

CHAPTER 7500
DEPARTMENT OF PUBLIC SAFETY
BUREAU OF CRIMINAL APPREHENSION
EXPLOSIVES AND BLASTING AGENTS

GENERAL PROVISIONS

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GENERAL PROVISIONS**7500.0100 DEFINITIONS.**

Subpart 1. **Scope.** In this chapter the following words are used as defined in this part.

Subp. 2. **Approved.** "Approved" means approved by the superintendent or his authorized assistants.

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

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. 4. **Department of Transportation.** "Department of Transportation" means the United States Department of Transportation.

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

Subp. 6. **Explosives.** "Explosives" means any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion, i.e., with substantially instantaneous release of gas and heat, unless such compound, mixture, or device is otherwise specifically classified by the Department of Transportation. The term "explosives" shall include all material which is classified as Class A, Class B, and Class C explosives by the Department of Transportation, and includes, but is not limited to, dynamite, black powder, pellet powders, initiating explosives, blasting caps, electric blasting caps, safety fuse, fuse lighters, fuse igniters, squibs, detonating cord, instantaneous fuse, igniter cord, igniters, small arms ammunition, small arms ammunition primers, smokeless propellant, cartridges for propellant-actuated power devices and cartridges for industrial guns, and some special fireworks. Commercial explosives are those explosives which are intended to be used in commercial or industrial operations. Certain chemicals and certain fuel materials may have explosive characteristics which are not specifically classified by the Department of Transportation and are not readily classified for coverage in the code. Authoritative information should be obtained for such unclassified materials and action commensurate with their hazards, locations, isolation and safeguards, should be taken. Classification of explosives is described by the Department of Transportation as follows:

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

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

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

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.

Subp. 7. **Highway.** "Highway" means any 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 church, school, store, railway passenger station, airport terminal for passengers, and any other building or structure where people are accustomed to congregate or assemble, but excluding any building or structure occupied in connection with the manufacture, storage, and use of explosives.

Subp. 9. **Magazine.** "Magazine" means any building or structure, other than an explosives manufacturing building, approved for the storage of explosives.

Subp. 10. **Person.** "Person" means any individual, firm, copartnership, corporation, company, association, joint stock association, and including any trustee, receiver, assignee, or personal representative thereof.

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

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Subp. 12. **Public conveyance.** "Public conveyance" means any railroad car, street car, ferry, cab, bus, airplane, or other conveyance which carries passengers for hire.

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

Subp. 14. **Railway.** "Railway" means any steam, electric, diesel, or other railroad or railway which carries passengers for hire on the particular line or branch in the vicinity where explosives are stored or where explosives manufacturing buildings are situated.

Subp. 15. **Singular and plural.** Words used in the singular number shall include the plural and words used in the plural shall include the singular.

Subp. 16. **Small arms ammunition.** "Small arms ammunition" means any shotgun, rifle, pistol, or revolver cartridge, and cartridge for propellant-actuated power devices and industrial guns. Military-type ammunition containing explosive bursting charges, spotting, or pyrotechnic projectiles is excluded from this definition.

Subp. 17. **Small arms ammunition primers.** "Small arms ammunition primers" means small percussion-sensitive explosive charges, encased in a cup, used to ignite propellant powder.

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

Subp. 19. **Special industrial explosive devices.** "Special industrial explosive devices" means explosive-actuated power devices and propellant-actuated power devices.

Subp. 20. **Special industrial explosive materials.** "Special industrial explosive materials" means shaped materials and sheet forms and various other extrusions, pellets, and packages of high explosives which include dynamite, trinitrotoluene (TNT), pentaerythritoltrinitrate (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. 21. **Superintendent.** "Superintendent" means the superintendent of the Bureau of Criminal Apprehension of the Minnesota Department of Public Safety.

Subp. 22. **Vehicle.** "Vehicle" means any self-propelled motor vehicle, truck, tractor, semitrailer, or truck-full trailer used for the transportation of freight over public highways.

Subp. 23. **Water gels or slurry explosives.** "Water gels or slurry explosives" comprise a wide variety of materials used for blasting. They all contain substantial proportions of ammonium nitrate, some of which is in solution in the water. Two broad classes of water gels are those which are sensitized by a material classed as an explosive, such as TNT or smokeless powder; and those which contain no ingredient classified as an explosive, which are sensitized with metals such as aluminum or other fuels. Water gels may be premixed at an explosives plant or mixed at the site immediately before delivery into the bore hole.

Statutory Authority: *MS s 299F.73*

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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.

Statutory Authority: *MS s 299F.73*

7500.0300 APPLICABILITY.

This chapter shall apply to the manufacture, keeping, having, storage, sale, transportation, and use of explosives, blasting agents, and pyrotechnics.

