

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. ~~1283~~ 05-0009, 0708

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 6-2-86
DATE FOR REVIEW 6-11-86
DATE DUE 6-16-86

Adopted w/a hearing ____
Adopted w/o hearing ✓
Temporary rule ____

Approved 6.16.86 mjc Disapproved ____ Returned to Agency ____

Resubmitted ____ Due ____
Approved ____ Disapproved ____ Returned to Agency ____

Date filed w/Secretary of State 6-17-86 Revisor approved 6/2/86 disapproved ____

___✓___ Rule as Adopted

___✓___ Rule as Proposed

___✓___ Order Adopting 5.23.86 Date combined w/ FF
stat. authority cited does not specifically authorize rulemaking but does govern subject matter

___N/A___ Notice of Intent to Solicit Outside Opinion

___✓___ Order for rulemaking
___N/A___ date of Hearing

___N/A___ Certificate of Board's Authorizing Resolution

___✓___ Notice of rulemaking
___✓___ Sufficiency contains small biz statement.

___✓___ Affidavit of Mailing Notice or rulemaking
12.13.85 At least 30 days prior to ~~hearing~~/adoption

___✓___ Mailing list Certificate

___✓___ Publication in State Register
12.16.85 At least 30/~~20~~ days prior to ~~hearing~~/adoption

___N/A___ Hearing Examiner's Report

___✓___ Chief Hearing Examiner's Report(s)
___✓___ Approving H.E.'s Report
___✓___ Approving agency action

___✓___ Agency's Findings of Fact combined w/ Order Adopting

___N/A___ LCRAR Report or agency Affidavit

___✓___ Certificate of Board's Resolution Adopting Rules

___✓___ Order Approving Incorporation by Reference

___✓___ Statement of Need and Reasonableness

___N/A___ Petition for Adoption of a Rule

___✓___ Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

___✓___ Certificate of Compliance w/Rulemaking Procedures

___N/A___ Affidavit of Mailing Notice of Submission to Attorney General

___✓___ Notice of Submission to the Attorney General

SF-00006-03

STATE MINNESOTA

Office Memorandum

DEPARTMENT ATTORNEY GENERAL

PAUL J. TSCHIDA
Commissioner of Public Safety

DATE: 6/17/86

TO:
ATTN: NANCY BODE
Special Assistant Attorney General

FROM: MARTHA J. CASSERLY MJC
Special Assistant Attorney General

PHONE: 296-4692

SUBJECT: In the Matter of the Proposed Adoption of Rule of the State Department of Public Safety Governing Storage, Handling and Use of Explosives and Blasting Agents

The above-referenced rule has been approved as to its legality by the Attorney General on June 16, 1986.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies of the approved rule with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth copy is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submission or comments received by the agency and any extra copies of documents which the agency submitted to the Attorney General.

In order for a permanent rule without a hearing to become effective, your agency must publish a notice of adoption in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

If you have any questions in this regard, please contact me.

MJC:pmf

Enclosures

cc: Maryanne Hruby
Executive Director
Legislative Commission to Review
Administrative Rules

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

RR1283

Department of Public Safety

Adopted Rules Governing the Manufacture, Storage, and Use of Explosives and Blasting Agents

Rules as Adopted

7500.0100 DEFINITIONS.

Subpart 1. **Scope.** The terms used in this chapter have the meanings given them in this part.

Subp. 2. **Approved.** "Approved" means approved by the commissioner or an authorized assistant of the commissioner.

Subp. 3. **Blasting agent.** "Blasting agent" means a material or mixture ~~intended for blasting:~~ that consists of a fuel and oxidizer; that is intended for blasting but is not otherwise ~~classified~~ defined as an explosive; ~~has no ingredient classified as an explosive;~~ and that, as a finished product mixed ~~and packaged~~ for use or shipment, cannot be detonated by means of a number 8 test blasting cap, as defined in subpart ~~9b~~ 9a, when unconfined.

Subp. 3a. **Commissioner.** "Commissioner" means the commissioner of the Department of Public Safety or designee of the commissioner.

Subp. 4. [Unchanged.]

Subp. 4a. **Detonator.** "Detonator" means a device containing a detonating charge that is used for initiating detonation in an explosive. The term includes electric blasting caps of instantaneous and delay types, blasting caps for use with safety fuses, detonating cord delay connectors, and nonelectric instantaneous and delay blasting caps.

Subp. 5. **Explosive-actuated device.** "Explosive-actuated device" means a tool or special mechanized device that is actuated by explosives. Examples of explosive-actuated power devices are jet ~~trappers~~ tappers and jet perforators. This term does not include propellant-actuated power devices.

Subp. 6. **Explosives.** "Explosives" means a chemical

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compound, mixture, or device ~~primarily-and-commonly-used-to create-an~~, the primary or common purpose of which is to function by explosion ~~or-having-a-substantially-instantaneous-release-of gas-and-heat.~~

~~A-chemical-compound,-mixture,-or-device-that-is-otherwise specifically-classified-by-the-Department-of-Transportation-is not-an-explosive.~~

~~The-term-"explosives"-includes-materials-classified-as class-A,-class-B,-and-class-C-explosives-by-the-Department-of Transportation-in-Code-of-Federal-Regulations,-title-49,-parts 100-to-199-(1983),-including-dynamite,-black-powder,-pellet powders,-initiating-explosives,-blasting-caps,-electric-blasting caps,-safety-fuses,-fuse-lighters,-fuse-igniters,-squibs, detonating-cords,-instantaneous-fuses,-igniter-cords,-igniters, small-arms-ammunition,-small-arms-ammunition-primers,-smokeless propellants,-cartridges-for-propellant-actuated-power-devices, cartridges-for-industrial-guns,-and-some-special-fireworks.~~

~~Commercial-explosives-are-explosives-intended-to-be-used-in commercial-or-industrial-operations.~~

~~Certain-chemicals-and-certain-fuel-materials-may-have explosive-characteristics-not-specifically-classified-by-the Department-of-Transportation-and-not-readily-classified-for coverage-in-the-code-parts-cited-above.--Authoritative information-must-be-obtained-for-these-unclassified-materials and-action-commensurate-with-their-hazards,-locations, isolation,-and-safeguards,-must-be-taken.--The-Department-of Transportation-classifies-explosives-as-follows:~~

~~A.--Class-A-explosives-possess-a-detonating-or otherwise-maximum-hazard.--Examples-of-class-A-explosives-are dynamite,-nitroglycerin,-picric-acid,-lead-azide,-fulminate-of mercury,-blasting-caps,-and-detonating-primers.~~

~~B.--Class-B-explosives-possess-a-flammable-hazard. Examples-of-class-B-explosives-are-propellant-explosives, including-some-smokeless-propellants,-photographic-flash powders,-black-powder,-and-some-special-fireworks.~~

~~C.--Class-C-explosives-include-certain-types-of~~

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~~manufactured-articles-that-contain-class-A-explosives,-class-B explosives,-or-both,-as-components-but-in-restricted-quantities.~~

~~D.---Forbidden-or-not-acceptable-explosives-are forbidden-or-not-acceptable-for-transportation-by-common carriers,-rail-freight,-rail-express,-highway,-or-water-in accordance-with-the-regulations-of-the-Department-of Transportation-in-Code-of-Federal-Regulations,-title-49,-parts 100-to-199-(1983).~~ The term includes dynamite and other high explosives, detonators, safety fuses, squibs, detonating cord, igniter cord, and igniters.

For purposes of this subpart, there are three classes of explosive materials. These classes, together with the description of explosive materials comprising each class, are as follows:

A. High explosives are explosive materials that can be caused to detonate by means of a blasting cap when unconfined; for example, dynamite.

B. Low explosives are explosive materials that can be caused to deflagrate when confined, for example: black powder, safety fuses, igniters, igniter cord, fuse lighters, and special fireworks defined as class B explosives by United States Department of Transportation regulations in Code of Federal Regulations, title 49, part 173.

C. Blasting agents include, for example, ammonium nitrate-fuel oil and certain water gels.

Subp. 7. **Highway.** "Highway" means a public street, public alley, or public road.

Subp. 8. **Inhabited building.** "Inhabited building" means a building or structure regularly used in whole or part as a place of human habitation. The term "inhabited building" also means a 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 does not mean a building or structure occupied in connection with the manufacture, storage, and use of explosives.

Subp. 8a. **License.** "License" refers to a license

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application approved and issued by the Department of Public Safety, Bureau of Criminal Apprehension.

Subp. 9. [Unchanged.]

Subp. 9a. **Nitrocarbonitrate.** ~~--The term "nitrocarbonitrate" means a blasting agent classified as nitrocarbonitrate under the Department of Transportation regulations published in Code of Federal Regulations, title 49, parts 100 to 199 (1983), and packaged and shipped in compliance with those regulations.~~

~~Subp. 9b.~~ **Number 8 test blasting cap.** A "number 8 test blasting cap" means a cap containing two grams of a mixture of 80 percent mercury fulminate and 20 percent potassium chlorate, or a cap of equivalent strength.

Subp. ~~9c.~~ 9b. **Passenger vehicle.** "Passenger vehicle" means a motor vehicle designed and used to carry not more than ten persons and includes a passenger automobile, station wagon, pickup truck, and van as they are defined in Minnesota Statutes, section 168.011.

Subp. ~~9d.~~ 9c. **Permit.** "Permit" refers to an application for a user permit, approved and issued by sheriffs or chiefs of police of cities of the first, second, or third class, as defined in Minnesota Statutes, section 410.01, or other person designated by the commissioner.

Subp. 10. **Person.** "Person" means an individual, firm, copartnership, corporation, company, association, or joint stock association, and includes a trustee, receiver, assignee, or personal representative of that individual or entity.

Subp. 11. **Propellant-actuated device.** "Propellant-actuated device" means a tool or special mechanized device or gas generator system that is actuated by a smokeless propellant or that releases and directs work through a smokeless propellant charge.

Subp. 12. [See Repealer.]

Subp. 13. **Pyrotechnics.** "Pyrotechnics" means a combustible or explosive composition or manufactured article designed and prepared to produce audible or visible effects and commonly referred to as fireworks.

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Subp. 14. [Unchanged.]

Subp. 15. [See Repealer.]

Subp. 16. **Small arms ammunition.** "Small arms ammunition" means a shotgun, rifle, pistol, or revolver cartridge; or cartridge for propellant-actuated power devices and industrial guns. This term does not include military-type ammunition containing explosive bursting charges and spotting or pyrotechnic projectiles.

Subp. 17. [Unchanged.]

Subp. 18. **Smokeless propellant.** "Smokeless propellant" means a solid propellant, called a smokeless powder in the trade, used in small arms ammunition, cannons, rockets, propellant-actuated power devices, or other devices.

Subp. 19. **Special industrial explosive.** "Special industrial explosive" means an explosive-actuated power device or a propellant-actuated power device consisting of shaped materials and sheet forms and various other extrusions, pellets, and packages of high explosives including 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.

Subp. 20. [See Repealer.]

Subp. 21. [See Repealer.]

Subp. 21a. **Table of distances for storage of explosive materials.** "Table of distances for storage of explosive materials" means the table provided in Code of Federal Regulations, title 27, section 55.218 (April 1, 1985).

Subd. 21b. **Table of separation distances of ammonium nitrate and blasting agents from explosives or blasting agents.** "Table of separation distances of ammonium nitrate and blasting agents from explosives or blasting agents" means the table provided in Code of Federal Regulations, title 27, section 55.220 (April 1, 1985).

Subp. 22. [Unchanged.]

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Subp. 23. **Water ~~gel~~ gels or ~~slurry-explosive~~ slurries.** "Water ~~gel~~ gels or ~~slurry-explosive~~ slurries" ~~includes a wide variety of~~ are explosive materials ~~used for blasting, all of which~~ that contain substantial ~~proportions~~ portions of ~~ammonium nitrate, some of which is in solution in the~~ water. ~~Two broad classes of water gels are those that are sensitized by a material classed as an explosive, such as TNT or smokeless powder, and those that contain no ingredient classified as an explosive, that are sensitized with metals such as aluminum or other~~, oxidizers, sensitizers, fuels, thickeners, gelling agents, or cross-linking agents. ~~Water gels~~ They may be premixed at ~~an explosives~~ a manufacturing plant or mixed at the site immediately before delivery into the ~~bore hole~~ borehole. Sensitivity and classification are covered under part 7500.3100.

7500.0200 PURPOSE.

The purpose of this chapter is to adopt safety standards for the manufacture, storage, and use of explosives and blasting agents, consistent with Minnesota Statutes, sections 299F.71 to 299F.83.

7500.0300 SCOPE.

Subpart 1. **In general.** This chapter applies to the manufacture, retention, possession, storage, sale, and use of explosives, blasting agents, and pyrotechnics.

Subp. 2. **Municipal supervision.** This chapter also applies to municipal supervision of compliance with federal regulations.

7500.0400 SCOPE; EXEMPTIONS.

Subpart 1. **Materials transported.** This chapter does not apply to the transportation of explosives or blasting agents governed by Code of Federal Regulations, title 49, parts 100 to 199 (1983), or otherwise under the jurisdiction of the Department of Transportation, United States Coast Guard, Federal Aviation Agency, or Board of Transport Commissioners for Canada.

Subp. 2. **Military explosives.** This chapter does not apply

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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.

Subp. 3. **Other federal and Canadian agencies.** This chapter does 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.

Subp. 3a. **Bomb technicians.** This chapter does not apply to recognized bomb technicians acting in an official capacity under emergency conditions.

Subp. 4. **Fireworks.** This chapter does not apply to the sale, use, or public display of pyrotechnics commonly known as fireworks.

Subp. 5. **Requests for exemptions.** The commissioner may grant an exemption from this chapter upon written request. The request must show that enforcement of a part of this chapter will cause unnecessary hardship to the petitioner. The commissioner shall not grant the request if the requested modification of a part of this chapter will constitute a distinct hazard to life or adjoining property.

The request must be in duplicate and must state the full particulars of the exemption requested. When the requested exemption is approved, one copy of the approval will be returned to the petitioner and one copy will be retained by the commissioner.

7500.0500 AUTHORITY OF COMMISSIONER.

Subpart 1. **Site and records inspections.** After acquiring necessary security clearance and during normal business hours, the commissioner may inspect storage sites and use sites for explosives regulated by and the records of explosives dealers required by this chapter. The purpose of an inspection is to determine whether the sites and records conform to this chapter. In addition, the commissioner or any authorized law

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enforcement official may conduct an inspection at any time in connection with the investigation of a crime.

Subp. 2. **Restricting quantity of explosives.** The commissioner may restrict the quantity of explosives or blasting agents that may be handled at a location in a city, county, state, or other area.

7500.0550 EXPLOSIVES DEALER LICENSE.

Subpart 1. **Application.** An applicant for an explosives dealer license shall apply to the commissioner according to Minnesota Statutes, section 299F.73. The commissioner shall refuse to process an incomplete application.

One copy of the approved application will be returned to the applicant and will constitute a license to manufacture, assemble, warehouse, or store explosives.

A license is valid for one year from the date of approval.

Subp. 2. ~~**Fees.**--The-annual-fee-for-a-new-or-renewed license-is-$10.--However,-the-commissioner-shall-not-charge-a government-subdivision-a-fee-for-either-a-new-or-a-renewed license.~~

~~Subp.-3.~~ **License renewal.** One month before a license is due to expire the commissioner shall notify the licensee of the expiration date. ~~The-commissioner-shall-renew-a-license-upon receipt-of-the-$10-renewal-fee-from-the-licensee.~~

Subp. ~~4.~~ 3. **License suspension or revocation.** The commissioner shall suspend or revoke a license if an applicant or a licensee:

A. violates the provisions of Minnesota Statutes, sections 299F.71 to 299F.83 pertaining to explosives;

B. violates the provisions of this chapter pertaining to explosives;

C. uses an explosive in the commission of a crime; or

D. makes a false statement on a license application form.

Subp. ~~5.~~ 4. **Person prohibited from holding license.** If an applicant or licensee becomes a person prohibited from holding a

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license as defined in Minnesota Statutes, section 299F.77, that person shall notify the commissioner of this fact within 48 hours.

Subp. ~~6.~~ 5. **Right to contest decision.** An applicant or licensee has the right to contest a decision made by the commissioner. These proceedings must be conducted according to the Administrative Procedure Act, Minnesota Statutes, sections 14.57 to 14.69.

7500.0560 EXPLOSIVES USER PERMIT.

Subpart 1. **Application.** An applicant for an explosives user permit shall apply to the local issuing authority as described in part 7500.0100, subpart 9d, in accordance with Minnesota Statutes, section 299F.75. The issuing authority may be located either where the applicant resides or where the applicant intends to use the explosives.

The applicant shall notify the chief of police or sheriff of the jurisdiction where the explosives will be used or stored if the permit was not issued in that jurisdiction.

Subp. 2. **Duties of issuing authority.** If the applicant obtains a permit from an issuing authority of a jurisdiction other than where the explosives will be used or stored, the issuing authority:

A. before issuing the permit, shall confer with the authority where the explosives are to be used or stored;

B. shall forward a copy of the permit, as soon as it is issued, to the sheriff or chief of police of the jurisdiction where the explosives will be used or stored;

~~B.--may-charge-the-applicant-a-fee-not-to-exceed-$25 when-another-jurisdiction-must-be-notified-of-the-use-or-storage of-explosives;~~

C. after approving an application, shall retain the yellow copy, file the green copy with the commissioner, and return to the applicant the white copy which becomes the permit; and

D. shall refuse to process an application that is not

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completed according to Minnesota Statutes, section 299F.75, subdivision 2.

Subp. 3. **Permit suspension or revocation.** The issuing authority shall suspend or revoke a permit if an applicant or permittee:

A. violates the provisions of Minnesota Statutes, sections 299F.71 to 299F.83 pertaining to explosives;

B. violates the provisions of this chapter pertaining to explosives;

C. uses an explosive in the commission of a crime; or

D. makes a false statement on the permit application form.

Subp. 4. **Person prohibited from holding permit.** If an applicant or permittee becomes a person prohibited from holding a permit as defined in Minnesota Statutes, section 299F.77, that person shall notify the commissioner of this fact within 48 hours.

Subp. 5. **Right to contest decision.** An applicant or permittee has the right to a hearing before the commissioner to contest a decision made by an issuing authority. These proceedings must be conducted according to the Administrative Procedure Act, Minnesota Statutes, sections 14.47 to 14.69.

7500.0600 PROHIBITIONS AGAINST EXPLOSIVES MANUFACTURING.

Subpart 1. **Authorization required.** The manufacture of an explosive or explosive device, including small arms ammunition~~,~~ **pyrotechnics~~,~~** and blasting agents, is prohibited unless the manufacturer is licensed by the commissioner. This prohibition does not apply to hand loading of small arms ammunition prepared for personal use and not for resale.

Subp. 2. **Undue hazard.** The manufacture of explosives or blasting agents is prohibited when the manufacture presents an undue hazard to life and property as determined by the commissioner.

7500.0700 PROHIBITIONS; EXCEPTIONS.

Subpart 1. **Undue hazard.** A person shall not store or

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handle explosives or blasting agents when the storage or handling of explosives or blasting agents constitutes an undue hazard to life and property.

Subp. 2. **In conflict with law or rules.** A person shall not possess, keep, store, sell or offer for sale, give away, use, or otherwise dispose of an explosive or blasting agent except as provided in this chapter or by law. This limitation does 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, or railroad fusees.

Subp. 3. **Transfer to unauthorized persons.** A person shall not sell or give away an explosive or blasting agent to an unauthorized person, as defined in Minnesota Statutes, section 299F.77.

Subp. 4. **Public display.** A person shall not physically sell, display, or expose for sale an explosive or blasting agent on a highway, street, sidewalk, public way, or public place.

Subp. 5. **Medicinal use permitted.** This chapter does not prohibit the use of explosives in the form prescribed by the United States Pharmacopeia National Formulary, issued by the United States Pharmacopeial Convention, Inc. (Rockville, Maryland, 1985).

Subp. 6. **Laboratory use permitted.** Government and industrial laboratories, laboratories of technical institutes, colleges, universities, and similar institutions may keep, store, and use explosives or blasting agents:

A. if they are used for scientific or technical instruction or research;

B. only under experienced and competent supervision; ~~and~~

C. if no 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; and

D. if in compliance with Code of Federal Regulations,

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title 27, sections 55.203 to 55.217 (1982).

When additional quantities of explosives or blasting agents are required, the institution shall apply for a special ruling by the commissioner.

7500.0800 STORAGE OF EXPLOSIVES IN MAGAZINES.

Subpart 1. **General requirement.** ~~Class A, class B, and class C~~ High explosives, low explosives, blasting agents, special industrial explosives, and newly developed and unclassified explosives must be kept in magazines that meet the requirements of this part.

Subp. 2. **~~Caps~~ Detonators, primers, cartridges; separated storage.** ~~Blasting caps, electric blasting caps~~ Detonators, detonating primers, and primed cartridges must not be stored in the same magazine with other explosives.

