

Nebraska State Patrol

Title 272

The Rules and Regulations

Concerning the Use of Explosives in Nebraska

**RULES AND REGULATIONS CONCERNING EXPLOSIVES
IN THE STATE OF NEBRASKA**

Nebraska State Patrol

Subject or Title	Statutory Authority	Code Section
Amendment or Repeal	28-1236; 84-901 to 81-932	Chapter 14
Appendix		
Compliance, Penalties for Non-Compliances, Revocation	28-1213 to 28-1239	Chapter 12
Effective Date & Repeal or Earlier Rules	84-907	Chapter 15
General Safety Regulations	28-1236	Chapter 11
Handling of Explosives	28-1213 to 28-1239	Chapter 7
Hearing Practice	84-911, 84-917	Chapter 1
Manufacture: Blasting Agents	28-1213 to 28-1239	Chapter 6
Scope, Definitions	28-1213 to 28-1239	Chapter 5
Severability	28-1236	Chapter 13
Storage of Explosives	28-1213 to 28-1239	Chapter 9
Transportation of Explosives	28-1213 to 28-1239	Chapter 10
Use of Explosives	28-1213 to 28-1239	Chapter 8

NEBRASKA ADMINISTRATIVE CODE

TITLE 272, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 1

RULES OF PRACTICE AND PROCEDURE FOR HEARINGS IN CONTESTED CASES
BEFORE THE NEBRASKA STATE PATROL

NEBRASKA ADMINISTRATIVE CODE

Title 272 – NEBRASKA STATE PATROL

LAST ISSUE DATE: January 23, 1997

Chapter 1-Rules of Practice and Procedure for Hearings in Contested Cases Before the Patrol.

001. General.

001.01. Application of Model Rules. Pursuant to Neb. Laws 1994, LB 446, the Attorney General promulgated model rules of procedure appropriate for use by as many agencies as possible. For rules of procedure adopted on or after August 1, 1994, each agency shall adopt as many of the model rules as is practicable under the circumstances. Agencies may adopt regulations which vary from the model rules; however, any agency adopting a rule of procedure that differs from the model rule shall include in the agency's explanatory statement the reasons why the relevant portions of the Attorney General model rules are impracticable under the circumstances. The Nebraska State Patrol adopts these model rules with no material modifications.

001.02. Definitions. The following definitions shall apply as used throughout Chapter 1 of these rules and regulations.

001.02A. Contested case shall mean a proceeding before the Patrol in which the legal rights, duties, or privileges of specific parties are required by law or constitutional right to be determined after a Patrol hearing.

001.02B. Ex parte communication shall mean an oral or written communication which is not on the record in a contested case with respect to which reasonable notice to all parties was not given. Ex parte communication shall not include:

001.02B1. Communications which do not pertain to the merits of a contested case;

001.02B2. Communications required for the disposition of ex parte matters as authorized by law;

001.02B3. Communications in a rate making or rule making proceeding; and

001.02B4. Communications to which all parties have given consent.

001.02C. Hearing officer shall mean the person or persons conducting a hearing, contested case, or other proceeding pursuant to the Administrative Procedure Act, whether designated as the presiding officer, administrative law judge, or some other title designation.

001.02D. Party means the person by or against whom a contested case is brought or a person allowed to intervene in a contested case.

001.02E. Patrol shall mean the Nebraska State Patrol.

001.02F. Petition means the initial document filed by or with the Patrol that sets forth a claim and request for Patrol action.

002. Prohibitions against ex parte communications.

002.01. Prohibitions: when applicable. The prohibitions found in this section shall apply beginning at the time notice for hearing is given. The Patrol may designate an earlier time, but such earlier time shall be required to be set forth in the Patrol's rules of procedure.

002.02. Prohibitions: to whom applicable.

002.02A. Parties and public. No party in a contested case or other person outside the Patrol having an interest in the contested case shall make or knowingly cause to be made an ex parte communication to the hearing officer or to the Superintendent or employee who is or may reasonably be expected to be involved in the decision making process of the contested case.

002.02B. Persons in decision making roles. No hearing officer or the Superintendent or employee who is or may reasonably be expected to be involved in the decision making process of the contested case shall make or knowingly cause to be made an ex parte communication to any party in a contested case or other person outside the Patrol having an interest in the contested case.

002.02C. Investigators. The Superintendent or employee engaged in the investigation or enforcement of a contested case shall not make or knowingly cause to be made an ex parte communication to a hearing officer or the Superintendent or employee who is or may reasonably be expected to be involved in the decision making process of the contested case.

002.03. Disclosure of contacts. The hearing officer or Superintendent or employee who is or may reasonably be expected to be involved in the decision making process of the contested case who receives or who makes or

knowingly causes to be made an ex parte communication set forth in subsections 002.02A through 002.02C shall file in the record of the contested case:

- 002.03A. All such written communications;
- 002.03B. Memoranda stating the substance of all such oral communications; and
- 002.03C. All written responses and memoranda stating the substance of all oral responses to all the ex parte communications.
- 002.03D. The filing shall be made within two working days of the receipt or making of the ex parte communication. Notice of the filing, with an opportunity to respond, shall be given to all parties of record.
- 002.03E. Filing and notice of filing provided under subsection 002.03D shall not be considered on the record and reasonable notice for purposes of the definition of ex parte communication.

003. Intervention in a contested case.

- 003.01. Intervention in a contested case shall be allowed when the following requirements are met:
 - 003.01A. A petition for intervention must be submitted in writing to the hearing officer or designee at least five days before the hearing. Copies must be mailed by the petitioner for intervention to all parties named in the hearing officer's notice of the hearing;
 - 003.01B. The petition must state facts demonstrating that the petitioner's legal rights, duties, privileges, immunities, or other legal interests may be substantially affected by the proceeding or that the petitioner qualifies as an intervener under any provision of law; and
 - 003.01C. The hearing officer or designee must determine that the interests of justice and the orderly and prompt conduct of the proceedings will not be impaired by allowing the intervention.
- 003.02. The hearing officer or designee may grant a petition for intervention at any time upon determining that the intervention sought is in the interests of justice and will not impair the orderly and prompt conduct of the proceedings.

- 003.03. If a petitioner qualifies for intervention, the hearing officer or designee may impose conditions upon the intervener's participation in the proceedings, either at the time that intervention is granted or at any subsequent time. Those conditions may include:
- 003.03A. Limiting the intervener's participation to designated issues in which the intervener has a particular interest demonstrated by the petition;
 - 003.03B. Limiting the intervener's use of discovery, cross-examination, and other procedures so as to promote the orderly and prompt conduct of the proceedings; and
 - 003.03C. Requiring two or more interveners to combine their presentation of evidence and argument, cross-examination, discovery, and other participation in the proceedings.
- 003.04. The hearing officer or designee, at least 24 hours before the hearing, shall issue an order granting or denying each pending petition for intervention, specifying any conditions and briefly stating the reasons for the order.
- 003.04A. The hearing officer or designee may modify the order at any time, stating the reasons for the modification.
 - 003.04B. The hearing officer or designee shall promptly give notice of an order granting, denying, or modifying intervention to the petitioner for intervention and to all parties.

004. Commencement of a contested case.

- 004.01. The contested case begins with the filing of a petition and request for hearing, if applicable, with the Patrol. The petition is the initial document filed by or with the Patrol that sets forth a claim and request for Patrol action. Unless otherwise provided, petitions shall be filed within twenty days of the action or decision which is the object of the petition.
- 004.02. The parties to a contested case shall be the petitioner or person by whom a contested case is brought and the respondent or person against whom a contested case is brought.
- 004.03. A party may appear on his or her own behalf in a contested case proceeding or may be represented by an attorney or other representative as permitted by law.
- 004.04. The pleadings in a contested case may include a petition, answer, reply, notice, motion, stipulation, objection or order or other formal written

document filed in a proceeding before the Patrol. Any pleading filed in a contested case shall meet the following requirements:

004.04A. The pleading shall contain a heading specifying the name “The Nebraska State Patrol” and the title or nature of the pleading, shall state material factual allegations and state concisely the action the Patrol is being requested to take, shall contain the name and address of the petitioner, and shall be signed by the party filing the pleading, or when represented by an attorney, the signature of that attorney.

004.04A1. Attorneys shall also include their address, telephone number and bar number.

004.04A2. The initial petition shall also contain the name and address of the respondent.

004.04B. All pleadings shall be made on white, letter-sized (8 1/2 x 11) paper and shall be legibly typewritten, photostatically reproduced, printed or handwritten. If handwritten, a pleading must be written in ink.

004.05. All pleadings shall be filed with the Patrol at Nebraska State Patrol Headquarters at 1600 Highway 2, Lincoln, Nebraska 68509. Filing may be accomplished by personal delivery or mail and will be received during regular office hours of the Patrol.

004.06. The Patrol shall serve a copy of the petition on each respondent listed in the petition personally or by first-class or certified mail. Written proof of such service shall be filed with the Patrol. Each respondent who chooses to file a responsive pleading must do so within 20 days from the date of personal service or the date of the Patrol mailing of the petition.

004.07. All pleadings subsequent to the initial petition shall be served by the party filing such pleading upon all attorneys of record or other representatives of record and upon all unrepresented parties. Service shall be made personally or by first-class or certified mail. Written proof of such service shall be filed with the Patrol.

004.08. Unless state law provides that a hearing is not required, a hearing date shall be set by the Patrol in accordance with statutory requirements. A written notice of the time and place of hearing and the name of the hearing officer, if known, shall be served by the Patrol upon all attorneys of record or other representatives of record and upon all unrepresented parties. The notice must include a proof of such service and will be filed with the Patrol.

004.09. In computing time prescribed or allowed by chapter 1 of these rules and regulations or by any applicable statute in which the method of computing time is not specifically provided, days will be computed by excluding the day of the act or event and including the last day of the period. If the last day of the period falls on a Saturday, Sunday, or state holiday, the period shall include the next working day.

005. Hearing officer: criteria.

005.01. The Patrol may be authorized by law to delegate to a hearing officer other than the Superintendent the functions of conducting a prehearing conference and/or a hearing and submitting a recommended decision to the Patrol.

005.02. A person who has served as investigator, prosecutor, or advocate in a contested case or in its prehearing stage may not serve as hearing officer or assist or advise a hearing officer in the same proceeding except as provided in subsection 005.04.

005.03. A person who is subject to the authority, direction, or discretion of one who has served as investigator, prosecutor, or advocate in a contested case or in its prehearing stage may not serve as hearing officer or advise a hearing officer in the same proceeding except as provided in subsection 005.04.

005.04. If all parties consent, a person who has served as, or who is subject to the authority, direction, or discretion of one who has served as investigator, prosecutor, or advocate in a contested case or in its prehearing stage may assist a hearing officer in the preparation of orders.

005.05. A person who has participated in a determination of probable cause or other equivalent preliminary determination in a contested case may serve as hearing officer or assist or advise a hearing officer in the same proceeding.

005.06. A person may serve as hearing officer at successive stages of the same contested case.

006. Prehearing Procedures.

006.01. Prehearing conferences and orders. A hearing officer designated to conduct a hearing may determine, subject to the Patrol's rules and regulations, whether a prehearing conference will be conducted. If a prehearing conference is not held, a hearing officer for the hearing may issue a prehearing order, based on the pleadings, to regulate the conduct of the proceedings.

006.01A. If a prehearing conference is conducted:

006.01A1. The hearing officer shall promptly notify the Patrol of the determination that a prehearing conference will be conducted. The Patrol may assign another hearing officer for the prehearing conference; and

006.01A2. The hearing officer for the prehearing conference shall set the time and place of the conference and give reasonable written notice to all parties and to all persons who have filed written petitions to intervene in the matter. The Patrol shall give notice to other persons entitled to notice.

006.01A3. The notice referred to in subsection 006.01A2 shall include the following:

006.01A3(a). The names and mailing addresses of all parties and other persons to whom notice is being given by the hearing officer;

006.01A3(b). The name, official title, mailing address, and telephone number of any counsel or employee who has been designated to appear for the Patrol;

006.01A3(c). The official file or other reference number, the name of the proceeding, and a general description of the subject matter;

006.01A3(d). A statement of the time, place, and nature of the prehearing conference;

006.01A3(e). A statement of the legal authority and jurisdiction under which the prehearing conference and the hearing are to be held;

006.01A3(f). The name, official title, mailing address, and telephone number of the hearing officer for the prehearing conference;

006.01A3(g). A statement that a party who fails to attend or participate in a prehearing conference, hearing, or other stage of a contested case or who fails to make a good faith effort to comply with a prehearing order may be held in default under the Administrative Procedure Act; and

006.01A3(h). Any other matters that the hearing officer considers desirable to expedite the proceedings.

006.01B. The hearing officer shall conduct a prehearing conference, as may be appropriate, to deal with such matter as exploration of settlement possibilities, preparation of stipulations, clarification of issues, rulings on identity and limitation of the number of witnesses, objections to proffers of evidence, determination of the extent to which direct evidence, rebuttal evidence, or cross-examination will be presented in written form and the extent to which telephone, television, or other electronic means will be used as a substitute for proceedings in person, order of presentation of evidence and cross-examination, rulings regarding issuance of subpoenas, discovery orders, and protective orders, and such other matters as will promote the orderly and prompt conduct of the hearing. The hearing officer shall issue a prehearing order incorporating the matters determined at the prehearing conference.

006.01C. The hearing officer may conduct all or part of the prehearing conference by telephone, television, or other electronic means if each participant in the conference has an opportunity to participate in, to hear, and, if technically feasible, to see the entire proceeding while it is taking place.

006.02. Discovery in contested cases.

006.02A. The hearing officer or a designee, at the request of any party or upon the hearing officer's own motion, may issue subpoenas, discovery orders, and protective orders in accordance with the rules of civil procedure except as may otherwise be prescribed by law. Subpoenas and orders issued under this subsection may be enforced by the district court.

006.02B. Any prehearing motion to compel discovery, motion to quash, motion for protective order or other discovery-related motion shall:

006.02B1. Quote the interrogatory, request, question, or subpoena at issue, or be accompanied by a copy of the interrogatory, request, subpoena or excerpt of a deposition;

006.02B2. State the reasons supporting the motion;

006.02B3. Be accompanied by a statement setting forth the steps or efforts made by the moving party or his or her counsel to resolve by agreement the issues raised and that agreement has not been achieved; and

006.02B4. Be filed with the Patrol. The moving party must serve copies of all such motions to all parties to the contested case.

006.02C. Other than is provided in subsection 006.02B4 above, discovery materials need not be filed with the Patrol.

006.03. Continuances. The hearing officer may, in his or her discretion, grant extensions of time or continuances of hearings upon the hearing officer's own motion or at the timely request of any party for good cause shown. A party must file a written motion for continuance which states in detail the reasons why a continuance is necessary and serve a copy of the motion on all other parties.

006.03A. Good cause. Good cause for an extension of time or continuance may include, but is not limited to, the following:

006.03A1. Illness of the party, legal counsel or witness;

006.03A2. A change in legal representation; or

006.03A3. Settlement negotiations are underway.

006.04. Amendments.

006.04A. A petition may be amended at any time before an answer is filed or is due if notice is given to the respondent or his or her attorney. In all other cases, a petitioner must request permission to amend from the hearing officer.

006.04B. A hearing officer may also allow, in his or her discretion, the filing of supplemental pleadings alleging facts material to the case occurring after the original pleadings were filed. A hearing officer may also permit amendment of pleadings where a mistake appears or where amendment does not materially change a claim or defense.

