

continuing its policy of utilizing the Buy Indian Act. When the contracting officer is unable to determine in advance a potential award as an Indian small business set-aside, BIA is required to follow the order of preference in FAR 8.001. If an award is not or cannot be made to an eligible Indian firm that is responsible, responsive, and its price reasonable to BIA's solicitation, the set-aside notice will be cancelled. BIA shall then consider other authorized procurement set-aside programs before full and open competition.

The contracting officer may seek sealed bids or competitive proposals, as appropriate, and select sources in accordance with FAR. In response to an acquisition set-aside, when using sealed bid procedures, and when all otherwise acceptable bids received from responsible, eligible Indian economic enterprises are at unreasonable prices, or, when only one bid is received from such an enterprise and the contracting officer cannot determine the reasonableness of the bid price, or, when no responsive bids have been received from such enterprises, the contracting officer shall cancel the solicitation and reject all bids pursuant to a written determination. Completion of the acquisition shall be made either using negotiation or a new solicitation in accordance with FAR.

When only one offer is received from a responsible, eligible Indian economic enterprise at a reasonable and fair market price in response to an acquisition set-aside, the contracting officer shall make an award to that enterprise. However, the contracting officer shall then initiate action to increase competition in future solicitations as required by FAR.

4. Other facts supporting justification:

This class justification ensures that supplies, services, and construction, as defined in BIA 1480.401(b), procured for the benefit of Indians will be used to the maximum extent feasible to promote Indian employment and business development. This justification additionally supports BIA's policy in Indian preference requirement for employment and subcontracting opportunities under contracts for the benefit of Indians, or contracts made pursuant to statutes authorizing contracts with Indians. Through this class justification, BIA is, therefore, encouraging major initiatives for the economic development and employment of Indian persons.

5. Certification that justification is accurate and complete.

The contracting officer shall certify, by separate memorandum, that the information in this Class Justification is accurate and complete as it pertains to the proposed acquisition.

Approval

Based on the justification above, it is determined that it is in the Government's interest to permit set-aside acquisitions to eligible Indian economic enterprises. This Class Justification is made in accordance with FAR Subpart 6.3 and is approved pursuant to Section 303(f)(1)(B) of the Federal Property and Administrative Services Act of 1949, as amended, and 41 U.S.C. 253(f). I certify that this justification is accurate and complete to the best of my knowledge. The expiration date of this justification is December 31, 2001.

Dated: January 4, 1991.

Anthony Howard,

Chief, Division of Contracting and Grants Administration.

Anthony Howard,

Bureau Competition Advocate.

Patrick A. Hayes,

Acting Deputy Commissioner of Indian Affairs.

Dated: May 1, 1991.

Eddie F. Brown,

Assistant Secretary—Indian Affairs.

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Thursday
September 12, 1991

Part III

Department of Justice

Office of Juvenile Justice and
Delinquency Prevention

Missing Children's Assistance Act;
Discretionary Grant Programs for Fiscal
Year 1991; Notice

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and
Delinquency PreventionFiscal Year 1991 Competitive
Discretionary Grant Programs Under
the Missing Children's Assistance Act
and the Availability of the Program
Announcement Application Kit

AGENCY: Office of Justice Programs,
Office of Juvenile Justice and
Delinquency Prevention, Department of
Justice.

ACTION: Public announcement of the
Fiscal Year 1991 Competitive
Discretionary Grant Programs under the
Missing Children's Assistance Act, and
the availability of the Application Kit for
FY 1991.

SUMMARY: The Office of Juvenile Justice
and Delinquency Prevention (OJJDP) is
publishing this Notice of Competitive
Discretionary Grant Programs under
section 405 of the Missing Children's
Assistance Act, title IV, of the Juvenile
Justice and Delinquency Prevention Act
of 1974, as amended, 42 U.S.C. 5771-
5778, and announcing the availability of
Application Kits.

Each program announcement that
follows contains specific instructions on
competitive program requirements,
including eligibility requirements and
selection criteria. Following the program
announcements is a section that
summarizes general application and
administrative requirements.