Subp. 3. **Magazines.** The ground around magazines must slope away for drainage. The land surrounding magazines must be kept clear of brush, dried grass, leaves, and other combustible materials for a distance of at least 25 feet.

Magazines must comply with Code of Federal Regulations, title 27, sections 55.203 to 55.217 (1982).

Subp. 4. **Exceptions.** This part does not apply to:

A. 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;

B. explosive-actuated power devices when in quantities of less than 50 pounds net weight of explosive;

C. fuse lighters and fuse igniters; or

D. safety fuses, not including detonating cords.

7500.1200 USE OF EXPLOSIVES; PRECAUTIONS.

Subpart 1. **Persons handling explosives.** Explosives may be handled only by a person experienced in the use of explosives or by an employee who is at least 18 years of age and is supervised by a person experienced in the use of explosives.

Subp. 2. **Smoking, fire, liquor, narcotics.** While

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explosives are being handled or used, smoking is not permitted. A person near the explosives shall not possess matches, open light, or other fire- or flame-producing devices. A person shall not handle explosives while under the influence of intoxicating liquor or narcotics.

Subp. 3. **Containers.** Original containers or authorized containers must be used for taking detonators and other explosives from storage magazines to the blasting area.

Subp. 4. **Covering blast.** When the blasting is done in congested areas or in close proximity to a structure, railway, highway, or other installation that may be damaged, the blast must be covered before firing with a mat that can prevent fragments from being thrown.

Subp. 5. **General precautions.** Persons authorized to prepare explosive charges or conduct blasting operations shall use every reasonable precaution, including warning signals, flags, barricades, or ~~woven-wire~~ mats to ensure the safety of the general public and workers.

Subp. 6. **Daylight blasting.** Blasting operations, except by special permission of the commissioner, must be conducted during daylight hours.

Subp. 7. **Notice to utilities.** When 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 these utilities at least 24 hours in advance of blasting, specifying the location and intended time of blasting. Verbal notice must be confirmed with written notice. In an emergency this time limit may be waived by the local authority issuing the original permit.

Subp. 8. **Electricity precautions; incorporation.** Due precautions must 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 include:

A. [Unchanged.]

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B. the posting of signs that warn against the use of mobile radio transmitters on roads within 1,000 feet of the blasting operation; and

C. compliance with the Safety Guide for the Prevention of Radio Frequency Radiation Hazards in the Use of Electric Blasting Caps, publication number 20, Institute of Makers of Explosives (1981), which is incorporated by reference. This publication is not subject to frequent change and is located at the Minnesota State Law Library, 117 University Avenue, Saint Paul, Minnesota 55155.

7500.1300 STORAGE AT USE SITES.

Subpart 1. **Boxes and packing materials.** Empty boxes and paper and fiber packing materials that previously contained high explosives must not be used again for any purpose, but must be destroyed by burning at an approved isolated location out of doors. A person shall not be nearer than 100 feet after burning has started.

Subp. 2. **Opening containers.** Containers of explosives must not be left opened in a magazine or within 50 feet of a magazine. In opening kegs or wooden cases, sparking metal tools must not be used; wooden wedges and either wood, fiber, or rubber mallets must be used. Nonsparking metallic slitters may be used for opening fiberboard cases.

Subp. 3. **Damaged explosives.** Explosives or blasting equipment that is obviously deteriorated or damaged must not be used.

Subp. 4. **Abandonment.** Explosives must not be abandoned.

7500.1400 LOADING EXPLOSIVES IN BLAST HOLES.

Subpart 1. **Size of drill hole.** Drill holes must be sufficiently large to admit freely the insertion of a cartridge of explosives.

Subp. 2. **Tamping.** Tamping must be done only with wood or approved plastic rods without exposed metal parts, but nonsparking metal connectors may be used for jointed poles. Violent tamping must be avoided.

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Subp. 3. **Selection of holes.** Only holes that will be fired in the next round of blasting may be loaded. After loading, the remaining explosives must be immediately returned to an authorized location.

Subp. 4. **Remaining butts.** Drilling must not be started until the remaining butts of old holes are examined with a wooden stick for unexploded charges. If unexploded charges are found, they must be refired before work proceeds.

Subp. 5. **Prohibition against deepening holes.** No person is allowed to deepen drill holes which contain explosives.

7500.1500 INITIATION OF EXPLOSIVES CHARGES.

Subpart 1. **Electric blasting caps** detonators. Only electric blasting **caps** detonators may be used for blasting operations in congested districts, in highways, or adjacent to highways open to traffic, except where sources of extraneous electricity make this use dangerous.

Subp. 2. **Using fuses.** When a fuse is used, the blasting **cap** detonator must be securely attached to the safety fuse with a standard ring-type **cap** detonator crimper. Primers may only be assembled at least 50 feet from any magazine.

Subp. 3. **Primers.** Primers may be made up only as required for each round of blasting.

Subp. 4. **Inserting cap detonator into explosive.** A blasting **cap** detonator must not be inserted in the explosives unless a hole is first made in the cartridge for the **cap** detonator with an approved punch of proper size or standard **cap** detonator crimper.

Subp. 5. **Extracting explosives from hole.** Explosives must 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 inserting a fresh additional primer.

Subp. 6. **Misfires.** If a misfire occurs while using a **cap** detonator and a fuse or an electric blasting **cap** detonator, all persons shall remain away from the charge for at least 30 minutes. A misfire may be handled only under the direction of

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the person in charge of the blasting, the wires must be carefully traced, and a search must be made for unexploded charges.

Subp. 7. **Testing circuits.** When testing circuits to charged holes, blasters shall use only blasting galvanometers or other instruments approved for testing circuits.

Subp. 8. **Lead wire connections.** Only the person making the lead wire connections in electrical firing shall fire the shot. Connections should be made from the bore hole back to the source of firing current. The leading wires must remain shorted and must not be connected to the blasting machine or other source of current until the charge is to be fired.

7500.1600 WARNING REQUIREMENT.

Before a blast is fired, the person in charge shall first make certain that surplus explosives are in a safe place and that persons and vehicles are at a safe distance or under sufficient cover. Then the person in charge shall give a suitable warning signal.

7500.1800 SALE AND DISPOSITION OF EXPLOSIVES.

Subpart 1. **Prohibitions; scope.** ~~class A, class B, and class C~~ Explosives and blasting agents, special industrial explosives, and newly developed and unclassified explosives must not be sold or transferred in this state except as provided in items A to D. This part does not apply to the following commodities and items:

A. stocks of small arms ammunition, propellant-actuated power cartridges, small arms ammunition primers, and smokeless propellants;

B. and C. [Unchanged.]

D. safety fuses not including detonating cords and 3/32-inch cannon fuses or matchlock fuses (slow match).

Subp. 2. **Marking required.** A vendor, transferor, buyer, or transferee of explosives within this state shall not accept or deliver dynamite or other explosive in any quantity unless each carton or other usual primary container of the explosive is

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plainly labeled, stamped, or marked with identification numbers and with the words "Dangerous Explosives." It is unlawful for a person to use or possess an explosive not so marked. Unmarked explosives found in the possession of any person may be confiscated, seized, or destroyed by the commissioner or a law enforcement officer.

Subp. 3. **Information required for delivery.** A vendor or transferor of explosives within this state may deliver explosives to another person only after first obtaining and recording the following information:

A. the date of transaction;

B. the identity of the manufacturer of the explosives being transferred;

C. the type of explosives and the identification numbers on the explosives being transferred;

D. the quantity of explosives being transferred;

E. the name and address of the purchaser or transferee;

F. the user permit number; and

G. the signature of the transferee.

Subp. 4. **Records of transactions required.** Records of transactions must be made available to the commissioner on request. Also, the commissioner may require that each person mail a copy of the record of each transaction made during the preceding week on Monday of each week.

Subp. 5. [See Repealer.]

7500.2000 REPORT OF THEFTS.

A person possessing explosives who incurs a loss or theft of explosives shall notify, within 24 hours of discovering the loss or theft, the commissioner and the county sheriff or the local chief of police of the loss or theft, the amount of missing explosives, and the approximate time of the occurrence.

7500.2100 JURISDICTION OF FEDERAL BUREAU OF MINES.

The commissioner may exempt a person from the requirements for storage facilities in parts 7500.0700, 7500.0800, and

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7500.1300 if the person is within the jurisdiction of the Federal Bureau of Mines and the commissioner deems that parts 7500.0700, 7500.0800, and 7500.1300 are in conflict with Code of Federal Regulations, title 27, sections 55.201 to 55.220 (1982). The commissioner may revoke an exemption ~~at any time~~ if a person violates the provisions of Minnesota Statutes, sections 299F.71 to 299F.83 pertaining to explosives. For granting or revoking an exemption or for any other purpose, the commissioner may inspect at any time the premises and facilities of a person seeking an exemption.

7500.2200 GENERAL PROVISIONS.

Subpart 1. **Restricted scope.** This section does not apply if its application in a particular instance would conflict with Code of Federal Regulations, title 49, parts 100 to 199 (1983).

Subp. 1a. **Storage in railway car; federal regulations.** Except in an emergency and with permission of the local authority having jurisdiction, a person shall not have or keep explosives in a railway car unless the car and its contents and the methods of loading conform to Department of Transportation regulations in Code of Federal Regulations, title 49, parts 100 to 199 (1983) for the transportation of explosives.

Subp. 2. **Delivery to carrier.** A person shall not deliver an explosive to a carrier unless the explosive conforms in all respects, including marking and packing, to the Department of Transportation regulations in Code of Federal Regulations, title 49, parts 100 to 199 (1983) for the transportation of explosives.

Subp. 3. **Placards on railway cars.** A railway car containing explosives that has reached its destination or is stopped in transit and no longer is in interstate commerce, must have placards that comply with Department of Transportation regulations in Code of Federal Regulations, title 49, parts 100 to 199 (1983).

Subp. 4. **Other safety measures required.** Explosives that are to be delivered to a consignee or forwarded to another destination and that are located at a railway facility, truck

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terminal, pier, wharf, harbor facility, or airport terminal must be kept in a safe place, kept isolated as far as practicable, and kept in a manner that they can be easily and quickly removed.

7500.2350 DUTY OF CONSIGNEE TO ACCEPT SHIPMENT.

When explosives are transported into a locality governed by this chapter and within 48 hours of notification, the consignee shall receive and remove the explosives from the carrier to a properly permitted magazine or notify the commissioner who shall ensure that the explosives are moved to a safe place.

7500.2400 DESIGNATION OF FACILITIES.

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

7500.2500 BLASTING AGENTS.

Unless otherwise set forth in parts 7500.2600 to 7500.2900 blasting agents must be stored and used in the same manner as explosives.

7500.2600 MIXING OF BLASTING AGENTS.

Subpart 1. **Building locations; distances.** Buildings or other facilities used for mixing blasting agents must be located, with respect to inhabited buildings, passenger railroads, and public highways, in accordance with the table of distances for storage of explosive materials.

If ammonium nitrate is stored at a closer distance to the blasting agent storage area than as provided in the table of separation distances of ammonium nitrate and blasting agents from explosives or blasting agents, then the ammonium nitrate must be added to the quantity of blasting agents to calculate the total quantity involved before applying the table of distances for storage of explosive materials.

Subp. 2. **Separation in plant.** Minimum intraplant separation distances between mixing units and the ammonium nitrate storage areas and blasting agent storage areas must

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conform to the table of separation distances of ammonium nitrate and blasting agents from explosives or blasting agents.

Subp. 3. **Building requirements.** A building used for mixing blasting agents must conform to the following requirements unless the building is specifically approved by the commissioner:

A. Buildings must be of noncombustible construction or sheet metal on wood studs.

B. The layout of the mixing building must provide physical separation between the finished product storage and the mixing and packaging operation.

C. Floors in storage areas and in the processing plant must be of concrete.

D. Isolated fuel storage must be provided to avoid contact between molten ammonium nitrate and fuel in case of fire.

E. The building must be well ventilated.

F. Heat must be provided exclusively from a unit located outside the building.

Subp. 4. **Design of mixer.** The design of the mixer must minimize the possibility of frictional heating, compaction, and especially, confinement. Open mixers are preferable to enclosed mixers. Bearings and gears must be protected against the accumulation of oxidizer dust. Surfaces must be accessible for cleaning. Mixing and packaging equipment must be constructed of materials compatible with the composition of fuel and ammonium nitrate.

Subp. 5. **Blasting agent compositions.** The sensitivity of a blasting agent must be determined by using a number 8 test blasting cap at regular intervals and after every change in formulation, or as requested by the commissioner.

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

Liquid fuel with a flash point lower than that of number 2 diesel fuel oil, 125 degrees Fahrenheit minimum or legal, must not be used.

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Crude oil and crankcase oil must 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.

If solid fuels are used, they must be chosen so as to minimize dust-explosion hazard.

Metal dusts, such as aluminum powder; peroxides; or chlorates must not be used unless the operations are conducted in a manner approved by the commissioner.

Unusual compositions may be attempted only under the supervision of competent personnel equipped to determine the overall hazard of the resulting compositions.

Subp. 6. **Equipment requirements.** If electrical switches, controls, motors, and lights are located in the mixing room, they must conform to the requirements of class II, division 2 of standard 70, of the National Electrical Code, and found in the National Fire Codes, 1982, volume 6, issued by the National Fire Protection Association, (Quincy, Massachusetts, 1982), which is incorporated by reference, is not subject to frequent change, and is located at the Minnesota State Law Library, 117 University Avenue, Saint Paul, Minnesota 55155; otherwise they must be located outside the mixing room. The frame of the mixer and other equipment that may be used must be electrically bonded and provided with a continuous path to the ground.

Subp. 7. **Washdown facilities.** Washdown facilities must be provided. An automatic water-deluge system with adequate capacity is recommended to protect mixers and the finished-explosives storage area in the plant. Floors must 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 must be thoroughly cleaned daily to prevent accumulation of oxidizers, fuels, or other sensitizers. The entire mixing and packaging plant must be washed down periodically to prevent excessive accumulation of dust.

Subp. 8. **Smoking or open flame.** Smoking or open flame is

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not permitted in or within 50 feet of a building or facility used for mixing blasting agents.

Subp. 9. **Disposal of oxidizer bags.** Empty oxidizer bags must be disposed of daily in a safe manner.

Subp. 10. **Storage, location of blasting agents.** Not more than one day's production of blasting agents or the limit determined by the table of distances for storage of explosive materials, whichever is less, is permitted in or near the mixing and packaging plant or area. Larger quantities must be stored in separate warehouses or magazines.

7500.2700 STORAGE OF BLASTING AGENTS AND SUPPLIES.

Subpart 1. **Storage with explosives.** When blasting agents are stored with explosives, the storage must conform to part 7500.0800 governing the storage of explosives. The mass of blasting agents and one-half the mass of oxidizers must be included when computing the total quantity of explosives for determining distance requirements.

Subp. 1a. **Storage apart from explosives.** When blasting agents are stored entirely apart from explosives, they must be stored as provided in part 7500.0800, ~~or in one story warehouses without basements. The warehouses must 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~~ governing the storage of explosives.

Subp. 2. **Trailers.** Semitrailer 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 table of distances for storage of explosive materials, with respect to inhabited buildings, passenger railways, and public highways, and in accordance with the table of separation distances of ammonium nitrate and blasting agents from explosives or blasting agents, with respect to one another. Trailers should be provided with

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substantial locks. The trailer doors must be kept locked, except when placing and removing stocks of blasting agents.

Subp. 3. **Location of warehouses.** Warehouses used to store blasting agents apart from explosives must be located as follows:

A. The location must comply with the table of distances for storage of explosive materials, with respect to inhabited buildings, passenger railways, and public highways, and must comply with the table of separation distances of ammonium nitrate and blasting agents from explosives or blasting agents, with respect to one another.

B. If both blasting agents and ammonium nitrate are handled or stored within the distance limitations prescribed in part 7500.2600, subpart 1, one-half the mass of the ammonium nitrate must 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 table of distances for storage of explosive materials.

Subp. 4. **Fire hazards.** Smoking, matches, open flames, spark-producing devices, and firearms are prohibited inside of or within 50 feet of a warehouse used for the storage of blasting agents. Combustible materials must not be stored within 50 feet of warehouses used for storing blasting agents.

Subp. 5. **Interior of warehouse.** The interior of warehouses used for the storage of blasting agents must be kept clean and free from debris and empty containers. Spilled materials must be cleaned up promptly and safely removed. Combustible materials, flammable liquids, corrosive acids, chlorates, or nitrates must not be stored in a warehouse used for blasting agents unless separated from the blasting agents by a fire-resistive separation of not less than one-hour resistance. This subpart does not prohibit the storage of blasting agents together with nonexplosive blasting supplies.

Subp. 6. **Ammonium nitrate.** Piles of ammonium nitrate and warehouses containing ammonium nitrate must be adequately separated from readily combustible fuels.

Caked ammonium nitrate, either in bags or in bulk, must not

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be loosened by blasting.

Subp. 7. **Supervisor.** A warehouse used to store blasting agents must be under the supervision of a competent person who is at least 18 years of age.

Subp. 8. **Local authority.** The local authority having jurisdiction may designate the location for and limit the quantity of blasting agents that may be loaded, unloaded, reloaded, or temporarily retained at a facility within the jurisdiction.

7500.2900 USE OF BLASTING AGENTS.

A person who uses blasting agents shall comply with parts 7500.1200 to 7500.1600.

7500.3000 GENERAL PROVISIONS FOR WATER GELS.

Unless otherwise set forth in parts 7500.3100 and 7500.3200, water gels must be stored and used in the same manner as explosives or blasting agents in accordance with the classification of the product in United States Code, title 18, chapter 40, section 841(c) (1984).

7500.3100 PREMIXED WATER GELS.

Premixed water gels ~~containing a substance classified as an explosive must be classified as an explosive in accordance with United States Code, title 18, chapter 40, section 841(c) (1984), and manufactured, stored, and used as specified for explosives.~~

~~Premixed water gels that contain no substance classified as an explosive in United States Code, title 18, chapter 40, section 841(c) (1984),~~ and that are cap-sensitive as defined in part 7500.0100, subpart 3, must be classified as an explosive and manufactured, stored, and used as specified for explosives.

Premixed water gels ~~that do not contain a substance classified as an explosive in United States Code, title 18, chapter 40, section 841(c) (1984),~~ and that are not cap-sensitive as defined in part 7500.0100, subpart 3, must be classified as blasting agents and manufactured, stored, and used as specified for blasting agents.

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7500.3200 ON-SITE-MIXED WATER GELS.

Subpart 1. [See Repealer.]

Subp. 2. **Classified and nonclassified ingredients.** Ingredients classified as ~~class A or class~~ B high explosives, low explosives, or blasting agents must be stored in conformity with part 7500.0800. Ingredients, other than ammonium nitrate, not themselves classified as explosives, must be stored in noncombustible or fire-resistive warehouses.

Subp. 3. **Ammonium nitrate.** Prilled, grained, or granulated ammonium nitrate must be stored in accordance with standard 490 of the Code for the Storage of Ammonium Nitrate, found in National Fire Codes, 1982, Volume 3, issued by the National Fire Protection Association (Quincy, Massachusetts, 1982), which is incorporated by reference, is not subject to frequent change, and is located at the Minnesota State Law Library, 117 University Avenue, Saint Paul, Minnesota 55155. If ammonium nitrate is stored in the vicinity of explosives or blasting agents, the separation distances specified in part 7500.0800 apply.

Liquid ammonium nitrate solutions must be stored in tank cars, tank trucks, or permanent tanks in a location approved by the commissioner. Spills or leaks which may contaminate combustible materials must be cleaned up immediately.

Subp. 4. **Electric power.** If electric power is used, it must be furnished by cable from an outside source or by a self-contained motor generator. A self-contained power source must be located at the end of the storage container opposite the end where the blasting agent is discharged, must have adequate capacity for the loads expected, and must be equipped with suitable overload protection devices.

Subp. 4a. **Electric wiring.** Electric wiring carrying voltages greater than 12 volts must be in armored cable or in conduit and, if dry ingredients are employed, the wiring must conform to the requirements of class II, division 2 of standard 70 of the National Electrical Code, found in the National Fire

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Codes, 1982, issued by the National Fire Protection Association (Quincy, Massachusetts, 1982), and incorporated by reference in part 7500.2600, subpart 6. The materials protecting the electric wiring must be of such composition that they will not chemically attach to the ingredients being processed.

Subp. 5. **Mixing equipment.** Electric motors, electrically operated proportioning devices, and other similar devices must be electrically bonded. If they are used for dry ingredients they must also conform to the requirements of class II, division 2 of standard 70 of the National Electrical Code, found in the National Fire Codes, 1982, volume 6, issued by the National Fire Protection Association (Quincy, Massachusetts, 1982), and incorporated by reference in part 7500.2600, subpart 6.

The entire loading and mixing equipment must be cleaned daily to prevent accumulations of ingredients.