006.05. Informal Disposition. Unless otherwise precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default.

007. Conducting a contested case hearing.

007.01. Order. At the discretion of the hearing officer, the hearing may be conducted in the following order:

007.01A. The hearing is called to order by the hearing officer. Any preliminary motions, stipulations or agreed orders are entertained.

007.01B. Each party may be permitted to make an opening statement. Opening statements take place in the same order as the presentation of evidence.

007.01C. Presentation of evidence.

007.01C1. Evidence will be received in the following order:

007.01C1(a). Evidence is presented by the petitioner;

007.01C1(b). Evidence is presented by the respondent;

007.01C1(c). Rebuttal evidence is presented by the petitioner; and

007.01C1(d). Rebuttal evidence is presented by the respondent.

007.01C2. With regard to each witness who testifies, the following examination may be conducted:

007.01C2(a). Direct examination conducted by the party who calls the witness;

007.01C2(b). Cross-examination by the opposing party;

007.01C2(c). Redirect examination by the party who called the witness; and

007.01C2(d). Recross-examination by the opposing party.

007.01D. After the evidence is presented, each party may have opportunity to make a closing argument. Closing arguments shall be made in the same order as the presentation of evidence. The hearing officer may request that the parties submit briefs in lieu of closing arguments.

007.02. Evidence.

007.02A. In contested cases the Patrol or hearing officer may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs and may exclude incompetent, irrelevant, immaterial and unduly repetitious evidence.

- 007.02B. Any party to a formal hearing before the Patrol, from which a decision may be appealed to the courts of this state, may request that the Patrol be bound by the rules of evidence applicable in district court by delivering to the Patrol at least three days prior to the holding of the hearing a written request therefore. Such request shall include the requesting party's agreement to be liable for the payment of costs incurred thereby and upon any appeal or review thereof, including the cost of court reporting services which the requesting party shall procure for the hearing.
- 007.02C. Documentary evidence may be received in the form of copies or excerpts or incorporated by reference.
- 007.02D. All evidence including records and documents in the possession of the Patrol of which it desires to avail itself shall be offered and made a part of the record in the case. No factual information or evidence other than the record shall be considered in the determination of the case.
- 007.02E. A hearing officer or designee may administer oaths and issue subpoenas in accordance with the rules of civil procedure except as may otherwise be prescribed by law. Subpoenas and orders issued under this subsection may be enforced by the district court.
- 007.02F. The Patrol shall give effect to the rules of privilege recognized by law.
- 007.02G. The Patrol may take official notice of cognizable facts and in addition may take official notice of general, technical, or scientific facts within its specialized knowledge and the rules and regulations adopted and promulgated by the Patrol.
- 007.02G1. Parties shall be notified either before or during the hearing or by reference in preliminary reports or otherwise of materials so noticed.
- 007.02G2. Parties shall be afforded an opportunity to contest facts so noticed.
- 007.02G3. The record shall contain a written record of everything officially noticed.
- 007.02H. The Patrol may utilize its experience, technical competence and specialized knowledge in the evaluation of the evidence presented to it.

007.03. Conducting the hearing by electronic means. The hearing officer may conduct all or part of the hearing by telephone, television, or other electronic means if each participant in the hearing has an opportunity to participate in, to hear, and, if technically feasible, to see the entire proceeding while it is taking place.

007.04. Official record.

007.04A. The Patrol shall prepare an official record, which shall include testimony and exhibits, in each contested case, but it shall not be necessary to transcribe the record of the proceedings unless requested for purpose of rehearing or appeal, in which event the transcript and record shall be furnished by the Patrol upon request and tender of the cost of preparation.

007.04B. The Patrol shall maintain an official record of each contested case under the Administrative Procedure Act for at least four years following the date of the final order.

007.04C. The Patrol record shall consist only of the following:

007.04C1. Notices of all proceedings;

007.04C2. Any pleadings, motions, requests, preliminary or intermediate rulings and orders, and similar correspondence to or from the Patrol pertaining to the contested case;

007.04C3. The record of the hearing before the Patrol, including all exhibits and evidence introduced during such hearing, a statement of matters officially noticed by the Patrol during the proceeding, and all proffers of proof and objections and rulings thereon; and

007.04C4. The final order.

007.04D. As provided in 272 NAC 1 Section 002.03 the hearing officer or Superintendent, or employee who is or may reasonably be expected to be involved in the decision making process of the contested case who receives or who makes or knowingly causes to be made an ex parte communication as set forth in that subsection shall make the appropriate filings which shall be included in the official record of the contested case.

007.04E. Except to the extent that the Administrative Procedure Act or another statute provides otherwise, the Patrol record shall

constitute the exclusive basis for Patrol action in contested cases under the act and for judicial review thereof.

007.05. Costs. All costs of a formal hearing shall be paid by the party or parties against whom a final decision is rendered.

008. Decision and order in a contested case.

008.01. Every decision and order adverse to a party to the proceeding, rendered by the Patrol in a contested case, shall be in writing or stated in the record and shall be accompanied by findings of fact and conclusions of law.

008.02. The decision and order should include:

008.02A. The name “The Nebraska State Patrol” and name of the proceeding;

008.02B. The time and place of the hearing;

008.02C. The names of all parties or their attorneys who entered an appearance at the hearing;

008.02D. The findings of fact consisting of a concise statement of the conclusions upon each contested issue of fact;

008.02E. The conclusions of law consisting of the applications of the controlling law to the facts found and the legal results arising therefrom; and

008.02F. The order consisting of the action taken by the Patrol as a result of the facts found and the legal conclusions arising therefrom.

008.03. Parties to the proceeding shall be notified of the decision and order in person or by mail. A copy of the decision and order and accompanying findings and conclusions shall be delivered or mailed upon request to each party or his or her attorney of record.

009. Appeals.

009.01. Any person aggrieved by a final decision in a contested case is entitled to judicial review under the Administrative Procedure Act or to resort to such other means of review as may be provided by law.

009.02. Parties desiring to appeal a Patrol decision must file a petition for review in the district court of the county where the Patrol action is taken within thirty days after the service of the final decision by the Patrol. The thirty day period for appeal commences to run from the date of mailing of the

notice of order and decision to the parties or their attorneys of record. Service of the petition and summons must be made in accordance with Nebraska law.

009.03. Unless otherwise provided by statute, the procedures of Neb. Rev. Stat. §84-917 govern the procedure for taking an appeal.

NEBRASKA ADMINISTRATIVE CODE

TITLE 272, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 5

NEBRASKA STATE PATROL

RULES RELATING TO THE MANUFACTURE, OWNERSHIP, POSSESSION, STORAGE,
SALE OR GIFT, TRANSPORTATION, HANDLING
AND USE OF EXPLOSIVES AND BLASTING AGENTS

NEBRASKA ADMINISTRATIVE CODE

TITLE 272-NEBRASKA STATE PATROL

LAST ISSUE DATE: October 3, 1989

Chapter 5 SCOPE AND DEFINITIONS

001 These Regulations shall apply to the manufacture ownership, possession, storage, sale or gift, transportation, handling, and use of explosives and blasting agents.

002 These Regulations shall not apply to:

002.01 Explosive materials while being transported in conformity with Federal Law or Regulations, nor except as may be otherwise provided in this Act, to the ownership, possession, storage, use, transportation, purchase, or sale of explosive materials by the Armed Forces of the United States, the National Guard, other reserve components of the Armed Forces of the United States.

002.02 Common, Contract, and Private carriers transporting explosive materials in the lawful, ordinary course of business. Common carriers by air, highway, railway, or water transporting explosive materials into this State or within the boundaries of this State, and contract or private carriers by motor vehicle transporting explosive materials into this State or within the boundaries of this State, and which contract or private carriers are engaged in such business pursuant to certificate or permit by whatever name issued to them by any Federal or State officer, agency, bureau, commission or department and operating within the Regulations prescribed by such Federal or State officer, agency, bureau, commission, or department shall be excepted. All transportation of explosive materials subject to the effects of these Regulations shall be in conformity with such safety regulations as contained in these Regulations.

002.03 The use of explosive materials in medicines and medicinal agents in forms prescribed by the official United States Pharmacopoeia, or the National Formulary.

002.04 The sale, transportation, shipment, receipt, or importation of explosive materials for delivery to any agency of the United States or to any state or political subdivision thereof.

002.05 Small arms ammunition and components thereof.

002.06 The storage or possession of or dealing in black powder used for recreation purposes by a sportsperson.

- 002.07 The storage or possession of or dealing in smokeless propellants, percussion caps, primers, and other components used by a sportsperson in the reloading of small arms ammunition.
- 002.08 The possession of bona fide war trophies capable of exploding and innocently found explosive materials possessed under circumstances negating an intent to use the same unlawfully, but the owner thereof shall surrender such items forthwith to any nationally certified hazardous device technician or military explosive ordnance expert upon demand by law enforcement officer or fire department.
- 002.09 The storage in minimum amounts necessary for lawful educational purposes of explosive materials to be used in the natural science laboratories of any state accredited school system.
- 002.10 The Nebraska State Patrol shall have the power to grant exemption from these rules and regulations upon request in writing, when such request shows that the enforcement of the rules and regulations will cause unnecessary hardship to the petitioner, provided that said request shall not be granted where the requested modification of these rules and regulations will constitute a distinct hazard to life or adjoining property. Such petition shall state full particulars of such exemptions requested and when granted shall be attached to the notification of approval. Copies of the request shall be retained by the Nebraska State Patrol.

003 Definitions.

- 003.01 "Person" shall mean any individual, firm, co-partnership, corporation, association, joint stock association, and including any trustee, receiver, assignee or personal representative thereof.
- 003.02 "Business Enterprise" shall mean any corporation, partnership, limited liability company, company, or joint stock company.
- 003.02 A "Business Premises" shall mean the premises or property on which the explosive materials are manufactured, imported, stored, or distributed and shall include the premises or property where the records pertaining to the explosives are kept if different than the premises or property where the explosives are received or stored.
- 003.03 "Explosive Materials" shall mean explosives, blasting agents, and detonators.
- 003.04 "Explosives" shall mean any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion, including but not limited to dynamite and other high explosives, black

powder, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, igniter cord, and ignitors, and fireworks or devices containing more than one hundred thirty milligrams of explosive composition, but shall not include permissible fireworks as defined in Section 28-1241, Neb. Rev. Stat., gasoline, kerosene, naphtha, turpentine, benzine, acetone, ethyl ether, benzol, fixed ammunition and primers for small arms, safety fuses, or matches.

003.05 "Detonator" shall mean any device containing an initiating or primary explosive that is used for initiating detonation. Excluding ignition or delay charges, a detonator may not contain more than ten grams of explosive material per unit. The term includes, but is not limited to, electric detonators of instantaneous and delay types, detonators for use with safety fuses, detonating cord delay connectors and nonelectric of instantaneous and delay types which consist of detonating cord, shock tube, or any other replacement for electric leg wires.

003.06 "Destructive devices" shall mean:

003.06A Any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, booby trap, molotov cocktail, bottle bomb, or vessel or container intentionally caused to rupture or mechanically explode by expanding pressure from any gas, acid, dry ice, or other chemical mixture, or any similar device, the primary or common purpose of which is to explode and to be used as a weapon against any person or property; or

003.06B Any combination of parts either designed or intended for use in converting any device into a destructive device as defined in Section 003.06A and from which a destructive device may be readily assembled. The term destructive device shall not include any device which is neither designed nor redesigned for use as a weapon to be used against persons or property; any device, although originally designed for use as a weapon, which is redesigned for use as signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordinance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of Section 4684 (2), 4685, or 4686 of Title 10 of the United States Code; or any other device which the Nebraska State Patrol finds is not likely to be used as a weapon or is an antique; or any other device possessed under circumstances negating an intent that the device be used as a weapon against any person or property.

- 003.07 "Federal Permittee" shall mean any lawful user of explosive material who has obtained a federal user permit under the provisions of Chapter 40, Title 18, United States Code.
- 003.08 "Federal Licensee" shall mean any importer, manufacturer, or dealer in explosive materials who has obtained a federal importers, manufacturers, or dealers license under the provisions of Chapter 40, Title 18, United State Code.
- 003.09 "Smokeless Propellants" shall mean solid propellants commonly called smokeless powders in the trade and used in small arms ammunition.
- 003.10 Classification of explosives as described by the Department of Transportation (DOT) shows all explosives as Class 1 with the divisions as follows:
- 003.10A "Division 1.1 and Division 1.2" Possessing detonating or otherwise maximum hazard; such as dynamite, nitroglycerin, picric acid, lead azide, fulminate or mercury, black powder, blasting caps, and detonating primers.
- 003.10B "Division 1.3" Possessing flammable hazard, such as propellant explosives (including some smokeless propellants), photographic flash powders, and some special fireworks.
- 003.10C "Division 1.4" Includes certain types of manufactured articles which contain Class A or Class B explosives, or both, as components but in restricted quantities.
- 003.10D "Division 1.5" "Blasting Agent" shall mean material designed for blasting which has been tested in accordance with the requirements of Federal Hazardous Material Regulations, 49 Code of Federal Regulations (C.F.R.) part 173, subpart C (U.S. Department of Transportation) and found to be so insensitive that there is very little probability of accidental initiation or of transition from deflagration to detonation. Division 1.5 consists of very insensitive explosives. This division is comprised of substances which have mass explosion hazard but are so insensitive that there is very little probability of initiation or transition from burning to detonation under normal conditions of transport.
- 003.10E "Division 1.6" Consists of extremely insensitive articles which do not have mass explosive hazard. This division is comprised of articles which contain only extremely insensitive detonating

substances and which demonstrate a negligible probability of accidental initiation or propagation.

003.10F "Forbidden or Not Acceptable Explosives" shall mean 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 DOT.

003.10G Certain chemicals and certain fuel materials may have explosive characteristics which are not specifically classified by the DOT and are not readily classified for coverage in the Code. Authoritative information should be obtained for such unclassified materials and action commensurate with their hazards, location, isolation and safeguards, should be taken.

003.10H No material may be offered for transportation as a blasting agent unless it has been examined, classed, and approved in accordance with 49 C.F.R. (U.S. Department of Transportation).

Note 1: A material containing no ingredients, other than prilled ammonium nitrate and fuel oil (blasting agent), need only be subjected to the cap sensitivity test of 49 Code of Federal Regulations which requires that the materials will not detonate when initiated by a No. 8 test blasting cap.

Note 2: A No. 8 test blasting cap is one containing 0.40 to 0.45 grams of pentaerythrite tetranitrate (PETN) base charge pressed into an aluminum shell with bottom thickness not to exceed 0.03 inch to a specific gravity of not less than 1.4 grams per cubic centimeter and primed with standard weight of primer, in accordance with the manufacturer's specifications. This cap is defined

003.11 "Explosive-Actuated Power Devices" shall mean 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 tappers and jet perforators.

003.12 "Highway" shall mean any public street, public alley, or public road.

003.13 "Inhabited Buildings" shall mean 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, transportation, storage and use of explosives.