Statutory Authority: *MS s 299F.73*

7500.0400 EXEMPTIONS.

Subpart 1. Materials transported under other rules. This chapter shall not apply to the transportation of explosives or blasting agents when under the jurisdiction of and in compliance with the regulations of the Department of Transportation, the regulations of the United States Coast Guard and the regulations of the Federal Aviation Agency and the Board of Transport Commissioners for Canada. They shall, however, apply to municipal supervision as to compliance with federal regulations within the jurisdiction of a municipality.

Subp. 2. Military explosives. This chapter shall not apply to the shipment, transportation, and handling of military explosives by the armed forces of the United States, state militia, or the armed forces of Canada.

Subp. 3. Federal agencies; bomb technicians. This chapter shall not apply to the transportation and use of explosives or blasting agents in the normal and emergency operation of federal agencies such as the Bureau of Mines, the Federal Bureau of Investigation, the Secret Service, and equivalent Canadian governmental agencies. Also they shall not apply to recognized bomb technicians acting in an official capacity under emergency conditions.

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

Subp. 5. Requests for exemptions. The superintendent shall have the power to grant exemption from this chapter upon request in writing when such request shows that the enforcement of this chapter will cause unnecessary hardship to the petitioner, provided that said request shall not be granted where the requested modification of this chapter will constitute a distinct hazard to life or adjoining property. Such petition shall be in triplicate and state full particulars of such exemptions requested and when granted shall be attached to the notification of approval. Two copies of the request shall be retained by the superintendent.

Statutory Authority: *MS s 299F.73*

7500.0500 AUTHORITY OF SUPERINTENDENT.

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

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

Statutory Authority: *MS s 299F.73*

7500.0600 EXPLOSIVES MANUFACTURING.

Subpart 1. **Authorization required.** The manufacture of any explosive or explosive device including small arms ammunition, pyrotechnics, and blasting agents as defined in part 7500.0100 shall be prohibited unless such manufacture is authorized by the superintendent or his authorized assistants and is conducted in accordance with recognized safe practices satisfactory to the superintendent or his authorized assistants. This shall not apply to hand loading of small arms ammunition prepared for personal use and not for resale.

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

Statutory Authority: *MS s 299F.73*

7500.0700 GENERAL PROHIBITIONS.

Subpart 1. **Undue hazard.** No person shall store, handle, or transport explosives or blasting agents when such storage, handling, and transportation of explosives or blasting agents constitutes an undue hazard to life and property.

Subp. 2. **Scope of law and rules.** No person shall possess, keep, store, sell, or offer for sale, give away, use, transport, or dispose of in any manner any explosive or blasting agent except as provided in this chapter or by law, provided however that this limitation shall not apply to small arms ammunition and components, cartridges for propellant-actuated power devices, cartridges for industrial guns intended for personal use and not for resale, and railroad fuses.

Subp. 3. **Unauthorized persons.** No person shall sell or give away any explosive or blasting agent to any unauthorized person, as defined in Minnesota Statutes, section 299F.77.

Subp. 4. **Public sale.** No person shall physically sell, display, or expose for sale any explosive or blasting agent on any highway, street, sidewalk, public way, or public place.

Subp. 5. **Medicinal use.** Nothing in this chapter shall be construed to prohibit the use of explosives in the form prescribed by the official United States Pharmacopeia published by the United States Pharmacopeia Convention (Rockville, Maryland).

Subp. 6. **Laboratory use.** Government and industrial laboratories, laboratories of technical institutes, colleges, universities, and similar institutions may be permitted to keep, store, and use explosives or blasting agents when confined to the purpose of scientific or technical instruction or research, provided the storage and use of explosives or blasting agents is for the purpose of scientific or technical instruction or research, and provided the storage and use of explosives or blasting agents is under experienced and competent supervision and not more than 15 pounds of explosives (exclusive of small arms ammunition, small arms ammunition primers, and smokeless propellants) or blasting agents are kept on hand at any time in such laboratories. When additional quantities of explosives or blasting agents are required, application shall be made for a special ruling by the superintendent or his authorized assistants.

Statutory Authority: *MS s 299F.73*

STORAGE, TRANSPORTATION, AND USE OF EXPLOSIVES**7500.0800 STORAGE OF EXPLOSIVES.**

Subpart 1. **Scope.** All Class A, Class B, and Class C explosives, special industrial explosives, and any newly developed and unclassified explosives shall be kept in magazines which meet the requirements of this 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

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

Subp. 3. **Magazines.** Ground around magazines shall slope away for drainage. The land surrounding magazines shall be kept clear of brush, dried grass, leaves, and other combustible materials for a distance of at least 25 feet. Magazines shall be as required in Code of Federal Regulations, title 27, part 181, "Commerce in Explosives," Department of Treasury, sections 181.182 to 181.200, which are herein adopted.

Statutory Authority: *MS s 299F.73*

7500.0900 TRANSPORTATION OF EXPLOSIVES, GENERAL PROVISIONS.

Subpart 1. **Other applicable rules.** In addition to all other applicable requirements set forth in this chapter, the transportation of explosives over all highways shall be in accordance with Department of Transportation regulations. The Department of Transportation regulations and changes lawfully on file and approved by the Department of Transportation are hereby adopted as a part of this chapter.