7500.3400 SMALL ARMS AMMUNITION.

Subpart 1. **Restricted scope.** Parts 7500.3400 to 7500.3600 do not apply to in-process storage and intraplant transportation during manufacture of small arms ammunition, small arms primers, and smokeless propellants.

This part does not apply to the transportation of small arms ammunition governed by Code of Federal Regulations, title 49, parts 100 to 199 (1983).

Subp. 2. **Quantity limitations.** No quantity limitations are imposed on the 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.

Subp. 3. **Separate storage.** Small arms ammunition must be separated from flammable liquids, flammable solids as classified by the Department of Transportation in Code of Federal Regulations, title 49, parts 100 to 199 (1983), and oxidizing materials by a fire-resistive wall of one-hour rating or by a distance of 25 feet.

Small arms ammunition must not be stored together with

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~~class-A-or-class-B~~ explosives ~~as-defined-by-Department-of-Transportation-regulations-in-Code-of-Federal-Regulations,-title-49,-parts-100-to-199-(1983)~~ or blasting agents, unless the storage facility is adequate as described in Code of Federal Regulations, title 27, sections 55.201 to 55.220 (1982).

7500.3500 SMOKELESS PROPELLANTS.

Subpart 1. **Restricted scope.** This part does not apply to the transportation of smokeless propellants governed by Code of Federal Regulations, title 49, parts 100 to 199 (1983).

Subp. 1a. **Approved container required.** Smokeless propellants must be stored in shipping containers approved by the Department of Transportation in Code of Federal Regulations, title 49, parts 100 to 199 (1983).

Subp. 1b. **Transportation of certain quantities.** Quantities of smokeless propellants of 25 pounds or less in shipping containers approved by the Department of Transportation in Code of Federal Regulations, title 49, parts 100 to 199 (1983), may be transported in a passenger vehicle.

Quantities in excess of 25 pounds but not exceeding 50 pounds that are transported in a passenger vehicle must be in a portable magazine having wooden walls of at least one-inch nominal thickness.

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

Transportation of quantities in excess of 50 pounds in other than passenger vehicles must comply with Department of Transportation regulations in Code of Federal Regulations, title 49, parts 100 to 199 (1983). In addition, warning placards must be prominently displayed when more than 250 pounds are being transported.

Subp. 2. **Storage of propellants intended for personal use.** Smokeless propellants intended for personal use in quantities not to exceed 20 pounds may be stored in residences. Quantities in excess of 20 but not exceeding 50 pounds must be stored in a wooden box or cabinet having walls of at least one-inch nominal

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thickness.

Subp. 3. **Commercial displays and stocks.** Not more than 20 pounds of smokeless propellants, in containers of one-pound maximum capacity, may be displayed in commercial establishments. Commercial stocks of smokeless propellants greater than 20 pounds but not more than 100 pounds must be stored in approved wooden boxes having walls of at least one-inch nominal thickness. Not more than 50 pounds are permitted in any one box.

Commercial stocks in quantities not to exceed 750 pounds must be stored in storage cabinets having wooden walls of at least one-inch nominal thickness. Not more than 400 pounds are permitted in any one cabinet.

Subp. 4. **Quantities over 750 pounds.** Quantities in excess of 750 pounds must be stored in magazines constructed and located as specified in part 7500.0800.

7500.3600 SMALL ARMS AMMUNITION PRIMERS.

Subpart 1. **Restricted scope.** This section does not apply to the transportation of small arms ammunition primers governed by Code of Federal Regulations, title 49, parts 100 to 199 (1983).

Subp. 2. **Transportation and storage.** Small arms ammunition primers must not be transported or stored except in the original shipping container approved by the Department of Transportation in Code of Federal Regulations, title 49, parts 100 to 199 (1983).

Subp. 3. **Truck or rail transportation.** Truck or rail transportation of small arms ammunition primers must comply with the Department of Transportation regulations in Code of Federal Regulations, title 49, parts 100 to 199 (1983).

Subp. 4. **Quantity limitations.** Not more than 25,000 small arms ammunition primers may be transported in a passenger vehicle.

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

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

Subp. 5. **Separate storage.** Small arms ammunition primers must be separated from flammable liquids, flammable solids as classified by the Department of Transportation in Code of Federal Regulations, title 49, parts 100 to 199 (1983), and oxidizing materials by a fire-resistive wall of one-hour rating or by a distance of 25 feet.

Subp. 6. **Storage of large quantities.** Quantities of small arms ammunition primers in excess of 1,000,000 must be stored in magazines in accordance with part 7500.0800.

REPEALER. Minnesota Rules, parts 7500.0100, subparts 12, 15, 20, and 21; 7500.0900; 7500.1000; 7500.1100; 7500.1700; 7500.1800, subpart 5; 7500.1900; 7500.2300; 7500.2800; 7500.3200, subpart 1; and 7500.3300 are repealed.

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STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUN 17 1986
Joan Anderson Growe
Secretary of State

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APPROVED AS TO FORM AND LEGALITY
June 16 1986
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY MJ Carsley
SPECIAL ASSISTANT ATTORNEY GENERAL

AG copy.

Department of Public Safety

Adopted Rules Governing the Manufacture, Storage, and Use of Explosives and Blasting Agents

Rules as Adopted

7500.0100 DEFINITIONS.

Subpart 1. **Scope.** The terms used in this chapter have the meanings given them in this part.

Subp. 2. **Approved.** "Approved" means approved by the commissioner or an authorized assistant of the commissioner.

? "designee" would be preferable - see below, 3a + 9e

Subp. 3. **Blasting agent.** "Blasting agent" means a material or mixture ~~intended for blasting;~~ that consists of a fuel and oxidizer; that is intended for blasting but is not otherwise ~~classified~~ defined as an explosive; ~~has no ingredient classified as an explosive;~~ and that, as a finished product mixed ~~and packaged~~ for use or shipment, cannot be detonated by means of a number 8 test blasting cap, as defined in subpart ~~9b~~ 9a, when unconfined.

This change not addressed in FF but see change to 9a.

Subp. 3a. **Commissioner.** "Commissioner" means the commissioner of the Department of Public Safety or designee of the commissioner.

Subp. 4. [Unchanged.]

Subp. 4a. **Detonator.** "Detonator" means a device containing a detonating charge that is used for initiating detonation in an explosive. The term includes electric blasting caps of instantaneous and delay types, blasting caps for use with safety fuses, detonating cord delay connectors, and nonelectric instantaneous and delay blasting caps.

FF

Subp. 5. **Explosive-actuated device.** "Explosive-actuated device" means a tool or special mechanized device that is actuated by explosives. Examples of explosive-actuated power devices are jet ~~trappers~~ tappers FF and jet perforators. This term does not include propellant-actuated power devices.

Subp. 6. **Explosives.** "Explosives" means a chemical

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compound, mixture, or device ~~primarily-and-commonly-used-to~~ ~~create-an~~, the primary or common purpose of which is to function by explosion ~~or-having-a-substantially-instantaneous-release-of~~ ~~gas-and-heat.~~

~~A-chemical-compound,-mixture,-or-device-that-is-otherwise specifically-classified-by-the-Department-of-Transportation-is not-an-explosive.~~

~~The-term-"explosives"-includes-materials-classified-as class-A,-class-B,-and-class-C-explosives-by-the-Department-of Transportation-in-Code-of-Federal-Regulations,-title-49,-parts 100-to-199-(1983),-including-dynamite,-black-powder,-pellet powders,-initiating-explosives,-blasting-caps,-electric-blasting caps,-safety-fuses,-fuse-lighters,-fuse-igniters,-squibs, detonating-cords,-instantaneous-fuses,-igniter-cords,-igniters, small-arms-ammunition,-small-arms-ammunition-primers,-smokeless propellants,-cartridges-for-propellant-actuated-power-devices, cartridges-for-industrial-guns,-and-some-special-fireworks.~~

~~Commercial-explosives-are-explosives-intended-to-be-used-in commercial-or-industrial-operations.~~

~~Certain-chemicals-and-certain-fuel-materials-may-have explosive-characteristics-not-specifically-classified-by-the Department-of-Transportation-and-not-readily-classified-for coverage-in-the-code-parts-cited-above.--Authoritative information-must-be-obtained-for-these-unclassified-materials and-action-commensurate-with-their-hazards,-locations, isolation,-and-safeguards,-must-be-taken.--The-Department-of Transportation-classifies-explosives-as-follows:~~

~~A.--Class-A-explosives-possess-a-detonating-or otherwise-maximum-hazard.--Examples-of-class-A-explosives-are dynamite,-nitroglycerin,-picric-acid,-lead-azide,-fulminate-of mercury,-blasting-caps,-and-detonating-primers.~~

~~B.--Class-B-explosives-possess-a-flammable-hazard. Examples-of-class-B-explosives-are-propellant-explosives, including-some-smokeless-propellants,-photographic-flash powders,-black-powder,-and-some-special-fireworks.~~

~~C.--Class-C-explosives-include-certain-types-of~~

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~~manufactured-articles-that-contain-class-A-explosives,-class-B explosives,-or-both,-as-components-but-in-restricted-quantities.~~

~~D.--Forbidden-or-not-acceptable-explosives-are forbidden-or-not-acceptable-for-transportation-by-common carriers,-rail-freight,-rail-express,-highway,-or-water-in accordance-with-the-regulations-of-the-Department-of Transportation-in-Code-of-Federal-Regulations,-title-49,-parts 100-to-199-(1983).~~ The term includes dynamite and other high explosives, detonators, safety fuses, squibs, detonating cord, igniter cord, and igniters.

For purposes of this subpart, there are three classes of explosive materials. These classes, together with the description of explosive materials comprising each class, are as follows:

A. High explosives are explosive materials that can be caused to detonate by means of a blasting cap when unconfined; for example, dynamite.

B. Low explosives are explosive materials that can be caused to deflagrate when confined, for example: black powder, safety fuses, igniters, igniter cord, fuse lighters, and special fireworks defined as class B explosives by United States Department of Transportation regulations in Code of Federal Regulations, title 49, part 173.

C. Blasting agents include, for example, ammonium nitrate-fuel oil and certain water gels.

Subp. 7. **Highway.** "Highway" means a public street, public alley, or public road.

Subp. 8. **Inhabited building.** "Inhabited building" means a building or structure regularly used in whole or part as a place of human habitation. The term "inhabited building" also means a 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 does not mean a building or structure occupied in connection with the manufacture, storage, and use of explosives.

Subp. 8a. **License.** "License" refers to a license

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? vague

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application approved and issued by the Department of Public Safety, Bureau of Criminal Apprehension.

Subp. 9. [Unchanged.]

Subp. 9a. ~~**Nitrocarbonitrate.** The term "nitrocarbonitrate" means a blasting agent classified as nitrocarbonitrate under the Department of Transportation regulations published in Code of Federal Regulations, title 49, parts 100 to 199 (1983), and packaged and shipped in compliance with those regulations.~~ FF

~~Subp. 9b.~~ **Number 8 test blasting cap.** A "number 8 test blasting cap" means a cap containing two grams of a mixture of 80 percent mercury fulminate and 20 percent potassium chlorate, or a cap of equivalent strength.

Subp. ~~9c.~~ 9b. **Passenger vehicle.** "Passenger vehicle" means a motor vehicle designed and used to carry not more than ten persons and includes a passenger automobile, station wagon, pickup truck, and van as they are defined in Minnesota Statutes, section 168.011.

Subp. ~~9d.~~ 9c. **Permit.** "Permit" refers to an application for a user permit, approved and issued by sheriffs or chiefs of police of cities of the first, second, or third class, as defined in Minnesota Statutes, section 410.01, or other person designated by the commissioner.

Subp. 10. **Person.** "Person" means an individual, firm, copartnership, corporation, company, association, or joint stock association, and includes a trustee, receiver, assignee, or personal representative of that individual or entity.

Subp. 11. **Propellant-actuated device.** "Propellant-actuated device" means a tool or special mechanized device or gas generator system that is actuated by a smokeless propellant or that releases and directs work through a smokeless propellant charge.

Subp. 12. [See Repealer.]

Subp. 13. **Pyrotechnics.** "Pyrotechnics" means a combustible or explosive composition or manufactured article designed and prepared to produce audible or visible effects and commonly referred to as fireworks.

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Subp. 14. [Unchanged.]

Subp. 15. [See Repealer.]

Subp. 16. **Small arms ammunition.** "Small arms ammunition" means a shotgun, rifle, pistol, or revolver cartridge; or cartridge for propellant-actuated power devices and industrial guns. This term does not include military-type ammunition containing explosive bursting charges and spotting or pyrotechnic projectiles.

Subp. 17. [Unchanged.]

Subp. 18. **Smokeless propellant.** "Smokeless propellant" means a solid propellant, called a smokeless powder in the trade, used in small arms ammunition, cannons, rockets, propellant-actuated power devices, or other devices.

Subp. 19. **Special industrial explosive.** "Special industrial explosive" means an explosive-actuated power device or a propellant-actuated power device consisting of shaped materials and sheet forms and various other extrusions, pellets, and packages of high explosives including 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.

Subp. 20. [See Repealer.]

Subp. 21. [See Repealer.]

Subp. 21a. **Table of distances for storage of explosive materials.** "Table of distances for storage of explosive materials" means the table provided in Code of Federal Regulations, title 27, section 55.218 (April 1, 1985).

Subd. 21b. **Table of separation distances of ammonium nitrate and blasting agents from explosives or blasting agents.** "Table of separation distances of ammonium nitrate and blasting agents from explosives or blasting agents" means the table provided in Code of Federal Regulations, title 27, section 55.220 (April 1, 1985).

Subp. 22. [Unchanged.]

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Subp. 23. **Water ~~gel~~ gels or ~~slurry-explosive~~ slurries.** "Water ~~gel~~ gels or ~~slurry-explosive~~ slurries" ~~includes a wide variety of~~ are explosive materials ~~used for blasting, all of which~~ that contain substantial ~~proportions~~ portions of ~~ammonium nitrate, some of which is in solution in the water. Two broad classes of water gels are those that are sensitized by a material classed as an explosive, such as TNT or smokeless powder, and those that contain no ingredient classified as an explosive, that are sensitized with metals such as aluminum or other~~, oxidizers, sensitizers, fuels, thickeners, gelling agents, or cross-linking agents. ~~Water gels~~ They may be premixed at ~~an explosives~~ a manufacturing plant or mixed at the site immediately before delivery into the ~~bore hole~~ borehole. Sensitivity and classification are covered under part 7500.3100.

7500.0200 PURPOSE.

The purpose of this chapter is to adopt safety standards for the manufacture, storage, and use of explosives and blasting agents, consistent with Minnesota Statutes, sections 299F.71 to 299F.83.

7500.0300 SCOPE.

Subpart 1. **In general.** This chapter applies to the manufacture, retention, possession, storage, sale, and use of explosives, blasting agents, and pyrotechnics.

Subp. 2. **Municipal supervision.** This chapter also applies to municipal supervision of compliance with federal regulations.

7500.0400 SCOPE; EXEMPTIONS.

Subpart 1. **Materials transported.** This chapter does not apply to the transportation of explosives or blasting agents governed by Code of Federal Regulations, title 49, parts 100 to 199 (1983), or otherwise under the jurisdiction of the Department of Transportation, United States Coast Guard, Federal Aviation Agency, or Board of Transport Commissioners for Canada.

Subp. 2. **Military explosives.** This chapter does not apply

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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.

Subp. 3. **Other federal and Canadian agencies.** This chapter does 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.

Subp. 3a. **Bomb technicians.** This chapter does not apply to recognized bomb technicians acting in an official capacity under emergency conditions.

Subp. 4. **Fireworks.** This chapter does not apply to the sale, use, or public display of pyrotechnics commonly known as fireworks.

Subp. 5. **Requests for exemptions.** The commissioner may grant an exemption from this chapter upon written request. The request must show that enforcement of a part of this chapter will cause unnecessary hardship to the petitioner. The commissioner shall not grant the request if the requested modification of a part of this chapter will constitute a distinct hazard to life or adjoining property.

The request must be in duplicate and must state the full particulars of the exemption requested. When the requested exemption is approved, one copy of the approval will be returned to the petitioner and one copy will be retained by the commissioner.

7500.0500 AUTHORITY OF COMMISSIONER.

Subpart 1. **Site and records inspections.** After acquiring necessary security clearance and during normal business hours, the commissioner may inspect storage sites and use sites for explosives regulated by and the records of explosives dealers required by this chapter. The purpose of an inspection is to determine whether the sites and records conform to this chapter. In addition, the commissioner or any authorized law

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enforcement official may conduct an inspection at any time in connection with the investigation of a crime.

Subp. 2. **Restricting quantity of explosives.** The commissioner may restrict the quantity of explosives or blasting agents that may be handled at a location in a city, county, state, or other area.

7500.0550 EXPLOSIVES DEALER LICENSE.

Subpart 1. **Application.** An applicant for an explosives dealer license shall apply to the commissioner according to Minnesota Statutes, section 299F.73. The commissioner shall refuse to process an incomplete application.

One copy of the approved application will be returned to the applicant and will constitute a license to manufacture, assemble, warehouse, or store explosives.

A license is valid for one year from the date of approval.

Subp. 2. **Fees.** The annual fee for a new or renewed license is $10. However, the commissioner shall not charge a government subdivision a fee for either a new or a renewed license.

Subp. 3. **License renewal.** One month before a license is due to expire the commissioner shall notify the licensee of the expiration date. The commissioner shall renew a license upon receipt of the $10 renewal fee from the licensee.

Subp. 4. **License suspension or revocation.** The commissioner shall suspend or revoke a license if an applicant or a licensee:

A. violates the provisions of Minnesota Statutes, sections 299F.71 to 299F.83 pertaining to explosives;

B. violates the provisions of this chapter pertaining to explosives;

C. uses an explosive in the commission of a crime; or

D. makes a false statement on a license application form.

Subp. 5. **Person prohibited from holding license.** If an applicant or licensee becomes a person prohibited from holding a

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license as defined in Minnesota Statutes, section 299F.77, that person shall notify the commissioner of this fact within 48 hours.

Subp. 6. **Right to contest decision.** An applicant or licensee has the right to contest a decision made by the commissioner. These proceedings must be conducted according to the Administrative Procedure Act, Minnesota Statutes, sections 14.57 to 14.69.

7500.0560 EXPLOSIVES USER PERMIT.

Subpart 1. **Application.** An applicant for an explosives user permit shall apply to the local issuing authority as described in part 7500.0100, subpart 9d, in accordance with Minnesota Statutes, section 299F.75. The issuing authority may be located either where the applicant resides or where the applicant intends to use the explosives.

The applicant shall notify the chief of police or sheriff of the jurisdiction where the explosives will be used or stored if the permit was not issued in that jurisdiction.

Subp. 2. **Duties of issuing authority.** If the applicant obtains a permit from an issuing authority of a jurisdiction other than where the explosives will be used or stored, the issuing authority:

A. before issuing the permit, shall confer with the authority where the explosives are to be used or stored;

B. shall forward a copy of the permit, as soon as it is issued, to the sheriff or chief of police of the jurisdiction where the explosives will be used or stored;

~~B.~~ C. may charge the applicant a fee not to exceed $25 when another jurisdiction must be notified of the use or storage of explosives;

~~C.~~ D. after approving an application, shall retain the yellow copy, file the green copy with the commissioner, and return to the applicant the white copy which becomes the permit; and

~~D.~~ E. shall refuse to process an application that is

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not completed according to Minnesota Statutes, section 299F.75, subdivision 2.

Subp. 3. **Permit suspension or revocation.** The issuing authority shall suspend or revoke a permit if an applicant or permittee:

A. violates the provisions of Minnesota Statutes, sections 299F.71 to 299F.83 pertaining to explosives;

B. violates the provisions of this chapter pertaining to explosives;

C. uses an explosive in the commission of a crime; or

D. makes a false statement on the permit application form.

Subp. 4. **Person prohibited from holding permit.** If an applicant or permittee becomes a person prohibited from holding a permit as defined in Minnesota Statutes, section 299F.77, that person shall notify the commissioner of this fact within 48 hours.

Subp. 5. **Right to contest decision.** An applicant or permittee has the right to a hearing before the commissioner to contest a decision made by an issuing authority. These proceedings must be conducted according to the Administrative Procedure Act, Minnesota Statutes, sections 14.47 to 14.69.

7500.0600 PROHIBITIONS AGAINST EXPLOSIVES MANUFACTURING.

Subpart 1. **Authorization required.** The manufacture of an explosive or explosive device, including small arms ammunition~~,~~ ~~pyrotechnics,~~ and blasting agents, is prohibited unless the manufacturer is licensed by the commissioner. This prohibition does not apply to hand loading of small arms ammunition prepared for personal use and not for resale.

change not addressed in FF

Subp. 2. **Undue hazard.** The manufacture of explosives or blasting agents is prohibited when the manufacture presents an undue hazard to life and property as determined by the commissioner.

existing language not subject to our review

7500.0700 PROHIBITIONS; EXCEPTIONS.

Subpart 1. **Undue hazard.** A person shall not store or

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handle explosives or blasting agents when the storage or handling of explosives or blasting agents constitutes an undue hazard to life and property.