- 003.14 "Magazine" shall mean any building or structure, other than an explosive manufacturing building, approved for the storage of explosives.
- 003.15 "Motor Vehicle" shall mean any self-propelled vehicle, truck, truck-tractor, semi-trailer, or full trailer used for the transportation of freight over public highways.
- 003.16 "Propellant-Actuated Power Devices" shall mean 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.
- 003.17 "Public Conveyance" shall mean any railroad car, street, car, ferry, cab, bus, airplane or other vehicle which is carrying passengers for hire.
- 003.18 "Railway" shall mean any steam, electric, diesel or other railroad or railway which carries passengers for hire.
- 003.19 "Singular and Plural" words used in the singular number shall include the plural and in the plural the singular.
- 003.20 "Small Arms Ammunition" shall mean 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.
- 003.21 "Small Arms Ammunition Primers" shall mean small percussion-sensitive explosive charges, encased in a cup, used to ignite propellant powder.
- 003.22. "Smokeless Propellants" are solid propellants, commonly called smokeless powders in the trade, used in small arms ammunition, cannon, rockets, propellant-actuated power devices, and other similar propellants.
- 003.23 "Special Industrial Explosives Devices" shall mean explosive-actuated power devices and propellant-actuated power devices.
- 003.24 "Special Industrial Explosives Materials" shall mean shaped materials and sheet forms and various other extrusions, pellets and packages of high explosives, which include dynamite, TNT, PETN, 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.

- 003.25 "User" is a person who has qualified to hold a Nebraska State Patrol issued permit to use explosive materials.
- 003.26 "Factory Building" shall mean any building or other structure (except magazines) containing explosives, in which the manufacture of explosives, or any processing involving explosives is carried on, and any building where explosives are used as a component part or ingredient in the manufacture of any article or device. This definition does not include private residences or shop buildings where the hand loading of small arms ammunition is being carried on.
- 003.27 "Authorized, Approved., or Approval". The term "authorized", "approved", or "approval" shall mean authorized, approved, or approval by the Nebraska State Patrol.
- 003.28 "Nebraska State Patrol" shall mean the Nebraska State Patrol Colonel, Lieutenant Colonel, or designated subordinate officers.
- 003.29 "Operator" means the person, firm, or body corporate in immediate possession and control of any operation where explosives are used or handled.
- 003.30 "Authority Having Jurisdiction" shall mean the Nebraska State Patrol.
- 003.31 "Magazine Distance" shall mean the minimum distance permitted between any two storage magazines which is expected to prevent a propagation of an explosion from one magazine to another from blasts.
- 003.32 "Approved Storage Facility" shall mean a place where explosives are stored consisting of one or more approved magazines, conforming to the requirements of Title 272 and covered by a permit issued by the Nebraska State Patrol.
- 003.33 "Artificial Barricade" shall mean an man-made mound or revetted wall of earth of a minimum thickness of three feet, or any other approved barricade that offers equivalent protection as defined in the appropriate table for the explosive being stored.
- 003.34 "Barricade" shall mean the effective screening of a magazine containing explosive materials from other magazines, a building, a railway, or a highway, either by a natural barricade or by artificial barricade. To be properly barricaded, a straight line from the top of any sidewall of the magazine containing explosive materials to the eave line of any other building or magazine, or to a point 12 feet above the center of a railroad, or a highway, will pass through the natural or artificial barricade.

003.35 "Hardwood" shall mean oak, maple, ash, hickory, or similar hard wood, free from knots, spaces, or similar defects. This can be an exterior, construction grade, laminated plywood material that is made from hardwood.

003.36 "Permittee" shall mean any user of explosives for any lawful purpose, who has obtained a permit as required by Title 272.

004 Permit - Application. Application for a permit shall be made to the Nebraska State Patrol on forms prescribed and provided by the Nebraska State Patrol and shall contain such information as the Nebraska State Patrol may require.

004.1 First time applicants shall file along with their application verification that the applicant has filed for a check of his or her criminal history. Applications, fees and instructions may be obtained by contacting the Nebraska State Patrol Headquarters, Lincoln, Nebraska. The applicant shall be fingerprinted and the fingerprints submitted to the Nebraska State Patrol for a criminal history check. These fingerprints may be taken at police or sheriff agencies other than the Nebraska State Patrol. If no disqualifying record is located at the state level, the fingerprints shall be forwarded by the Patrol to the Identification Division of the Federal Bureau of Investigation for a national criminal history record check.

004.2 The application shall not be issued unless the applicant has demonstrated and certified in writing that he or she is familiar with all published laws of this state and published local ordinances relating to the use of explosive materials applicable at the place or places he or she intends to use such explosive materials.

004.3 The applicant shall have demonstrated that he or she has adequate knowledge, training, and experience in the use of explosive materials of the class and type for which he or she seeks a users permit and has passed a qualifying examination or test, as prescribed by the Nebraska State Patrol, concerning the use of explosive materials and the pertaining laws and the rules and regulations concerning the use of explosives in the State of Nebraska. The applicant shall have a test score of 80% or better on the test to be issued a permit. An applicant who fails this test but has no other disqualifying criteria may retake the test after 7 days unless the waiting period is waived by the Nebraska State Patrol.

005 Permits and Permit Fees. Permits shall be obtained from the Nebraska State Patrol for the following:

005.01 Permits to Store Explosive Materials. This permit authorizes the holder thereof, whether the holder be an individual, A partnership, a company, a corporation, or any other business enterprise, to store explosive materials

in the amounts and types designated by the permit. Such storage must be in conformity with the rules and regulations for storage promulgated by the Nebraska State Patrol.

005.02 A Permit for the Purchase of Explosive Materials by a Business Enterprise. This permit authorizes a business enterprise (whether it be a corporation, partnership, association, limited liability company or a company) which is in possession of a storage permit to purchase such explosive materials as it is authorized to store. The permit to purchase explosives which is possessed by a business enterprise which is not in possession of a storage permit authorizes such permittee to purchase explosive materials for such blasting operations as may legitimately occur to that business enterprise; provided, however, that the explosives purchased and provided further, that upon any purchase of the explosives, the business enterprise have at least one employee possessing a valid use permit issued under this section.

005.03 A Permit to Use Explosive Materials. This permit is issued to those individuals who, by their training and special understanding in the use of explosives and the detonation thereof demonstrate to the Nebraska State Patrol that they are competent to handle such explosive materials, detonate them, and do, in fact, have a legitimate requirement to be engaged in such activities.

005.04 An applicant qualified for any Nebraska State Patrol issued explosive permits as provided in Section 28-1232 Neb. Rev. Statutes shall pay the following fees to the Nebraska State Patrol:

005.04A Storage of Explosives Materials. Fee - \$50 each per year.

005.04B Use of Explosive Materials. Fee - \$10 each per year.

005.04C Purchase of Explosive Materials by a Business Enterprise. Fee - \$10 each per year.

005.04D Storage for Display Fireworks. No permit is required by the Nebraska State Patrol for the temporary storage for display fireworks. Display fireworks are classified as low explosive. Temporary storage is defined as storage for no more than 14 days prior to the scheduled display or use of these special fireworks. Display fireworks are such fireworks as defined in Nebraska Statute 28-1241.

005.04D1 Storage of display fireworks for longer than 14 days shall require explosive use and storage permits from the Nebraska State Patrol.

005.04E2 Display fireworks users shall comply with the rules and regulations of the federal Bureau of Alcohol Tobacco and Firearms (ATF), Nebraska State Fire Marshal or any local authority having jurisdiction.

005.04D3 The regulations for the storage of low explosives require that any such storage facility be fire resistant, weather resistant and theft resistant. Storage in a residence or dwelling is not allowed.

005.04D4 Acceptable for temporary storage of packaged display fireworks received prior to a scheduled display would be any facility approved by the ATF, provided that the facility contains no source of flame i.e., pilot lights or exposed heaters, and is kept locked, or any explosive magazine. Magazines must be located at least 75 feet from any inhabited building, passenger railway or public highway.

005.05 The correct fee must accompany the application for a permit to the Nebraska State Patrol, Lincoln, Nebraska. A check or money order for the fee shall be made payable to the Nebraska State Patrol.

005.06 Permits issued under these regulations shall be dated and numbered and will be valid for dates, calendar year, or period as provided in Section 28-1229 Neb. Rev. Stat., after date of issue, unless sooner revoked or suspended. Application for renewal of permits shall be made to the Nebraska State Patrol on or before November 1, prior to the renewal date of said permit to avoid possible lapse of said permit.

005.07 Where application for an explosives permit is made in the name of a corporation or company, the application shall also include the name of the person who will be responsible for compliance with the provisions of Sections 28-1213 to 28-1239 Neb. Rev. Stat., and any Regulations promulgated thereunder by the Nebraska State Patrol.

006 Permit Restrictions

006.01 No explosive or blasting agent shall be sold, given, or delivered, to any person who does not display a valid permit issued by the Nebraska State Patrol authorizing the storage or use of such explosive materials, or in the case of a business enterprise, a permit to purchase such explosive materials or a federal license or a permit.

006.02 No permit shall be assigned or in any way transferred.

- 006.03 No permit holder shall manufacture, sell, store, transport, or use explosives or blasting agents except in compliance with the regulations promulgated by the Nebraska State Patrol and as per provisions of Sections 28-1213 to 28-1239 Neb. Rev. Stat.
- 006.04 No person shall have any explosives or blasting agents in his or her possession or control without a permit required by Section 28-1229 Neb. Rev. Stat. except for authorized exceptions.
- 006.05 The Nebraska State Patrol shall not issue a permit to store or use explosive materials to any person who:
- 006.05A Is under twenty-one years of age;
 - 006.05B Has been convicted in any court of a felony;
 - 006.05C Is charged with a felony;
 - 006.05D Is a fugitive from justice;
 - 006.05E Is an unlawful user of marijuana, or any depressant, stimulant, or narcotic drug;
 - 006.05F Has been admitted as a patient or inmate in a public or private institution for the treatment of mental or emotional disease or disorder within (5) years preceding the date of application; or
 - 006.05G Has no reasonable, educational, industrial, commercial, agricultural, recreational, or other legitimate need for a permit to store or use explosive materials. Recreational use shall be defined as the use of explosives for public display.
 - 006.05H Has been convicted in any court of a misdemeanor crime of domestic violence. This includes any misdemeanor conviction involving the use or attempted use of physical force committed by current or former spouse, parent, or guardians of the victim or by a person with the similar relationship with the victim.
 - 006.05I Is subject to a court order restraining the applicant from harassing, stalking, or threatening an intimate partner or child of such partner? An intimate partner shall be defined as the spouse of the person, a former spouse of the person, and individual who is a parent of a child of the person, and individual who cohabits or has cohabited with the person.
 - 006.05J Is an alien illegally in the United States.

006.05K Has violated any provision of Nebraska State Statutes 28-1213 through 28-1239 or of 18 U.S.C. chapter 40 or the rules and regulations of the Nebraska State Patrol;

006.06L Whenever the Nebraska State Patrol denies an application for a permit or the renewal thereof, the Nebraska State Patrol shall, within twenty days of such denial, give notice thereof and the reasons therefore in writing to the applicant, personally or by mail, to the address given in the application. The notice of denial shall also advise the applicant of his or her right to appeal. Such denial may be appealed to the Nebraska State Patrol within ten business days of receipt of notification of denial.

007 Use of Explosives in Water.

It shall be unlawful to explode or cause to be to exploded for any purpose any explosive or destructive device in any lake, river, stream, pond, bay, bayou, or other waters of this state without first obtaining from the Game and Parks Commission an order permitting it to be done, except that this shall not apply when, to safeguard public or private property from damage by ice gorges. Nebraska Rev Stat. 37-515.

008 Posting of, Carrying of, and Presentation of Permits.

008.01 Permits to Store. A permit, or copy of the permit, to store shall be posted at each storage site.

008.02 Permit to Use. A person possessing a permit to use explosives shall have that permit on his or her person at any time he or she is engaged in or directing any blasting operation.

008.03 Permit to Purchase by a Business Enterprise. A permit to purchase explosives by a business enterprise shall be kept under lock and key at the business headquarters of the permittee. The permit shall be presented to any dealer or any other person from whom explosives are to be purchased. The actual purchase shall be made by an officer or other person having control of the affairs of the business enterprise or by the licensed user employed by the business enterprise. After the purchase the permit shall be returned to the business enterprise files and kept under lock and key.

Legal Citation: Title 272, Ch. 5, Nebraska State Patrol.

NEBRASKA ADMINISTRATIVE CODE

TITLE 272, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 6

NEBRASKA STATE PATROL

RULES RELATING TO THE MANUFACTURE OF BLASTING AGENTS

NEBRASKA ADMINISTRATIVE CODE

TITLE 272-NEBRASKA STATE PATROL

LAST ISSUE DATE: October 3, 1989

Chapter 6 - MANUFACTURE: BLASTING AGENTS

001 Manufacture: Blasting Agents - No special permit is issued by the Nebraska State Patrol to manufacture blasting agents in the State of Nebraska. Persons manufacturing blasting agents in the State of Nebraska shall first obtain a manufacturing permit as required by the Federal Bureau of Alcohol Tobacco and Firearms.

001.01 Buildings or other facilities used for mixing blasting agents, including mobile equipment, shall be located, with respect to inhabited buildings, passenger railroads and public highways, in accordance with the American Table of Distances. (See Appendix V.)

001.01A Minimum intra-plant separation distances between mixing units and the ammonium nitrate storage areas and blasting agent storage areas shall be determined by the prevailing standards in the trade and shall be reported to the Nebraska State Patrol in writing for approval.

001.01B When any ammonium nitrate is stored at a closer distance to the blasting agent storage than as provided in Section 001.01. A one half the mass of the ammonium nitrate shall be added to the quantity of blasting agents to calculate the total quantity involved for application of the aforementioned Table.

001.02 Buildings used for the mixing of blasting agents shall conform to the requirements of these Rules and Regulations, unless otherwise specifically approved by the Nebraska State Patrol.

001.02A Buildings shall be of noncombustible construction or sheet metal on wood studs.

001.02B The layout of the mixing building shall be such as to provide physical separation between the finished product storage, and the mixing and packaging operations.

01.02C Floors in storage areas and in the processing plant shall be of concrete. Isolated fuel storage shall be provided to avoid contact between molten oxidizer and fuel in case of fire.

001.02D The building shall be well ventilated.

- 001.02 Heat shall be provided exclusively from a unit outside the building.
- 001.03 The design of the mixer shall minimize the possibility of frictional heating, compaction, and especially, confinement. Bearings and gears shall be protected against the accumulation of oxidizer dust. All surfaces shall be accessible for cleaning. Mixing and packaging equipment shall be constructed of materials compatible with the fuel-oxidizer composition.
- 001.04 The formulation of blasting agents shall conform to the following requirements:
- 001.04A No hydrocarbon liquid fuels with a flashpoint lower than that of No. 2 fuel oil, 125 degrees F (51.7C) minimum or legal minimum as approved by the Bureau of Alcohol, Tobacco, and Firearms (ATF) shall be used.
- Exception: Diesel fuels with flash points no lower than 100 degrees F (37.80C) may be used at ambient air temperatures below 45 degrees F (7.2C).
- 001.04B Metal dusts (aluminum powder, etc.), peroxides, chlorates, or perchlorates shall not be used unless such operations are conducted in a manner approved by the Nebraska State Patrol.
- 001.04C If solid fuels are used, they shall be chosen so as to minimize dust explosion hazards.
- 001.04D Reclaimed crankcase oil shall be permitted to be used, provided each new supply of oil is checked for compliance with 001.04A.
- 001.04E Unusual compositions shall not be attempted except under the supervision of competent personnel equipped to determine the overall hazards of the resulting compositions.
- 001.04F The requirements of 001.04A through 001.04E do not apply to manufacturers who are licensed by the U.S. Bureau of Alcohol, Tobacco and Firearms, engaged in manufacturing blasting agents that have been tested, approved, and classified by the U.S. Department of Transportation in accordance with 49 Code of Federal Regulations.
- 001.05 All electrical switches, controls, motors, and lights, if located in the mixing room, shall conform to the requirements of Class II, Division 2 of the National Electrical Code, otherwise, they shall be located outside the mixing room. The frame of the mixer and all other equipment that may be

used shall be electrically bonded and provided with a continuous path to the ground.