Subp. 2. **Forbidden locations.** Explosives shall not be transported through any prohibited vehicular tunnel, or subway, or over any prohibited bridge, roadway, or elevated highway.

Subp. 3. **Forbidden activities.** No person shall smoke, carry matches or any other flame-producing device, or carry any firearms or loaded cartridges while in or near a vehicle transporting explosives; or drive, load, or unload such vehicle in a careless or reckless manner.

Subp. 4. **Forbidden vehicles.** Explosives shall not be carried or transported in or upon a public conveyance or vehicle carrying passengers for hire.

Subp. 5. **Permitted vehicles.** Explosives may be loaded into and transported in the following:

A. truck or automotive vehicle not transporting passengers;

B. truck with semitrailer;

C. truck with full trailer;

D. truck tractor with semitrailer;

E. truck tractor with semitrailer and full trailer.

Subp. 6. **Notice to local officials.** Explosives shall not be transferred from one vehicle to another within any city, county, state, or other area without informing the fire and police departments thereof. In the event of breakdown or collision, the local fire and police departments shall be promptly notified to help safeguard such emergencies. Explosives shall be transferred from the disabled vehicle to another only when proper and qualified supervision is provided. A qualified supervisor is any person except those excluded under Minnesota Statutes 1971, section 299F.77.

Subp. 7. **Blasting caps.** Blasting caps or electric blasting caps shall not be transported over the highways on the same vehicles with other explosives, except in compliance with Department of Transportation regulations, Code of Federal Regulations, title 27.

Subp. 8. **Notice to superintendent.** Any person who ships, transports, imports, or causes to be carried across state lines, in any manner whatever into Minnesota any explosives shall be required to inform the superintendent 24 hours

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prior to such crossing of the state line of the fact of such crossing and in addition supply the superintendent with the following information:

- A. name and address of the shipper, importer, and transporter;
- B. quantity of total shipment;
- C. destination and amount of each consignment of the total shipment;

and

D. expected time of crossing state lines and expected time of destination arrival.

Subp. 9. Regular transportation of explosives. In those cases where a person carries explosives across state lines on a regular schedule of at least once a week, the superintendent may, in his discretion, allow such persons to comply with subpart 8 by submitting to the superintendent a time table of his usual and customary, regularly scheduled interstate transfers. Any deviations from that time table will be required to be submitted to the superintendent at least 24 hours prior to such transfer.

Subp. 10. Items excepted. The provisions of parts 7500.0900 to 7500.1100 do not apply to the transportation of small arms ammunition and components, cartridges for propellant-actuated power devices, and small arms ammunition primers. (See parts 7500.3300 to 7500.3600.)

Statutory Authority: *MS s 299F.73*

7500.1000 TRANSPORTATION VEHICLES.

Subpart 1. Strength and covering. Vehicles while being used for transporting explosives shall be strong enough to carry the load without difficulty and be in good mechanical condition. If vehicles do not have a closed body, the body shall be covered with a flameproof and moistureproof tarpaulin or other effective protection against moisture and sparks. All vehicles used for the transportation of explosives shall have tight floors and any exposed spark-producing metal on the inside of the body shall be covered with wood or other nonsparking materials to prevent contact with packages of explosives. Packages of explosives shall not be loaded above the sides of an open-body vehicle.

Subp. 2. Markings. Every vehicle while being used for transporting Class A or Class B explosives shall be marked or placarded on both sides, front, and rear with the word "Explosives" in letters not less than four inches in height in contrasting colors. In addition to such marking or placarding, the vehicle may display, in such a manner that it will be readily visible from all directions, a red flag 18 inches by 30 inches, with the word "Explosives" painted, stamped, or sewed thereon in white letters, at least six inches in height.

Subp. 3. Fire extinguisher. Every vehicle while being used for transporting explosives shall be equipped with at least one fire extinguisher of 20 pound dry chemical or equal.

Subp. 4. Inspection. A vehicle while being used for transporting explosives shall be inspected prior to every loading of explosives to determine that it is in proper condition in all respects for handling and safe transportation of explosives, and no vehicle shall be so used unless:

- A. fire extinguishers shall be filled and in working order;
- B. all electrical wiring shall be completely protected and securely fastened to prevent short-circuiting;
- C. chassis, motor, pan, and underside of body shall be reasonably clean and free of excess oil and grease;
- D. fuel tank and feed line shall be secure and have no leaks;
- E. brakes, lights, horn, windshield wipers, and steering apparatus shall function properly; and

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F. tires shall be properly inflated and shall have no visible defects.

Statutory Authority: *MS s 299F.73*

7500.1100 OPERATION OF TRANSPORTATION VEHICLES.

Subpart 1. **Driven.** Vehicles transporting explosives shall only be driven by and be in charge of a driver who is in possession of a valid motor vehicle operator's license, physically fit, careful, capable, reliable, able to read and write the English language, and not addicted to the use, or under the influence of intoxicants or narcotics, and not less than 18 years of age. He shall be familiar with the traffic regulations, state laws, and the provisions of this chapter and shall be familiar with the operation of the vehicle used.