The Application Kit contains
application forms (Standard Form 424),
the OJJDP Peer Review Guideline, the
OJJDP Competition and Peer Review
Procedures, and other supplemental
information relevant to the application
process.

DATES: All applications must be
received by 5 p.m. e.d.t., October 28,
1991. Applications received after the
deadline date will not be considered.

ADDRESSES: Office of Juvenile Justice
and Delinquency Prevention, 633
Indiana Avenue, NW., Washington, DC
20531.

FOR FURTHER INFORMATION CONTACT:
Requests for application materials and/
or program inquiries are to be addressed
to the attention of the OJJDP staff
contact person identified in the specific
program announcement as hereafter set
forth.

SUPPLEMENTARY INFORMATION:
Responsibility for establishing annual
research, demonstration, and service
program priorities and criteria for
making grants and contracts pursuant to
section 405 of the Missing Children's

Assistance Act rests with the
Administrator of the Office of Juvenile
Justice and Delinquency Prevention. For
FY91, six new programs and four
continuation programs constitute all
section 405 funding areas. This Notice
contains additional information on
competitive discretionary programs as
well as the announcement of the OJJDP
Application Kit availability.

Funding Support for Private Nonprofit
Organizations Involved with Missing
and Exploited Children

Purpose

The Office of Juvenile Justice and
Delinquency Prevention has initiated
this program to assist nonprofit
organizations serving missing and
exploited children to expand, develop,
and/or improve services to these
children and their families.

Background

The problem of missing and exploited
children is one of the most pressing
concerns in our country today. Some are
abducted by strangers, some by family
members, some run away or are thrown
away, some become lost. Many of them
become victims of physical or sexual
abuse or even victims of homicide.

The U.S. Congress took important
steps to stimulate and support solutions
to the problem by passing the Missing
Children Act in 1982 and later, the
Missing Children's Assistance Act in
1984. Since passage of the legislation, a
growing and increasingly sophisticated
network of agencies and organizations
assisting missing and exploited children
has evolved. This network consists of
the National Center for Missing and
Exploited Children (NCMEC), which
serves as the national clearinghouse for
information and assistance concerning
missing children, 43 State
clearinghouses, and a number of
nonprofit organizations throughout the
country. Along with funding support for
the organizations and agencies
mentioned, the Office of Juvenile Justice
and Delinquency Prevention funds and
coordinates research and demonstration
programs, training and technical
assistance for law enforcement, judges
and prosecutors, and the Missing and
Exploited Children Comprehensive
Action Program, a community-based
multi-disciplinary program being
developed in sites across the country.
The National Incidence Study of
Missing, Abducted, Runaway, and
Thrownaway Children in America
(NISMA), released in May, 1990,
identified distinct and separate
problems affecting five categories of
children who are missing or displaced.

Other research has focused on the best
approaches for treating recovered
children, reuniting them with their
families, and diminishing the trauma
experienced by children who are
required to testify in court. The
increased understanding and knowledge
of the problems faced by missing and
exploited children will enable all of the
agencies and organizations striving to
assist these children to meet their needs
more effectively and help prevent
victimization of other children.

Program Goals

1. To assist established nonprofit
agencies in the missing and exploited
children's field to continue, expand, or
establish services to missing and
exploited children and their families;
2. To contribute to improved missing
children's services to the community;
and
3. To promote the continued
organizational development of the
nonprofits.

Program Objectives

1. To enhance the capacity of
nonprofit missing children's agencies to
provide direct support and services to
individuals, families and communities
impacted by the missing children's
problem, and thus assist them to become
more effective in providing direct
services to children and their families.
2. To encourage new methods and
enhanced services by nonprofit
organizations for dealing with the
problems of missing and exploited
children.
3. To support the more established
agencies in the missing and exploited
children's field to allow them to
continue their vital work.