Subp. 2. **In conflict with law or rules.** A person shall not possess, keep, store, sell or offer for sale, give away, use, or otherwise dispose of an explosive or blasting agent except as provided in this chapter or by law. This limitation does 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, or railroad fusees.

Subp. 3. **Transfer to unauthorized persons.** A person shall not sell or give away an explosive or blasting agent to an unauthorized person, as defined in Minnesota Statutes, section 299F.77.

Subp. 4. **Public display.** A person shall not physically sell, display, or expose for sale an explosive or blasting agent on a highway, street, sidewalk, public way, or public place.

Subp. 5. **Medicinal use permitted.** This chapter does not prohibit the use of explosives in the form prescribed by the United States Pharmacopeia National Formulary, issued by the United States Pharmacopeial Convention, Inc. (Rockville, Maryland, 1985).

Subp. 6. **Laboratory use permitted.** Government and industrial laboratories, laboratories of technical institutes, colleges, universities, and similar institutions may keep, store, and use explosives or blasting agents:

A. if they are used for scientific or technical instruction or research;

B. only under experienced and competent supervision; and

C. if no 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; and

D. if in compliance with Code of Federal Regulations,

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title 27, sections 55.203 to 55.217 (1982).

When additional quantities of explosives or blasting agents are required, the institution shall apply for a special ruling by the commissioner.

7500.0800 STORAGE OF EXPLOSIVES IN MAGAZINES.

Subpart 1. **General requirement.** ~~Class A, class B, and class C~~ High explosives, low explosives, blasting agents, special industrial explosives, and newly developed and unclassified explosives must be kept in magazines that meet the requirements of this part.

Subp. 2. **~~Caps~~ Detonators, primers, cartridges; separated storage.** ~~Blasting caps, electric blasting caps~~ Detonators, detonating primers, and primed cartridges must not be stored in the same magazine with other explosives.

Subp. 3. **Magazines.** The ground around magazines must slope away for drainage. The land surrounding magazines must be kept clear of brush, dried grass, leaves, and other combustible materials for a distance of at least 25 feet.

Magazines must comply with Code of Federal Regulations, title 27, sections 55.203 to 55.217 (1982).

Subp. 4. **Exceptions.** This part does not apply to:

A. 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;

B. explosive-actuated power devices when in quantities of less than 50 pounds net weight of explosive;

C. fuse lighters and fuse igniters; or

D. safety fuses, not including detonating cords.

7500.1200 USE OF EXPLOSIVES; PRECAUTIONS.

Subpart 1. **Persons handling explosives.** Explosives may be handled only by a person experienced in the use of explosives or by an employee who is at least 18 years of age and is supervised by a person experienced in the use of explosives.

Subp. 2. **Smoking, fire, liquor, narcotics.** While

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explosives are being handled or used, smoking is not permitted. A person near the explosives shall not possess matches, open light, or other fire- or flame-producing devices. A person shall not handle explosives while under the influence of intoxicating liquor or narcotics.

Subp. 3. **Containers.** Original containers or authorized containers must be used for taking detonators and other explosives from storage magazines to the blasting area.

Subp. 4. **Covering blast.** When the blasting is done in congested areas or in close proximity to a structure, railway, highway, or other installation that may be damaged, the blast must be covered before firing with a mat that can prevent fragments from being thrown.

Subp. 5. **General precautions.** Persons authorized to prepare explosive charges or conduct blasting operations shall use every reasonable precaution, including warning signals, flags, barricades, or ~~woven-wire~~ mats to ensure the safety of the general public and workers.

? not addressed in FF

Subp. 6. **Daylight blasting.** Blasting operations, except by special permission of the commissioner, must be conducted during daylight hours.

Subp. 7. **Notice to utilities.** When 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 these utilities at least 24 hours in advance of blasting, specifying the location and intended time of blasting. Verbal notice must be confirmed with written notice. In an emergency this time limit may be waived by the local authority issuing the original permit.

Subp. 8. **Electricity precautions; incorporation.** Due precautions must 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 include:

A. [Unchanged.]

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B. the posting of signs that warn against the use of mobile radio transmitters on roads within 1,000 feet of the blasting operation; and

C. compliance with the Safety Guide for the Prevention of Radio Frequency Radiation Hazards in the Use of Electric Blasting Caps, publication number 20, Institute of Makers of Explosives (1981), which is incorporated by reference. This publication is not subject to frequent change and is located at the Minnesota State Law Library, 117 University Avenue, Saint Paul, Minnesota 55155.

7500.1300 STORAGE AT USE SITES.

Subpart 1. **Boxes and packing materials.** Empty boxes and paper and fiber packing materials that previously contained high explosives must not be used again for any purpose, but must be destroyed by burning at an approved isolated location out of doors. A person shall not be nearer than 100 feet after burning has started.

Subp. 2. **Opening containers.** Containers of explosives must not be left opened in a magazine or within 50 feet of a magazine. In opening kegs or wooden cases, sparking metal tools must not be used; wooden wedges and either wood, fiber, or rubber mallets must be used. Nonsparking metallic slitters may be used for opening fiberboard cases.

Subp. 3. **Damaged explosives.** Explosives or blasting equipment that is obviously deteriorated or damaged must not be used.

Subp. 4. **Abandonment.** Explosives must not be abandoned.

7500.1400 LOADING EXPLOSIVES IN BLAST HOLES.

Subpart 1. **Size of drill hole.** Drill holes must be sufficiently large to admit freely the insertion of a cartridge of explosives.

Subp. 2. **Tamping.** Tamping must be done only with wood or approved plastic rods without exposed metal parts, but nonsparking metal connectors may be used for jointed poles. Violent tamping must be avoided.

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Subp. 3. **Selection of holes.** Only holes that will be fired in the next round of blasting may be loaded. After loading, the remaining explosives must be immediately returned to an authorized location.

Subp. 4. **Remaining butts.** Drilling must not be started until the remaining butts of old holes are examined with a wooden stick for unexploded charges. If unexploded charges are found, they must be refired before work proceeds.

Subp. 5. **Prohibition against deepening holes.** No person is allowed to deepen drill holes which contain explosives.

7500.1500 INITIATION OF EXPLOSIVES CHARGES.

Subpart 1. **Electric blasting caps** detonators. Only electric blasting **caps** detonators may be used for blasting operations in congested districts, in highways, or adjacent to highways open to traffic, except where sources of extraneous electricity make this use dangerous.

Subp. 2. **Using fuses.** When a fuse is used, the blasting **cap** detonator must be securely attached to the safety fuse with a standard ring-type **cap** detonator crimper. Primers may only be assembled at least 50 feet from any magazine.

Subp. 3. **Primers.** Primers may be made up only as required for each round of blasting.

Subp. 4. **Inserting cap detonator into explosive.** A blasting **cap** detonator must not be inserted in the explosives unless a hole is first made in the cartridge for the **cap** detonator with an approved punch of proper size or standard **cap** detonator crimper.

Subp. 5. **Extracting explosives from hole.** Explosives must 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 inserting a fresh additional primer.

Subp. 6. **Misfires.** If a misfire occurs while using a **cap** detonator and a fuse or an electric blasting **cap** detonator, all persons shall remain away from the charge for at least 30 minutes. A misfire may be handled only under the direction of

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the person in charge of the blasting, the wires must be carefully traced, and a search must be made for unexploded charges.

Subp. 7. **Testing circuits.** When testing circuits to charged holes, blasters shall use only blasting galvanometers or other instruments approved for testing circuits.

Subp. 8. **Lead wire connections.** Only the person making the lead wire connections in electrical firing shall fire the shot. Connections should be made from the bore hole back to the source of firing current. The leading wires must remain shorted and must not be connected to the blasting machine or other source of current until the charge is to be fired.

7500.1600 WARNING REQUIREMENT.

Before a blast is fired, the person in charge shall first make certain that surplus explosives are in a safe place and that persons and vehicles are at a safe distance or under sufficient cover. Then the person in charge shall give a suitable warning signal.

7500.1800 SALE AND DISPOSITION OF EXPLOSIVES.

Subpart 1. **Prohibitions; scope.** ~~class A, class B, and class C~~ Explosives and blasting agents, special industrial explosives, and newly developed and unclassified explosives must not be sold or transferred in this state except as provided in items A to D. This part does not apply to the following commodities and items:

See change to 0100, subp 3

A. stocks of small arms ammunition, propellant-actuated power cartridges, small arms ammunition primers, and smokeless propellants;

B. and C. [Unchanged.]

D. safety fuses not including detonating cords and 3/32-inch cannon fuses or matchlock fuses (slow match).

Subp. 2. **Marking required.** A vendor, transferor, buyer, or transferee of explosives within this state shall not accept or deliver dynamite or other explosive in any quantity unless each carton or other usual primary container of the explosive is

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plainly labeled, stamped, or marked with identification numbers and with the words "Dangerous Explosives." It is unlawful for a person to use or possess an explosive not so marked. Unmarked explosives found in the possession of any person may be confiscated, seized, or destroyed by the commissioner or a law enforcement officer.

Subp. 3. **Information required for delivery.** A vendor or transferor of explosives within this state may deliver explosives to another person only after first obtaining and recording the following information:

A. the date of transaction;

B. the identity of the manufacturer of the explosives being transferred;

C. the type of explosives and the identification numbers on the explosives being transferred;

D. the quantity of explosives being transferred;

E. the name and address of the purchaser or transferee;

F. the user permit number; and

G. the signature of the transferee.

Subp. 4. **Records of transactions required.** Records of transactions must be made available to the commissioner on request. Also, the commissioner may require that each person mail a copy of the record of each transaction made during the preceding week on Monday of each week.

Subp. 5. [See Repealer.]

7500.2000 REPORT OF THEFTS.

A person possessing explosives who incurs a loss or theft of explosives shall notify, within 24 hours of discovering the loss or theft, the commissioner and the county sheriff or the local chief of police of the loss or theft, the amount of missing explosives, and the approximate time of the occurrence.

7500.2100 JURISDICTION OF FEDERAL BUREAU OF MINES.

The commissioner may exempt a person from the requirements for storage facilities in parts 7500.0700, 7500.0800, and

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7500.1300 if the person is within the jurisdiction of the Federal Bureau of Mines and the commissioner deems that parts 7500.0700, 7500.0800, and 7500.1300 are in conflict with Code of Federal Regulations, title 27, sections 55.201 to 55.220 (1982). The commissioner may revoke an exemption at any time. For granting or revoking an exemption or for any other purpose, the commissioner may inspect at any time the premises and facilities of a person seeking an exemption.

7500.2200 GENERAL PROVISIONS.

Subpart 1. **Restricted scope.** This section does not apply if its application in a particular instance would conflict with Code of Federal Regulations, title 49, parts 100 to 199 (1983).

Subp. 1a. **Storage in railway car; federal regulations.** Except in an emergency and with permission of the local authority having jurisdiction, a person shall not have or keep explosives in a railway car unless the car and its contents and the methods of loading conform to Department of Transportation regulations in Code of Federal Regulations, title 49, parts 100 to 199 (1983) for the transportation of explosives.

Subp. 2. **Delivery to carrier.** A person shall not deliver an explosive to a carrier unless the explosive conforms in all respects, including marking and packing, to the Department of Transportation regulations in Code of Federal Regulations, title 49, parts 100 to 199 (1983) for the transportation of explosives.

Subp. 3. **Placards on railway cars.** A railway car containing explosives that has reached its destination or is stopped in transit and no longer is in interstate commerce, must have placards that comply with Department of Transportation regulations in Code of Federal Regulations, title 49, parts 100 to 199 (1983).

Subp. 4. **Other safety measures required.** Explosives that are to be delivered to a consignee or forwarded to another destination and that are located at a railway facility, truck terminal, pier, wharf, harbor facility, or airport terminal must be kept in a safe place, kept isolated as far as practicable,

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and kept in a manner that they can be easily and quickly removed.

7500.2350 DUTY OF CONSIGNEE TO ACCEPT SHIPMENT.

When explosives are transported into a locality governed by this chapter and within 48 hours of notification, the consignee shall receive and remove the explosives from the carrier to a properly permitted magazine or notify the commissioner who shall ensure that the explosives are moved to a safe place.

7500.2400 DESIGNATION OF FACILITIES.

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

7500.2500 BLASTING AGENTS.

Unless otherwise set forth in parts 7500.2600 to 7500.2900 blasting agents must be stored and used in the same manner as explosives.

7500.2600 MIXING OF BLASTING AGENTS.

Subpart 1. **Building locations; distances.** Buildings or other facilities used for mixing blasting agents must be located, with respect to inhabited buildings, passenger railroads, and public highways, in accordance with the table of distances for storage of explosive materials.

If ammonium nitrate is stored at a closer distance to the blasting agent storage area than as provided in the table of separation distances of ammonium nitrate and blasting agents from explosives or blasting agents, then the ammonium nitrate must be added to the quantity of blasting agents to calculate the total quantity involved before applying the table of distances for storage of explosive materials.

Subp. 2. **Separation in plant.** Minimum intraplant separation distances between mixing units and the ammonium nitrate storage areas and blasting agent storage areas must conform to the table of separation distances of ammonium nitrate and blasting agents from explosives or blasting agents.

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Subp. 3. **Building requirements.** A building used for mixing blasting agents must conform to the following requirements unless the building is specifically approved by the commissioner:

A. Buildings must be of noncombustible construction or sheet metal on wood studs.

B. The layout of the mixing building must provide physical separation between the finished product storage and the mixing and packaging operation.

C. Floors in storage areas and in the processing plant must be of concrete.

D. Isolated fuel storage must be provided to avoid contact between molten ammonium nitrate and fuel in case of fire.

E. The building must be well ventilated.

F. Heat must be provided exclusively from a unit located outside the building.

Subp. 4. **Design of mixer.** The design of the mixer must minimize the possibility of frictional heating, compaction, and especially, confinement. Open mixers are preferable to enclosed mixers. Bearings and gears must be protected against the accumulation of oxidizer dust. Surfaces must be accessible for cleaning. Mixing and packaging equipment must be constructed of materials compatible with the composition of fuel and ammonium nitrate.

Subp. 5. **Blasting agent compositions.** The sensitivity of a blasting agent must be determined by using a number 8 test blasting cap at regular intervals and after every change in formulation, or as requested by the commissioner.

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

Liquid fuel with a flash point lower than that of number 2 diesel fuel oil, 125 degrees Fahrenheit minimum or legal, must not be used.

Crude oil and crankcase oil must not be used because they may contain light ends that offer increased vapor-explosion

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hazards or gritty particles that tend to sensitize the resulting blasting agent.

If solid fuels are used, they must be chosen so as to minimize dust-explosion hazard.

Metal dusts, such as aluminum powder; peroxides; or chlorates must not be used unless the operations are conducted in a manner approved by the commissioner.

Unusual compositions may be attempted only under the supervision of competent personnel equipped to determine the overall hazard of the resulting compositions.

Subp. 6. **Equipment requirements.** If electrical switches, controls, motors, and lights are located in the mixing room, they must conform to the requirements of class II, division 2 of standard 70, of the National Electrical Code, and found in the National Fire Codes, 1982, volume 6, issued by the National Fire Protection Association, (Quincy, Massachusetts, 1982), which is incorporated by reference, is not subject to frequent change, and is located at the Minnesota State Law Library, 117 University Avenue, Saint Paul, Minnesota 55155; otherwise they must be located outside the mixing room. The frame of the mixer and other equipment that may be used must be electrically bonded and provided with a continuous path to the ground.

Subp. 7. **Washdown facilities.** Washdown facilities must be provided. An automatic water-deluge system with adequate capacity is recommended to protect mixers and the finished-explosives storage area in the plant. Floors must 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 must be thoroughly cleaned daily to prevent accumulation of oxidizers, fuels, or other sensitizers. The entire mixing and packaging plant must be washed down periodically to prevent excessive accumulation of dust.

Subp. 8. **Smoking or open flame.** Smoking or open flame is not permitted in or within 50 feet of a building or facility used for mixing blasting agents.

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Subp. 9. **Disposal of oxidizer bags.** Empty oxidizer bags must be disposed of daily in a safe manner.

Subp. 10. **Storage, location of blasting agents.** Not more than one day's production of blasting agents or the limit determined by the table of distances for storage of explosive materials, whichever is less, is permitted in or near the mixing and packaging plant or area. Larger quantities must be stored in separate warehouses or magazines.

7500.2700 STORAGE OF BLASTING AGENTS AND SUPPLIES.

Subpart 1. **Storage with explosives.** When blasting agents are stored with explosives, the storage must conform to part 7500.0800 governing the storage of explosives. The mass of blasting agents and one-half the mass of oxidizers must be included when computing the total quantity of explosives for determining distance requirements.

Subp. 1a. **Storage apart from explosives.** When blasting agents are stored entirely apart from explosives, they must be stored as provided in part 7500.0800, ~~or in one-story warehouses without basements. The warehouses must 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~~ governing the storage of explosives.

change not addressed in FE

Subp. 2. **Trailers.** Semitrailer 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 table of distances for storage of explosive materials, with respect to inhabited buildings, passenger railways, and public highways, and in accordance with the table of separation distances of ammonium nitrate and blasting agents from explosives or blasting agents, with respect to one another. Trailers should be provided with substantial locks. The trailer doors must be kept locked, except when placing and removing stocks of blasting agents.

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Subp. 3. **Location of warehouses.** Warehouses used to store blasting agents apart from explosives must be located as follows:

A. The location must comply with the table of distances for storage of explosive materials, with respect to inhabited buildings, passenger railways, and public highways, and must comply with the table of separation distances of ammonium nitrate and blasting agents from explosives or blasting agents, with respect to one another.

B. If both blasting agents and ammonium nitrate are handled or stored within the distance limitations prescribed in part 7500.2600, subpart 1, one-half the mass of the ammonium nitrate must 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 table of distances for storage of explosive materials.

Subp. 4. **Fire hazards.** Smoking, matches, open flames, spark-producing devices, and firearms are prohibited inside of or within 50 feet of a warehouse used for the storage of blasting agents. Combustible materials must not be stored within 50 feet of warehouses used for storing blasting agents.

Subp. 5. **Interior of warehouse.** The interior of warehouses used for the storage of blasting agents must be kept clean and free from debris and empty containers. Spilled materials must be cleaned up promptly and safely removed. Combustible materials, flammable liquids, corrosive acids, chlorates, or nitrates must not be stored in a warehouse used for blasting agents unless separated from the blasting agents by a fire-resistive separation of not less than one-hour resistance. This subpart does not prohibit the storage of blasting agents together with nonexplosive blasting supplies.

Subp. 6. **Ammonium nitrate.** Piles of ammonium nitrate and warehouses containing ammonium nitrate must be adequately separated from readily combustible fuels.

Caked ammonium nitrate, either in bags or in bulk, must not be loosened by blasting.

Subp. 7. **Supervisor.** A warehouse used to store blasting

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agents must be under the supervision of a competent person who is at least 18 years of age.

Subp. 8. **Local authority.** The local authority having jurisdiction may designate the location for and limit the quantity of blasting agents that may be loaded, unloaded, reloaded, or temporarily retained at a facility within the jurisdiction.

7500.2900 USE OF BLASTING AGENTS.

A person who uses blasting agents shall comply with parts 7500.1200 to 7500.1600.

7500.3000 GENERAL PROVISIONS FOR WATER GELS.

Unless otherwise set forth in parts 7500.3100 and 7500.3200, water gels must be stored and used in the same manner as explosives or blasting agents in accordance with the classification of the product in United States Code, title 18, chapter 40, section 841(c) (1984).

7500.3100 PREMIXED WATER GELS.

Premixed water gels ~~containing a substance classified as an explosive must be classified as an explosive in accordance with United States Code, title 18, chapter 40, section 841(c) (1984), and manufactured, stored, and used as specified for explosives.~~

~~Premixed water gels that contain no substance classified as an explosive in United States Code, title 18, chapter 40, section 841(c) (1984), and~~ that are cap-sensitive as defined in part 7500.0100, subpart 3, must be classified as an explosive and manufactured, stored, and used as specified for explosives.

Premixed water gels ~~that do not contain a substance classified as an explosive in United States Code, title 18, chapter 40, section 841(c) (1984), and~~ that are not cap-sensitive as defined in part 7500.0100, subpart 3, must be classified as blasting agents and manufactured, stored, and used as specified for blasting agents.

7500.3200 ON-SITE-MIXED WATER GELS.

Subpart 1. [See Repealer.]

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Subp. 2. **Classified and nonclassified ingredients.** Ingredients classified as ~~class A or class B~~ high explosives, low explosives, or blasting agents must be stored in conformity with part 7500.0800. Ingredients, other than ammonium nitrate, not themselves classified as explosives, must be stored in noncombustible or fire-resistive warehouses.