Subp. 2. **Parking.** Except under emergency conditions, no vehicle transporting explosives shall be parked before reaching its destination, even though attended, on any public street adjacent to or in proximity to any bridge, tunnel, dwelling, building, or place where people work, congregate, or assemble.

Subp. 3. **Attendant.** Every vehicle transporting any quantity of Class A or Class B explosives shall, at all times, be attended by a driver or other attendant of the motor carrier. This attendant shall have been made aware of the class of the explosive material in the vehicle and of its inherent dangers, and shall have been instructed in the measures and procedures to be followed in order to protect the public from those dangers. He shall have been made familiar with the vehicle he is assigned to attend, and shall be trained, supplied with the necessary means, and authorized to move the vehicle when required.

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

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

Subp. 4. **Materials carried with explosives.** No spark-producing metal, spark-producing metal tools, oils, matches, firearms, electric storage batteries, flammable substances, acids, oxidizing materials, or corrosive compounds shall be carried in the body of any motor truck and/or vehicle transporting explosives, unless the loading of such dangerous articles and the explosives complies with Department of Transportation regulations.

Subp. 5. **Congested areas.** Vehicles transporting explosives shall avoid congested areas and heavy traffic. Where routes through congested areas have been designated by local authorities such routes shall be followed.

Subp. 6. **Delivery.** Delivery shall only be made to authorized persons and into authorized magazines or approved temporary storage or handling areas.

Statutory Authority: *MS s 299F.73*

7500.1200 USE OF EXPLOSIVES, GENERAL PROVISIONS.

Subpart 1. **Handling.** The handling of explosives shall be performed by a person experienced in the use of explosives or by other employees under his direct supervision provided that such employees are at least 18 years of age.

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

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Subp. 3. **Containers.** Original containers or authorized containers shall 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 be covered before firing with a mat constructed so that it is capable of preventing fragments from being thrown.

Subp. 5. **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.

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

Subp. 7. **Notice to utilities.** Whenever blasting is being conducted in the vicinity of gas, electric, water, fire alarm, telephone, telegraph, and steam utilities, the blaster shall notify the appropriate representatives of such utilities at least 24 hours in advance of blasting, specifying the location and intended time of such blasting. Verbal notice shall be confirmed with written notice. In an emergency this time limit may be waived by the local authority issuing the original permit.

Subp. 8. **Source of electricity.** Due precautions shall be taken to prevent accidental discharge of electric blasting caps from current induced by radar, radio transmitters, lightning, adjacent power lines, dust storms, or other sources of extraneous electricity. These precautions shall include:

A. the suspension of all blasting operations and removal of persons from the blasting area during the approach and progress of an electric storm;

B. the posting of signs warning against the use of mobile radio transmitters on all roads within 350 feet of the blasting operation; and

C. compliance with the latest recommendations of the Institute of Makers of Explosives with regard to blasting in the vicinity of radio transmitters or power lines.

Statutory Authority: *MS s 299F.73*

7500.1300 STORAGE AT USE SITES.

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

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

Subp. 4. **Abandonment.** No explosives shall be abandoned.

Statutory Authority: *MS s 299F.73*

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7500.1400 LOADING OF EXPLOSIVES IN BLAST HOLES.

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

Tamping shall 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 be avoided.

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

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

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

Statutory Authority: *MS s 299F.73*

7500.1500 INITIATION OF EXPLOSIVES CHARGES.

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

When fuse is used, the blasting cap shall be securely attached to the safety fuse with a standard ring type cap crimper. All primers shall be assembled at least 50 feet from any magazine.

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

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

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

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

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

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

Statutory Authority: *MS s 299F.73*

7500.1600 WARNING REQUIRED.

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

Statutory Authority: *MS s 299F.73*

7500.1700 FORBIDDEN EXPLOSIVES.

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

- A. liquid nitroglycerin;
- B. dynamite (except gelatin dynamite) containing over 60 percent of liquid explosive ingredient;

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C. nitrocellulose in a dry and uncompressed condition in quantity greater than ten pounds net weight in one package;

D. fulminate of mercury in a dry condition and fulminate of all other metals in any condition except as a component of manufactured articles not hereinafter forbidden;

E. explosive compositions that ignite spontaneously or undergo marked decomposition rendering the products or their use more hazardous, when subjected for 48 consecutive hours or less to a temperature of 167 degrees Fahrenheit (75 degrees Centigrade);

F. explosives containing an ammonium salt and a chlorate;

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

H. explosives not packaged or marked in accordance with the requirements of the Department of Transportation; and

I. explosives condemned by the Department of Transportation.

Statutory Authority: *MS s 299F.73*

7500.1800 SALE AND DISPOSITION OF EXPLOSIVES.

Subpart 1. **Scope.** All Class A, Class B, and Class C explosives, special industrial explosives, and any newly developed and unclassified explosives, shall not be sold or transferred in this state except as provided in this part. This subpart shall 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. explosive-actuated power devices when in quantities of less than 50 pounds net weight of explosive;

C. fuse lighters and fuse igniter; and

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

Subp. 2. **Marking of containers.** No vendor, transferor, buyer, or transferee of explosives within this state may accept or deliver dynamite or other explosive in any quantity unless each carton or other usual primary container of such explosive is plainly labeled, stamped, or marked with identification numbers and with the words "Dangerous Explosives." It shall be unlawful for any person to use or have in his possession any explosives not marked as 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, or duly constituted law enforcement officer.

