter and primed with standard weights of primer depending on the manufacturer.

Comments:

- Nitro-carbo-nitrate should be defined separately - definition given is satisfactory.

Pages 2 and 3

(d) Change DOT classification of explosives -(CFR 173.52)

(1) Class A Explosives - detonating or otherwise maximum hazard.

(2) Class B Explosives - flammable hazard.

(3) Class C Explosives - minimum hazard.

(4) Forbidden or not acceptable explosives is not a classification and should be defined separately. Definition given is satisfactory.

(f) INHABITED BUILDING

Line 21 - Add "transportation" after the word "manufacture" and before the word "storage."

BCA 2 - General

The following should be included in the list of definitions - (See IME No. 3):

OXIDIZER OR OXIDIZING MATERIAL - A substance, such as a nitrate, that readily yields oxygen or other oxidizing substances to stimulate the combustion of organic matter or other fuel.

PLACARDS - Signs placed on vehicles transporting explosive materials or oxidizers, indicating the nature of the cargo.

FORBIDDEN OR NOT ACCEPTABLE EXPLOSIVES - Explosives which are forbidden or not acceptable for transportation by common, contract or private carriers; by rail freight, rail express, highway or water in accordance with the regulations of the U.S. Department of Transportation. (This should appear as a separate definition.)

Page 4 (m) RAILWAY

The section of this definition after the words "for hire" (line 18) is not necessary. Delete that portion on line 18 and entire lines 19 and 20.

(o) SMALL ARMS AMMUNITION

Add "or any incendiary tracer" on line 27 between "charges" and "spotting." (See IME Publication No. 3.)

Page 5 (s) SPECIAL INDUSTRIAL EXPLOSIVE MATERIALS

Not sure this is necessary, but if so, delete commas after "Trinitrotoluene," "pentaerythritoltetranitrate" (also note spelling change), and "cyclotrimethylenetrinitramine."

(u) WATER GELS OR SLURRIES - (See IME No. 3 - Revision - August, 1974)

Comprise a wide variety of materials used for blasting. They usually contain substantial proportions of water and nitrates, some of which are in solution in the water. They are sensitized by various materials including explosives, metals, or with other fuels. As manufactured, they have varying degrees of sensitivity to initiation. Finished products as mixed for use or shipment and which can be detonated by means of a Number 8 Test Blasting Cap or equivalent cap are classified as Explosives Class A. Finished products as mixed for shipment and which cannot be detonated by the cap test are classified as Oxidizing Materials (Blasting Agents).

BCA 7 STORAGE OF EXPLOSIVES

Page 9 (a) Line 11, Blasting Agents should be included here also.

BCA 8 TRANSPORTATION OF EXPLOSIVES

Page 10(f) Line 27 should read: "Explosives shall not be transferred from one vehicle to another within any city or municipality without informing...." Note: Delete "county, state or other area." Otherwise transfer would be prohibited on any or all locations.

Page 11 (h) and (i) - Delete.

Comments:

- Shippers cannot predict shipments, carrier routes and arrival times with the precision required.
- Explosives do not move on a regular schedule as to time, interstate transfer points and final destinations.

BCA 9 TRANSPORTATION VEHICLES

Page 12(b) Replace this section with "Every vehicle transporting explosives and blasting agents shall be placarded as specified by the U.S. Department of Transportation."

BCA 10 OPERATION OF TRANSPORTATION VEHICLES

Page 13(a) Line 18 - Change minimum age of driver to 21 years.

Page 14(e) Line 22 - Add "... or a magazine site established solely for the purpose of storing explosives and approved for such storage by the Superintendent.

BCA 11 USE OF EXPLOSIVES

Page 15(a) Line 9 - The person in charge should be at least 21 years of age.

(b) Line 12 - Add after devices - "...except for the specific purpose of igniting safety fuse."

(d) Lines 20-22 - Instead of restricting covering to "a mat," change to read "...damaged, special precautions should be taken to prevent damage from thrown fragments."

BCA 12 STORAGE AT USE SITES

Page 16 (a) Line 23 - Between "explosives" and "shall" insert the phrase "other than detonators." (IME Publication No. 3, § 5.019)

Page 17 (b) Line 1 - Delete word "left" between "be" and "opened."

BCA 13 LOADING OF EXPLOSIVES IN BLAST HOLES

Page 17 (b) Line 12 - Tamping shall be done with wood or approved plastic rods....