See change to .0100 subp. 1

Subp. 3. **Ammonium nitrate.** Prilled, grained, or granulated ammonium nitrate must be stored in accordance with standard 490 of the Code for the Storage of Ammonium Nitrate, found in National Fire Codes, 1982, Volume 3, issued by the National Fire Protection Association (Quincy, Massachusetts, 1982), which is incorporated by reference, is not subject to frequent change, and is located at the Minnesota State Law Library, 117 University Avenue, Saint Paul, Minnesota 55155. If ammonium nitrate is stored in the vicinity of explosives or blasting agents, the separation distances specified in part 7500.0800 apply.

Liquid ammonium nitrate solutions must be stored in tank cars, tank trucks, or permanent tanks in a location approved by the commissioner. Spills or leaks which may contaminate combustible materials must be cleaned up immediately.

Subp. 4. **Electric power.** If electric power is used, it must be furnished by cable from an outside source or by a self-contained motor generator. A self-contained power source must be located at the end of the storage container opposite the end where the blasting agent is discharged, must have adequate capacity for the loads expected, and must be equipped with suitable overload protection devices.

Subp. 4a. **Electric wiring.** Electric wiring carrying voltages greater than 12 volts must be in armored cable or in conduit and, if dry ingredients are employed, the wiring must conform to the requirements of class II, division 2 of standard 70 of the National Electrical Code, found in the National Fire Codes, 1982, issued by the National Fire Protection Association (Quincy, Massachusetts, 1982), and incorporated by reference in part 7500.2600, subpart 6. The materials protecting the

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electric wiring must be of such composition that they will not chemically attach to the ingredients being processed.

Subp. 5. **Mixing equipment.** Electric motors, electrically operated proportioning devices, and other similar devices must be electrically bonded. If they are used for dry ingredients they must also conform to the requirements of class II, division 2 of standard 70 of the National Electrical Code, found in the National Fire Codes, 1982, volume 6, issued by the National Fire Protection Association (Quincy, Massachusetts, 1982), and incorporated by reference in part 7500.2600, subpart 6.

The entire loading and mixing equipment must be cleaned daily to prevent accumulations of ingredients.

7500.3400 SMALL ARMS AMMUNITION.

Subpart 1. **Restricted scope.** Parts 7500.3400 to 7500.3600 do not apply to in-process storage and intraplant transportation during manufacture of small arms ammunition, small arms primers, and smokeless propellants.

This part does not apply to the transportation of small arms ammunition governed by Code of Federal Regulations, title 49, parts 100 to 199 (1983).

Subp. 2. **Quantity limitations.** No quantity limitations are imposed on the 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.

Subp. 3. **Separate storage.** Small arms ammunition must be separated from flammable liquids, flammable solids as classified by the Department of Transportation in Code of Federal Regulations, title 49, parts 100 to 199 (1983), and oxidizing materials by a fire-resistive wall of one-hour rating or by a distance of 25 feet.

Small arms ammunition must not be stored together with ~~class A or class B~~ explosives ~~as defined by Department of Transportation regulations in Code of Federal Regulations, title 49, parts 100 to 199 (1983)~~ or blasting agents, unless the

See change to .0100, subp 3

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storage facility is adequate as described in Code of Federal Regulations, title 27, sections 55.201 to 55.220 (1982).

7500.3500 SMOKELESS PROPELLANTS.

Subpart 1. **Restricted scope.** This part does not apply to the transportation of smokeless propellants governed by Code of Federal Regulations, title 49, parts 100 to 199 (1983).

Subp. 1a. **Approved container required.** Smokeless propellants must be stored in shipping containers approved by the Department of Transportation in Code of Federal Regulations, title 49, parts 100 to 199 (1983).

Subp. 1b. **Transportation of certain quantities.** Quantities of smokeless propellants of 25 pounds or less in shipping containers approved by the Department of Transportation in Code of Federal Regulations, title 49, parts 100 to 199 (1983), may be transported in a passenger vehicle.

Quantities in excess of 25 pounds but not exceeding 50 pounds that are transported in a passenger vehicle must be in a portable magazine having wooden walls of at least one-inch nominal thickness.

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

Transportation of quantities in excess of 50 pounds in other than passenger vehicles must comply with Department of Transportation regulations in Code of Federal Regulations, title 49, parts 100 to 199 (1983). In addition, warning placards must be prominently displayed when more than 250 pounds are being transported.

Subp. 2. **Storage of propellants intended for personal use.** Smokeless propellants intended for personal use in quantities not to exceed 20 pounds may be stored in residences. Quantities in excess of 20 but not exceeding 50 pounds must be stored in a wooden box or cabinet having walls of at least one-inch nominal thickness.

Subp. 3. **Commercial displays and stocks.** Not more than 20 pounds of smokeless propellants, in containers of one-pound

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maximum capacity, may be displayed in commercial establishments. Commercial stocks of smokeless propellants greater than 20 pounds but not more than 100 pounds must be stored in approved wooden boxes having walls of at least one-inch nominal thickness. Not more than 50 pounds are permitted in any one box.

Commercial stocks in quantities not to exceed 750 pounds must be stored in storage cabinets having wooden walls of at least one-inch nominal thickness. Not more than 400 pounds are permitted in any one cabinet.

Subp. 4. **Quantities over 750 pounds.** Quantities in excess of 750 pounds must be stored in magazines constructed and located as specified in part 7500.0800.

7500.3600 SMALL ARMS AMMUNITION PRIMERS.

Subpart 1. **Restricted scope.** This section does not apply to the transportation of small arms ammunition primers governed by Code of Federal Regulations, title 49, parts 100 to 199 (1983).

Subp. 2. **Transportation and storage.** Small arms ammunition primers must not be transported or stored except in the original shipping container approved by the Department of Transportation in Code of Federal Regulations, title 49, parts 100 to 199 (1983).

Subp. 3. **Truck or rail transportation.** Truck or rail transportation of small arms ammunition primers must comply with the Department of Transportation regulations in Code of Federal Regulations, title 49, parts 100 to 199 (1983).

Subp. 4. **Quantity limitations.** Not more than 25,000 small arms ammunition primers may be transported in a passenger vehicle.

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

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

Subp. 5. **Separate storage.** Small arms ammunition primers

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must be separated from flammable liquids, flammable solids as classified by the Department of Transportation in Code of Federal Regulations, title 49, parts 100 to 199 (1983), and oxidizing materials by a fire-resistive wall of one-hour rating or by a distance of 25 feet.

Subp. 6. **Storage of large quantities.** Quantities of small arms ammunition primers in excess of 1,000,000 must be stored in magazines in accordance with part 7500.0800.

REPEALER. Minnesota Rules, parts 7500.0100, subparts 12, 15, 20, and 21; 7500.0900; 7500.1000; 7500.1100; 7500.1700; 7500.1800, subpart 5; 7500.1900; 7500.2300; 7500.2800; 7500.3200, subpart 1; and 7500.3300 are repealed.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed Adoption of Rule of the State Department of Public Safety Governing Storage, Handling and Use of Explosives and Blasting Agents.

SUPPLEMENTAL FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE WITHOUT PUBLIC HEARING

Due to problems cited in the Attorney General's review of the above-entitled rule, I concur with the recommendations of the Attorney General and submit the following changes to the rule:

1. 7500.0550, Subp. 2 and 3 and 7500.0560, Subp. C.
   The language setting fees for issuing explosive dealer licenses is stricken from the rules. The Department of Public Safety does not have statutory authority to set fees in this area.

2. 7500.2100.
   Language is added to clarify the Commissioner's power to revoke an exemption from the requirements of storage facilities. The Commissioner may revoke the exemption for violations of the provisions of Minnesota Statute sections 299F.71 to 299F.83 pertaining to explosives.

The above changes are not substantial changes within the meaning of Minnesota Rules 2010.1000.

NOW, THEREFORE, IT IS ORDERED that the rule identified as Storage, Handling and Use of Explosives and Blasting Agents, as modified is adopted this 16th day of June, 1986, pursuant to authority vested in me by Minnesota Statutes, section 299F.71 to 299F.83.

STATE OF MINNESOTA

June 16, 1986
DATE

Paul J. Tschida
PAUL J. TSCHIDA
COMMISSIONER OF PUBLIC SAFETY

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed Adoption of Rule of the State Department of Public Safety Governing Storage, Handling and Use of Explosives and Blasting Agents.

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE WITHOUT PUBLIC HEARING

Notice of the Commissioner's proposed adoption of the above-entitled rule was published in the **State Register** on December 16, 1985 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 on December 13, 1985. The statement of need and reasonableness was prepared before the date of the notice of proposed adoption of a rule without a public hearing and was available to the public.

All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. No requests for a public hearing on the rule were received by the agency. No requests for notice of submission to the attorney general were received by the agency.

Based upon comments from the Institute of Makers of Explosives, several technical changes were made to these rules in order to conform with the federal regulations in the area of explosives and are not substantial changes within the meaning of Minnesota Rules 2010.1000.

7500.0100 Subp. 41. The definition of "detonator" was added to conform to the Bureau of Alcohol, Tobacco and Firearms definition in the Code of Federal Regulations.

7500.0100 Subp. 5. The term jet trapper is changed to jet tapper to correct an error.

7500.0100 Subp. 6. For purposes of this part there are three classes of explosive materials; high, low and blasting agents. A change is made to correct this from the classifications of Class A, B and C.

7500.0100 Subp. 9a. Deletes the definition of nitrocarbonitrate which has been replaced by blasting agent.

7500.0100 Subp. 23. Changes definition of water gels or slurries to conform with federal regulations.

7500.0560 Subp. 2A. Adds language providing that those issuing the permit shall confer with the authority where the explosives are to be used or stored.

7500.0800, 7500.1500. Blasting cap is changed to detonator to conform with federal regulations.

7500.3100. Makes changes in classification of pre-mixed water gels to conform with federal regulations.

The above-captioned rule is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rule identified as Storage, Handling and Use of Explosives and Blasting Agents, as modified is adopted this 23rd day of May, 1986, pursuant to authority vested in me by Minnesota Statutes, section 299F.71 to 299F.83.

STATE OF MINNESOTA

Paul J. Tschida

PAUL J. TSCHIDA
COMMISSIONER OF PUBLIC SAFETY

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

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

ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

IT IS ORDERED this 25th day of November, 1985, that a Notice of Intent to Adopt Rules Without Public Hearing in the above-entitled matter be given to all persons who have registered their names with the State Department of Public Safety for that purpose and be published in the State Register.

STATE OF MINNESOTA

Paul J. Tschida

PAUL J. TSCHIDA
COMMISSIONER OF PUBLIC SAFETY

Department of Public Safety
Bureau of Criminal Apprehension

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

NOTICE OF INTENT TO ADOPT RULES WITHOUT A HEARING

Notice is hereby given that the State Department of Public Safety is proposing to adopt the above entitled rules without a public hearing. The Commissioner of Public Safety has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow procedures set forth in Minn. Stat. Sections 14.21 through 14.28.

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the proposed rules. Public comments are encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for comment, and any change proposed. The proposed rules may be modified prior to final adoption if modifications are supported by the data and views submitted to the Department of Public Safety and do not result in a substantial change in the proposed language.

If 25 or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will be held. The written request must be specific on which rule(s) a hearing is desired. Identification of the portion of the proposed rule addressed, the particular objection, the suggested modifications, and the reasons or data relied upon to support the suggested modifications are requested. Any person requesting a public hearing should state his or her name and address. In the event a public hearing is required, the department will proceed according to the provisions of Minn. Stat. Sections 14.13 through 14.20.

Persons who wish to submit comments or a written request for a public hearing, or persons who wish to receive a free copy of this notice and/or a free copy of the proposed rules, should address their correspondence to the address below and include the name of the rulemaking:

Jim Massoth
Bureau of Criminal Apprehension
1246 University Avenue
St. Paul, MN 55104

The Department's authority to adopt the proposed rules is contained in Minnesota Statute sections 299F.71 to 299F.83. A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available free from the Department of Public Safety upon request to the above address.

You are hereby advised, pursuant to Minn. Stat. Section 14.115, "Small business consideration in rulemaking," that the proposed rules may have an impact on some small businesses in Minnesota. The portions of the rules which may affect small businesses include:

1. Rules 7500.0550 and 7500.0560 specify the licensing and permit issuance procedure and should not significantly impact small businesses negatively. A fee is established to cover administrative costs, and the total potential impact is under $2,000 per year.

2. Rule 7[illegible].0560 broadens the local permi[illegible] issuance procedure. It makes it easier for an applicant to obtain a permit by allowing him to apply in either the county of residence or county of use.
3. Rule 7500.1800 deletes a requirement that essentially had the vendor checking on compliance with the rules prior to sale or transfer, and this benefits all businesses.
4. 7500.1900 deletes a reporting requirement regarding quantity of stock of explosives, and this also is a benefit to all businesses.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the date of submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written request to the above address.

Please be advised that Minn. Stat. Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. Minn. Stat. Section 10A.01, subdivision 11 defines a lobbyist as any individual: (a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or (b) who spends more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

The department estimates that there will be no cost to local public bodies in the state to implement the rules for the two years immediately following their adoption, within the meaning of Minnesota Statutes Section 14.11, subdivision 1. Any costs incurred by local jurisdictions in the permit issuance process can be recovered through imposition of a fee authorized by the rules.

A copy of the proposed rules is attached to this notice.

STATE OF MINNESOTA

November 26, 1985
DATE

Paul J. Tschida
PAUL J. TSCHIDA
COMMISSIONER OF PUBLIC SAFETY

STATE OF MINNESOTA

COUNTY OF RAMSEY

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

AFFIDAVIT OF MAILING NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

Cheryl Gebhart, being first duly sworn, deposes and says:

That on the 13th day of December, 1985, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the Notice of Intent to Adopt Rules With Public Hearing by depositing in the State of Minnesota Central Mail System for United States mailing, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who have requested that their names be placed on file with the State Department of Public Safety for the purpose of receiving notice of the proposed adoption of rules by this department and, if applicable, on all persons and organizations on a discretionary mailing list.

Cheryl Gebhart

Subscribed and sworn to before me

this 13TH day of December.

1985.

Patricia I Harris

PATRICIA I. HARRIS
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES MAY 7, 1990

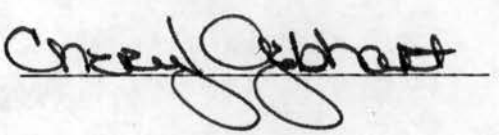
STATE OF MINNESOTA

COUNTY OF RAMSEY

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

CERTIFICATE OF MAILING LIST

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. Section 14.14 Subd. 1a, that their names be placed on file with and maintained by the State Department of Public Safety for the purpose of receiving notice of the proposed adoption of rules by this department, is accurate and complete as of 9:00 a.m., this 13th day of December, 1985.



Subp. 2. **Nonmajor NPDES and state disposal permit fees.** The following fees shall be paid by a permittee not designated as a major NPDES facility and by a permittee that has applied for or received a state disposal system permit.

A. Municipal permits:

Design Flow in Million Gallons per Day (MGD)	Application Fee	Processing Fee	Annual Fee
Greater than .100	$50	$1,250	$140
0 to .099	50	600	50
Sewage sludge landspreading facilities	50	600	50

B. Nonmunicipal permits:

Design Flow in Million Gallons per Day (MGD)	Application Fee	Processing Fee	Annual Fee
Sewage 0 to .099	$50	$ 600	$ 50
Other nonmunicipal (any flow)	50	1,250	175

Subp. 3. **Other water quality permit fees.** The following application fees shall be paid by a permittee that has applied for or received a general, sewer extension, or liquid storage permit.

A. General, $50;

B. Sewer extension, $80; and

C. Liquid storage, $250.

Department of Public Safety
Bureau of Criminal Apprehension

Proposed Rules Governing the Manufacture, Storage, and Use of Explosives and Blasting Agents

Notice of Intent to Adopt Rules without a Hearing

Notice is hereby given that the State Department of Public Safety is proposing to adopt the above entitled rules without a public hearing. The Commissioner of Public Safety has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow procedures set forth in Minn. Stat. Sections 14.21 through 14.28.

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the proposed rules. Public comments are encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for comment, and any change proposed. The proposed rules may be modified prior to final adoption of modifications are supported by the data and views submitted to the Department of Public Safety and do not result in a substantial change in the proposed language.

If 25 or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will be held. The written request must be specific on which rule(s) a hearing is desired. Identification of the portion of the proposed rule addressed, the particular objection, the suggested modifications, and the reasons or data relied upon to support the suggested modifications are requested. Any person requesting a public hearing should state his or her name and address. In the event a public hearing is required, the department will proceed according to the provisions of Minn. Stat. Sections 14.13 through 14.20.

Persons who wish to submit comments or a written request for a public hearing, or persons who wish to receive a free copy of

this notice and or a free copy of the proposed rules, should address their correspondence to the address below and include the name of the rulemaking:

Jim Massoth
Bureau of Criminal Apprehension
1246 University Avenue
St. Paul, MN 55104

The Department's authority to adopt the proposed rules is contained in Minnesota Statute sections 299F.71 to 299F.83. A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available free from the Department of Public Safety upon request to the above address.

You are hereby advised, pursuant to Minn. Stat. Section 14.115, "Small business consideration in rulemaking," that the proposed rules may have an impact on some small businesses in Minnesota. The portions of the rules which may affect small businesses include:

1. Rules 7500.0550 and 7500.0560 specify the licensing and permit issuance procedure and should not significantly impact small businesses negatively. A fee is established to cover administrative costs, and the total potential impact is under $2,000 per year.

2. Rule 7500.0560 broadens the local permit issuance procedure. It makes it easier for an applicant to obtain a permit by allowing him to apply in either the county of residence or county of use.

3. Rule 7500.1800 deletes a requirement that essentially had the vendor checking on compliance with the rules prior to sale or transfer, and this benefits all businesses.

4. 7500.1900 deletes a reporting requirement regarding quantity of stock of explosives, and this also is a benefit to all businesses.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the date of submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written request to the above address.

Please be advised that Minn. Stat. Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. Minn. Stat. Section 10A.01, subdivision 11 defines a lobbyist as any individual: (a) engaged for pay or other consideration or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or (b) who spends more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

The department estimates that there will be no cost to local public bodies in the state to implement the rules for the two years immediately following their adoption, within the meaning of Minnesota Statutes Section 14.11, subdivision 1. Any costs incurred by local jurisdictions in the permit issuance process can be recovered through imposition of a fee authorized by the rules.

A copy of the proposed rules is attached to this notice.

Paul J. Tschida
Commissioner of Public Safety

KEY: **PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Rules as Proposed

7500.0100 DEFINITIONS.

Subpart 1. **Scope.** The terms used in this chapter have the ~~following words are used as defined~~ meanings given them in this part.

Subp. 2. **Approved.** "Approved" means approved by the ~~superintendent~~ commissioner or ~~his~~ an authorized ~~assistants~~ assistant of the commissioner.

Subp. 3. **Blasting agent.** "Blasting agent" means ~~any~~ a material or mixture~~, consisting~~ intended for blasting that consists of a fuel and oxidizer~~, intended for blasting,~~; is not otherwise classified as an explosive ~~and in which none of the ingredients are~~; has no ingredient classified as an explosive~~, provided that the~~; and, as a finished product~~, as~~ mixed and packaged for use or shipment, cannot be detonated by means of a ~~No.~~ number 8 test blasting cap, as defined in subpart 9b, when unconfined.

~~A No. 8 blasting cap is one containing two grams of a mixture of 80 percent mercury fulminate and 20 percent potassium chlorate, or a cap of equivalent strength.~~

~~The term "nitro-carbo-nitrate" 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.~~

Subp. 3a. **Commissioner.** "Commissioner" means the commissioner of the Department of Public Safety or designee of the commissioner.

Subp. 4. [Unchanged.]

Subp. 5. **Explosive-actuated ~~devices~~ device.** "Explosive-actuated ~~devices~~ device" means ~~any~~ a tool or special mechanized device ~~which~~ that is actuated by explosives~~, but not to include propellant-actuated power devices~~. Examples of explosive-actuated power devices are jet trappers and jet perforators. This term does not include propellant-actuated power devices.

Subp. 6. **Explosives.** "Explosives" means ~~any~~ a chemical compound, mixture, or device~~, the primary or common purpose of which is to function by~~ primarily and commonly used to create an explosion~~, i.e., with~~ or having a substantially instantaneous release of gas and heat~~, unless such~~.

A chemical compound, mixture, or device that is otherwise specifically classified by the Department of Transportation is not an explosive.

The term "explosives" ~~shall include all material which is~~ includes materials classified as class A, class B, and class C explosives by the Department of Transportation~~, and includes, but is not limited to,~~ in Code of Federal Regulations, title 49, parts 100 to 199 (1983), including dynamite, black powder, pellet powders, initiating explosives, blasting caps, electric blasting caps, safety ~~fuse~~ fuses, fuse lighters, fuse igniters, squibs, detonating ~~cord~~ cords, instantaneous ~~fuse~~ fuses, igniter ~~cord~~ cords, igniters, small arms ammunition, small arms ammunition primers, smokeless ~~propellant~~ propellants, 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 parts cited above. Authoritative information ~~should~~ must be obtained for ~~such~~ these unclassified materials and action commensurate with their hazards, locations, isolation, and safeguards~~, should~~ must be taken. ~~Classification of explosives is described by~~ The Department of Transportation classifies explosives as follows:

A. Class A explosives~~: possessing~~ possess a detonating or otherwise maximum hazard~~; such as~~. Examples of class A explosives are dynamite, nitroglycerin, picric acid, lead azide, fulminate of mercury, blasting caps, and detonating primers.