001.06 Wash down facilities shall be provided. Floors 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 washed down frequently to prevent accumulation of oxidizers or fuels and other sensitizers. The entire mixing and packaging plant shall be washed down periodically to prevent excessive accumulation of dust.

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

001.08 Empty oxidizer bags shall be disposed of daily in a safe manner. Not more than one day's production of blasting agents shall be permitted in or near the mixing and packaging plant or area. Larger quantities shall be stored in separate warehouses or magazines in accordance with provisions listed under Storage of Explosives.

Statutory Authority: Neb. Rev. Stat. §28-1213 to 28-1239.
Legal Citation: Title 272, Chapter 6, Nebraska State Patrol.

NEBRASKA ADMINISTRATIVE CODE

TITLE 272, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 7

NEBRASKA STATE PATROL

RULES RELATING TO THE HANDLING OF EXPLOSIVES

NEBRASKA ADMINISTRATIVE CODE

TITLE 272-NEBRASKA STATE PATROL

LAST ISSUE DATE: October 3, 1989
Chapter 7 HANDLING OF EXPLOSIVES

- 001 Observance of Rules. Every employee and every person having supervision over employees where explosives are handled or used shall observe all rules which immediately concern or affect his or her conduct.
- 001.01 Locking Explosive Magazines. All magazines and all enclosures used for storage of explosives shall be kept locked by the owner or user thereof at all times except when opened by an authorized person while placing explosives therein or removing explosives therefrom, or for the inspection thereof.
- 001.02 Access to Explosives. No person unless duly authorized by the owner of the explosives shall have access to or enter magazines or explosives storage enclosures. Detonators or other explosives when removed from magazines shall not be left unguarded where children or other unauthorized persons may have access to them.
- 001.03 Smoking and Open Lights. No person shall smoke or carry open lights or other flame or spark-producing devices in or around any explosive magazine, or around any explosives. Exception: Suitable devices for lighting safety fuse are exempt from this requirement.
- 001.04 Marking Explosives. No person shall own, possess, store, sell or use, or authorize or permit the use of explosives, unless the original package or container is clearly marked so as to designate the class and type, the name and address of the manufacturer and the date of manufacture of said explosive. This requirement shall not apply to a purchaser of a broken lot on whose bill of sale such information shall appear. Every seller shall provide such bill of sale to every said purchaser. The date of manufacture may be in code, provided that the key to such code shall be furnished to the Nebraska State Patrol on request. All cases containing explosives for underground use shall be clearly marked with the fume classification of its contents. No explosives, other than those in fume classes 1, 2, or 3, shall be used in confined spaces.
- 001.05 Return of Explosives to Magazine. Every person using explosives and every employer whose employees are required to use explosives in the performance of their duties shall be responsible for the return of all unused explosives or ingredients thereof to the magazine, and shall prevent any

explosives or ingredients thereof from being taken to any place not necessary to their use.

- 001.06 Opening Packages or Containers of Explosives. No person shall open nailed or sealed wooden or metal packages or containers of explosives within 50 feet (15.2 m) of any magazine. In opening wooden containers of explosives only non-sparking wedges and either wooden, fiber or rubber mallets shall be used. Only approved tools shall be used for opening metal containers.
- 001.07 Blasting Operations. Blasting operations can be carried on only under the direct supervision of a person or persons in possession of valid user's permits issued by the Nebraska State Patrol.
- 001.08 Charging. Tamping shall be done with wooden or approved plastic poles. Approved metal connectors shall be used for jointed poles. Violent tamping shall be avoided. The primer shall never be tamped.
- 001.09 Fuse Requirements. Any fuse which varies more than 10 percent from an average speed, when burned unconfined in the open at sea level in three foot lengths, shall not be used. Any fuse that burns faster than 90 seconds per three foot length with more than an allowable variation of 10 percent, when burned unconfined in the open at sea level shall not be used. Any fuse length less than 36 inches shall not be used.
- 001.10 Notice of Blast. The blaster shall give timely notice of every blast to every person in danger thereof, and shall not explode any blast until all persons have been removed to a safe location.
- 001.11 The electric current used to fire a blast shall not exceed the current recommended by the manufacturer of the electric detonators being used and shall be made by a manufacturer approved blasting/initiating machine.
- 001.12 Blasting Operations During Electrical Storms. All blasting operations and any handling of explosives shall be stopped immediately upon the approach of an electrical storm, and all persons shall immediately retire to a place of safety.
- 001.13 Destruction of Explosives.
- 001.13A Any unserviceable or hazardous explosives or blasting agents which cannot be salvaged, or are unfit for their intended purpose, shall be destroyed by a qualified person in accordance with the manufacturer's instructions.

- 001.13B Explosives Explosives which are deviated from normal color or condition (texture, size, etc.) shall be considered deteriorated until their exact condition is determined by expert opinion. A complete report of the destruction of explosives shall be made listing the date of destruction, reason, amount and type of explosives destroyed, manner of destruction, and name of person destroying the explosives. This report shall be kept with the required explosive inventory records. (Chapter 8, para 001.02)
- 001.13C Explosives shall never be buried or covered by any materials as a means of disposal.
- 001.13D Frozen explosives shall not be placed or used in drill holes. No attempt shall be made to thaw frozen explosives, but rather the manufacturer shall be consulted.
- 001.13E No explosive shall be abandoned.
- 001.13F Destroying Explosives. Explosives which have deteriorated or have been damaged so as to be unfit for use shall be destroyed by a qualified person experienced in this work and designated by the owner of the explosives or by the Nebraska State Patrol. This provision shall not prohibit reprocessing of explosives by the manufacturer thereof. Additionally, the Nebraska Department of Environmental Quality (DEQ), Title 128, Rules and Regulations Governing Hazardous Waste Management in Nebraska, must be followed. For clarification on Title 128, contact the Lincoln, Nebraska office of the DEQ.
- 001.14 Detonators and other explosive materials shall be transported from storage magazines to the blasting site in containers and in a manner approved by the US DOT in 49 CFR
- 001.15 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 upon the holding of a valid permit or the approval of the Nebraska State Patrol.
- 001.16 No person shall sell, display, or expose for sale any explosive or blasting agent on any highway, street, sidewalk, public way or public place.
- 001.17 Any theft or loss of explosives or blasting agents, whether from a storage magazine or area, a vehicle in which they are being transported, or from a site where they are being used or from any other location, shall immediately be reported by the person having control of such explosives or blasting agents to the Nebraska State Patrol, the Bureau of Alcohol,

Tobacco, & Firearms (ATF) of the U.S. Treasury, the local Sheriff and local police immediately after examination or inventory reveals a loss or theft of material.

001.18

Any person in possession or control of explosives or blasting agents required in the performance of his or her work or duties shall, when the need for such explosives or blasting agents no longer exists, either return the explosives or blasting agents to a magazine or shall destroy such explosives or blasting agents in a safe manner in accordance with manufacturer recommendations.

Statutory Authority: Neb. Rev. Stat. §28-1213 to 28-1239.

Legal Citation: Title 272, Ch. 7, Nebraska State Patrol.

NEBRASKA ADMINISTRATIVE CODE

TITLE 272, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 8

NEBRASKA STATE PATROL

RULES RELATING TO THE USE OF EXPLOSIVES

NEBRASKA ADMINISTRATIVE CODE

TITLE 272-NEBRASKA STATE PATROL

LAST ISSUE DATE: October 3, 1989
Chapter 8 - USE OF EXPLOSIVES

001 Use: General

001.01 The handling of explosives shall be performed under the direction of a person holding a valid and subsisting permit from the Nebraska State Patrol to use explosives.

001.02 It is the responsibility of the owner of explosives or the person in possession of a storage permit or a business enterprise permit or a user's permit to control the explosives and the use thereof. The owner of explosives or the one storing explosives under the authority of a storage permit or a person holding a user's permit or a business enterprise purchase permit must control his or her explosives by keeping an accurate and continuing inventory of all explosives. The record of this inventory must be kept on file a minimum of five years. It is the responsibility of all owners of explosives or employers of agents, employees, or subcontractors using explosives, or all who store explosives, to employ people only of good judgment, that know how to handle explosives safely. It is the responsibility of the person in the immediate control of explosives or the owner or user of explosives to take such steps as necessary to insure that such explosives are not finding their way into the hands of unauthorized persons. No person shall handle explosives while under the influence of intoxicating liquors, narcotics, or marijuana.

001.03 While explosives are being handled or used, smoking shall not be permitted and no one near the explosives shall possess open lights or other fire or flame, except devices for lighting safety fuse.

001.04 Any wood, paper, or other materials employed in packing explosives that contains or is contaminated with explosive material shall not be burned in a stove, fireplace, or other confined space, or be used for any purpose. Such materials shall be destroyed by burning at an isolated location out of doors, and no person shall be nearer than 100 feet after burning has started.

001.04A Such burning may necessitate separate burning permits under Title 129, Chapter 15, Nebraska Air Pollution Control, Rules and Regulations, from the Department of Environmental Control, Lincoln, Nebraska and/or

- 001.04 Ban open burning permit from the fire chief of the local fire department having jurisdiction in the area of the burn. Nebraska Statute 81-520.01.
- 001.05 Only electric blasting caps, detonating cord systems, shock tube systems or gas initiating systems shall be used to initiate blasts in congested districts, on highways, or adjacent to highways open to traffic. In no such instance shall initiation by cap and fuse be permitted.
- 001.06 When blasting is done in congested areas or in close proximity to a structure, railway, or highway or any other installation that may be damaged, the blast shall be covered before firing with a mat so constructed that it is capable of preventing fragments from being thrown. When such blasting is being carried out near a highway, the operator may, in lieu of using a mat, and with the permission of local authorities, block the roads adjacent to the firing area while such firing is in progress.
- 001.07 The person in control of a blasting operation must keep an accurate blasting record for each blast. The blasting record shall record the job location, date, time of blast, weather conditions, type of blast, type of materials blasted, type and size cartridge of explosives used, number of holes, diameter of holes, hole depth, and total quantity of explosives fired instantaneously or by a delay interval. These records must be kept a minimum of five years.
- 001.08 Persons authorized to prepare explosives charges or conduct blasting operations shall use every reasonable precaution, including but not limited to warning signals, flags, barricades, or woven wire mats to insure the safety of the general public and workmen.
- 001.09 Blasting operations, except by special permission of the Nebraska State Patrol, shall be conducted only during the daylight hours.
- 001.10 Whenever blasting is being conducted in the vicinity of gas, electric, water, fire alarm, telephone, telegraph and steam utilities, the owner, "User", or employer shall notify the appropriate representatives of such utilities, at least 24 hours in advance of blasting, specifying the locations 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 Nebraska State Patrol.
- 001.11 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:

001.11A The suspension of all blasting operations and removal of persons from the blasting area during the approach and progress of an electrical storm.

001.11B The posting of signs warning against the use of mobile radio transmitters on all roads within 350 feet of the blasting operations.

001.11C User, owner, or employer shall follow the requirements Title 272, Appendix I, II and Table IV pertaining to blasting in the vicinity of radio transmitters or power lines.

001.12 Explosives or blasting equipment that are obviously deteriorated or damaged shall not be used.

001.13 No explosives shall be abandoned.

002 Use: Loading of Explosives in Blast Holes.

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

002.02 Tamping shall be done only with an approved non-sparking rods without exposed metal parts. Nonsparking metal connectors may be used for jointed poles. Violent tamping shall be avoided.

002.03 No holes shall be loaded except those to be fired in the next round of blasting. Seismographic operations shall follow this procedure wherever possible for maximum safety, but where practicality will not permit, they are exempted from the provisions of this sub-section.

002.04 Drilling shall not be started until all remaining butts of old holes are examined with a wooden or approved non-sparking rod for unexploded charges, and if any are found they shall be refired or washed out by or under the direction of a competent and experienced person before work proceeds.

002.05 No person shall be allowed to deepen drill holes which have contained explosives.

002.06 After loading for a blast is completed, all excess blasting caps or electric blasting caps and other explosives shall immediately be returned to their separate storage magazines.

003 Use: Initiation of Explosive Charges

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

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

003.03 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 with a standard cap crimper.

003.04 Explosives shall not be extracted from a hole that has once been charged or has misfired unless it is impossible to detonate the unexploded charge by the insertion of a fresh additional primer. This work shall be done by or under the supervision of a competent and experienced person.

003.05 If there are any misfires while using the cap and fuse, all persons shall remain away from the charge for a least 30 minutes. If electric blasting caps are used and a misfire occurs, this waiting period may be reduced to 15 minutes. Misfires shall be handled under the direction of the person in charge of the blasting and all wires shall be carefully traced and a search made for unexploded charges. Shock tube and miniaturized detonating cord initiating systems shall wait 15 minutes for misfires.

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

003.07 Only the person making leading wire connections in electrical firing shall fire the shot. All connections shall 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. Only blasting machines or initiators that meet the explosive manufacturers recommendations and approval should be used as a source of electric current for initiating electrically fired charges of explosives.

003.08 Before a blast is fired, a loud 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.

004 Every holder of any storage, purchase, or use permit required under §28-1213 to §28-1239 shall notify the fire protection district in which any explosive is being used or stored, and the holder shall keep a written record describing the time the notice was given, office in the district to which the notice was given and name of the person in the

district notified. This notification shall be made for existing use or storage sites and newly established sites, including job sites.

004 Conflicts. Nothing contained in these Rules and Regulations shall be in conflict with provisions of the National Security Act of 1947, as amended, or the Espionage and Sabotage Act of 1954 as amended.

Statutory Authority: Neb. Rev. Stat. §28-1213 to 28-1239.

Legal Citation: Title 272, Ch. 8, Nebraska State Patrol.

NEBRASKA ADMINISTRATIVE CODE

TITLE 272, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 9

NEBRASKA STATE PATROL

RULES RELATING TO THE STORAGE OF EXPLOSIVES

NEBRASKA ADMINISTRATIVE CODE

TITLE 272-NEBRASKA STATE PATROL

LAST ISSUE DATE: October 3, 1989
Chapter 9 - STORAGE OF EXPLOSIVES

001 General

- 001.01 The storage of explosive materials by any person must be in a manner conforming with the regulations contained herein. The storage regulations prescribed herein confer no rights or privileges to store explosive materials in a manner contrary to State or other law.
- 001.02 Notwithstanding the provisions of Section 001.01, the Nebraska State Patrol may authorize alternate storage facilities for the storage of explosive materials when it is shown that such alternate facilities are or will be constructed in a manner substantially equivalent to the standards of construction contained in this subpart. Such alternate storage facilities shall not be used for the storage of explosive materials until approval is received from the Nebraska State Patrol.
- 001.03 A permittee who intends to make additions to, modification of, or changes in his or her approved storage facilities shall follow the procedures and be subject to the requirements of Title 272, Chapter 9, para. 019.
- 001.04 Every holder of any storage required under §28-1213 to §28-1239 shall notify the fire protection district in which any explosive is being used or stored, and the holder shall keep a written record describing the time the notice was given, office in the district to which the notice was given and name of the person in the district notified. This notification shall be made for existing use or storage sites and newly established sites, including job sites.
- 001.05 Explosives shall not be stored within the incorporated limits of any city or village of the State of Nebraska. Explosives shall not be stored in areas zoned for residential use.
- 001.06 The premises upon which all outdoor magazines, except Type 3, are located shall be posted with signs reading "Explosives - Keep Off". These signs shall be in contrasting colors with a minimum letter size of 3-inch height and 2-inch line width. All signs shall be located so that a bullet passing through the sign will not strike a magazine.