Program Strategy

This program will provide grants in
amounts of up to \$75,000 per annum for
up to 3 years to support implementation
of new or enhanced services to be
provided by nonprofit agencies, public
agencies or combinations thereof in the
following areas:

- Educating parents, children, and
community agencies and organizations
in ways to prevent the abduction and
sexual exploitation of children;
- Providing information to assist in
the location and return of missing
children;
- Aiding communities in the
collection of materials that would be
useful to parents in assisting others in
the identification of missing children;
- Assisting missing children and their
families following the recovery of such
children;

- Providing services that minimize the negative impact of judicial and law enforcement procedures on children who are victims of abuse or sexual exploitation;

- Development of expertise in the ramifications for families of missing children in order to provide effective crisis intervention and referral to appropriate victim services;
- Development of a dispute resolution component to help prevent family abductions; and

- Development of effective services for families of long-term missing children.

Proposed programs must address pertinent issues and problems in the area(s) selected from those listed above, as these funds are not provided for basic program operating expenses. Proposals should define the needs and/or problems, and describe the objectives, strategy and methodology to be employed. A brief review of the history of the issue and current knowledge and approaches to be addressed should be included. All eligible applications will be subject to peer review. Grants will be awarded to as many projects as funding allows.

Eligibility Requirements

Applications are invited from private nonprofit missing children's service agencies. A *nonprofit organization* means any corporation which: (1) Is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest; (2) is not organized primarily for profit; and (3) uses its net proceeds to maintain, improve, and/or expand its operations. Applicants must furnish documentation of their section 501(c)(3) nonprofit status as provided by the Internal Revenue Service. In submitting applications that contain more than one organization, the relationships among the parties must be set forth in the application. As a general rule, organizations that describe their working relationship in the development of products and the delivery of services as primarily cooperative or collaborative in nature will be considered co-applicants. In the event of a co-applicant submission, one applicant must be designated as the payee to receive and disburse project funds and be responsible for the supervision and coordination of the activities of the other co-applicant. Under this arrangement, each organization would agree to be jointly and severally responsible for all project funds and services. Each co-applicant must sign the SF-424 and indicate their acceptance of the conditions of joint and several

responsibility with the other co-applicant.

Other eligibility requirements include:

- a. Clear documentation of linkages with local law enforcement, State Clearinghouses, and the National Center for Missing and Exploited Children as evidenced by letters from law enforcement and/or these other agencies that attest to specific cases or activities;

- b. The amount of the Federal grant requested does not exceed 25% of the applicant's current operating budget which is documented by copies of tax returns for other appropriate documentation;

- c. The agency/organization has been in operation for the past three years as documented by copies of tax returns or other appropriate documentation.

All applicants must submit a completed Application for Federal Assistance (Standard Form 424), including a program narrative, a detailed budget and budget narrative. In addition, all applications must include the information required below in order to be eligible for consideration:

1. *Organizational Capability.* The applicant organization must have documented experience as an operating nonprofit agency serving missing and exploited children and their families. Applicants must demonstrate organizational experience and show how their capabilities will enable them to achieve the goals and objectives of this initiative. A section of the application should discuss program management and organization. The application must include a list of key personnel responsible for managing and implementing the program, their résumés and position descriptions.

2. *Program Goals and Objectives:* The applicant must demonstrate an understanding of the extent and nature of the problem of missing and exploited children within the applicant's jurisdiction; applicants must identify the project goals, and state the objectives in clear and measurable terms. A succinct statement demonstrating an understanding of how the proposed project will meet the goals of the program should be included in the application.

3. *Project Strategy:* Applicants must describe their proposed approach to achieving the goals and objectives of the project. A program implementation plan outlining the major activities involved in implementing the program, resource allocation, and program management should be included. A clear time-task workplan identifying major milestones and products must be included. A

concise description of the products to be produced should be enclosed.

4. *Program Budget:* In addition to providing the budget information required in completing the Federal Application (Form 424), applicants shall provide a full and detailed budget showing how funds will be expended. A budget narrative providing justification for these costs must also be included.

Applications that include proposed noncompetitive contracts for the provision of specific goods and services must include a sole source justification for any procurement in excess of \$25,000.

Applicants who are receiving other funds in support of the proposed activity should list the names of the other organizations that will provide financial assistance to the program and indicate the amount of funds to be contributed during the program period. Applicants should provide the title of the project, name of the public or private grantor and amount to be contributed during this program period as well as a brief description of the program. The applicant agency and principals must also be cleared by a background check to be conducted by OJJDP. This precaution is being taken to assure the legitimacy of the organizations selected.