Add after last sentence - "The primer shall never be tamped."

BCA 14 INITIATION OF EXPLOSIVES CHARGES

Page 17 (a) Line 24 - Replace "shall" with "should."

Comment:

- This change would allow the use of new types of non-electric delay devices being developed.

Page 18 (b) Line 2 - Replace "a standard ring type..." with "an approved..."

(f) Change to read - If there are any misfires all persons shall remain at a safe distance from the charge for at least one hour. Misfires shall be handled under the direction of the person in charge of the blasting and all wires shall be carefully traced and search made for unexploded charges.

(g) Change to read - Blasters when checking circuits to charged holes, shall use only blasting galvanometers or other instruments which have been designed and approved for this purpose.

BCA 16 EXPLOSIVES AT PIERS, RAILWAY STATIONS AND CARS OR VESSELS NOT OTHERWISE SPECIFIED IN THIS CODE

Page 19 (a) Change to read - All railway cars containing explosives shall be placarded as required by the U.S. Department of Transportation.

BCA 16 (Cont'd)

Page 19 (e) Comment:

- Why limit deliveries and receipts to daylight hours? Should coincide as closely as possible with schedules of various transportation modes. Other than daylight hours reduce public exposure.

BCA 19 FORBIDDEN EXPLOSIVES

Place this entire section under BCA 2, DEFINITIONS. It is suggested references to federal Department of Transportation read: U.S. Department of Transportation.

BCA 20 SALE AND DISPOSITION OF EXPLOSIVES

Page 22 (b) Identification numbers should be the same as required by the Bureau of Alcohol, Tobacco, and Firearms.

Comment:

- Shipping containers should be marked and labeled as required by the U.S. Department of Transportation.

Pages 22 and 23:

(c) Information concerning transactions should be the same as required by the BATF.

(d) Copies of records shall be retained by vendors and shippers and be made available to the Superintendent on request.

(e) Qualification of the purchaser should not be the responsibility of the shipper. The shipper should only sell or transfer explosives to licensed or approved users and dealers of explosives.

BCA 32 MIXING OF BLASTING AGENTS

Page 25, line 26, and page 26 - Replace with § 6:021, IME Pub. No. 3.:

(b) (2) Buildings or other facilities used for mixing blasting agents shall be located, with respect to inhabited buildings, passenger railways and public highways, in accordance with the American Table of Distances. In addition, the mixing facility shall be separated from permanent storage facilities in accordance with the "Table of Recommended Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents."

BCA 32 (Cont'd)

Page 27 (d) (5) This should be replaced by IME Publication No. 3, § 6:024 (e) and (f), page 32:

Metal powders, such as aluminum, shall be kept dry and shall be stored in containers or bins which are moisture-resistant. Solid fuels shall be used in such manner as to minimize dust explosion hazards.

Peroxides and chlorates shall not be used.

(f) Line 25 - Instead of requiring thorough cleaning daily, suggest the mixing room and the packaging rooms be cleaned regularly. See IME Publication No. 3, p. 32.

BCA 33 STORAGE OF BLASTING AGENTS AND SUPPLIES

Page 28 (a) (1) Line 15 - Replace "oxidizers" with "ammonium nitrate." The word "oxidizers" as used here has too wide a scope.

Page 30 (d) Line 7 - Replace "nitrates" with "peroxides."

(g) Line 19 - Supervisor should be at least 21 years of age.

BCA 34 TRANSPORTATION OF BLASTING AGENTS

Page 31 (b) Line 2 - Drivers shall be at least 21 years of age.

(c) Replace with:

No spark-producing metal, spark-producing metal tools, oils, matches, firearms, electric storage batteries, flammable substances, acids, oxidizing materials, or corrosive compounds shall be carried in the bed or body of any motor vehicle transporting blasting agents unless the loading of hazardous materials complies with the U.S. Department of Transportation Regulations.

(h) Replace with:

Vehicles while transporting blasting agents shall be placarded "OXIDIZERS" as required by the U.S. Department of Transportation. In addition, these vehicles shall carry BLASTING AGENT placards on both sides and the rear of the bodies or vans. BLASTING AGENT placards shall be red letters on white background with letters at least 4" high and mounted a minimum of 3" from an OXIDIZERS placard.