001.07 The US DOT placards required by 49 CFR for transportation of blasting agents shall be displayed on all type 5 magazines in which blasting agents are being stored.

001.08 All normal access routes to explosive materials manufacturing and storage facilities shall be posted with the following warning sign:

DANGER
NEVER FIGHT EXPLOSIVE FIRES
EXPLOSIVES ARE STORED ON THIS SITE
CALL _____

The sign shall be weather-resistant with a reflective surface and lettering shall be at least 2 inches high."

002 Classes of Explosive Materials. For purposes of this part, there shall be three classes of explosive materials. These classes, together with the description of explosive materials comprising each class, are as follows:

002.01 High Explosives. Explosive materials which can be caused to detonate by means of a blasting cap when unconfined. (For example, dynamite.)

002.02 Low Explosives. Explosive materials which can be caused to deflagrate when confined. (For example, black powder.)

002.03 Blasting Agents. (For example, ammonium nitrate-fuel oil.)

003 Types of Storage Facilities. For purpose of these regulations, there shall be five types of storage facilities. These types, together with the classes of explosive materials which shall be stored therein, are as follows:

003.01 Type 1 Storage Facilities. Permanent storage facilities for the storage of high explosives which can be caused to detonate by means of a blasting cap when unconfined, (for example dynamite, flash powders, and bulk salutes). Other classes may also be stored therein.

003.02 Type 2 Storage Facilities. Portable indoor and outdoor storage facilities for the storage of high explosives which can be caused to detonate by means of a blasting cap when unconfined, (for example dynamite, flash powders, and bulk salutes). Other classes may also be stored therein.

003.03 Type 3 Storage Facilities. Portable outdoor facilities for the temporary storage of high explosives which can be caused to detonate by means of a blasting cap when unconfined, (for example dynamite, flash powders, and bulk salutes), while attended (for example, a "day-box"). Other classes may also be stored therein.

- 003.04 Type 4 Storage Facilities. Facilities for the storage of low explosive materials which can be caused to deflagrate when confined, (for example, black powder, safety fuse, igniters, ignitor cords, fuse lighters, and "special fireworks" as defined as Class B explosives by US Department of Transportation regulations in 49 CFR Part 173, except bulk salutes). Blasting agents (ammonium nitrate-fuel oil) may also be stored in a type 4 storage facility. Detonators that will not mass detonate may also be stored in a type 4 storage facility. No high explosives may be stored in a type 4 storage facility.
- 003.05 Type 5 Storage Facilities. Facilities for the storage of blasting agents. No high explosives may be stored in a type 5 storage facility.
- 004 Inspection of Storage Facilities. Any person storing explosive materials shall open and inspect his or her storage facilities at intervals not greater than seven (7) days to determine whether the explosives therein are intact and to determine whether there has been unauthorized entry or attempted entry into the storage facilities or the unauthorized removal of facilities or their contents. A written record shall be kept of this inspection.
- 005 Movement of Explosive Materials. All explosive materials must be kept in storage facilities meeting the standards prescribed by the Nebraska State Patrol unless they are:
- 005.01 In the process of manufacture; or
- 005.02 Being physically handled in the operating process of a person having a Nebraska State Patrol issued permit to use; or
- 005.03 Being used; or
- 005.04 Being transported or loaded into a place of storage or use by a permittee or by a person who has lawfully acquired explosive materials pursuant to the requirements of Chapter 9, para. 020.
- 006 Location of Storage Facilities.
- 006.01 Except as otherwise provided in these regulations, storage facilities in which any explosive materials are stored shall be located at minimum distances from inhabited buildings, passenger railways, public highways, and from other storage facilities in which explosive materials are stored as specified in the American Table of Distances, (see Appendix V), provided that this table shall not apply to any indoor storage facility. When a storage facility is not barricaded, the distances shown in the American Table of Distances shall be doubled. For purposes of this paragraph, a storage facility shall be deemed barricaded when it is effectually screened from inhabited buildings, passenger railways, public highways, and other storage facilities in which explosive materials are stored-either by a

natural or artificial barricade of such height that a straight line from the top of any sidewall of the storage facility to the eave line of such other inhabited building or storage facility, or to a point 12 feet above the center of a passenger railway or public highway, will pass through such intervening barricade.

006.02 If any two or more storage facilities are separated from each other by less than the distances specified in the American Table of Distances, Appendix V, then such two or more storage facilities, as a group, shall be considered as one storage facility, and the total quantity of explosive material stored in such group shall be treated as if stored in a single facility and shall comply with the minimum of distances specified in the American Table of Distances, from other storage facilities, inhabited buildings, passenger railways, and public highways.

006.03 Storage facilities in which low explosives are stored shall be located at minimum distances from inhabited buildings, passenger railways, public highways, and from other storage facilities in which explosive materials are stored as specified in the American Table of Distances for Storage of Low Explosives, Appendix VI. Provided, that this table shall not apply to any indoor storage facility. The distances shown therein shall not be reduced by the presence of barricades.

006.04 Ammonium nitrate and storage facilities in which blasting agents are stored shall be located at minimum distances from storage facilities containing high explosives or blasting agents as specified in the Table of Recommended Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents, Appendix VII.

007 Construction of Type 1 Storage Facilities. A type 1 storage facility shall be a permanent structure: a building, an igloo or Army-type structure, a tunnel, or a dugout. It shall be bullet-resistant, fire-resistant, weather-resistant, theft-resistant., and well ventilated.

007.01 Buildings. All building type storage facilities shall be constructed of masonry, wood, metal, or a combination of these materials and shall have no openings except for entrances and ventilation. Ground around such storage facilities shall slope away for drainage.

007.01A Masonry Wall Construction. Masonry wall construction shall consist of brick, concrete, tile, cement block, or cinder block and shall be not less than 6 inches in thickness. Hollow masonry units used in construction shall have all hollow spaces filled with well-tamped coarse dry sand or weak concrete (a mixture of one part cement and eight parts of sand with enough water to dampen the mixture while tamping in place). Interior walls shall be covered with a non-sparking material.

- 007.01B Fabricated Metal Wall Construction. Metal wall construction shall consist of sectional sheets of steel or aluminum not less than number 14 gauge, securely fastened to a metal framework. Such metal wall construction shall be either lined inside with brick, solid cement blocks, hardwood not less than 4 inches in thickness, or shall have at least a 6-inch sand fill between interior and exterior walls. Interior walls shall be constructed of, or covered with, a non-sparking material.
- 007.01C Wood Frame Wall Construction. The exterior of outer wood walls shall be covered with iron or aluminum not less than number 26 gauge. An inner wall of non-sparking material shall be constructed so as to provide a space of not less than 6 inches between the outer and inner walls, which space shall be filled with coarse dry sand or weak concrete.
- 007.01D Floors. Floors shall be constructed of a non-sparking material and shall be strong enough to bear the weight of the maximum quantity to be stored.
- 007.01E Foundations. Foundations shall be constructed of brick, concrete, cement block, stone or wood posts. If piers or posts are used, in lieu of a continuous foundation, the space under the buildings shall be enclosed with metal.
- 007.01F Roof. Except for buildings with fabricated metal roofs, the outer roof shall be covered with no less than number 26-gauge iron or aluminum fastened to 7/8 inch sheathing or 26 gauge aluminum, fastened to seven-eighths inch (.875") sheathing. Poured concrete roofs may be used on facilities on a case by case basis and must be of equal or greater strength and bullet resistance as other approved roofs.
- 007.01G Bullet-Resistant Ceilings or Roofs. Where it is possible for a bullet to be fired directly through the roof and into the storage facility at such an angle that the bullet would strike a point below the top of inner walls, storage facilities shall be protected by one of the following methods:
- 007.01G1 A sand-tray shall be located at the tops of inner walls covering the entire ceiling area, except that necessary for ventilation, lined with a layer of building paper, and filled with not less than 4 inches of course dry sand.
- 007.01G2 A fabricated metal roof shall be constructed of 3/16-inch plate steel lined with 4 inches of hardwood. (For each additional 1/16-inch of plate steel, the hardwood lining may be decreased 1 inch.)
- 007.01H Doors. All doors shall be constructed of 1/4 inch plate steel and lined with 2 inches of hardwood. Hinges and hasps shall be attached to the doors by welding, riveting or bolting (nuts on inside of door). They shall be

installed in such a manner that the hinges and hasps cannot be removed when the doors are closed and locked.

007.01 I Locks. Each door shall be equipped with two mortise locks; or with two padlocks fastened in separate hasps and staples; or with a combination of mortise lock and padlock; or with a mortise lock that requires two keys to open; or a three-point lock. Locks shall be five-tumbler or five-blade. All padlocks shall be protected with 1/4 inch steel caps constructed so as to prevent sawing or lever action on the locks or hasps. Semitrailer, tank trucks, and other mobile storage facilities locked with one steel case hardened five-tumbler padlock, having at least 3/8-inch shackle diameter are determined to meet the necessary requirements of this section provided that hinges and hasps are securely fastened to the storage facility and that all locking hardware is secured rigidly and directly to the door frame. Accordingly, only one such Padlock will be required for each door or opening for semitrailer, tank trucks, and other mobile facilities; and such padlocks need not be protected by steel caps.

007.01J Ventilation. Except at doorways, a 2 inch air space shall be left around ceilings and the perimeter of floors. Foundation ventilators shall be not less than 4 by 6 inches. Vents in the foundation, roof or gables shall be screened and offset. A side wall and door Ventilator that are screened and bullet-resistant can be substituted for foundation ventilators.

007.01K Exposed Metal. No sparking metal construction shall be exposed below the top of walls in the interior of storage facilities, and all nails therein shall be blind-nailed or countersunk.

007.02 Igloos, Army-Type Structures, Tunnels, and Dugouts. Igloo, Army-type structures, tunnel, and dugout storage facilities shall be constructed of reinforced concrete, masonry, metal or combination of these materials. They shall have an earthmound covering of not less than 24 inches on the top, sides and rear. Interior walls and floors shall be covered with a non-sparking material. Storage facilities of this type shall also be constructed in conformity with the requirements of Chapter 9, para. 007.01D and 007.01H through 007.01K.

008 Construction of Type 2 Storage Facilities. A type 2 storage facility shall be a box, a trailer, a semi-trailer, or other mobile facility. It shall be bullet-resistant, weather-resistant, theft-resistant, fire-resistant, and well ventilated. Except as provided in Chapter 9, para. 008.03, hinges and hasps shall be attached to the covers or doors in the manner prescribed in Chapter 9, para. 007.01H and the locking system shall be that prescribed in Chapter 9, para. 007.01I.

008.01 Outdoor Storage Facilities. Outdoor storage facilities shall be at least 1 cubic yard in size and supported in such a manner so as to prevent direct

contact with the ground. The sides, bottoms, tops and covers or doors shall be constructed of 1/4 inch steel and shall be lined with 2 inches of hardwood. Edges of metal covers shall overlap sides at least 1 inch. The ground around such storage facilities shall slope away for drainage. When unattended, vehicular storage facilities shall have wheels removed or shall be otherwise effectively immobilized by kingpin locking devices or other methods approved by the Nebraska State Patrol.

008.02 Indoor Storage Facilities. No indoor facility for the storage of high explosives shall be located in a residence or dwelling. When located in a warehouse, wholesale, or retail establishment, such storage facilities shall be provided with substantial wheels or casters to facilitate removal from the building. No more than two indoor storage facilities shall be kept in any one building. Two storage facilities may be kept in the same building only when one is used for the storage of blasting caps, squibs, or similar items and other facility is used for the storage of other high explosives. Each storage facility shall be located on the floor nearest the ground level and within 10 feet of an outside exit. Indoor storage facilities within one building shall be separated by a distance of not less than 10 feet. No indoor storage facility shall contain a quantity of high explosives in excess of 50 pounds or more than 5,000 blasting caps. Indoor facilities shall be of wood or metal construction as prescribed in Chapter 9, para. 008.02A or 008.02B.

008.02A Wood Construction. Wood indoor storage facilities shall have sides, bottoms, and covers or doors constructed of 2-inch hardwood and shall be well braced at corners. They shall be covered with sheet metal of not less than number 26 gauge. Nails exposed to the interior of such facilities shall be countersunk.

008.02B Metal Construction. Metal indoor storage facilities shall have sides, bottoms, and covers of doors constructed of number 12-gauge metal and shall be lined inside with a non-sparking material. Edges of metal covers shall overlap sides at least one inch.

008.03 Detonator (Cap) Boxes. Storage facilities for blasting caps in quantities of 100 or less shall have sides, bottoms, and covers constructed of number 12-gauge metal and lined with a non-sparking material. Hinges and hasps shall be attached by welding. One five-tumbler padlock, having at least 3/8-inch shackle diameter is determined to meet the necessary requirements.

009 Construction of Type 3 Storage Facilities. A Type 3 magazine is a "day box" or other portable magazine. It must be fire-resistant, weather-resistant, and theft-resistant (need not be bullet-resistant). A Type 3 magazine is to be constructed of not less than 12 gauge steel, lined with at least 2-inch plywood or 2-inch Masonite type hardboard. Lids must

overlap sides by at least one inch. Hinges and hasps are to be attached by welding, riveting, or bolting (nuts on inside). One steel padlock (which need not be protected by a steel hood) having at least five tumblers and a case hardened shackle of at least 3/8-inch diameter is sufficient for locking purposes. Explosive materials are not to be left unattended in a Type 3 magazine and must be removed to a Type 1, 2, 4, or 5 magazine (depending on class of explosive material involved) for overnight or unattended storage.

010 Construction of Type 4 Storage Facilities. A type 4 storage facility may be a building, an igloo, or Army-type structure, a tunnel, a dugout, a box, a trailer, or a semi-trailer or other mobile facility and shall be fire-resistant, weather-resistant, and theft-resistant. They shall be constructed of masonry, metal-covered wood, fabricated metal, or a combination of these materials. The walls and floors of such storage facilities shall be lined with a non-sparking material. The doors or covers shall be metal or solid wood covered with metal. The foundations, locks, lock protection, hinges, hasps, and interior shall be in conformity with the requirements of Chapter 9, para. 007.01E, 007.01H, 007.01I, and 007.01K.

010.01 Outdoor Storage Facilities. The ground around such storage facilities shall slope away for drainage. When unattended, vehicular storage facilities shall have wheels removed or shall be otherwise effectively immobilized by kingpin locking devices or other methods approved by the Nebraska State Patrol.

010.02 Indoor Storage Facilities. No indoor facility for the storage of low explosives shall be located in a residence or dwelling. When located in a warehouse, wholesale or retail establishment, such storage facilities shall be provided with substantial wheels or casters to facilitate removal therefrom. No more than one indoor storage facility shall be kept in any one building. It shall be located on the floor nearest the ground level and within 10 feet of an outside exit. No indoor storage facility shall contain a quantity of low explosives in excess of 50 pounds.

011 Construction of Type 5 Storage Facilities. A type 5 storage facility may be a building, an igloo or Army-type structure, a tunnel, a dugout, a bin, a box, a trailer, or a semi-trailer or other mobile facility and shall be theft-resistant. The door or covers thereof shall be solid wood or metal. The hinges, hasps, locks and lock protection shall be in conformity with the requirements of Chapter 9, para. 007.01H and 007.01I.