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

A. date of transaction;

B. manufacturer of the explosives being transferred;

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

D. quantity of explosives being transferred;

E. name and address of purchaser or transferee;

F. user permit number; and

G. signature of the transferee.

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

Subp. 5. **Safety requirements.** If the safety measures provided by the purchaser or transferee pursuant to the requirements contained in this chapter do not meet the minimum requirements, the vendor or transferor shall not transfer explosives to the purchaser or transferee.

Statutory Authority: *MS s 299F.73*

7500.1900 QUANTITY REPORTS.

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

Statutory Authority: *MS s 299F.73*

7500.2000 REPORT OF THEFTS.

Any person who has explosives in his possession and who incurs a loss or theft of all or a portion thereof, immediately upon discovery of such loss or theft and in no event longer than 24 hours from the time of discovery, shall inform the office of the superintendent and the county sheriff or the local chief of police of the loss or theft, the amount of explosives missing, and the approximate time of the occurrence.

Statutory Authority: *MS s 299F.73*

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. For the purpose of granting such exemption or revoking same, or for any other purpose, the superintendent or his designee has the authority at any time to inspect the premises and facilities of such persons.

Statutory Authority: *MS s 299F.73*

EXPLOSIVES AT PIERS OR RAILWAY STATIONS, ON CARS OR VESSELS

7500.2200 GENERAL PROVISIONS.

Subpart 1. **Storage in railway car.** Except in an emergency and with permission of the local authority having jurisdiction, no person shall have or keep explosives in a railway car unless said car and contents and methods of loading are in accordance with the Department of Transportation regulations for the transportation of explosives.

Subp. 2. **Delivery.** No person shall deliver any explosive to any carrier unless such explosive conforms in all respects, including marking and packing, to the Department of Transportation regulations for the transportation of explosives.

Subp. 3. **Placards.** Every railway car containing explosives which has reached its destination, or is stopped in transit so as no longer to be in interstate commerce, shall have placards in accordance with Department of Transportation regulations.

Subp. 4. **Safety.** Within the jurisdiction any explosives at a railway facility, truck terminal, pier, wharf, harbor facility, or airport terminal, whether for delivery to a consignee, or forwarded to some other destination shall be kept in a safe place, isolated as far as practicable and in such manner that they can be easily and quickly removed.

Statutory Authority: *MS s 299F.73*

7500.2300 NOTIFICATIONS.

Subpart 1. **Notice of delivery; removal of explosives by authorities.** When explosives are brought into the locality under the jurisdiction of this chapter, by any means of transportation, for delivery to an intermediate receiver, consignee's agent, or consignee, or to be forwarded to some other destination, the carrier performing the shipment shall immediately notify the consignee, fire chief, port authorities, and such other authorities as may be designated, of the arrival of the explosives, and if said consignee does not receive and remove the said explosives from the possession of the carrier within 48 hours (Sundays and holidays excluded), after such notification, then the railway, trucking firm, vessel agent, or airline shall remove the said explosives from the jurisdiction to a properly permitted magazine or make a report to the superintendent or his authorized assistants, who shall see that the said explosives are moved to a place of safety.

Subp. 2. **Removal of explosives by consignee.** Any person having been notified, as consignee, of a shipment of explosives being in the hands of any carrier, and within the jurisdiction, shall remove the said explosives within 48 hours (Sundays and holidays excluded) after receiving such notification to a place meeting the requirements of this chapter.

Statutory Authority: *MS s 299F.73*

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

Statutory Authority: *MS s 299F.73*

MIXING, STORING, AND TRANSPORTING BLASTING AGENTS**7500.2500 BLASTING AGENTS.**

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

Statutory Authority: *MS s 299F.73*

7500.2600 MIXING OF BLASTING AGENTS.

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

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

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 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.

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Subp. 3. **Building construction.** Buildings used for the mixing of blasting agents shall conform to the requirements of this part unless otherwise specifically approved by the superintendent or his authorized assistants. Buildings should preferably be of noncombustible construction or sheet metal on wood studs. The layout of the mixing building shall be such as to provide physical separation between the finished product storage, and the mixing and packaging operation. Floors in storage areas and in the processing plant should be of concrete. Isolated fuel storage shall be provided to avoid contact between molten ammonium nitrate and fuel in case of fire. The building shall be well ventilated. Heat shall be provided exclusively from a unit outside the building.