BCA 34 (Cont'd)

Comment:

- IME member companies believe the "OXIDIZERS" placard does not adequately warn the public of the potential hazard of blasting agents when they are involved in a fire and have agreed that member company vehicles transporting blasting agents will carry a second placard to identify the cargo as a blasting agent.

CHAPTER THREE: WATER GELS, OR SLURRY EXPLOSIVES

Several sections in this chapter refer back to sections applicable to dry blasting agents only. To remedy this, we suggest replacement of the entire Chapter with Article 7, Water Gels (Slurries) in IME Publication No. 3, pp. 36-39, August 1974 edition.

APPENDIX

Pages 40-41:

1. and 2. - Update all references to regulations and publications to latest revisions.

2. References:

   (a) Quantity-Distance Limitations on Storage of Commercial Explosives. "The American Table of Distances," IME Safety Library Publication No. 2, Revised Edition November 1971 (copy enclosed).

   (b) Hazards of Radio, Television and Radar Frequencies on Blasting Caps.
   "Safety Guide for the Prevention of Radio Frequency Radiation Hazards in the Use of Electric Blasting Caps," IME Safety Library Publication No. 20, March 1971 (copy enclosed).

   (c) "Blasters Handbook," E. I du Pont de Nemours & Company (Inc.), Fifteenth Edition, 1969.

S A A M I
SPORTING ARMS AND AMMUNITION MANUFACTURERS' INSTITUTE
420 LEXINGTON AVENUE • NEW YORK, N. Y. 10017

Comments on Proposed Regulations for the Manufacture, Transportation, Storage and Use of Explosive Materials, Minnesota Department of Public Safety, Bureau of Criminal Apprehension

1. BCA 6(c) prohibits the sale or gift of "any explosive or blasting agent" to "any unauthorized person, as defined in Minnesota Statutes 299F.77 (1971)." We are concerned with the burden this places on retail dealers of small arms ammunition and components and think it should be qualified with the words:

> "provided however that this limitation shall not apply to small arms ammunition, small arms ammunition primers and smokeless propellant".

2. BCA 11(a) requires persons handling "explosives"to be experienced in the use of "explosives", or be employees under the direct supervision of such a person and at least 18 years of age. This requirement is unnecessary for store clerks selling boxes of ammunition, and we think the same qualification stated above for BCA 6(c) should be applicable here.

3. BCA 12 pertains to "storage requirements at use sites" and should not be applicable to small arms ammunition and components. It should therefore have the same qualification as that stated above for BCA 6(c).

4. BCA 20 contains requirements for labeling containers of "explosives" and reporting transactions of such items; but it exempts (among other items) stocks of small arms ammunition, propellant-actuated power cartridges, small arms ammunition primers in quantities of less than 1,000,000, and smokeless propellant in quantities of less than 750 pounds. This leaves some doubt as to what is required for sales of larger quantities of primers and smokeless propellant, and there is also doubt as to whether anything is required if sales and deliveries are made in smaller quantities from large stocks located in Minnesota. These quantity limitations on the exemptions for primers and smokeless propellant are unnecessary and should be deleted.

5. BCA 21 requires reports on storage of "explosives". This should exclude small arms ammunition and small arms ammunition primers.

6. BCA 47 states that "no restrictions are imposed on truck or rail transportation of small arms ammunition other than those which are imposed by the Department of Transportation or by the presence of other hazardous material." In order to make it clear that this exemption applies to Chapters 1-3 as well as 4, it should say so. Specifically, this will avoid any doubt as to whether the exemption applies to BCA 8, 9, 10, 16, 17 and 18 of Chapter 1. It certainly should be inapplicable because it would be unnecessary and burdensome to apply the requirements of those paragraphs to small arms ammunition.

7. IME's comments appear to be in order, except that the comment on BCA 9(a) seems more appropriate to BCA 9(b) than BCA 9(a).

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE EDWARD G. NOVAK

COMMISSIONER OF PUBLIC SAFETY

In the matter of the Proposed Adoption of Rules of the State Department of Public Safety governing the Use, Storage, Transporation and Handling of Explosives and Blasting Agents.

FINDINGS OF FACT

The above-entitled matter came on for hearing before the Commissioner of Public Safety of the State of Minnesota on the 1st day of May, 1975, at 9:00 a.m. in Conference Room A of the Veterans Service Building, 20 West 12th Street and Columbus Avenue, St. Paul, Minnesota, after proper notice required by M.S. 1974, Section 15.0412 was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, I make the following FINDINGS OF FACT:

1) The Commissioner of Public Safety is authorized, pursuant to M.S. 1974, Section 299A.01, subdivision 6, to promulgate rules and regulations of the Department of Public Safety.