011.01 Outdoor Storage Facilities. The ground around such storage facilities shall slope away for drainage. When unattended, vehicular storage facilities shall have wheels removed or shall be otherwise effectively immobilized by kingpin locking devices or other methods approved by the Nebraska State Patrol. An outdoor storage facility shall be weather-resistant.

- 011.02 Indoor Storage Facilities. No indoor storage facility for the storage of blasting agents shall be located in a residence or dwelling.
- 012 Smoking and Open Flames. Smoking, matches, open flames, and spark-producing devices shall not be permitted in, or within 50 feet of, any outdoor storage facility or within any room containing an indoor magazine.
- 013 Quantity and Storage Restrictions. Explosive materials in excess of 300,000 pounds or blasting caps in excess of 20 million shall not be stored in one storage facility. Blasting caps shall not be stored with other explosive materials in type 1, 2, 3 or 5 storage facilities. A type 4 storage facility meets the requirements for storage of blasting caps that do not mass detonate. A "cap box", that meets the requirements of Chapter 9, may be attached to the outside of a type 1, 2, or 3 storage magazine by welding, riveting, or bolting. Rivets or bolts must be on the inside of the box, not visible from the outside, and covered with non-sparking material. The total explosive material located within the magazine and cap box shall be used to determine the table of distances.
- 014 Storage Within Types 1, 2, 3 and 4 Facilities.
- 014.01 Explosive materials within a storage facility shall not be placed directly against interior walls. Any devices constructed or placed within a storage facility shall not interfere with ventilation.
- 014.02 Containers of explosive materials shall be stored by being laid flat with the top side up. Corresponding classes, grades, and brands shall be stored together within a storage facility in such a manner that class, grade, and brand marks are easily visible upon inspection. Stocks of explosive materials shall be stored so as to be easily counted and checked.
- 014.03 Except with respect to fiberboard containers, explosive materials shall not be unpacked or repacked inside a storage facility or within 50 feet thereof, and shall not be unpacked or repacked in close proximity to other explosive materials. Containers of explosive materials shall be securely closed while being stored.
- 014.04 Tools used for opening or closing containers of explosive materials shall be of non-sparking materials, except that metal slitters may be used for opening fiberboard containers. A wood wedge and a fiber, rubber, or wooden mallet shall be used for opening or closing wood containers of explosive materials. Metal tools other than non-sparking transfer conveyors shall not be stored in any storage facility containing high explosives.
- 015 Housekeeping. Storage facilities shall be kept clean, dry, and free of grit, paper, empty packages and containers, and rubbish. Floors shall be regularly swept. Brooms and other utensils used in the cleaning and maintenance of storage facilities shall have no spark-

producing metal parts. Floors stained by leakage from explosive materials shall be cleaned according to instructions of the manufacturer. When any explosive material has deteriorated to the extent that it is in a dangerous condition, or if a liquid leaks therefrom, it shall be destroyed in accordance with the instructions of its manufacturer. The area surrounding storage facilities shall be kept clear of rubbish, brush, dry grass, or trees for not less than 25 feet in all directions. Any other combustible materials shall be kept a distance of not less than 50 feet from outdoor storage facilities. The Nebraska State Patrol shall permit trees to grow within 25 feet of a magazine for barricade protection purposes provided that such trees are living and at least 10-feet high.

015.01 Storage facilities shall not contain or house any amount of flammable or combustible material.

016 Repair of Storage Facilities. Prior to the interior repair of storage facilities, all explosive materials shall be removed and the interior shall be cleaned. Prior to the exterior repair of storage facilities, all explosive materials shall be removed if there exists a possibility that such repairs may produce sparks or flame. The explosive materials removed from storage facilities under repair shall either be placed in other storage facilities appropriate for the storage of such materials under Chapter 9 or placed a safe distance from the facilities under repair where they shall be properly guarded and protected until the repairs have been completed.

017 Lighting. The use of electrical lights when meeting appropriate local, state and federal building codes is approved. All electrical switches must be located outside the storage facility. Other than approved lighting, no lighting shall be placed or used in a storage facility of type 1, 2, 3, or 4 except battery-activated safety lights or battery-activated safety-lanterns, or spark proof flashlights.

018 Security of Magazines. The keys to any magazine doors and covers must be available only to trusted employees appointed in writing and must be a permittee. It is the storage permittee's responsibility to keep his or her magazines locked from all unauthorized persons. Publicly owned electric distribution, public utilities and privately owned electric distribution, public utilities and communications systems may, at their discretion, designate certain employees who will be responsible for the inspection and security of stored explosives. It is permissible for these persons to have keys to the storage permittee's magazine.

019 Change of Location; Change in Construction

019.01 Other than storage facilities. Except as provided in Chapter 9, para. 019.02, a permittee may during the term of his or her permit remove his or her business or operations to a new location at which he or she intends regularly to carry on such business or operations, without procuring a new permit. However, in every case, notification of the new location of the business or operations must be given not less than 10 days prior to such removal to the Nebraska State Patrol. In each instance, the permit and any

copies thereof furnished with the permit must be submitted for endorsement to the Nebraska State Patrol. After endorsement of the permit and the copies thereof to show the new location and the new permit number, if any, the Nebraska State Patrol will return same to the permittee.

019.02 Storage Facilities. A permittee who intends to change the location of his or her approved storage facility described in his or her application (other than a change of location of a portable approved storage facility) during the term of his or her permit shall make written application, in duplicate, to the Nebraska State Patrol who issued the permit, describing the location, the type of construction, and the class of explosive materials as prescribed herein. The application may include a request for approval of specific successive changes in location of an approved storage facility. Storage of explosive materials may not be commenced at the new location prior to receipt of the copy of such application stamped "approved".

019.03 Additions to or Changes in Storage Facilities. A permittee who intends to make additions to or changes in construction of approved storage facilities described in his or her application, shall file an application with the Nebraska State Patrol for an amended permit, describing the proposed additions or changes. Additions to or changes in construction of approved storage facilities may not be made prior to issuance of the amended permit. Upon receipt of the amended permit, the permittee shall submit his or her superseded permit and any copies thereof to the Nebraska State Patrol.

020 Record Keeping and Permitted Transactions.

020.01 All transfers of explosives occurring within the State are illegal except the following:

020.01A Any holder of any permit required under Sections 28-1213 to 28-1239, Neb. Rev. Stat. (1989) or a federal permittee or licensee may transfer explosive materials to the holder of any permit issued by the Nebraska State Patrol or to a federal licensee or permittee or to a permittee or licensee holding a permit or license issued under the laws of contiguous state, provided, appropriate and accurate record keeping as further prescribed in these rules and regulations are followed. Any explosive material used or stored in the State of Nebraska, must be used or stored by a person in possession of a permit issued by the Nebraska State Patrol.

020.01B Under no conditions may any permit holder herein physically transfer to another person in the State of Nebraska any explosive materials unless the transferee physically shows the license or

permit which is authorization to take possession of such explosive materials. Any resident of the State of Nebraska who holds a valid explosive permit issued by the Nebraska State Patrol and who uses explosive material in the conduct of a business or occupation may lawfully purchase explosives from a licensed seller located or residing in a state contiguous to the state of Nebraska and bring such explosive material into Nebraska.
(Neb. Rev. Stat. §28-1235.01)

020.01C All other transfers are illegal.

020.02 Every person in possession of a storage permit shall maintain an accurate inventory of all explosives in his possession. Each transfer of explosive materials to other persons must be recorded to include a statement of intended use by the transferee, his or her name, date and place of birth, social security number or taxpayer identification number, and place of residence, and permit number.

020.03 Where the storage permittee is transferring the explosive materials to his or her own agent or servant for immediate detonation, a blasting record must be maintained describing the time, place, amount, and type of explosives used in the blasting operation.

020.04 Every storage permit holder shall use such accounting methods as are adequate to determine upon inventory whether or not any explosives are unaccounted for. Further inventories to determine whether explosives are unaccounted for must be made on the first day of each calendar quarter. Shortages of the inventory which ought to be on hand shall be reported within 24 hours of discovery, in writing to the Nebraska State Patrol.

020.05 Holders of business enterprise purchase permits or use permits must in all cases maintain a record showing explosive materials that come into their possession, stating amount and type of explosive materials. Disposition of such explosives must be shown and recorded. If such explosives are transferred to another, the information required in Chapter 9, para. 020.02 and the proof of transferee's authority required in Chapter 9, para. 020.01C must be obtained. Where such explosives are detonated, a blasting record must be maintained describing the time, place, amount and type of explosive materials used in the blasting operations. Where the same person possesses a storage permit, a business enterprise purchase permit, and a user's permit or has employees possessing user's permits, compliance with the record keeping provisions of Chapter 9, para. 020.02 through 020.04 to that person's storage permit will be deemed compliance with this section pertaining to that person's purchase permit, use permit and employees' use permits, provided that accounting methods used are

adequate to discover all shortages not accounted for by detonation or valid transfers.

Statutory Authority: Neb. Rev. Stat. §28-1213 to §28-1239 (1989).

Legal Citation: Title 272, Ch. 9, Nebraska State Patrol.

NEBRASKA ADMINISTRATIVE CODE

TITLE 272, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 10

NEBRASKA STATE PATROL

RULES RELATING TO THE TRANSPORTATION OF EXPLOSIVES

NEBRASKA ADMINISTRATIVE CODE

TITLE 272-NEBRASKA STATE PATROL

LAST ISSUE DATE: October 3, 1989

Chapter 10 - TRANSPORTATION OF CLASS 1, DIVISION 1.1 THROUGH DIVISION 1.6
EXPLOSIVES.

001 Transportation: General

001.01 In addition to all other applicable requirements set forth in these Rules and Regulations, the transportation of division 1.1 through division 1.6 explosives over all highways shall be in accordance with the U.S. Department of Transportation 49 CFR Sections 100 through 179 and Sections 390 through 397.

001.02 No person shall smoke, carry matches or any other flame-producing device, or carry firearms or loaded cartridge while in or near a motor vehicle transporting explosives. Nothing in this sub-section shall be so construed as to prevent the presence of a duly authorized and legally constituted armed guard on such vehicles where security considerations dictate their necessity.

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

001.04 Explosives may be loaded into and transported in the following: truck, truck with semi-trailer, truck with full trailer, truck-tractor with semi-trailer, truck-tractor with semi-trailer and full trailer. Publicly owned electric distribution, public utilities and privately owned electric distribution public utilities and communications systems which shall have first obtained the express approval of the Nebraska State Patrol in respect to their particular methods of handling explosives in trailer-hauling trucks shall be exempt from the provisions of this paragraph.

001.05 Explosives shall not be transferred from one vehicle to another within the corporate limits of any city or town without informing the local fire and police departments thereof. In the event of breakdown or collision, the local fire and local and state police departments or sheriff 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.

001.06 Detonators may be transported with other explosive materials in the same vehicle only in accordance with U.S. Department of Transportation 49 CFR Sections 100 through 179 and Sections 390 through 397.

002 Transportation; Vehicles; Safety Requirements

002.01 Vehicles used for transporting explosives shall be strong enough to carry the load without difficulty and be in good mechanical condition. The transportation of explosive materials in open-bodied motor vehicles which depend upon a fire-resistant tarpaulin for protection is not permitted. When explosive materials are transported by a vehicle with an open body, they shall be loaded into a portable magazine or closed container and such portable magazine or closed container shall be securely fastened to the truck bed. All vehicles used for the transportation of explosives shall have tight floors, and any exposed spark-producing metal on the inside of the body shall be covered with wood or other non-sparking materials to prevent contact with packages of explosives. Packages of explosives shall not be loaded above the sides of an open-body vehicle.

002.02 Motor vehicles, when used for transporting any quantity of explosive materials shall display placards and other markings required by regulations of U.S. Department of Transportation *CFR 49, Sections 100 through 179 and Sections 390 through 397.

002.03 Each motor vehicle used for transporting explosive materials shall be equipped with fire extinguishers as follows:

002.03 A Trucks of less than 14,000 pounds GVW rating: Minimum of two extinguishers with total rating of at least 4-A:20-B:C. Trucks over 14,000 GVW rating and tractor semi-trailer units: Two or more extinguishers with a total rating of at least 4-A:70-B:C.

002.03B Only extinguishers listed or approved by Underwriters' Laboratories, Inc., Factory Mutual Laboratories, or by some other nationally recognized fire equipment testing laboratory, shall be deemed suitable for use on explosive-carrying vehicles.

002.03C Extinguishers shall be filled and ready for immediate use and located near the driver's seat. Extinguisher shall be examined every 12 months as to condition by a competent person and after being used.

002.04 Motor vehicles used for transporting explosives shall be given the following inspection before each trip to determine that they are in the proper condition for safe transportation of explosives:

002.04A Fire extinguishers shall be filled and in working order.

002.04B All electrical wiring shall be completely protected and securely fastened to prevent short circuiting.

- 002.04C Chassis, motor, pan and underside of body shall be reasonably clean and free of excess oil and grease.
- 002.04D Fuel tank and feed line shall be secure and have no leaks.
- 002.04E Brakes, lights, horns, windshield wipers and steering apparatus shall function properly.
- 002.04F Tires shall be checked for proper inflation and defects.
- 002.04G The vehicle shall be in proper condition in every other respect and acceptable for hauling explosives.

003 Transportation: Operation of Vehicles in Commerce.

- 003.01 Vehicles transporting explosives shall only be driven by and be in charge of a driver who meets and has a Commercial Driver's License with proper endorsements and meets the requirements of U.S. Department of Transportation 49 CFR Sections 100 through 179 and Sections 390 through 397.
- 003.02 Unauthorized persons or passengers shall not ride on a motor vehicle transporting explosives.
- 003.03 Motor vehicles transporting explosive materials must come to a full stop before crossing any railroad track or main highway, and must not proceed until the driver determines that the way is clear.
- 003.04 Vehicles delivering explosive materials shall not be driven at speeds in excess of the posted speed limits.
- 003.05 The fuel tank of a motor vehicle transporting explosives shall not be filled except in an emergency or when necessary to complete a trip, and then only when the motor is stopped and brakes set.
- 003.06 A motor vehicle which contains a Division 1.1, 1.2, or 1.3 (explosive material must be attended at all times by the driver or other authorized person. Exception: If the vehicle is parked in a safe haven in accordance with the provisions of 49 CFR.
- 003.07 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.

- 003.08 No spark-producing metal, spark-producing metal tools, oils, matches, carbides, 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 this material is carried/transported in accordance U.S. Department of Transportation *CFR 49, Sections 100 through 179 and Sections 390 through 397. Nothing in this sub-section shall be so construed as to prevent the presence of a duly authorized and legally constituted armed guard on such vehicles where security considerations dictate their necessity.
- 003.09 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.
- 003.10 Delivery of explosives shall be made only to authorized persons and into authorized magazines or approved temporary storage or handling areas.
- 004 Transportation (in Commerce): Smokeless Propellants, Small Arms Ammunition Primers.
- 004.01 Quantities of smokeless propellants in shipping containers approved by the United States Department of Transportation not in excess of 25 pounds may be transported in a passenger vehicle.
- 004.02 Quantities of smokeless propellants in excess of 25 pounds but not exceeding 100 pounds in a passenger vehicle shall be transported in a portable box having wooden walls of at least one inch nominal thickness.
- 004.03 Transportation of smokeless propellants in quantities in excess of 100 pounds is prohibited in passenger vehicles.
- 004.04 Transportation of quantities of smokeless propellants in excess of 50 pounds in other than passenger vehicles shall be in accordance with U.S. Department of Transportation 49 CFR Sections 100 through 179 and Sections 390 through 397.
- 004.05 Small Arms Ammunition Primers.
- 004.05A Small arms ammunition primers shall not be transported or stored except in the original shipping container approved by the U.S. Department of Transportation 49 CFR Sections 100 through 179 and Sections 390 through 397.
- 004.05B Truck or rail transportation of small arms ammunition primers shall be in accordance with the regulations of the U.S. Department

of Transportation 49 CFR Sections 170 through 179 and Sections 390 through 397.