Selection Criteria

Applications submitted in response to this solicitation will be rated in accordance with the application review criteria set forth below:

- (1) The problem to be addressed by the project is clearly stated. The applicant must demonstrate an understanding of the extent and nature of the problem of missing and exploited children. (25 points)

- (2) The objectives of the proposed project are clearly defined. (20 points)

- (3) The project design is sound and contains program service elements directly linked to either the prevention or recovery of missing children and/or the provision of services to such children and their families. (25 points)

- (4) The project management structure is adequate for the successful conduct of the project. (15 points)

- (5) Organizational capability is demonstrated at a level sufficient to support the project successfully. The applicant should provide documentation demonstrating appropriate linkages with law enforcement, State clearinghouses, and the National Center for Missing and Exploited Children, e.g., letters from local law enforcement agencies, judges and children's services organizations. (10 points)

(6) Budgeted costs are reasonable, allowable and cost-effective for the proposed activities to be undertaken. The budget is clearly presented in a detailed manner and appropriate to the level of effort proposed. A budget narrative that explains and justifies the proposed line items is included. (5 points)

The applicant must provide evidence that the amount of the Federal grant will not exceed 25% of its current operating budget.

Award Period

The project period for this program is up to three years with each budget period being 12 months. Second and third year funding will be based upon grantees meeting performance standards at a satisfactory level during the previous budget period, and availability of funds.

Award Amount

Up to \$600,000 will be available to support up to 24 assistance awards under this program initiative.

Due Date

Applicants are requested to submit the original, signed application (Standard Form 424) and two copies to OJJDP. Application forms will be provided upon request for the Application Kit. Potential applicants should review the OJJDP Peer Review Guideline and the OJJDP Competition and Peer Review Procedures listed at the end of this announcement.

Applications must be received by mail or delivered to OJJDP by 5 p.m. e.d.t., October 28, 1991. Those applications sent by mail should be addressed to Lois Brown, Training, Dissemination and Technical Assistance Division, OJJDP, room 705, 633 Indiana Avenue, NW., Washington, DC 20531, between the hours of 8 a.m. and 5 p.m. e.d.t., except Saturdays, Sundays or Federal holidays.

Contact

Lois Brown, Training and Technical Assistance Division, (202) 307-0598.

Prevention of Parent or Family Abduction(s) of Children Through Early Identification of Risk Factors

Purpose

The purpose of this program is to identify those children who are at risk of being abducted by a parent or family member. It is important to determine what factors are likely to place children at risk, and what is being done to prevent the occurrence of parent or family abductions.

Background

The 1990 National Incidence Study on "Missing, Abducted, Runaway, and Thrownaway Children in America," (NISMART), concluded that, "The Family Abduction problem has proved to be substantially larger in this study than most people had anticipated." It went on to say, "Thus, we especially recommend that major efforts be put into the prevention of family abductions."

The term "Family Abduction" refers commonly to the taking of a child by a parent during the course of a custody or divorce dispute, thereby preventing legitimate custody or visiting rights by the other parent. Family abductions can also include the taking of a grandchild by a grandparent, or the removal of a child from a foster home by the parent. Often the abductor believes that the taking is justified by circumstances; however, the act bypasses appropriate legal processes for resolving problems.

Realizing the scope and magnitude surrounding the problem of family abductions, OJJDP is funding a comprehensive study to examine closely the problems that lead to family abductions. The study will also assess and describe approaches that effectively deal with the problems.

Goals

To conduct a study that would:

- Learn more about the circumstances that are likely to precipitate the abduction of a child by a parent or family member, including the presence of domestic violence as a precipitating factor;
- Identify current models, if any, where effective prevention and intervention strategies strongly address the issues which are likely to precipitate an abduction; and
- Recommend effective remedies, training and technical assistance programs for judges, legal personnel, court social workers, and others concerned with family and child welfare to assist them with recognizing and preventing the occurrence of parental and family member abductions of children.