2) The need to adopt these rules arises because of the legislative mandate in M.S. 1974, Section 299F.19, subdivision 1, which states that "The State Fire Marshal shall make, promulgate and enforce reasonable rules and regulations for the safekeeping, storage, handling, use, transportation or other disposition of flammable liquids and flammable gases, blasting agents and explosives..."

3) On February 4, 1974, by Commissioner's Order No. 28, the Commissioner of Public Safety, pursuant to M.S. 1971, Section 299A.01, subdivision 1 and Laws 1973, Chapter 720, Section 34, transferred the enforcement functions and related regulations of M.S. 1971, Sections 299F.71 through 299F.83 from the State Fire Marshal to the Bureau of Criminal Apprehension.

4) The current regulations governing explosives and blasting agents, State Fire Marshal Regulations 351 through 395, provide rules for their manufacture, transportation, storage and use, along with storage security requirements and rules

for the sale and disposition of explosives. The proposed regulations make the following administrative and technical changes to correct problems associated with the current regulations:

a) The current regulation is repealed and references to State Fire Marshal are changed to the Superintendent of the Bureau of Criminal Apprehension.

b) The age requirement is changed from 21 to 18 to reflect current state law.

c) Black powder is reduced from a Class A to a Class B explosive because it is a low explosive.

d) The regulations are made consistent with current state statutes, particularly Laws 1971 Chapter 845, and with federal regulations.

e) The federal requirements for the storage of explosives are adopted since they are more practical and flexible.

f) The storage requirements for ammonium nitrate are deleted because it is not consistent to require special storage for ammonium nitrate that will be mixed into a blasting agent and not have any such requirements for ammonium nitrate that will be used as a fertilizer.

g) Various internal inconsistencies within the regulation are corrected.

5) At the public hearing on this matter and in subsequent correspondence addressed to this matter, several comments and suggestions for change were made.

a) At the hearing many questions were brought up and comments made. Most questions raised by individuals were answered at the hearing by departmental representatives.

b) Honeywell Corporation asked for exemptions by virtue of their claim that they do all federal government work. They may obtain individual exemptions, under BCA 3(f). Having federal contract work does not qualify them for blanket exemptions.

c) The reference, in BCA 43(c), to the National Electric Code, is changed to the "current edition".

d) In BCA 14(d) and 15 are changed to reflect suggested wording of Dole Explosives on page 30 of the transcript.

e) The Institute of Makers of Explosives (IME) requested that the requirement for 24 hour advance notice of interstate shipment of explosives be deleted. This provision is not deleted since such notice is necessary for proper control of explosives. The 18 year old minimum age requirement is retained in the adopted regulations because of the Minnesota age of majority law. The amount of time to stay away from a misfire remains 30 minutes, which is felt to be a safe period of time. IME also requested amending the requirement that suppliers not deliver explosives to anyone not meeting the safety standards of the regulation because this places undue responsibility on the supplier. That is the purpose of this provision -- to make the suppliers civilly responsible. All other comments and suggestions set forth in IME's letter, Exhibit H, are incorporated into the adopted regulation.

f) Dow Chemical Company (Exhibit I) requested the deletion of metal dusts and perchlorates from BCA 32 (d) (5) maintaining that they are chemically quite safe to use. We are in agreement with their statement concerning perchlorates; nevertheless BCA 32(d) (5) does not prohibit the use of metal dusts, it only requires prior approval of the Superintendent.

g) The objections and concerns of Jim Thune (Exhibit G) are unfounded as the reply to him fully explains. Bunkers are not required for the storage of smokeless powders or primers but rather one-inch thick wooden boxes or cabinets. Commercial establishment can store up to 750 pounds of smokeless powder in such cabinets and one million small arms ammunition primers. These regulations do not apply, according to exemptions in M.S. Section 299F.72, to reloading ammunition for personal use or to ammunition and components for antique and replica muzzleloading rifles.

h) Exhibit K submitted by William Bunker raises objections to provisions not contained in these regulations. These regulations do not change the procedure for applying for and issuing permits. These regulations do allow commercial storage for sale of 50 pounds of dynamite. Lastly, there is no requirement in these regulations for flood lights at magazine areas.