004.05C Not more than 25,000 small arms ammunition primers shall be transported in a passenger vehicle when in commerce.

005 Transportation: Blasting Agents.

005.01 When blasting agents are transported in the same vehicle with other explosives, all of the requirements of Chapter 10 and U.S. Department of Transportation 49 CFR Sections 100 through 179 and Sections 390 through 397 shall be complied with.

005.02 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 Commercial (CDL) Driver=s license with proper endorsements.

005.03 No matches, firearms, acids or other-corrosive liquids shall be carried in the bed or body of any vehicle containing blasting agents.

005.04 No person 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.

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

005.06 Vehicles transporting blasting agents shall be in safe operating condition at all times.

005.07 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 U.S. Department of Transportation 49 CFR Sections 100 through 179 and Sections 390 through 397.

005.08 Vehicles used for transporting blasting agents on public highways shall be marked and placarded in accordance with U.S. Department of Transportation 49 CFR Sections 100 through 179 and Sections 390 through 397.

CFR = Code of Federal Regulations

Statutory Authority: Neb. Rev. Stat. §28-1213 to 28-1239 & 75-363.

Legal Citation: Title 272, Ch. 10, Nebraska State Patrol.

NEBRASKA ADMINISTRATIVE CODE

TITLE 272, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 11

NEBRASKA STATE PATROL

RULES RELATING TO GENERAL SAFETY REGULATIONS INVOLVING EXPLOSIVES

NEBRASKA ADMINISTRATIVE CODE

TITLE 272-NEBRASKA STATE PATROL

LAST ISSUE DATE: October 3, 1989
Chapter 11 - GENERAL SAFETY REGULATIONS

001 General Safety Regulations

- 001.01 No person shall smoke, carry matches, lighters or other flame producing devices, or allow others to do so, while near explosives. Exception: Blasters may possess a device for the specific purpose of lighting safety fuse.
- 001.02 No person shall handle explosives near open lights, fire, flame or sparks. If artificial light is needed, only a safety-type flashlight or electric lantern may be used.
- 001.03 Use oldest stock first.
- 001.04 No person shall store, handle or use explosives in or near a residence.
- 001.05 Do not allow explosives to become wet or exposed to the weather.
- 001.06 Do not throw or drop packages of explosives or handle them roughly.
- 001.07 Do not use metal bale hooks when handling; or sparking metal tools to open wooden or metal packages of explosives.
- 001.08 No person shall open, pack, or repack metal or wooden containers of explosive materials in a magazine.
- 001.09 Proper disposal shall be made of empty explosives containers as follows:
- 001.09A Explosives containers shall be entirely empty before discarding and those showing stains of any kind shall not be placed where uninformed persons or children might have access to them pending destruction.
- 001.09B Empty containers showing stains of any kind shall be destroyed by burning out of doors, at a safe distance from magazines or other structures. Empty explosive containers should be burned according to manufacturer and the recommendations of the Institute Makers of Explosives. Local burning ordinances, rules, or laws must be obeyed and appropriate burning permits must be obtained where required. Contact your local Sheriff=s Office for

clarification on local burning permits. Additionally, the Nebraska Department of Environmental Quality (DEQ), Title 128, Rules and Regulations Governing Hazardous Waste Management in Nebraska, must be followed. For clarification, contact the Lincoln, Nebraska office of the DEQ.

- 001.10 Do not carry blasting caps or electric blasting caps or explosives in your pockets, or leave them where children or others can have contact with them.
- 001.11 Do not allow shooting, or allow anyone to have cartridges or firearms in or around magazines or near explosives.
- 001.12 No unauthorized persons shall be allowed near explosives.
- 001.13 Be alert for broken, defective or leaky packages.
- 001.14 Every holder of any storage or business enterprise permit required under these regulations shall maintain a log describing the time, place, amount and type of explosive used in any blasting operations performed by him or her at his or her direction.
- 001.15 Smoking, open lights, or fire or sparks of any kind are prohibited within one hundred (100) feet from where explosives are being handled, used or temporarily placed. No source of ignition, except means necessary to light fuses or fire electric detonators is permitted in an area containing loaded holes.
- 001.16 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, snow storms, or other storms of extraneous electricity.
- 001.17 All use of explosives and any handling thereof, shall be stopped immediately upon the approach of a thunderstorm, and all persons in the area shall immediately seek a place of safety.
- 001.18 When electric detonators are used for blasting, radio transmission shall be suspended and mobile transmitters shall be kept away from the blasting area unless blasting operations are conducted in accordance with Institute of Makers of Explosives Safety Library Publication No. 20. The information in IME Publication No. 20 has been incorporated into Appendix I, II, III, and Table IV. Signs shall be posted within 1000 feet of the blasting site warning that two-way radios be turned off.

- 001.19 All accidents, fires, accidental explosions, theft, or property damage occurring in connection with the use of explosives shall be reported immediately to the Bureau of Alcohol, Tobacco and Firearms, the Nebraska State Patrol, local sheriff, and police by telephone, and be supplemented by a detailed written report.
- 001.20 The employer shall be responsible for making the contents of these regulations known to his employees.
- 001.21 Every employee handling or using explosives shall observe all requirements of these regulations which directly concern or affect his or her conduct.

Statutory Authority: Neb. Rev. Stat. §28-1236.

Legal Citation: Title 272, Ch. 11, Nebraska State Patrol.

NEBRASKA ADMINISTRATIVE CODE

TITLE 272, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 12

NEBRASKA STATE PATROL

RULES RELATING TO COMPLIANCE AND PENALTIES
REGULATIONS INVOLVING EXPLOSIVES

NEBRASKA ADMINISTRATIVE CODE

TITLE 272-NEBRASKA STATE PATROL

LAST ISSUE DATE: October 3, 1989

Chapter 12 - COMPLIANCE, PENALTIES FOR NON-COMPLIANCE

001 Compliance, Penalties for Non-compliance

001.01 Nebraska State Patrol will revoke the permit of any person who:

001.01A Is found to be under 21 years of age;

001.01B Has been convicted in any court of a felony;

001.01D Is a fugitive from justice;

001.01E Is an unlawful user of any depressant, stimulant, or narcotic drug;

001.01F Has been admitted as a patient or inmate in a public or private institution for the treatment of mental or emotional disease or disorder within (5) years preceding the date of application;

007.05G Has no reasonable, educational, industrial, commercial, agricultural, recreational, or other legitimate need for a permit to store or use explosive materials. Recreational use shall be defined as the use of explosives for public display.

007.05H Has been convicted in any court of a misdemeanor crime of domestic violence. This includes any misdemeanor conviction involving the use or attempted use of physical force committed by current or former spouse, parent, or guardians of the victim or by a person with the similar relationship with the victim.

007.05I Is subject to a court order restraining the applicant from harassing, stalking, or threatening an intimate partner or child of such partner? An intimate partner shall be defined as the spouse of the person, a former spouse of the person, and individual who is a parent of a child of the person, and individual who cohabits or has cohabited with the person.

007.05J Is an alien illegally in the United States.

001.01K Has violated any provision of Nebraska State Statutes 28-1213 through 28-1239 or of 18 U.S.C. chapter 40 or the rules and regulations of the Nebraska State Patrol;

001.01L Has not complied with an order by the Nebraska State Patrol within the time specified in such order.

- 002 An order of revocation shall automatically become final in ten business days after service of the order unless the permit holder presents a petition for hearing within ten business days after service of the order. Service may be by certified mail, personal service, or by leaving at the address of record as indicated on the permit holder application. Revocation proceedings shall be in accordance with the procedure required for contested cases set forth in Title 272, Rules and Regulations Concerning the Use of Explosives in the State of Nebraska, Chapter 1.
- 003 The Nebraska State Patrol may, in the interest of safety, order the immediate suspension of any Patrol issued Explosive Permit pending revocation proceedings. This suspension order may be made verbally and must be followed with a written order of suspension. In the event of an appeal of an immediate suspension, an expedited hearing will be allowed.
- 004 Explosive use, storage and purchase permits may be issued provisionally based upon the application and a criminal name check on the applicant. These permits will be revoked immediately if further investigation reveals any conflict or violation of Title 272, Chapter 12 or Nebraska Statute 28-1219, Obtaining a Permit Through False Representation.
- 004 Failure to comply with the requirements of these regulations may be grounds for administrative enforcement proceedings or penalties in criminal proceedings brought by the County Attorney or Attorney General pursuant to Neb. Rev. Stat. §28-1213 to 28-1239.

Statutory Authority: Neb. Rev. Stat. §28-1213 to 28-1239.
Legal Citation: Title 272, Ch. 12, Nebraska State Patrol.

Chapter 13 - SEVERABILITY

001 If any clause, paragraph, subsection or section of these regulations shall be held invalid, it shall be conclusively presumed that the Nebraska State Patrol would have enacted the remainder of these regulations not directly related to such clause, paragraph, subsection or section.

Statutory Authority: Neb. Rev. Stat. §28-1236.

Legal Citation: Title 272, Ch. 13, Nebraska State Patrol.

Chapter 14 AMENDMENT OR REPEAL

001 These rules and regulations may be amended, or repealed, pursuant to Neb. Rev. Stat. §28-1236, procedures shall conform in all respects to Neb. Rev. Stat. §84-901 to 84-919.

Statutory Authority: Neb. Rev. Stat. §28-1236, §84-901 to 84-919.

Legal Citation: Title 272, Ch. 14, Nebraska State Patrol.

NEBRASKA ADMINISTRATIVE CODE

TITLE 272, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 15

NEBRASKA STATE PATROL

EFFECTIVE DATE AND REPEAL OF EARLIER
REGULATIONS INVOLVING EXPLOSIVES

NEBRASKA ADMINISTRATIVE CODE

TITLE 272-NEBRASKA STATE PATROL

LAST ISSUE DATE: October 3, 1989

Chapter 15 - EFFECTIVE DATE AND REPEAL OF EARLIER RULES

001 These rules and regulations shall become effective five (5) days after filing with the Revisor of Regulations and the Secretary of State. Upon adoption of these rules and regulations, the prior rules and regulations shall be repealed.

Statutory Authority: Neb. Rev. Stat. §84-907.

Legal Citation: Title 272, Ch. 15, Nebraska State Patrol.

NEBRASKA ADMINISTRATIVE CODE

TITLE 272, NEBRASKA ADMINISTRATIVE CODE
APPENDIX AND TABLES

NEBRASKA STATE PATROL

REGULATIONS INVOLVING EXPLOSIVES

APPENDIX I

Where commercial AM broadcasting transmitters are being used (0.535 to 1.605 mhz), electric blasting operations shall not be conducted closer to such operating transmitters than indicated in the following table:

TABLE I

Recommended Distances for Commercial AM Broadcast Transmitters
(0.535 to 1.605 mhz)

Transmitter Power (1) (Watts)	Minimum Distance (Feet)
Up to 4,000	800
5,000	900
10,000	1,300
25,000	2,000
50,000(2)	2,900
100,000	4,100
500,000	9,100

(1) Power delivered to antenna.

(2) 50,000 watts is the present maximum power of U.S. broadcast transmitters in this frequency range.

APPENDIX II

Where VHF, TV, FM broadcasting and FM mobile transmitters are used electric blasting operations shall not be conducted closer to such operating transmitters than indicated in the following table:

TABLE II

Recommended Distances for Transmitters up to 50 mhz (Excluding AM Broadcast)
Calculated for a Specific Loop Pickup Configuration(1)

Transmitter Power(2) (Watts)	Minimum Distance (Feet)
100	800
500	1,700
1,000	2,500
5,000	5,500
50,000	17,000
500,000(3)	55,000

- (1) This table should be applied to International Broadcast Transmitters in the 10-25 mhz range.
- (2) Power delivered to antenna.
- (3) Present maximum for International Broadcast.

APPENDIX III

Where UHF and Citizens= band transmitters are used, electric blasting operations shall not be conducted closer to such operating transmitters than indicated in Table IV. The information previously show in Table III and IV has been incorporated into one Table.

Recommended Distances of Mobile Transmitters

Including Amateur and Citizen=s Band

Minimum Distance (Feet)

Transmitter(1) Power (Watts)	MF 1.6 to 3.4 mhz Industrial	HF 28 to 99.7 mhz Amateur	VHF 35 to 36 mhz Public Use 42 to 44 Mhz Public Use 50 to 54 MHz Amateur	VHF 144 to 148 MHz Amateur 150.8 to 161.1 mhz Public Use	UHF 450 to 470 MHz Public Use Cellular Auto Telephone 800 MHz
5	30	70	60	20	10
10	40	100	80	30	20
50	90	230	180	70	40
100	120	320	260	100	60
180 (2)	170	430	350	130	80
250	200	500	410	160	90
500 (3)	280	710	580	220	120
600 (4)	300	780	640	240	140
1,000 (5)	400	1,010	820	310	180
10,000 (6)	1,240	3,200	2,600	990	560

Citizens Band, Class D Transmitters, 26.96 to 27.41 mhz

Recommended Minimum Distance

<u>Type</u>	<u>Hand-Held</u>	<u>Veh. Mounted</u>
Double Sideband - 4 watts max. transmitter power	5 ft.	65 ft.
Single Sideband - 12 watts peak envelope power	20 ft.	110 ft.

- (1) Power delivered to antenna.
- (2) Maximum power for two-way mobile units in VHF (150.8 or 161.6 mhz range) and for two-way mobile and fixed station units in UHF (450 to 460 mhz range).
- (3) Maximum power for major VHF two-way mobile and fixed station units in 35 to 44 mhz range.
- (4) Maximum power for two-way fixed station units in VHF (150.8 to 161-6 mhz range).
- (5) Maximum power for amateur radio mobile units.
- (6) Maximum power for some base stations in 42 to 44 mhz band and 1.6 to 1.8 mhz band.

Table of Distances for storage of low explosives

Appendix VI

POUNDS		DISTANCES IN FEET		
OVER	NOT OVER	FROM INHABITED BUILDING	FROM PUBLIC RAILROAD AND HIGHWAY	FROM ABOVE-GROUND MAGAZINE
0	1,000	75	75	50
1,000	5,000	115	115	75
5,000	10,000	150	150	100
10,000	20,000	190	190	125
20,000	30,000	215	215	145
30,000	40,000	235	235	155
40,000	50,000	250	250	165
50,000	60,000	260	260	175
60,000	70,000	270	270	185
70,000	80,000	280	280	190
80,000	90,000	295	295	195
90,000	100,000	300	300	200
100,000	200,000	375	375	250
200,000	300,000	450	450	300

Use the American Table of Distances for storage of explosive materials to determine safe distances from inhabited dwellings, highways, passenger railways, and between explosive material magazines.

Use Table VI, Separation Distances of Ammonium Nitrate and Blasting Agents, to determine non-propagating distances to anfo blasting agents and to ammonium nitrate.

Use the greater of the distances shown in the Table of Recommended Separation Distances to determine the required separation between a magazine for storage of explosives and a magazine for storage of blasting agents.