Objectives

- To investigate and document the circumstances and risk factors most likely to result in the abduction of a child by a parent or family member. Specifically, the presence and effect of domestic violence should be examined to determine the degree of its impact on this problem, but not to the exclusion of other circumstances and risk factors;

- To identify, test, and evaluate currently existing programs, public and private, that appear to be effective methods in the prevention and intervention of parent or family abductions; and

- To examine the roles of judges, attorneys and court social workers, and others concerned with family and child welfare to determine what can be done to assist them in the prevention of parent or family member abductions.

Products

The grantee is expected to produce the following products or reports during the program:

A. A summarization of findings, including the raw data, a list of sources from which information was obtained, and the period of time which was covered by the research.

B. An analysis of research data, including:

- The relative importance of risk factors, including the role of family violence, which may presage abductions;
 - Legal and procedural processes which impinge upon problem resolution or action relative to abductions;
 - Descriptions and identification of weaknesses and strengths of current approaches which deal with the problem of parent or family member abduction of children. Recommendations should include ways to improve upon current models and/or suggestions for the development of new ones.
- C. Specifications for improving training, technical assistance, prevention strategies and intervention techniques for attorneys, judges, court social workers, and others concerned with family and child welfare. The training and technical assistance should specifically focus on:
- Identification of high risk cases; and
 - Strategies for the prevention and intervention of abductions.

Program Strategy

OJJDP is actively soliciting applications that clearly recognize the problems associated with family abductions, and describe the objectives, strategies and methodologies to be employed in dealing effectively with the issue. A brief review of the history and current knowledge, as well as the approaches currently being employed to address the problem of family abductions, should be included. All applications will be submitted for peer review through a competitive process.

Application Requirements

All applicants must submit a completed Standard Form 424, Application for Federal Assistance (SF 424); a Standard Form 424A, Budget Information; OJP Form 4000/3, Assurances; and OJP Form 4061/6, Certifications. In addition to these forms, all applications must include a project summary, a budget narrative, and a program narrative.

All forms must be typed. The SF 424 must appear as a cover sheet for the entire application. The project summary should follow the SF 424. All other forms must then follow. Applicants should be sure to sign OJP Forms 4000/3 and 4061/6.

The project summary must not exceed 250 words. It must be clearly marked and typed single-spaced on a single page. Applicants should take care to write a description that accurately and concisely reflects the proposal.

The program narrative must be typed double spaced on one side of a page only. The program narrative may not exceed 40 pages. This page limit does not apply to supporting materials normally found in appendices (such as preliminary surveys, résumés, and supporting charts and graphs).

Eligibility Requirements

Applications are invited from individuals, public and non-profit organizations, agencies, educational institutions or combination thereof. Applicants must demonstrate that they have experience in the design and implementation of the type of program for which they are applying.

Selection Criteria

All applications received will be rated on the extent to which they meet the following criteria:

- (1) The need or problem to be addressed by the project is clearly stated. (25 points)
 - The project clearly addresses and adequately justifies a need or problem under the Missing Children Program (10 points)
 - The applicant demonstrates an understanding of the extent and nature of the need or problem, including associated factors such as parental custody laws. (15 points)
- (2) The objectives of the proposed project are clearly defined. (20 points)
 - The objectives relate directly to the problem to be studied. (10 points)

The objectives are specific and yield identifiable products. (10 points)
- (3) The project design is sound and contains program elements directly related to the achievement of project objectives. (30 points)

- The project design demonstrates a sound approach to addressing the problem. (15 points)

- Applicant provides a work plan with a timeline that indicates significant milestones in the project, due dates for products, and the nature of the products to be submitted. (15 points)

- (4) The project management structure is adequate to the successful conduct of the project. (10 points)

- General and specialized experience and competence of key project staff are provided. (10 points)

- (5) Organizational capability is demonstrated at a level sufficient to support the project successfully. (10 points)

- Applicant provides an organizational capability statement which demonstrates that the applicant has the technical, substantive and financial capabilities to administer the project effectively. (10 points)

- (6) Budgeted costs are reasonable, allowable and cost-effective for the proposed activities to be undertaken. The application must include a complete budget and budget narrative for all proposed costs. (5 points)

Award Period

The project period will be for 42 months, divided into three budget periods, with stage I lasting 18 months. Stages II and III will utilize the remaining 24 months.