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

Subp. 5. **Blasting agent compositions.** The provisions of this subpart shall be considered when determining blasting agent compositions. The sensitivity of the blasting agent shall be determined by means of a No. 8 test blasting cap at regular intervals and after every change in formulation, or as may be requested by the superintendent or his authorized assistants.

Ammonium nitrate of small particle size, such as crushed prills or fines, may be more sensitive and hazardous than the ordinary prills and shall be handled with greater care. No liquid fuel with flash point lower than that of No. 2 diesel fuel oil (125 degrees minimum or legal) shall be used. Crude oil and crankcase oil shall not be used because they may contain light ends that offer increased vapor-explosion hazards or gritty particles that tend to sensitize the resulting blasting agent. If solid fuels are used, they shall be chosen so as to minimize dust-explosion hazard. Metal dusts (aluminum powder, etc.), peroxides, or chlorates shall not be used unless such operations are conducted in a manner approved by the superintendent or his authorized assistants. Unusual compositions shall not be attempted except 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.** All electrical switches, controls, motors, and lights, if located in the mixing room, shall conform to the requirements of Class II, Division 2 of the National Electrical Code, published by the American National Standards Institute; otherwise they shall be located outside the mixing room. The frame of the mixer and all other equipment that may be used shall be electrically bonded and be provided with a continuous path to the ground.

Subp. 7. **Washdown facilities.** Washdown facilities shall be provided. An automatic water-deluge system with adequate capacity is recommended to protect mixers and the finished-explosives storage area in the plant. Floor shall be constructed so as to eliminate open floor drains and piping into which molten materials could flow and be confined in case of fire. The floors and equipment of the mixing and packaging room shall be thoroughly cleaned daily to prevent accumulation of oxidizers or fuels or other sensitizers. The entire mixing and packaging plant shall be washed down periodically to prevent excessive accumulation of dust.

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

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

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Subp. 10. **Storage.** 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, whichever is less, shall be permitted in or near the mixing and packaging plant or area. Larger quantities shall be stored in separate warehouses or magazines.

Statutory Authority: *MS s 299F.73*

7500.2700 STORAGE OF BLASTING AGENTS AND SUPPLIES.

Subpart 1. **General.** Blasting agents shall be 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 part 7500.0800 for explosives. The mass of blasting agents and one-half the mass of oxidizers shall be included when computing the total quantity of explosives for determining distance requirements.

Blasting agents, when stored entirely separate from explosives, may be stored in the manner set forth in part 7500.0800, or in one-story warehouses (without basements) which shall be noncombustible or fire-resistive, constructed so as to eliminate open floor drains and piping into which molten materials could flow and be confined in case of fire, weather resistant, well ventilated, and equipped with a strong door kept securely locked except when open for business.

Subp. 2. **Storage in vans.** 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, with respect to inhabited buildings, passenger railways and public highways, and according to the Table of Recommended Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents 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 the trailer doors shall be kept locked, except during the time of placement and removal of stocks of blasting agents.

Subp. 3. **Warehouses, locations, and distances.** Warehouses used for storage of blasting agents separate from explosives shall be located as set forth in this subpart.

Warehouses used for storage of blasting agents shall be located in accordance with the provisions of the American Table of Distances as revised and approved by the Institute of Makers of Explosives, 1971, with respect to inhabited buildings, passenger railways, and public highways, and according to the Table of Recommended Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents as revised and approved by the Institute of Makers of Explosives, 1971, with respect to one another.

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 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.

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

Subp. 5. **Cleanliness; combustible materials.** The interior of warehouses used for the storage of blasting agents shall be kept clean and free from debris and empty containers. Spilled materials shall be cleaned up promptly and safely removed. Combustible materials, flammable liquids, corrosive acids, chlorates,

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or nitrates shall not be stored in any warehouse used for blasting agents unless separated therefrom by a fire-resistive separation of not less than one hour resistance. The provisions of this subpart shall 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 be adequately separated from readily combustible fuels. Caked ammonium nitrate, either in bags or in bulk, shall not be loosened by blasting.

Subp. 7. **Supervisor.** Every warehouse used for the storage of blasting agents shall be under the supervision of a competent person who shall be not less than 18 years of age.

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

Statutory Authority: *MS s 299F.73*

7500.2800 TRANSPORTATION OF BLASTING AGENTS.

When the blasting agents are transported in the same vehicle with explosives, all of the requirements of parts 7500.0900 to 7500.1100 shall be complied with. Vehicles transporting blasting agents shall only be driven by and be in charge of a driver at least 18 years of age who is capable, careful, reliable, and in possession of a valid motor vehicle operator's license. Such a person shall also be familiar with the state vehicle and traffic laws. No sparking metal, sparking metal tools, oils, matches, firearms, acids, or other corrosive liquids shall be carried in the bed or body of any vehicle containing blasting agents. No persons shall be permitted to ride upon, drive, load, or unload a vehicle containing blasting agents while smoking or under the influence of intoxicants or narcotics. It is prohibited for any person to transport or carry any blasting agents upon any public conveyance carrying passengers for hire. Vehicles transporting blasting agents shall be in safe operating conditions at all times.