i) Federal Cartridge Corporation (Exhibit L) requested that the exemptions contained in BCA 3 with regard to federal agencies be expanded upon. BCA 3 clearly defines applicability so as not to be too broad. It is not feasible to exempt "arsenals, navy yards, depots, or other establishments owned by, or operated by or on behalf of, the United States." This would exclude most companies in the explosives or related

manufacturing industry who have government contracts. Such companies are not federal agencies and do not work for the United States government; rather they work for their own sale to the federal government.

j) Some comments made in Exhibit L enlightened us to unintentional ambiguities in the proposed regulation, which are clarified in the adopted regulation. In BCA 8 (j) the intent is that the exemption apply only to the transportation of explosives (BCA 8, 9, and 10). The exemption of small arms ammunition and primers apply only to those sections where they are specifically mentioned because of statutory requirements that they be included for certain purposes.

k) Pursuant to Federal Cartridge Corporation's request, and comments made at the hearing, BCA 3 (g) concerning inspection of storage and use sites by the Superintendent is revised to ensure industrial security and to provide for the convenience of companies being inspected. All other suggestions made by Federal Cartridge Corporation are incorporated into the adopted regulations.

l) Burlington Northern, Exhibit M, addressed their comments to two areas unique to the railroad industry, namely explosive devices (fusees and torpedoes) used by railroads for signalling purposes and the extent to which they feel the proposed regulations attempt to regulate transportation of explosive materials by railroads. As requested, an exemption for railroad fusees is added to BCA 6 (b); however, track torpedoes are not exempted because they are potentially too dangerous, capable of causing injury and damage.

m) In order to clarify the difference in the regulations between railroad vehicles and motor vehicles, the term "vehicle" is defined in BCA 2 as self-propelled motor vehicles and trucks used for transportation over public highways. Therefore, only where railway vehicles or cars are specifically mentioned do the provisions therein apply to railroads. All other remaining comments of Burlington Northern applicable to railroads are incorporated into the adopted regulations.

6) These rules and regulations will enable more uniform compliance with and better enforcement of explosives regulations in Minnesota. Among the most significant changes and amendments implemented by these rules are the following:

a) Various technical inconsistencies (poor wording, conflicting requirements) within the regulation, which made enforcement difficult, have been corrected.

b) The requirements for storage of explosives have been made consistent with federal regulations. The federal explosives regulations specifically do not supersede any states' laws or regulations, and Minnesota's regulations do not supersede federal regulations. Compatibility is necessary since many explosives users must comply with both state and federal regulations. (e.g. They must comply with federal requirements for interstate transportation of explosives and with state regulations for transportation within Minnesota.) Under the existing regulations, compliance with both is impossible.

c) These rules make the requirements for transportation, storage, handling and use of explosives and blasting agents consistent with current state law, M.S. Section 299F.71 - 299F.83. These statutes became law in 1971 (Chapter 845), after the current regulations were adopted under emergency conditions. Current state statutes require the issuance of explosives licenses and user permits and enumerate the type of information that must be obtained on the applications for each; however, the current regulation requires explosives dealers to obtain such information. The proposed regulation eliminates this and other related requirements now that permits and licenses are being issued.

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY

Edward G Novak
COMMISSIONER OF PUBLIC SAFETY

September 15, 1975

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE EDWARD G. NOVAK

COMMISSIONER OF PUBLIC SAFETY

In the matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing the Use, Storage, Transportation and Handling of Explosives and Blasting Agents.

ORDER ADOPTING RULES

The above-entitled matter came on for hearing before the Commissioner of Public Safety of the State of Minnesota on the 1st day of May, 1975, at 9:00 a.m. in Conference Room A of the Veterans Service Building, 20 West 12th Street & Columbus Avenue, St. Paul, Minnesota, after proper notice required by M.S. 1974, Section 15.0412 was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings hearin, and applicable statutory standards or criteria, and having confirmed the need for the above captioned rules;

NOW, THEREFORE, IT IS ORDERED that these rules identified as REGULATIONS FOR THE MANUFACTURE, TRANSPORTATION, STORAGE, AND USE OF EXPLOSIVES AND BLASTING AGENTS, BCA 1-55, are adopted this 15th day of September, 1975, pursuant to authority vested in me by M.S. 1974, Section 299A.01, Subdivision 6.

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY

Edward G. Novak

COMMISSIONER OF PUBLIC SAFETY