Appendix V American Table of Distances For Storage of Explosives									
Quantity of Explosives Materials (1, 2, 3, 4)		Distances (in feet)							
(In pounds)		Inhabited Buildings (9)		Public Highways with less than 3000 veh. per day (11)		Passenger Railways & Public Highways with more than 3000 veh. per day (10, 11)		Separation of Magazines (12)	
over	not over	Barricaded (6,7,8)	Unbarricaded	Barricaded	Unbarricaded	Barricaded (6,7,8)	Unbarricaded	Barricaded (6,7,8)	Unbarricaded
0	5	70	140	30	60	51	102	6	12
5	10	90	180	35	70	64	128	8	16
10	20	110	220	45	90	81	162	10	20
20	30	125	250	50	100	93	186	11	22
30	40	140	280	55	110	103	206	12	24
40	50	150	300	60	120	110	220	14	28
50	75	170	340	70	140	127	254	15	30
75	100	190	380	75	150	139	278	16	32
100	125	200	400	80	160	150	300	18	36
125	150	215	430	85	170	159	318	19	38
150	200	235	470	95	190	175	350	21	42
200	250	255	510	105	210	189	378	23	46
250	300	270	540	110	220	201	402	24	48
300	400	295	590	120	240	221	442	27	54
400	500	320	640	130	260	238	476	29	58
500	600	340	680	135	270	253	506	31	62
600	700	355	710	145	290	266	532	32	64

Appendix V (Continued)
American Table of Distances For Storage of Explosives

Quantity of Explosives Materials (1, 2, 3, 4)		Distances (in feet)							
		Inhabited Buildings (9)		Public Highways with less than 3000 veh. per day (11)		Passenger Railways & Public Highways with more than 3000 veh. per day (10, 11)		Separation of Magazines (12)	
(In pounds)		Barricaded (6,7,8)	Unbarricaded	Barricaded	Unbarricaded	Barricaded (6,7,8)	Unbarricaded	Barricaded (6,7,8)	Unbarricaded
700	800	375	750	150	300	278	556	33	66
800	900	390	780	155	310	289	578	35	70
900	1,000	400	800	160	320	300	600	36	72
1,000	1,200	425	850	165	330	318	636	39	78
1,200	1,400	450	900	170	340	336	672	41	82
1,400	1,600	470	940	175	350	351	702	43	86
1,600	1,800	490	980	180	360	366	732	44	88
1,800	2,000	505	1,010	185	370	378	756	45	90
2,000	2,500	545	1,090	190	380	408	816	49	98
2,500	3,000	580	1,160	195	390	432	864	52	104
3,000	4,000	635	1,270	210	420	474	948	58	116
4,000	5,000	685	1,370	225	450	513	1,026	61	122
5,000	6,000	730	1,460	235	470	546	1,092	65	130
6,000	7,000	770	1,540	245	490	573	1,146	68	136
7,000	8,000	800	1,600	250	500	600	1,200	72	144
8,000	9,000	835	1,670	255	510	624	1,248	75	150
9,000	10,000	865	1,730	260	520	645	1,290	78	156
10,000	12,000	875	1,750	270	540	687	1,374	82	164
12,000	14,000	885	1,770	275	550	723	1,446	87	174
14,000	16,000	900	1,800	280	560	756	1,512	90	180
16,000	18,000	940	1,880	285	570	786	1,572	94	188
18,000	20,000	975	1,950	290	580	813	1,626	98	196
20,000	25,000	1,055	2,000	315	630	876	1,752	105	210

Appendix V (Continued)
American Table of Distances For Storage of Explosives

Quantity of Explosives Materials (1, 2, 3, 4)		Distances (in feet)							
		Inhabited Buildings (9)		Public Highways with less than 3000 veh. per day (11)		Passenger Railways & Public Highways with more than 3000 veh. per day (10, 11)		Separation of Magazines (12)	
(In pounds)		Barricaded (6,7,8)	Unbarricaded	Barricaded	Unbarricaded	Barricaded (6,7,8)	Unbarricaded	Barricaded (6,7,8)	Unbarricaded
25,000	30,000	1,130	2,000	340	680	933	1,866	112	224
30,000	35,000	1,205	2,000	360	720	981	1,962	119	238
35,000	40,000	1,275	2,000	380	760	1,026	2,000	124	248
40,000	45,000	1,340	2,000	400	800	1,068	2,000	129	258
45,000	50,000	1,400	2,000	420	840	1,104	2,000	135	270
50,000	55,000	1,460	2,000	440	880	1,140	2,000	140	280
55,000	60,000	1,515	2,000	455	910	1,173	2,000	145	290
60,000	65,000	1,565	2,000	470	940	1,206	2,000	150	300
65,000	70,000	1,610	2,000	485	970	1,236	2,000	155	310
70,000	75,000	1,655	2,000	500	1,000	1,263	2,000	160	320
75,000	80,000	1,695	2,000	510	1,020	1,293	2,000	165	330
80,000	85,000	1,730	2,000	520	1,040	1,317	2,000	170	340
85,000	90,000	1,760	2,000	530	1,060	1,344	2,000	175	350
90,000	95,000	1,790	2,000	540	1,080	1,368	2,000	180	360
95,000	100,000	1,815	2,000	545	1,090	1,392	2,000	185	370
100,000	110,000	1,835	2,000	550	1,100	1,437	2,000	195	390
110,000	120,000	1,855	2,000	555	1,110	1,479	2,000	205	410
120,000	130,000	1,875	2,000	560	1,120	1,521	2,000	215	430
130,000	140,000	1,890	2,000	565	1,130	1,557	2,000	225	450
140,000	150,000	1,900	2,000	570	1,140	1,593	2,000	235	470
150,000	160,000	1,935	2,000	580	1,160	1,629	2,000	245	490
160,000	170,000	1,965	2,000	590	1,180	1,662	2,000	255	510
170,000	180,000	1,990	2,000	600	1,200	1,695	2,000	265	530
180,000	190,000	2,010	2,010	605	1,210	1,725	2,000	275	550
190,000	200,000	2,030	2,030	610	1,220	1,755	2,000	285	570

Appendix V (Continued)
American Table of Distances For Storage of Explosives

Quantity of Explosives Materials (1, 2, 3, 4)		Distances (in feet)							
(In pounds)		Inhabited Buildings (9)		Public Highways with less than 3000 veh. per day (11)		Passenger Railways & Public Highways with more than 3000 veh. per day (10, 11)		Separation of Magazines (12)	
over	not over	Barricaded (6,7,8)	Unbarricaded	Barricaded	Unbarricaded	Barricaded (6,7,8)	Unbarricaded	Barricaded (6,7,8)	Unbarricaded
200,000	210,000	2,055	2,055	620	1,240	1,782	2,000	295	590
210,000	230,000	2,100	2,100	635	1,270	1,836	2,000	315	630
230,000	250,000	2,155	2,155	650	1,300	1,890	2,000	335	670
250,000	275,000	2,215	2,215	670	1,340	1,950	2,000	360	720
275,000	300000	2,275	2275	690	1380	2000	2,000	385	770

Table V: American Table of Distances for the Storage of Explosives as revised and approved by the Institute for the Makers of Explosives - June 1991

EXPLANATORY NOTES ESSENTIAL TO THE APPLICATION
OF THE AMERICAN TABLE OF DISTANCES FOR
STORAGE OF EXPLOSIVE MATERIALS

NOTE 1 - "Explosives" materials means explosives, blasting agents and detonators.

NOTE 2 - "Explosives" means any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. A list of explosives determined to be within the Coverage of "18 U.S.C. Chapter 40, Importation, Manufacture, Distribution and Storage of Explosive Materials" is issued at least annually by the Director of the Bureau of Alcohol, Tobacco and Firearms of the Department of the Treasury. For quantity and distance purposes, detonating cord of 50 grains per foot should be calculated as equivalent to 8 lbs. of high explosive per 1,000 feet. Heavier or lighter core loads should be rated proportionately.

NOTE 3 - "Blasting agents" mean any material mixture, consisting of fuel and oxidizer, intended for blasting, not otherwise defined as an explosive: Provided, that the finished product, as mixed for use or shipment, cannot be detonated by means of a No. 8 test blasting cap when unconfined.

NOTE 4 - "Detonator" means any device containing any initiating or primary explosive that is used for Initiating detonation. A detonator may not contain more than 10 grams of total explosives by weight, excluding ignition or delay charges. The term includes, but is not limited to, 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 which use detonating cord, shock tube or any other replacement for electric leg wires. All types of detonators in strengths through No. 8 cap should be rated at 1 2 lbs. of explosives per 1,000 caps. For strengths higher than No. 8 cap, consult the manufacture.

NOTE 5 - "Magazine" means any building, structure or container other than an explosives manufacturing building, approved for the storage of explosive materials.

NOTE 6 - "Natural Barricade" means natural features of the ground, such as hills, or timber of sufficient density that the surrounding exposures which require protection cannot be seen from the magazine when the trees are bare of leaves.

NOTE 7 - "Artificial Barricade" mean. Any artificial mound or revetted wall of earth of a minimum thickness of three feet.

NOTE 8 - "Barricaded" means the effective screening of a building containing explosive materials from the magazine or other building, railway, or highway by a natural or an artificial barrier. A straight line from the top of any sidewall of the building containing explosive materials to the eave line of any magazine or other building or to a point twelve feet above the center of a railway or highway shall pass through such barrier.

NOTE 9 - "Inhabited Building" means a building regularly occupied in whole or part as a habitation for human beings, or any church, schoolhouse, railroad station, store, or other structure where people are accustomed to assemble except any building or structure occupied in connection with the manufacture, transportation, storage or use of explosive materials.

NOTE 10 - "Railway" mean any steam, electric, or other railroad or railway which carries passengers for hire.

NOTE 11 - "Highway" means any public street, public alley. or public read.

NOTE 12 - When two or more storage magazines are located on the same property, each magazine must comply with the minimum distances specified from inhabited buildings, railways, and highways, and, in addition, they should be separated from each other by not less than the distances shown for "Separation of Magazines" except that the quantity of explosive materials contained in detonator magazines shall govern in regard to the spacing of said detonator magazines from magazines containing other explosive materials. If any two or more magazines are separated from each other by less than the specified "Separation of Magazines" distances, then such two or more magazines, as a group, must be considered as one magazine, and the total quantity of explosive materials stored in such group must be treated as if stored in a single magazine located on the site of any magazine of the group, and must comply with the minimum of distances specified from other magazines, inhabited buildings, railways, and highways.

NOTE 13-Storage in excess of 300,000 lbs. of explosive materials, in one magazine is generally not required for commercial enterprises.

NOTE 14 - This Table applies only to the manufacture and permanent storage of commercial explosive materials. It is not applicable to transportation of explosives of any handling or temporary storage necessary or incident thereto. It is not intended to apply to bombs, projectiles, or other heavily encased explosives.

NOTE 15 - When a manufacturing building on an explosive materials plant site is designed to contain explosive materials, such building shall be located from inhabited buildings, public highways and passenger railways in accordance with the American Table of Distances based on the maximum quantity of explosive materials permitted to be in the building at one time.

Appendix VII Table VI*

Table of separation distances of ammonium nitrate and blasting agents from explosives or blasting agents.

Donor Weight (pounds)		Minimum Separation Distance of Acceptor From Donor When Barricaded (feet)		Minimum Thickness of Artificial Barricades (inches)
Over	Not over	Ammonium Nitrate	Blasting Agent	
0	100	3	11	12
100	300	4	11	12
300	600	5	18	12
600	1,000	6	22	12
1,000	1,600	7	25	12
1,600	2,000	8	29	12
2,000	3,000	9	32	15
3,000	4,000	10	36	15
4,000	6,000	11	40	15
6,000	8,000	12	43	20
8,000	10,000	13	47	20
10,000	12,000	14	50	20
12,000	16,000	15	54	25
16,000	20,000	16	58	25
20,000	25,000	18	65	25
25,000	30,000	19	68	30
30,000	35,000	20	72	30
35,000	40,000	21	76	30
40,000	45,000	22	79	35
45,000	50,000	23	83	35
50,000	55,000	24	86	35
55,000	60,000	25	90	35
60,000	70,000	26	94	40
70,000	80,000	28	101	40
80,000	90,000	30	108	40
90,000	100,000	32	115	40
100,000	120,000	34	122	50
120,000	140,000	37	133	50
140,000	160,000	40	144	50
160,000	180,000	44	158	50
180,000	200,000	48	173	50
200,000	220,000	52	187	60
220,000	250,000	56	202	60
250,000	275,000	60	216	60
275,000	300,000	64	230	60

*Reprinted from Recommended Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents, Bureau of Alcohol, Tobacco, and Firearms Publication 5400.7 (6/90), as approved by the Institute of Makers of Explosives.

AMERICAN TABLE OF DISTANCES

Appendix VII Table VI

The American Table of Distances applies to the manufacture and permanent storage of *commercial* explosive materials. The distances specified are those measured from the explosive materials storage facility to the inhabited building, highway or passenger railway, irrespective of property lines.

The American Table of Distances covers all *commercial explosive* materials, including, but not limited to, high explosives, blasting agents, detonators, initiating systems and explosives materials in process. The Table is not designed to be altered or adjusted to accommodate varying explosive characteristics such as blast effect, weight strength, density, bulk strength, detonation velocity, etc.

The American Table of Distances should not be used to determine safe distances for blasting work, the firing of explosive charges for testing or quality control work, or the open detonation of waste explosive materials. The American Table of Distances may be utilized as a guide for developing distances for the unconfined, open burning of waste explosive materials where the probability of transition from burning to high order detonation is improbable.

FOOTNOTES TO APPENDIX VII

- (1) This table specifies separation distances to prevent explosion of ammonium nitrate and ammonium nitrate-based blasting agents by propagation from nearby stores of high explosives or blasting agents are referred to in the Table as the "donor". Ammonium nitrate, by itself, is not considered to be a donor when applying this Table. Ammonium nitrate ' ammonium nitrate-fuel oil or combinations thereof are acceptors. If stores of ammonium nitrate are located within the sympathetic detonation distance of explosives or blasting agents, one-half the mass of the ammonium nitrate should be included in the mass of the donor.
- (2) When the ammonium nitrate and/or blasting agent is not barricaded, the distance shown in the Table shall be multiplied by six. These distances allow for the possibility of high velocity metal fragments from mixers, hoppers, truck bodies, sheet metal structures, metal containers, and the like which may enclose the "donor". Where storage is in bullet-resistant magazines or where the storage is protected by a bullet-resistant wall, distances and barricade thicknesses in excess of those prescribed in the American Table of Distances, Table V, are not required.
- (3) These distances apply to ammonium nitrate that passes the insensitivity test prescribed in the definition of ammonium nitrate fertilizer promulgated by the Fertilizer Institute. (Definition and test Procedures for Ammonium Nitrate Fertilizer: Fertilizer Institute, 1015 18th St., NW, Washington, DC 20036) Ammonium nitrate failing to pass said test shall be stored at separation distances in accordance with Table V.
- (4) These distances apply to blasting agents which pass the insensitivity test prescribed in regulations of the U.S. Department of Transportation (DOT, CFR Part 173).
- (5) Earth or sand dikes, or enclosures filled with the prescribed minimum thickness of earth or sand are acceptable artificial barricades. Natural barricades, such as hills or timber of sufficient density that the surrounding exposures which require protection cannot be seen from the "donor" when the trees are bare of leaves are also acceptable.
- (6) For determining the distances to be maintained from inhabited buildings, passenger railways, and public, use highways, use the table of distances in Table V.