When offering blasting agents for transportation on public highways, the packaging, marking, and labeling of containers of blasting agents shall comply with the requirements of the Department of Transportation. Vehicles while being used for transporting blasting agents on public highways shall be placarded in accordance with Department of Transportation regulations. Vehicles while being used for transporting blasting agents shall be equipped with at least one 20-pound dry chemical fire extinguisher or equivalent.

Statutory Authority: *MS s 299F.73*

7500.2900 USE OF BLASTING AGENTS.

Persons using blasting agents shall comply with all of the applicable provisions of parts 7500.1200 to 7500.1600.

Statutory Authority: *MS s 299F.73*

WATER GELS OR SLURRY EXPLOSIVES

7500.3000 GENERAL PROVISIONS.

Unless otherwise set forth in parts 7500.3000 to 7500.3600, water gels shall be transported, stored, and used in the same manner as explosives or blasting agents in accordance with the classification of the product.

Statutory Authority: *MS s 299F.73*

7500.3100 PREMIXED WATER GELS.

Premixed water gels containing a substance in itself classified as an explosive shall be classified as an explosive and manufactured, transported, stored, and used as specified for explosives in these regulations. Premixed water gels containing no substance in itself classified as an explosive and which are cap-sensitive as defined in part 7500.0100, subpart 2 shall be classified as an explosive and manufactured, transported, stored, and used as specified for explosives in this chapter. Premixed water gels containing no substance in itself classified as an explosive and which are not cap-sensitive as defined in part 7500.0100, subpart 2 shall be classified as blasting agents and manufactured, transported, stored, and used as specified for blasting agents in this chapter.

Statutory Authority: *MS s 299F.73*

7500.3200 ON-SITE-MIXED WATER GELS.

Subpart 1. **General.** Ingredients for on-site-mixed water gels shall be stored as set forth in this part.

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

Subp. 3. **Ammonium nitrate.** Prilled, grained, or granulated ammonium nitrate shall be stored in accordance with NFPA 490, Code for the Storage of Ammonium Nitrate, 1967 edition. If ammonium nitrate is stored in the vicinity of explosives or blasting agents, the separation distances specified in part 7500.0800 shall be observed. Liquid ammonium nitrate solutions shall be stored in tank cars, tank trucks, or permanent tanks in a location approved by the superintendent or his authorized assistants. Spills or leaks which may contaminate combustible materials shall be cleaned up immediately.

Subp. 4. **Electric power.** If electric power is used, it shall be furnished by cable from an outside source or by a self-contained motor generator. In the case of a self-contained power source, it shall be located at the end of the storage container opposite that at which the blasting agent is discharged. It shall have adequate capacity for the loads to be expected and be equipped with suitable overload protection devices. Electric wiring carrying voltages greater than 12 volts shall be in armored cable or in conduit and, if dry ingredients are employed, the wiring shall conform to the requirements of Class II, Division 2 of the current edition of the National Electrical Code, NFPA No. 70 (see appendix). The materials protecting the electric wiring must be of such composition that they will not be chemically attacked by 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 be electrically bonded. All electric motors, electrically operated proportioning devices, etc., used for dry ingredients shall conform to the requirements of Class II, Division 2 of the current edition of the National Electrical Code, NFPA No. 70. The entire loading and mixing equipment shall be cleaned daily to ensure against accumulations of ingredients.

Statutory Authority: *MS s 299F.73*

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SMALL ARMS AMMUNITION AND PRIMERS; SMOKELESS PROPELLANTS

7500.3300 GENERAL PROVISIONS.

In addition to all other applicable requirements of this chapter, the intrastate transportation of small arms ammunition, small arms ammunition primers, and smokeless propellants shall be in accordance with current Department of Transportation rules.

The provisions of parts 7500.3300 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.

Statutory Authority: *MS s 299F.73*

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

Small arms ammunition shall be separated from flammable liquids, flammable solids as classified by the Department of Transportation, and oxidizing materials by a fire-resistive wall of one hour rating or by a distance of 25 feet. Small arms ammunition shall not be stored together with Class A or Class B explosives as defined by Department of Transportation regulations, unless the storage facility is adequate for this latter storage. See Code of Federal Regulations, title 27, part 181, "Commerce in Explosives."

Statutory Authority: *MS s 299F.73*

7500.3500 SMOKELESS PROPELLANTS.

Subpart 1. **Transportation.** Quantities of smokeless propellants in shipping containers approved by the Department of Transportation not in excess of 25 pounds may be transported in a passenger vehicle. Quantities in excess of 25 pounds but not exceeding 50 pounds in a passenger vehicle shall be transported in a portable magazine having wooden walls of at least 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 with Department of Transportation regulations, except that warning placards shall be prominently displayed when more than 250 pounds are being transported.