B. Class B explosives~~: possessing~~ possess a flammable hazard~~, such as~~. Examples of class B explosives are propellant explosives ~~(~~, including some smokeless propellants~~),~~; photographic flash powders~~,~~; black powder~~,~~; and some special fireworks.

C. Class C explosives~~: includes~~ include certain types of manufactured articles ~~which~~ that contain class A ~~or~~ explosives, class B explosives, or both, as components but in restricted quantities.

D. 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 in Code of Federal Regulations, title 49, parts 100 to 199 (1983).

Subp. 7. **Highway.** "Highway" means ~~any~~ a public street, public alley, or public road.

Subp. 8. **Inhabited building.** "Inhabited building" means a building or structure regularly used in whole or part as a place of human habitation. The term "inhabited building" ~~shall~~ also ~~mean any~~ means a 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~~ does not mean a building or structure occupied in connection with the manufacture, storage, and use of explosives.

Subp. 8a. **License.** "License" refers to a license application approved and issued by the Department of Public Safety, Bureau of Criminal Apprehension.

Subp. 9. [Unchanged.]

Subp. 9a. **Nitrocarbonitrate.** The term "nitrocarbonitrate" means a blasting agent classified as nitrocarbonitrate under the Department of Transportation regulations published in Code of Federal Regulations, title 49, parts 100 to 199 (1983), and packaged and shipped in compliance with those regulations.

Subp. 9b. **Number 8 test blasting cap.** A "number 8 test blasting cap" means a cap containing two grams of a mixture of 80 percent mercury fulminate and 20 percent potassium chlorate, or a cap of equivalent strength.

Subp. 9c. **Passenger vehicle.** "Passenger vehicle" means a motor vehicle designed and used to carry not more than ten persons and includes a passenger automobile, station wagon, pickup truck, and van as they are defined in Minnesota Statutes, section 168.011.

Subp. 9d. **Permit.** "Permit" refers to an application for a user permit, approved and issued by sheriffs or chiefs of police of cities of the first, second, or third class, as defined in Minnesota Statutes, section 410.01, or other person designated by the commissioner.

Subp. 10. **Person.** "Person" means ~~any~~ an individual, firm, copartnership, corporation, company, association, or joint stock association, and ~~including any~~ includes a trustee, receiver, assignee, or personal representative ~~thereof~~ of that individual or entity.

Subp. 11. **Propellant-actuated ~~devices~~ device.** "Propellant-actuated ~~devices~~ device" means ~~any~~ a tool or special mechanized device or gas generator system ~~which~~ that is actuated by a smokeless propellant or ~~which~~ that releases and directs work through a smokeless propellant charge.

Subp. 12. [See Repealer.]

Subp. 13. **Pyrotechnics.** "Pyrotechnics" means ~~any~~ a combustible or explosive composition or manufactured article designed and prepared ~~for the purpose of producing~~ to produce audible or visible effects ~~which are~~ and commonly referred to as fireworks.

Subp. 14. [Unchanged.]

Subp. 15. [See Repealer.]

Subp. 16. **Small arms ammunition.** "Small arms ammunition" means ~~any~~ a shotgun, rifle, pistol, or revolver cartridge~~, and~~; or cartridge for propellant-actuated power devices and industrial guns. This term does not include military-type ammunition containing explosive bursting charges~~,~~ and spotting~~,~~ or pyrotechnic projectiles ~~is excluded from this definition~~.

Subp. 17. [Unchanged.]

Subp. 18. **Smokeless ~~propellants~~ propellant.** "Smokeless ~~propellants~~ propellant" means a solid ~~propellants~~ propellant, ~~commonly~~ called a smokeless ~~powders~~ powder in the trade, used in small arms ammunition, ~~cannon~~ cannons, rockets, propellant-actuated power devices, ~~etc~~ or other devices.

Subp. 19. **Special industrial explosive ~~devices~~.** "Special industrial explosive ~~devices~~" means an explosive-actuated power ~~devices and~~ device or a propellant-actuated power ~~devices~~ device consisting of shaped materials and sheet forms and various other extrusions, pellets, and packages of high explosives including 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.

Subp. 20. [See Repealer.]

Subp. 21. [See Repealer.]

Subp. 21a. **Table of distances for storage of explosive materials.** "Table of distances for storage of explosive materials" means the table provided in Code of Federal Regulations, title 27, section 55.218 (April 1, 1985).

Subd. 21b. **Table of separation distances of ammonium nitrate and blasting agents from explosives or blasting agents.** "Table of separation distances of ammonium nitrate and blasting agents from explosives or blasting agents" means the table provided in Code of Federal Regulations, title 27, section 55.220 (April 1, 1985).

Subp. 22. [Unchanged.]

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Subp. 23. **Water ~~gels~~ gel or slurry ~~explosives~~ explosive.** "Water ~~gels~~ gel or slurry ~~explosives~~ explosive" ~~comprise~~ includes a wide variety of materials used for blasting~~.~~ ~~They~~, all of which contain substantial proportions of ammonium nitrate, some of which is in solution in the water. Two broad classes of water gels are those ~~which~~ that are sensitized by a material classed as an explosive, such as TNT or smokeless powder~~;~~, and those ~~which~~ that contain no ingredient classified as an explosive, ~~which~~ that 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.

7500.0200 PURPOSE ~~AND SCOPE.~~

The purpose of this chapter is to adopt safety standards for the manufacture, ~~transportation,~~ storage, and use of explosives and blasting agents~~.~~ ~~The scope of this chapter is intended to be~~, consistent with Minnesota Statutes, sections 299F.71 to 299F.83.

7500.0300 ~~APPLICABILITY~~ SCOPE.

Subpart 1. **In general.** This chapter ~~shall apply~~ applies to the manufacture, ~~keeping, having~~ retention, possession, storage, sale, ~~transportation,~~ and use of explosives, blasting agents, and pyrotechnics.

Subp. 2. **Municipal supervision.** This chapter also applies to municipal supervision of compliance with federal regulations.

7500.0400 SCOPE; EXEMPTIONS.

Subpart 1. **Materials transported ~~under other rules.~~** This chapter ~~shall~~ does not apply to the transportation of explosives or blasting agents ~~when~~ governed by Code of Federal Regulations, title 49, parts 100 to 199 (1983), or otherwise 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~~, or 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.~~

Subp. 2. **Military explosives.** This chapter ~~shall~~ does 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.

Subp. 3. **~~Other~~ federal ~~and Canadian~~ agencies; ~~bomb technicians.~~** This chapter ~~shall~~ does 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~~

Subp. 3a. **Bomb technicians.** This chapter does not apply to recognized bomb technicians acting in an official capacity under emergency conditions.

Subp. 4. **Fireworks.** This chapter ~~shall~~ does not apply to the sale ~~and~~, use ~~(~~, or public display~~)~~ of pyrotechnics commonly ~~know~~ known as fireworks.

Subp. 5. **Requests for exemptions.** The ~~superintendent shall have the power to~~ commissioner may grant an exemption from this chapter upon written request ~~in writing when such~~. The request ~~shows~~ must show that ~~the~~ enforcement of a part of this chapter will cause unnecessary hardship to the petitioner~~, provided that said request~~. The commissioner shall not ~~be granted where~~ grant the request if the requested modification of a part of this chapter will constitute a distinct hazard to life or adjoining property.

~~Such petition shall~~ The request must be in ~~triplicate~~ duplicate and must state the full particulars of ~~such exemptions~~ the exemption requested ~~and~~. When ~~granted shall be attached to the notification of approval. Two copies of the request shall~~ the requested exemption is approved, one copy of the approval will be returned to the petitioner and one copy will be retained by the ~~superintendent~~ commissioner.

7500.0500 AUTHORITY OF ~~SUPERINTENDENT~~ COMMISSIONER.

Subpart 1. **Site and records inspections.** ~~The superintendent or his designee,~~ After acquiring necessary security clearance~~, shall have the power to conduct,~~ and during normal business hours, ~~routine inspections of~~ the commissioner may inspect storage sites and use sites for ~~such~~ explosives ~~as are herein~~ regulated by and the records of explosives dealers required by this chapter ~~to be kept by explosives dealers,~~. The purpose of an inspection is to determine whether the sites and ~~the~~ records conform to this chapter. In addition, the ~~superintendent, his designee,~~ commissioner or any ~~duly~~ authorized law enforcement official ~~shall have the power to~~ may conduct ~~such inspections~~ an inspection at any time in connection with the investigation of a crime.

Subp. 2. **Restricting quantity of explosives.** The ~~superintendent or his authorized assistants~~ commissioner may restrict the quantity of explosives or blasting agents that may be handled at ~~any~~ a location ~~(~~in a city, county, state, or other area~~)~~.

7500.0550 EXPLOSIVES DEALER LICENSE.

Subpart 1. **Application.** An applicant for an explosives dealer license shall apply to the commissioner according to Minnesota Statutes, section 299F.73. The commissioner shall refuse to process an incomplete application.

One copy of the approved application will be returned to the applicant and will constitute a license to manufacture, assemble, warehouse, or store explosives.

A license is valid for one year from the date of approval.

Subp. 2. **Fees.** The annual fee for a new or renewed license is $10. However, the commissioner shall not charge a government subdivision a fee for either a new or a renewed license.

Subp. 3. **License renewal.** One month before a license is due to expire the commissioner shall notify the licensee of the expiration date. The commissioner shall renew a license upon receipt of the $10 renewal fee from the licensee.

Subp. 4. **License suspension or revocation.** The commissioner shall suspend or revoke a license if an applicant or a licensee:

A. violates the provisions of Minnesota Statutes, sections 299F.71 to 299F.83 pertaining to explosives;

B. violates the provisions of this chapter pertaining to explosives;

C. uses an explosive in the commission of a crime; or

D. makes a false statement on a license application form.

Subp. 5. **Person prohibited from holding license.** If an applicant or licensee becomes a person prohibited from holding a license as defined in Minnesota Statutes, section 299F.77, that person shall notify the commissioner of this fact within 48 hours.

Subp. 6. **Right to contest decision.** An applicant or licensee has the right to contest a decision made by the commissioner. These proceedings must be conducted according to the Administrative Procedure Act, Minnesota Statutes, sections 14.57 to 14.69.

7500.0560 EXPLOSIVES USER PERMIT.

Subpart 1. **Application.** An applicant for an explosives user permit shall apply to the local issuing authority as described in part 7500.0100, subpart 9d, in accordance with Minnesota Statutes, section 299F.75. The issuing authority may be located either where the applicant resides or where the applicant intends to use the explosives.

The applicant shall notify the chief of police or sheriff of the jurisdiction where the explosives will be used or stored if the permit was not issued in that jurisdiction.

Subp. 2. **Duties of issuing authority.** If the applicant obtains a permit from an issuing authority of a jurisdiction other than where the explosives will be used or stored, the issuing authority:

A. shall forward a copy of the permit, as soon as it is issued, to the sheriff or chief of police of the jurisdiction where the explosives will be used or stored;

B. may charge the applicant a fee not to exceed $25 when another jurisdiction must be notified of the use or storage of explosives;

C. after approving an application, shall retain the yellow copy, file the green copy with the commissioner, and return to the applicant the white copy which becomes the permit; and

D. shall refuse to process an application that is not completed according to Minnesota Statutes, section 299F.75, subdivision 2.

Subp. 3. **Permit suspension or revocation.** The issuing authority shall suspend or revoke a permit if an applicant or permittee:

A. violates the provisions of Minnesota Statutes, sections 299F.71 to 299F.83 pertaining to explosives;

B. violates the provisions of this chapter pertaining to explosives;

C. uses an explosive in the commission of a crime; or

D. makes a false statement on the permit application form.

Subp. 4. **Person prohibited from holding permit.** If an applicant or permittee becomes a person prohibited from holding a permit as defined in Minnesota Statutes, section 299F.77, that person shall notify the commissioner of this fact within 48 hours.

Subp. 5. **Right to contest decision.** An applicant or permittee has the right to a hearing before the commissioner to contest a decision made by an issuing authority. These proceedings must be conducted according to the Administrative Procedure Act, Minnesota Statutes, sections 14.47 to 14.69.

7500.0600 PROHIBITIONS AGAINST EXPLOSIVES MANUFACTURING.

Subpart 1. **Authorization required.** The manufacture of ~~any~~ an explosive or explosive device, including small arms ammunition,

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pyrotechnics, and blasting agents ~~as defined in part 7500.0100 shall be~~, is prohibited unless ~~such manufacture~~ the manufacturer is ~~authorized~~ licensed by the ~~superintendent or his authorized assistants and is conducted in accordance with recognized safe practices satisfactory to the superintendent or his authorized assistants~~ commissioner. This ~~shall~~ prohibition does not apply to hand loading of small arms ammunition prepared for personal use and not for resale.

Subp. 2. **Undue hazard prohibited.** The manufacture of explosives or blasting agents ~~shall be~~ is prohibited when ~~such~~ the manufacture presents an undue hazard to life and property as determined by the ~~superintendent or his authorized assistants~~ commissioner.

7500.0700 ~~GENERAL~~ PROHIBITIONS; EXCEPTIONS.

Subpart 1. **Undue hazard.** ~~No~~ A person shall not store~~,~~ or handle~~, or transport~~ explosives or blasting agents when ~~such~~ the storage~~,~~ or handling~~, and transportation~~ of explosives or blasting agents constitutes an undue hazard to life and property.

Subp. 2. ~~**Scope of**~~ **In conflict with law ~~and~~ or rules.** ~~No~~ A person shall not possess, keep, store, sell~~,~~ or offer for sale, give away, use, ~~transport,~~ or otherwise dispose of ~~in any manner any~~ an explosive or blasting agent except as provided in this chapter or by law~~, provided however that~~. This limitation ~~shall~~ does 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~~ or railroad fusees.

Subp. 3. **Transfer to unauthorized persons.** ~~No~~ A person shall not sell or give away ~~any~~ an explosive or blasting agent to ~~any~~ an unauthorized person, as defined in Minnesota Statutes, section 299F.77.

Subp. 4. **Public ~~sale~~ display.** ~~No~~ A person shall not physically sell, display, or expose for sale ~~any~~ an explosive or blasting agent on ~~any~~ a highway, street, sidewalk, public way, or public place.

Subp. 5. **Medicinal use permitted.** ~~Nothing in~~ This chapter ~~shall be construed to prohibit~~ does not prohibit the use of explosives in the form prescribed by the ~~official~~ United States Pharmacopeia ~~published~~ National Formulary, issued by the United States ~~Pharmacopeia~~ Pharmacopeial Convention, Inc. (Rockville, Maryland, 1985).

Subp. 6. **Laboratory use permitted.** 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~~:

A. if they are used for 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~~;

B. only under experienced and competent supervision; and ~~not~~

C. if no 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~~ the institution shall apply for a special ruling by the ~~superintendent or his authorized assistants~~ commissioner.

7500.0800 STORAGE OF EXPLOSIVES IN MAGAZINES.

Subpart 1. ~~**Scope**~~ **General requirement.** ~~All~~ Class A, class B, and class C explosives, special industrial explosives, and ~~any~~ newly developed and unclassified explosives ~~shall~~ must be kept in magazines ~~which~~ that meet the requirements of this part. ~~This shall not be construed as applying to the following:~~

~~A. 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 parts 7500.3300 to 7500.3600);~~

~~B. explosive-actuated power devices when in quantities of less than 50 pounds net weight of explosive;~~

~~C. fuse lighters and fuse igniters; and~~

~~D. safety fuse (safety fuse does not include detonating cord).~~

Subp. 2. **Caps, primers, cartridges; separated storage.** Blasting caps, electric blasting caps, detonating primers, and primed cartridges ~~shall~~ must not be stored in the same magazine with other explosives.

Subp. 3. **Magazines.** The ground around magazines ~~shall~~ must slope away for drainage. The land surrounding magazines ~~shall~~ must be kept clear of brush, dried grass, leaves, and other combustible materials for a distance of at least 25 feet.

Magazines ~~shall be as required in~~ must comply with Code of Federal Regulations, title 27, ~~part 181, "Commerce in Explosives," Department of Treasury,~~ sections ~~181.182 to 181.200, which are herein adopted~~ 55.203 to 55.217 (1982).

Subp. 4. **Exceptions.** This part does not apply to:

A. stocks of small arms ammunition, propellant-actuated power cartridges, small arms ammunition primers in quantities of

[illegible] 1,000,000, and smokeless propellants in quantities of less than 750 pounds;

B explosive-actuated power devices when in quantities of less than 50 pounds net weight of explosive;

C fuse lighters and fuse igniters; or

D safety fuses, not including detonating cords.

[illegible] 1200 USE OF EXPLOSIVES, ~~GENERAL PROVISIONS;~~ PRECAUTIONS.

Subpart 1. **Persons handling explosives.** ~~The handling of~~ Explosives ~~shall~~ may be ~~performed~~ handled only by a person experienced in the use of explosives or by ~~other employees under his direct supervision provided that such employees are~~ an employee who is at least 18 years of age and is supervised by a person experienced in the use of explosives.

Subp 2. **Smoking, fire, liquor, ~~or~~ narcotics.** While explosives are being handled or used, smoking ~~shall~~ is not ~~be~~ permitted ~~and no~~. A person near the explosives shall not possess matches, open light, or other fire- or flame-producing devices. ~~No~~ A person may not handle explosives while under the influence of intoxicating liquor or narcotics.

Subp 3. **Containers.** Original containers or authorized containers ~~shall~~ must be used for taking detonators and other explosives from storage magazines to the blasting area.

Subp 4. **Covering blast.** 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~~ must be covered before firing with a mat ~~constructed so that it is capable of preventing~~ that can prevent fragments from being thrown.

Subp 5. **General precautions.** 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 ensure the safety of the general public and ~~workmen~~ workers.

Subp 6. ~~Times for~~ **Daylight blasting.** Blasting operations, except by special permission of the ~~superintendent or his authorized representative,~~ shall commissioner, must be conducted during daylight hours.

Subp 7. **Notice to utilities.** ~~Whenever~~ When 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~~ these utilities at least 24 hours in advance of blasting, specifying the location and intended time of ~~such~~ blasting. Verbal notice ~~shall~~ must be confirmed with written notice. In an emergency this time limit may be waived by the local authority issuing the original permit.

Subp 8. ~~Source of~~ **Electricity precautions; incorporation.** Due precautions ~~shall~~ must 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:

A [Unchanged.]

B the posting of signs ~~warning~~ that warn against the use of mobile radio transmitters on ~~all~~ roads within ~~350~~ 1,000 feet of the blasting operation; and

C compliance with the ~~latest recommendations of the~~ Safety Guide for the Prevention of Radio Frequency Radiation Hazards in the Use of Electric Blasting Caps, publication number 20, Institute of Makers of Explosives ~~with regard to blasting in the vicinity of radio transmitters or power lines~~ (1981), which is incorporated by reference. This publication is not subject to frequent change and is located at the Minnesota State Law Library, 117 University Avenue, Saint Paul, Minnesota 55155.

~~7500~~.1300 STORAGE AT USE SITES.

Subpart 1. **Boxes and packing materials.** Empty boxes and paper and fiber packing materials ~~which have~~ that previously contained high explosives ~~shall~~ must not be used again for any purpose, but ~~shall~~ must be destroyed by burning at an approved isolated location out of doors~~, and no~~. A person shall not be nearer than 100 feet after burning has started.

Subp 2. **Opening containers.** Containers of explosives ~~shall~~ must not be left opened in ~~any~~ a magazine or within 50 feet of ~~any~~ a magazine. In opening kegs or wooden cases, ~~no~~ sparking metal tools ~~shall~~ must not be used; wooden wedges and either wood, fiber, or rubber mallets ~~shall~~ must be used. Nonsparking metallic slitters may be used for opening fiberboard cases.

Subp 3. **Damaged explosives.** Explosives or blasting equipment that is obviously deteriorated or damaged ~~shall~~ must not be used.

Subp 4. **Abandonment.** ~~No~~ Explosives ~~shall~~ must not be abandoned.

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7500.1400 LOADING ~~OF~~ EXPLOSIVES IN BLAST HOLES.

~~All~~ Subpart 1. **Size of drill hole.** Drill holes ~~shall~~ must be sufficiently large to admit freely the insertion of ~~the cartridges~~ a cartridge of explosives.

Subp. 2. **Tamping.** Tamping ~~shall~~ must be done only with wood or approved plastic rods without exposed metal parts, but nonsparking metal connectors may be used for jointed poles. Violent tamping ~~shall~~ must be avoided.

~~No~~ Subp. 3. **Selection of holes.** Only holes ~~shall be loaded except those to~~ that will be fired in the next round of blasting may be loaded. After loading, ~~all~~ the remaining explosives ~~shall~~ must be immediately returned to an authorized location.

Subp. 4. **Remaining butts.** Drilling ~~shall~~ must not be started until ~~all~~ the remaining butts of old holes are examined with a wooden stick for unexploded charges~~, and~~. If ~~any~~ unexploded charges are found, they ~~shall~~ must be refired before work proceeds.

Subp. 5. **Prohibition against deepening holes.** No person ~~shall be~~ is allowed to deepen drill holes which contain explosives.

7500.1500 INITIATION OF EXPLOSIVES CHARGES.

Subpart 1. **Electric blasting caps.** Only electric blasting caps ~~shall~~ may 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~~ this use dangerous.

Subp. 2. **Using fuses.** When a fuse is used, the blasting cap ~~shall~~ must be securely attached to the safety fuse with a standard ring-type cap crimper. ~~All~~ Primers ~~shall~~ may only be assembled at least 50 feet from any magazine.

Subp. 3. **Primers.** Primers ~~shall~~ may be made up only as required for each round of blasting.

Subp. 4. **Inserting cap into explosive.** ~~No~~ A blasting cap ~~shall~~ must not be inserted in the explosives ~~without first making~~ unless a hole is first made in the cartridge for the cap with an approved punch of proper size or standard cap crimper.

Subp. 5. **Extracting explosives from hole.** Explosives ~~shall~~ must 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~~ inserting a fresh additional primer.

Subp. 6. **Misfires.** If ~~there are any misfires~~ a misfire occurs while using a cap and a fuse or an electric blasting cap, 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~~ A misfire may be handled only under the direction of the person in charge of the blasting ~~and all~~, the wires ~~shall~~ must be carefully traced, and a search must be made for unexploded charges.

~~Blasters,~~ Subp. 7. **Testing circuits.** When testing circuits to charged holes, blasters shall use only blasting galvanometers or other instruments approved for ~~this purpose~~ testing circuits.

Subp. 8. **Lead wire connections.** Only the person making the lead wire connections in electrical firing shall fire the shot. ~~All~~ Connections should be made from the bore hole back to the source of firing current~~, and~~. The leading wires ~~shall~~ must remain shorted and must not be connected to the blasting machine or other source of current until the charge is to be fired.

7500.1600 WARNING ~~REQUIRED~~ REQUIREMENT.

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

7500.1800 SALE AND DISPOSITION OF EXPLOSIVES.

Subpart 1. **Prohibitions; scope.** ~~All~~ Class A, class B, and class C explosives, special industrial explosives, and ~~any~~ newly developed and unclassified explosives~~, shall~~ must not be sold or transferred in this state except as provided in ~~this part~~ items A to D. This ~~subpart shall~~ part does not ~~be construed to~~ apply to the following commodities and items:

A. stocks of small arms ammunition, propellant-actuated power cartridges, small arms ammunition primers, and smokeless propellants~~. (See parts 7500.3300 to 7500.3600)~~;

B. and C. [Unchanged.]

D. safety ~~fuse (safety fuse does~~ fuses not ~~include~~ including detonating ~~cord)~~ cords and 3/32-inch cannon fuses or matchlock fuses (slow match).

Subp. 2. **Marking ~~of containers~~ required.** ~~No~~ A vendor, transferor, buyer, or transferee of explosives within this state ~~may~~ shall not accept or deliver dynamite or other explosive in any quantity unless each carton or other usual primary container of ~~such~~ the explosive is plainly labeled, stamped, or marked with identification numbers and with the words "Dangerous Explosives." It ~~shall be~~ is unlawful for ~~any~~ a person to use or ~~have in his possession any explosives~~ possess an explosive not so marked ~~as provided in this subpart~~. ~~All~~ Unmarked explosives found in the possession of any person may be confiscated, seized, or destroyed by the ~~superintendent or his designee,~~ commissioner or ~~duly constituted~~ a law enforcement officer.

Subp. 3. **Information required for delivery.** ~~No~~ A vendor or transferor of explosives within this state may deliver explosives ~~of any quantity~~ to ~~any other~~ another person ~~unless he~~ only after first ~~obtains~~ obtaining and ~~records~~ recording the following information:

A. the date of transaction;

B. the identity of the manufacturer of the explosives being transferred;

C. the type of explosives and ~~any~~ the identification numbers on the explosives being transferred;

D. the quantity of explosives being transferred;

E. the name and address of the purchaser or transferee;

F. the user permit number; and

G. the signature of the transferee.

Subp. 4. **Records of transactions required.** ~~All~~ Records of transactions ~~shall~~ must be made available to the ~~superintendent~~ commissioner on request. Also, the ~~superintendent~~ commissioner may require that each person mail a copy of the record of each transaction made during the preceding week on Monday of each week.

Subp. 5. [See Repealer.]

7500.2000 REPORT OF THEFTS.

~~Any~~ A person ~~who has explosives in his possession and~~ possessing explosives 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 24 hours from the time of discovery,~~ explosives shall ~~inform the office of~~ notify, within 24 hours of discovering the loss or theft, the ~~superintendent~~ commissioner and the county sheriff or the local chief of police of the loss or theft, the amount of ~~explosives~~ missing explosives, and the approximate time of the occurrence.

7500.2100 JURISDICTION OF ~~THE~~ FEDERAL BUREAU OF MINES.

~~To the extent that persons otherwise covered by the contents of this chapter 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 this chapter, 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~~ The commissioner may exempt a person from the requirements for storage facilities in parts 7500.0700, 7500.0800, and 7500.1300 if the person is within the jurisdiction of the Federal Bureau of Mines and the commissioner deems that parts 7500.0700, 7500.0800, and 7500.1300 are in conflict with Code of Federal Regulations, title 27, sections 55.201 to 55.220 (1982). The commissioner may revoke an exemption at any time. For ~~the purpose of~~ granting ~~such exemption of~~ or revoking ~~same,~~ an exemption or for any other purpose, the ~~superintendent or his designee has the authority at any time to~~ commissioner may inspect at any time the premises and facilities of ~~such persons~~ a person seeking an exemption.

7500.2200 GENERAL PROVISIONS.

Subpart 1. **Restricted scope.** This section does not apply if its application in a particular instance would conflict with Code of Federal Regulations, title 49, parts 100 to 199 (1983).

Subp. 1a. **Storage in railway car; federal regulations.** Except in an emergency and with permission of the local authority having jurisdiction, ~~no~~ a person shall not have or keep explosives in a railway car unless ~~said~~ the car and its contents and the methods of loading ~~are in accordance with the~~ conform to Department of Transportation regulations in Code of Federal Regulations, title 49, parts 100 to 199 (1983) for the transportation of explosives.

Subp. 2. **Delivery to carrier.** ~~No~~ A person shall not deliver ~~any~~ an explosive to ~~any~~ a carrier unless ~~such~~ the explosive conforms in all respects, including marking and packing, to the Department of Transportation regulations in Code of Federal Regulations, title 49, parts 100 to 199 (1983) for the transportation of explosives.

Subp. 3. **Placards on railway cars.** ~~Every~~ A railway car containing explosives ~~which~~ that has reached its destination~~,~~ or is stopped in transit ~~so as~~ and no longer ~~to be~~ is in interstate commerce, ~~shall~~ must have placards ~~in accordance~~ that comply with Department of Transportation regulations in Code of Federal Regulations, title 49, parts 100 to 199 (1983).

Subp. 4. **Other safety measures required.** ~~Within the jurisdiction any~~ Explosives that are to be delivered to a consignee or forwarded to another destination and that are located 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~~ must be kept in a safe place, kept isolated

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as far as practicable, and kept in ~~such~~ a manner that they can be easily and quickly removed.

7500.2350 DUTY OF CONSIGNEE TO ACCEPT SHIPMENT.

When explosives are transported into a locality governed by this chapter and within 48 hours of notification, the consignee shall receive and remove the explosives from the carrier to a properly permitted magazine or notify the commissioner who shall ensure that the explosives are moved to a safe place.

7500.2400 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~~ that may be loaded, unloaded, reloaded, or temporarily retained at ~~any~~ a facility within the jurisdiction.

7500.2500 BLASTING AGENTS.

Unless otherwise set forth in parts ~~7500.2500~~ 7500.2600 to 7500.2900 blasting agents ~~shall~~ must be ~~transported,~~ stored~~,~~ and used in the same manner as explosives.

7500.2600 MIXING OF BLASTING AGENTS.

Subpart 1. **Building locations; distances.** Buildings or other facilities used for mixing blasting agents~~,~~ ~~shall~~ must be located, with respect to inhabited buildings, passenger railroads, and public highways, in accordance with the ~~American~~ table of distances~~,~~ ~~as revised and approved by the Institute of Makers of Explosives, 1971~~ for storage of explosive materials.

~~Any~~ If ammonium nitrate is stored at a closer distance to the blasting agent storage area than as provided in ~~subpart 2 shall~~ the table of separation distances of ammonium nitrate and blasting agents from explosives or blasting agents, then the ammonium nitrate must be added to the quantity of blasting agents to calculate the total quantity involved ~~for application of the aforementioned table~~ before applying the table of distances for storage of explosive materials.

Subp. 2. **Separation in plant.** Minimum intraplant separation distances between mixing units and the ammonium nitrate storage areas and blasting agent storage areas ~~shall be in conformity with~~ must conform to the table of ~~recommended~~ separation distances of ammonium nitrate and blasting agents from explosives or blasting agents~~,~~ ~~as revised and approved by the Institute of Makers of Explosives, 1971~~.

Subp. 3. **Building ~~construction~~ requirements.** ~~Buildings~~ A building used for ~~the~~ mixing ~~of~~ blasting agents ~~shall~~ must conform to the following requirements ~~of this part~~ unless ~~otherwise~~ the building is specifically approved by the ~~superintendent or his authorized assistants.~~ commissioner:

A. Buildings ~~should preferably~~ must be of noncombustible construction or sheet metal on wood studs.

B. The layout of the mixing building ~~shall be such as to~~ must provide physical separation between the finished product storage~~,~~ and the mixing and packaging operation.

C. Floors in storage areas and in the processing plant ~~should~~ must be of concrete.

D. Isolated fuel storage ~~shall~~ must be provided to avoid contact between molten ammonium nitrate and fuel in case of fire.

E. The building ~~shall~~ must be well ventilated.

F. Heat ~~shall~~ must be provided exclusively from a unit located outside the building.

Subp. 4. **Design of mixer.** The design of the mixer ~~should~~ must minimize the possibility of frictional heating, compaction, and especially, confinement. Open mixers are preferable to enclosed mixers. Bearings and gears ~~should~~ must be protected against the accumulation of oxidizer dust. ~~All~~ Surfaces ~~should~~ must be accessible for cleaning. Mixing and packaging equipment ~~should~~ must be constructed of materials compatible with the ~~fuel ammonium nitrate~~ composition of fuel and ammonium nitrate.

Subp. 5. **Blasting agent compositions.** ~~The provisions of this subpart shall be considered when determining blasting agent compositions.~~ The sensitivity of ~~the~~ a blasting agent ~~shall~~ must be determined by ~~means of~~ using a ~~No.~~ number 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~~ commissioner.

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

~~No~~ Liquid fuel with a flash point lower than that of ~~No.~~ number 2 diesel fuel oil ~~(~~, 125 degrees Fahrenheit minimum or legal~~)~~ ~~shall~~, must not be used.

Crude oil and crankcase oil ~~shall~~ must 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.

If solid fuels are used, they ~~shall~~ must be chosen so as to minimize dust-explosion hazard.

Metal dusts ~~(~~, such as aluminum powder~~, etc.),~~; peroxides~~,~~; or chlorates ~~shall~~ must not be used unless ~~such~~ the operations are conducted in a manner approved by the ~~superintendent or his authorized assistants~~ commissioner.

Unusual compositions ~~shall not~~ may be attempted ~~except~~ only under the supervision of competent personnel equipped to determine the overall hazard of the resulting compositions.

Subp. 6. ~~**Location of switches, controls, motors, and lights**~~ **Equipment requirements.** ~~All~~ If electrical switches, controls, motors, and lights~~, if~~ are located in the mixing room, ~~shall~~ they must conform to the requirements of class II, division 2 of standard 70, of the National Electrical Code, ~~published by the American National Standards Institute~~ and found in the National Fire Codes, 1982, volume 6, issued by the National Fire Protection Association, (Quincy, Massachusetts, 1982), which is incorporated by reference, is not subject to frequent change, and is located at the Minnesota State Law Library, 117 University Avenue, Saint Paul, Minnesota 55155; otherwise they ~~shall~~ must be located outside the mixing room. The frame of the mixer and ~~all~~ other equipment that may be used ~~shall~~ must be electrically bonded and ~~be~~ provided with a continuous path to the ground.

Subp. 7. **Washdown facilities.** Washdown facilities ~~shall~~ must 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~~ Floors must 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~~ must be thoroughly cleaned daily to prevent accumulation of oxidizers ~~or~~, fuels, or other sensitizers. The entire mixing and packaging plant ~~shall~~ must be washed down periodically to prevent excessive accumulation of dust.

Subp. 8. **Smoking or open ~~flames~~ flame.** Smoking or open ~~flames shall~~ flame is not ~~be~~ permitted in or within 50 feet of ~~any~~ a building or facility used for mixing ~~of~~ blasting agents.

Subp. 9. **Disposal of oxidizer bags.** Empty oxidizer bags ~~shall~~ must be disposed of daily in a safe manner.

Subp. 10. **Storage, location of blasting agents.** Not more than one day's production of blasting agents or the limit determined by the ~~American~~ table of distances~~, as revised and approved by the Institute of Makers of Explosives, 1971~~ for storage of explosive materials, whichever is less, ~~shall be~~ is permitted in or near the mixing and packaging plant or area. Larger quantities ~~shall~~ must be stored in separate warehouses or magazines.

7500.2700 STORAGE OF BLASTING AGENTS AND SUPPLIES.

Subpart 1. ~~**General**~~ **Storage with explosives.** When blasting agents ~~shall be~~ are stored ~~in the manner set forth in this part and part 7500.0800. Blasting agents when stored in conjunction~~ with explosives, ~~shall be stored in~~ the ~~manner set forth in~~ storage must conform to part 7500.0800 ~~for~~ governing the storage of explosives. The mass of blasting agents and one-half the mass of oxidizers ~~shall~~ must be included when computing the total quantity of explosives for determining distance requirements.

Subp. 1a. **Storage apart from explosives.** When blasting agents~~, when~~ are stored entirely ~~separate~~ apart from explosives, ~~may~~ they must be stored ~~in the manner set forth~~ as provided in part 7500.0800, or in one-story warehouses ~~(~~without basements~~)~~ ~~which shall~~. The warehouses must 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.

Subp. 2. ~~**Storage in vans**~~ **Trailers.** Semitrailer 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 ~~as revised and approved by the Institute of Makers of Explosives, 1971~~ for storage of explosive materials, with respect to inhabited buildings, passenger railways, and public highways, and ~~according to~~ in accordance with the table of ~~recommended~~ separation distances of ammonium nitrate and blasting agents from explosives or blasting agents ~~as revised and approved by the Institute of Makers of Explosives, 1971~~, with respect to one another. Trailers should be provided with substantial ~~means of locking, and~~ locks. The trailer doors ~~shall~~ must be kept locked, except ~~during the time of placement~~ when placing and ~~removal of~~ removing stocks of blasting agents.

Subp. 3. ~~**Location of**~~ **warehouses, locations, and distances.** Warehouses used ~~for storage of~~ to store blasting agents ~~separate~~ apart from explosives ~~shall~~ must be located as ~~set forth in this subpart.~~ follows:

~~Warehouses used for storage of blasting agents shall be located in accordance~~

A. The location must comply with ~~the provisions of~~ the ~~American~~ table of distances ~~as revised and approved by the Institute of Makers of Explosives, 1971~~ for storage of explosive materials, with respect to inhabited buildings, passenger railways, and public

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highways, and ~~according to~~ must comply with the table of ~~recommended~~ separation distances of ammonium nitrate and blasting agents from explosives or blasting agents ~~as revised and approved by the Institute of Makers of Explosives, 1971~~, with respect to one another.

B. If both blasting agents and ammonium nitrate are handled or stored within the distance limitations prescribed in part 7500.2600, subpart 1, one-half the mass of the ammonium nitrate ~~shall~~ must 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~~, as revised and approved by the Institute of Makers of Explosives, 1971~~ for storage of explosive materials.

Subp. 4. **Fire hazards.** Smoking, matches, open flames, spark-producing devices, and firearms ~~shall be~~ are prohibited inside of or within 50 feet of ~~any~~ a warehouse used for the storage of blasting agents. Combustible materials ~~shall~~ must not be stored within 50 feet of warehouses used for ~~the storage of~~ storing blasting agents.

Subp. 5. ~~**Cleanliness; combustible materials**~~ **Interior of warehouse.** The interior of warehouses used for the storage of blasting agents ~~shall~~ must be kept clean and free from debris and empty containers. Spilled materials ~~shall~~ must be cleaned up promptly and safely removed. Combustible materials, flammable liquids, corrosive acids, chlorates, or nitrates ~~shall~~ must not be stored in ~~any~~ a warehouse used for blasting agents unless separated ~~therefrom~~ from the blasting agents by a fire-resistive separation of not less than one-hour resistance. ~~The provisions of~~ This subpart ~~shall~~ does not prohibit the storage of blasting agents together with nonexplosive blasting supplies.

Subp. 6. **Ammonium nitrate.** Piles of ammonium nitrate and warehouses containing ammonium nitrate ~~shall~~ must be adequately separated from readily combustible fuels.

Caked ammonium nitrate, either in bags or in bulk, ~~shall~~ must not be loosened by blasting.

Subp. 7. **Supervisor.** ~~Every~~ A warehouse used ~~for the storage of~~ to store blasting agents ~~shall~~ must be under the supervision of a competent person who ~~shall be not less than~~ is at least 18 years of age.

Subp. 8. **Local authority.** The local authority having jurisdiction ~~has the authority to and~~ may designate the location for~~,~~ and limit the quantity of blasting agents ~~which~~ that may be loaded, unloaded, reloaded, or temporarily retained at ~~any~~ a facility within the jurisdiction.

7500.2900 USE OF BLASTING AGENTS.

~~Persons using~~ A person who uses blasting agents shall comply with ~~all of the applicable provisions of~~ parts 7500.1200 to 7500.1600.

7500.3000 GENERAL PROVISIONS FOR WATER GELS.

Unless otherwise set forth in parts ~~7500.3000 to 7500.3600~~ 7500.3100 and 7500.3200, water gels ~~shall~~ must be ~~transported,~~ stored~~,~~ and used in the same manner as explosives or blasting agents in accordance with the classification of the product in United States Code, title 18, chapter 40, section 841(c) (1984).

7500.3100 PREMIXED WATER GELS.

Premixed water gels containing a substance ~~in itself~~ classified as an explosive ~~shall~~ must be classified as an explosive in accordance with United States Code, title 18, chapter 40, section 841(c) (1984), and manufactured, ~~transported,~~ stored, and used as specified for explosives ~~in these regulations~~.

Premixed water gels ~~containing~~ that contain no substance ~~in itself~~ classified as an explosive in United States Code, title 18, chapter 40, section 841(c) (1984), and ~~which~~ that are cap-sensitive as defined in part 7500.0100, subpart ~~2 shall~~ 3, must be classified as an explosive and manufactured, ~~transported,~~ stored, and used as specified for explosives ~~in this chapter~~.

Premixed water gels ~~containing no~~ that do not contain a substance ~~in itself~~ classified as an explosive in United States Code, title 18, chapter 40, section 841(c) (1984), and ~~which~~ that are not cap-sensitive as defined in part 7500.0100, subpart ~~2 shall~~ 3, must be classified as blasting agents and manufactured, ~~transported,~~ stored, and used as specified for blasting agents ~~in this chapter~~.

7500.3200 ON-SITE-MIXED WATER GELS.

Subpart 1. [See Repealer.]

Subp. 2. **Classified and nonclassified ingredients.** Ingredients ~~in themselves~~ classified as class A or class B explosives ~~shall~~ must be stored in conformity with part 7500.0800. Ingredients, other than ammonium nitrate, not themselves classified as explosives, ~~shall~~ must be stored in ~~warehouses which shall be~~ noncombustible or fire-resistive warehouses.

Subp. 3. **Ammonium nitrate.** Prilled, grained, or granulated ammonium nitrate ~~shall~~ must be stored in accordance with ~~NFPA~~ standard 490~~,~~ of the Code for the Storage of Ammonium Nitrate, ~~1967 edition~~ found in National Fire Codes, 1982, Volume 3, issued by the National Fire Protection Association (Quincy, Massachusetts, 1982), which is incorporated by reference, is not subject to frequent change, and is located at the Minnesota State Law Library, 117 University Avenue, Saint Paul, Minnesota 55155. If

ammonium nitrate is stored in the vicinity of explosives or blasting agents, the separation distances specified in part 7500.0800 ~~shall be observed~~ apply.