Subp. 2. **Storage.** 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 50 pounds, shall be stored in a wooden box or cabinet having walls of at least one inch nominal thickness.

Subp. 3. **Commercial stocks.** Not more than 20 pounds of smokeless propellants, in containers of one pound maximum capacity, shall be displayed in commercial establishments. Commercial stocks of smokeless propellants over 20 pounds and not more than 100 pounds shall be stored in approved wooden boxes having walls of at least one inch nominal thickness. Not more than 50 pounds shall be permitted in any one box. Commercial stocks in quantities not to exceed 750 pounds shall be stored in storage cabinets having wooden walls of at least one inch nominal thickness. Not more than 400 pounds shall be permitted in any one cabinet.

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

Statutory Authority: *MS s 299F.73*

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7500.3600 SMALL ARMS AMMUNITION PRIMERS.

Small arms ammunition primers shall not be transported or stored except in the original shipping container approved by the Department of Transportation. Truck or rail transportation of small arms ammunition primers shall be in accordance with the Department of Transportation regulations.

Not more than 25,000 small arms ammunition primers shall 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.

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

Quantities of small arms ammunition primers in excess of 1,000,000 shall be stored in magazines in accordance with part 7500.0800.

Statutory Authority: *MS s 299F.73*

MACHINE GUNS AND SHORT-BARRELLED SHOTGUNS

7500.5100 DEFINITIONS.

Subpart 1. **Scope.** For the purpose of parts 7500.5100 to 7500.5600, the following terms have the meanings given them.

Subp. 2. **Approved machine gun or short-barrelled shotgun.** "Approved machine gun or short-barrelled shotgun" means a machine gun or short-barrelled shotgun that, although designed as a weapon, has been determined by the superintendent as not likely to be used as a weapon and that has been determined by the superintendent to appear on the National Firearms Act Curios and Relics List, as provided by United States Code, title 18, chapter 44, and as issued by the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms (Washington, D.C.).

Subp. 3. **Bureau.** "Bureau" means the Minnesota Bureau of Criminal Apprehension.

Subp. 4. **Report form.** "Report form" means the official form created by the bureau on which the data specified in Minnesota Statutes, section 609.67, subdivision 4 is to be reported to the superintendent.

Subp. 5. **Superintendent.** "Superintendent" means the superintendent of the bureau or his delegate.

Statutory Authority: *MS s 299C.03; 609.67*

History: *8 SR 243*

7500.5200 STATUTORY AUTHORITY.

Parts 7500.5100 to 7500.5600 are adopted pursuant to the authority granted to the superintendent of the Bureau of Criminal Apprehension by Minnesota Statutes, sections 299C.03, and 609.67.

Statutory Authority: *MS s 299C.03; 609.67*

History: *8 SR 243*

7500.5300 REPORTING PROCEDURES; FEE.

Subpart 1. **Requirements.** If a person owns or possesses an approved machine gun or short-barrelled shotgun, the following procedures must be followed.

Subp. 2. **Report.** Within ten days after a person takes possession or ownership of an approved machine gun or short-barrelled shotgun, the person shall send a report form to the superintendent.

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Subp. 3. **Fee.** The reporting person shall send a \$15 nonrefundable fee with each report form.

Statutory Authority: *MS s 299C.03; 609.67*

History: *8 SR 243*

7500.5400 FILING NOT ACCEPTED.

Subpart 1. **Grounds for nonacceptance.** The superintendent shall not accept a report form for filing if:

A. the reporting person misrepresents, falsifies, or fails to complete any information on the report form; or

B. the superintendent determines that the firearm is not an approved machine gun or short-barrelled shotgun.

Subp. 2. **Resubmission.** If the superintendent refuses to accept the report form on the grounds of subpart 1, item A or B, the report required by Minnesota Statutes, section 609.67, shall be deemed not to have been made. If the report can be corrected or completed properly, the reporting person shall submit a new report form within ten days after receipt of the superintendent's notice of nonacceptance. A new fee need not accompany a report form resubmitted under this subpart.

Statutory Authority: *MS s 299C.03; 609.67*

History: *8 SR 243*

7500.5500 RIGHT TO CONTEST DECISION.

If the superintendent does not accept the report form, the superintendent shall notify the reporting person in writing, specifying the reasons for nonacceptance. That person may contest the decision of the superintendent in proceedings conducted pursuant to the Administrative Procedure Act, Minnesota Statutes, sections 14.57 to 14.69, and rules of the Office of Administrative Hearings, parts 1400.0200 to 1400.8500.

Statutory Authority: *MS s 299C.03; 609.67*

History: *8 SR 243*

7500.5600 LIMITED PROTECTION OF REPORTING INFORMATION.

All persons possessing or owning an approved machine gun or a short-barrelled shotgun prior to the effective date of parts 7500.5100 to 7500.5600 shall have 90 days after August 22, 1983, to file a report form with the superintendent.

Statutory Authority: *MS s 299C.03; 609.67*

History: *8 SR 243*