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

Subp. 4. **Electric power.** If electric power is used, it ~~shall~~ must 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~~ must be located at the end of the storage container opposite ~~that at which~~ the end where the blasting agent is discharged~~. It shall~~, must have adequate capacity for the loads ~~to be~~ expected, and must be equipped with suitable overload protection devices.

Subp. 4a. **Electric wiring.** Electric wiring carrying voltages greater than 12 volts ~~shall~~ must be in armored cable or in conduit and, if dry ingredients are employed, the wiring ~~shall~~ must conform to the requirements of class II, division 2 of ~~the current edition~~ standard 70 of the National Electrical Code, ~~NFPA No. 70 (see appendix)~~ found in the National Fire Codes, 1982, issued by the National Fire Protection Association (Quincy, Massachusetts, 1982), and incorporated by reference in part 7500.2600, subpart 6. The materials protecting the electric wiring must be of such composition that they will not ~~be~~ chemically ~~attached by~~ attach to the ingredients being processed.

Subp. 5. **Mixing equipment.** ~~Mixing equipment for on-site mixed water gels shall comply with the requirements of this part.~~ All Electric motors, electrically operated proportioning devices, ~~etc.,~~ ~~shall~~ and other similar devices must be electrically bonded. ~~All electric motors, electrically operated proportioning devices, etc.,~~ If they are used for dry ingredients ~~shall~~ they must also conform to the requirements of class II, division 2 of ~~the current edition~~ standard 70 of the National Electrical Code, ~~NFPA No. 70~~ found in the National Fire Codes, 1982, volume 6, issued by the National Fire Protection Association (Quincy, Massachusetts, 1982), and incorporated by reference in part 7500.2600, subpart 6.

The entire loading and mixing equipment ~~shall~~ must be cleaned daily to ~~ensure against~~ prevent accumulations of ingredients.

7500.3400 SMALL ARMS AMMUNITION.

~~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.~~

Subpart 1. **Restricted scope.** Parts 7500.3400 to 7500.3600 do not apply to in-process storage and intraplant transportation during manufacture of small arms ammunition, small arms primers, and smokeless propellants.

This part does not apply to the transportation of small arms ammunition governed by Code of Federal Regulations, title 49, parts 100 to 199 (1983).

Subp. 2. **Quantity limitations.** No quantity limitations ~~shall be~~ are imposed on the 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.

Subp. 3. **Separate storage.** Small arms ammunition ~~shall~~ must be separated from flammable liquids, flammable solids as classified by the Department of Transportation in Code of Federal Regulations, title 49, parts 100 to 199 (1983), and oxidizing materials by a fire-resistive wall of one-hour rating or by a distance of 25 feet.

Small arms ammunition ~~shall~~ must not be stored together with class A or class B explosives as defined by Department of Transportation regulations in Code of Federal Regulations, title 49, parts 100 to 199 (1983), unless the storage facility is adequate ~~for this latter storage~~ as described in Code of Federal Regulations, title 27, sections 55.201 to 55.220 (1982). ~~See Code of Federal Regulations, title 27, part 181, "Commerce in Explosives."~~

7500.3500 SMOKELESS PROPELLANTS.

Subpart 1. **Restricted scope.** This part does not apply to the transportation of smokeless propellants governed by Code of Federal Regulations, title 49, parts 100 to 199 (1983).

Subp. 1a. **Approved container required.** Smokeless propellants must be stored in shipping containers approved by the Department of Transportation in Code of Federal Regulations, title 49, parts 100 to 199 (1983).

Subp. 1b. **Transportation of certain quantities.** Quantities of smokeless propellants of 25 pounds or less in shipping containers

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approved by the Department of Transportation ~~not in excess of 25 pounds~~ in Code of Federal Regulations, title 49, parts 100 to 199 (1983), may be transported in a passenger vehicle.

Quantities in excess of 25 pounds but not exceeding 50 pounds that are transported in a passenger vehicle ~~shall~~ must be ~~transported~~ in a portable magazine having wooden walls of at least one-inch nominal thickness.

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

Transportation of quantities in excess of 50 pounds in other than passenger vehicles ~~shall be in accordance~~ must comply with Department of Transportation regulations~~, except that~~ in Code of Federal Regulations, title 49, parts 100 to 199 (1983). In addition, warning placards ~~shall~~ must be prominently displayed when more than 250 pounds are being transported.

Subp. 2. **Storage of propellants intended for personal use.** ~~All smokeless propellants shall be stored in Department of Transportation approved shipping containers.~~ 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~~ in excess of 20 but not exceeding 50 pounds~~,~~ ~~shall~~ must be stored in a wooden box or cabinet having walls of at least one-inch nominal thickness.

Subp. 3. **Commercial displays and stocks.** Not more than 20 pounds of smokeless propellants, in containers of one-pound maximum capacity, ~~shall~~ may be displayed in commercial establishments. Commercial stocks of smokeless propellants ~~over~~ greater than 20 pounds ~~and~~ but not more than 100 pounds ~~shall~~ must be stored in approved wooden boxes having walls of at least one-inch nominal thickness. Not more than 50 pounds ~~shall be~~ are permitted in any one box.

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

Subp. 4. **Quantities over 750 pounds.** Quantities in excess of 750 pounds ~~shall~~ must be stored in magazines constructed and located as specified in part 7500.0800.

7500.3600 SMALL ARMS AMMUNITION PRIMERS.

Subpart 1. **Restricted scope.** This section does not apply to the transportation of small arms ammunition primers governed by Code of Federal Regulations, title 49, parts 100 to 199 (1983).

Subp. 2. **Transportation and storage.** Small arms ammunition primers ~~shall~~ must not be transported or stored except in the original shipping container approved by the Department of Transportation in Code of Federal Regulations, title 49, parts 100 to 199 (1983).

Subp. 3. **Truck or rail transportation.** Truck or rail transportation of small arms ammunition primers ~~shall be in accordance~~ must comply with the Department of Transportation regulations in Code of Federal Regulations, title 49, parts 100 to 199 (1983).

Subp. 4. **Quantity limitations.** Not more than 25,000 small arms ammunition primers ~~shall~~ may be transported in a passenger vehicle.

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

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

Subp. 5. **Separate storage.** Small arms ammunition primers ~~shall~~ must be separated from flammable liquids, flammable solids as classified by the Department of Transportation in Code of Federal Regulations, title 49, parts 100 to 199 (1983), and oxidizing materials by a fire-resistive wall of one-hour rating or by a distance of 25 feet.

Subp. 6. **Storage of large quantities.** Quantities of small arms ammunition primers in excess of 1,000,000 ~~shall~~ must be stored in magazines in accordance with part 7500.0800.

REPEALER. Minnesota Rules, parts 7500.0100, subparts 12, 15, 20, and 21; 7500.0900; 7500.1000; 7500.1100; 7500.1700; 7500.1800, subpart 5; 7500.1900; 7500.2300; 7500.2800; 7500.3200, subpart 1; and 7500.3300 are repealed.

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed Adoption of Rule of the State Department of Public Safety Governing Storage, Handling and Use of Explosives and Blasting Agents.

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE WITHOUT PUBLIC HEARING

Notice of the Commissioner's proposed adoption of the above-entitled rule was published in the **State Register** on December 16, 1985 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 on December 13, 1985. The statement of need and reasonableness was prepared before the date of the notice of proposed adoption of a rule without a public hearing and was available to the public.

All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. No requests for a public hearing on the rule were received by the agency. No requests for notice of submission to the attorney general were received by the agency.

Based upon comments from the Institute of Makers of Explosives, several technical changes were made to these rules in order to conform with the federal regulations in the area of explosives and are not substantial changes within the meaning of Minnesota Rules 2010.1000.

7500.0100 Subp. 4a. 41. The definition of "detonator" was added to conform to the Bureau of Alcohol, Tobacco and Firearms definition in the Code of Federal Regulations. p.1

7500.0100 Subp. 5. The term jet trapper is changed to jet tapper to correct an error. p.1

7500.0100 Subp. 6. For purposes of this part there are three classes of explosive materials; high, low and blasting agents. A change is made to correct this from the classifications of Class A, B and C. p.2,3

7500.0100 Subp. 9a. Deletes the definition of nitrocarbonitrate which has been replaced by blasting agent. p4

7500.0100 Subp. 23. Changes definition of water gels or slurries to conform with federal regulations. p.6

7500.0560 Subp. 2A. Adds language providing that those issuing the permit shall confer with the authority where the explosives are to be used or stored. p.9

7500.0800, 7500.1500. Blasting cap is changed to detonator to conform with federal regulations. p.12, 15

7500.3100. Makes changes in classification of pre-mixed water gels to conform with federal regulations. p.24

The above-captioned rule is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rule identified as Storage, Handling and Use of Explosives and Blasting Agents, as modified is adopted this 23rd day of May, 1986, pursuant to authority vested in me by Minnesota Statutes, section 299F.71 to 299F.83.

STATE OF MINNESOTA

Paul Tschida

PAUL J. TSCHIDA
COMMISSIONER OF PUBLIC SAFETY

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

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

STATEMENT OF NEED AND REASONABLENESS

The above captioned rules are amendments to existing rules of the State Department of Public Safety. The captioned rules were adopted October 15, 1975.

The need to adopt these rules arises because of a need to clarify and reorganize the existing rules; to delete sections which are in conflict with federal regulations; to add provisions for issuance, renewal, suspension, and revocation of explosive dealers licenses and explosives user permits; and to set fees that may be charged for them.

Throughout these rules the Revisor of Statutes has made style and form revisions to conform with their redrafting standards. These modifications do not change the substantive effect of these rules. In addition the department has updated numerous regulatory standards adopted by reference to the most recent federal Department of Transportation standards. The need for such updating is to keep state standards in conformity with federal law and nationally recognized industry standards and to conform with action previously taken by MN/DOT relating to federal standards on hazardous materials. This results in uniformity and greater and easier compliance by affected parties. Also, throughout these rules the term "superintendent" has been replaced with the term "Commissioner" to more accurately reflect the ownership of the rules, since the enabling statute gives the Commissioner of Public Safety the authority to promulgate rules on explosives and blasting agents.

The justification establishing the need for and reasonableness of the substantive provisions of the rules is as follows:

7500.0100, Subp. 1a. A definition of the American Table of Distances, containing the federal code reference is added so that it need not be repeated throughout the rules.

7500.0100, Subp. 3a. A definition of the term Commissioner has been added and the definition of the term Superintendent has been repealed to correspond with the change in ownership of these rules explained above.

7500.0100, Subp. 6. The reference has been updated.

7500.0100, Subp. 6d. The reference has been updated.

7500.0100, Subp. 8a. The term License has been added because the new rules include provisions for licenses.

7500.0100, Subp. 9c. A definition for passenger vehicles has been added so that vehicles are more clearly defined.

7500.0100, Subp. 9d. The term Permit has been added because the new rules include provisions for permits.

7500.0400, Subp. 1. The reference has been updated.

7500.0400, Subp. 5. The procedure for requesting exemption from these rules has been simplified by reducing the number of copies of the request from three to two. One copy is retained by the Commissioner and one copy is returned with the approval. The additional copy is unneeded.

7500.0550 and 7500.0560. The enabling statutes require the issuance of licenses and permits, however procedures for such issuance and control were not included in the original rules. The state and local jurisdictions have been issuing licenses and permits, respectively, since the law has been in effect, without specific procedures by rule. Licenses and permits are now added to these rules to establish standard procedures for issuance and to set forth circumstances for license suspension and revocation. Since these rules were originally promulgated there have been problems concerning suspension and revocation and the circumstances under which a person is prohibited from holding a license or permit under M.S. 299F.77. This statute lists the characteristics of persons prohibited from holding a license or permit and these rules expand upon that by setting out the subsequent procedures relating to initial licensure qualification, renewal, suspension/revocation and contesting a decision. These rules are necessary and reasonable in order to have standard procedures that apply uniformly to all persons and for the department to be able to lawfully and fairly remove a license or permit from any person who is not in compliance.

7500.0550. This rule establishes the standard procedure for completion of the license application, return to the Commissioner, and approval. The rule is needed to provide uniformity of license issuance procedures. The license is valid for one year as provided by statute. This rule establishes a $10 fee for new license and renewal of licenses. The fee is needed to cover administrative costs of issuance, and the Department feels it is not an unreasonably burdensome amount. The rule establishes procedures for the renewal of licenses, and requires that the Commissioner notify the licensee a month before the license is due to expire. It describes the conditions under which the Commissioner may suspend or revoke a license and describes the specific violations that are cause for actions by the Commissioner. Persons prohibited from holding a license are covered in M.S. 299F.77. This rule requires that prohibited persons notify the Commissioner within 48 hours. In order to provide due process and uniform objective application of the rules it provides an applicant or licensee the opportunity to a hearing under the Administrative Procedure Act.

7500.0560. Since these rules were originally promulgated there has been a question of "local authority" regarding explosives permits. Procedures regarding license and permit issuance are not in the original rules. M.S. 299F.75 requires application for permit be made to the "appropriate local sheriff or chief of police." Permits have been issued in the residence jurisdiction of the applicant. The BCA receives numerous calls every year from citizens and local jurisdictions, regarding the problem of receiving a permit from one jurisdiction and using the explosives in another jurisdiction. This rule allows the applicant to obtain a permit either where he/she resides or intends to use the explosives. It sets a procedure for issuance of a permit for use in another jurisdiction by requiring the applicant to notify the chief of

police or sheriff where the explosives will be used or stored if the permit was not issued in that jurisdiction, so the local authorities will be aware of the explosives. This rule makes it easier for applicants to obtain the permit, especially in situations where the applicant lives in one jurisdiction and intends to use the explosives in another jurisdiction. To further accommodate the cross jurisdictional aspect of permit issuance for use of explosives, this rule requires that the permit be forwarded by the issuing authority to the jurisdiction in which explosives will be used, if the applicant intends to use or store explosives in a jurisdiction other than where the permit is issued. Also, it allows the issuing authority to charge a fee of up to $25 to cover their administrative costs of processing and issuing permits and of notifying other jurisdictions. This rule also describes the conditions under which the issuing authority may suspend or revoke a permit, by describing the specific violations that are cause for actions by the issuing authority and it requires that prohibited persons notify the Commissioner within 48 hours. This has been a continuing problem for state issued licenses, as discussed previously, and for locally issued permits. Including the specific grounds for suspension/revocation in these rules will allow local jurisdictions to remove a permit from a person who is not in compliance with the rules. In order to provide due process and uniform objective application of the rules, it provides an applicant or permitee the opportunity to a hearing under the Administrative Procedure Act.

7500.0600. Language is changed to limit the degree of Commissioner discretion allowed in the existing rule in order to comply with standard rulemaking authority. The existing language gives a degree of discretion that is no longer acceptable and is not needed. Language is modified to incorporate reasonable prohibitions - munufacture if prohibited unless it is licensed by the Commissioner. This, reasonably, keeps the prohibitions within the realm of licensure qualifications rather than the vague discretion allowed in the existing rule.

7500.0700, Subp. 5. The reference has been updated.

7500.0800, Subp. 3. The reference has been updated.

7500.1200, Subp. 8. This rule changes the distance for posting signs on all roads to warn against the use of mobile radio transmitters from 350 feet to 1000 feet and requires compliance with an Institute of Makers of Explosives Safety guide regarding radiation hazards. The radiation safety guide and increased radius for warning is recommended by the Institute of Makers of Explosives in order to provide greater safety both to the user of explosives in the area and the public in the surrounding area. Since the threat of radiation hazards is more widely recognized and known to be serious, these changes are necessary and reasonable for public safety and protection.

7500.1200, Subp. 8c. The reference has been updated.

7500.1700. Repealed forbidden explosives; now regulated by Minnesota Department of Transportation.

7500.1800, Subp. 5. This rule deletes the requirement for the vendor or transferor to check safety measures at the transferee's location before explosives are transferred to a purchaser or transferee. The old language placed an unreasonable burden

on the vendor by requiring him to check the safety measures required by these rules. In situations where the transfer occurs at the vendor's facility rather than at the transferees place of use or storage facility, which is often the case, the vendor would have no way of knowing whether the required safety measures were in place.

7500.1900. This rule is repealed. It required reports on quantity of stock of explosives by persons who store explosives, and this report is not used by the department for any purpose.

7500.2100. The reference has been updated.

7500.2200, Subp. 1. The reference has been updated.

7500.2200, Subp. 1a. The reference has been updated.

7500.2200, Subp. 2. The reference has been updated.

7500.2200, Subp. 3. The reference has been updated.

7500.2600, Supb. 6 and 7500.3200, Subp. 3, 4a, & 5. The reference to the National Electric Code is updated to volume 6 of the 1982 National Fire Codes, in order to accurately reflect the published location of the electric code. The National Fire Codes were adopted in 1983 as part of the Uniform Fire Code rules.

7500.3000. The reference has been updated.

7500.3100. The references have been updated.

7500.3200, Subp 3. The reference has been updated.

7500.3200, Subp 4a. The reference has been updated.

7500.3200, Subp 5. The reference has been updated.

7500.3400, Subp 1. The reference has been updated.

7500.3400, Subp 3. The references have been updated.

7500.3500, Subp 1 & 1b. The reference has been updated.

7500.3600, Subp 1,2,3, & 5. The reference has been updated.

The department has considered the requirements of Minn. Stat. 14.115 and has determined that the proposed rules have some impact on small businesses in Minnesota, and the department has considered the methods for reducing the impact as required by Minn. Stat. 14.115, Subd. 2. The universe of small businesses potentially affected by these rules are any small businesses which manufacture, store, sell, transport or use explosives, blasting agents or pyrotechnics. Certain prohibitions, exceptions and exemptions exist, therefore the rules should be reviewed carefully by potentially affected parties to determine specific applicability.

Generally, the purpose of amending these rules is to retail the licensing and permit issuance procedures into the rules so that they are standard and fair for all affected parties. This benefits small business because it prevents arbitrary application, broadening the permit issuance process also benefits small busines. The department has determined that instituting less stringent compliance or reporting requirements, less stringent schedules or deadlines, or simplification of requirements for small businesses is neither feasible nor desirable from a public safety standpoint. These rules relate directly to safety of lives and unequal treatment with respect to critical safety measures that could seriously endanger lives. Performance standards, exceptions, and authority for exemptions are already incorporated into the rules. Exemptions are allowed upon showing that the requirement would cause unnecessary hardship.

PAUL J. TSCHIDA
COMMISSIONER

In the Matter of the Adoption
of Rule of the the State Department
of Public Safety Governing Storage,
Handling and use of Explosives and
Blasting Agents.

DECLARATION OF COUNSEL

I, Jerry Anderson, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule, and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules, chapter 2010 have been followed. For Attorney General billing purposes, the four-digit docket client code is 80-0001-0708.

DATED: 5/30/86

Jerry Anderson
ATTORNEY'S NAME
SPECIAL ASSISTANT
ATTORNEY GENERAL

$2,100

① pg 1, line 11 - be consistent w/ pg 1, line 21 + pg 4, l 22 designee

② pg 3, line 25 - "certain" - see dfn

③ pg 8, line 16 - authority to implement fees?
299F.73 - approval of by Cmr of Finance?
16A.128 - 20%, not 25 names
- also why not charging

④ ~~pg 8, line 31 - line 3 - notify under 18 w/in 48 hrs -- 299F.77~~
~~also pg 16, line 17~~
question authority - 2 ways

⑤ pg 9, line 28 -- issuing auth may charge?

⑥ pg 18, line 5 - variance - std
pg 22, line 19 -
problem ok typed
if a person violates the provisions of § 299F.71-83 pertaining to explosives
unlawful possession

To:

Date: 6.2.86

Re: Dept of Public Safety — Manufacture, Storage and Use of Explosives and Blasting Agents.

in or if a person violates the provisions of 83991F. 71-783 pertain

Rules as Adopted

p.1, line 11 · 0100, subp.2.

To parallel References in other Rule sections, it would be preferable to change "assistant" to "designee."

p.3, line 25 · 0100, subp. 6.C.

Includes in definition of explosives "certain" water gels without identifying what they might be or referencing some other rule or reference which might be helpful in determining what is meant by "certain".

p.10, line 26 · 0600, sub 1

p.11, line 36 · 0600, sub 6.D.

p.13, line 17 · 1200, sub. 5

p.22, line 18 · 2700, sub. 1a

All of these sections contain changes which do not appear to be addressed in the Findings of Fact.

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT of PUBLIC SAFETY

Office Memorandum

TO : Judith Wehrwein
Attorney General's Office

DATE: May 23, 1986

FROM : Nancy Kelly NK
Administrative Assistant

PHONE: 296-8453

SUBJECT: Rulemaking for Review and Approval

Enclosed are all required documents, materials exhibits for the following rulemaking:

1. Storage, Handling and Use of Explosives and Blasting Agents.

After you have acted upon these rules, please return them directly to me.