Award Amount

The total amount available is \$450,000. Stage I will be funded in an amount not to exceed \$150,000. Stages II and III together will be funded at a level of approximately \$300,000.

Due Date

Applicants are requested to submit the original, signed application (Standard Form 424) and two copies to OJJDP. Application forms and supplementary information will be provided upon request for the Application Kit. Potential applicants should review the OJJDP Peer Review Guideline and the OJJDP Competition and Peer Review Procedures. These documents will be provided in the Application Kit.

Applications must be received by mail or delivered to OJJDP by 5 p.m. e.d.t., October 28, 1991. Those applications sent by mail should be addressed to Gregory Thompson, Research and Program Development Division, OJJDP, room 782, 633 Indiana Avenue, NW., Washington, DC 20531. Delivered applications must be taken to OJJDP at the address above between the hours of

8 a.m. and 5 p.m. e.d.t., except Saturdays, Sundays or Federal holidays.

Contact

For further information contact Gregory Thompson, Research and Program Development Division, 202/307-5929.

Missing Children: Program to Increase Understanding of Child Sexual Exploitation

Purpose

To document the problem of children, especially missing children, who become the victims of sexual exploitation, including prostitution and pornography.

Background

The first report of the National Incidence Studies, "Missing, Abducted, Runaway, and Thrownaway Children in America" (NISMART), provided the first reliable and accepted understanding of the extent and nature of the missing child problem. This newly acquired information assists Federal, State, and local planners in their efforts to design interventions to prevent and handle various types of missing child cases. The findings in this report indicated that many children who are missing become the victims of sexual exploitation, including prostitution and pornography. However, little has been documented about the extent of the problem, the precipitating circumstances surrounding incidence, or law enforcement, judicial and adult and juvenile justice systems' response to the problem.

A major recommendation from the OJJDP-sponsored 1991 Sexually Exploited Children's Program Options Seminar emphasized the usefulness of a summarized and published report on child prostitution and child pornography case laws and statutes from all 50 states. Along with the need for a published legislative analysis is the need for clear and consistent definitions of the different terms that are used in the field. Definitions for child sexual abuse, child molestation, and child sexual exploitation are often different, overlapping, and confusing not only for national analysis, but also for data gathering within the States. The legal definitions should be consistent within and among the States.

Goal

The goal of this project is to learn more about the missing children problem as it relates (1) to children who become the victims of sexual exploitation, including prostitution and pornography; (2) to the precipitating circumstances surrounding their path to

this problem, and (3) to the response of the law enforcement, social welfare, and judicial systems to this serious and growing problem.

Objectives

The project should address the following objectives:

- To review and identify the most relevant and current literature on the subject of child sexual exploitation and missing children involved in prostitution and pornography;
- To describe the process by which children, missing or not, enter or are brought into prostitution and pornography;
- To describe Federal and State laws and pertinent case laws used in the prosecution and punishment of offenders;
- To identify problems and obstacles of the law enforcement, prosecution, judicial and correction systems in handling sexual exploitation cases, in respect to their handling of both offenders and victims, and to recommend solutions;
- To provide a comprehensive report addressing each of the objectives for operational leaders, implementation of recommended solutions, and the future of additional research.

Program Strategy

The project will be carried out as one program with several tasks. Task I of the project will be an extensive review of the literature. Task II will be a study of children who are involved in prostitution and pornography. This will be followed by Task III, a study of the case law and Federal and State laws pertaining to the areas of prostitution and pornography, and Task IV, a case study of problems and obstacles faced by the prosecution, law enforcement, judicial and correction systems in handling exploitation cases.

Task I: A review of the literature should include the most current research and findings dealing with missing children who are sexually exploited, i.e., through child pornography and child prostitution. The literature should include, but not be limited to, documents involving runaway and thrown away juveniles as well as juveniles who are still living at home and are victimized. The research should address any common characteristics of the victim and/or the offender. Research projects and findings of a similar nature should be included.

A particular area that should be addressed within the review of literature is the consistency of definitions that are currently used by the law enforcement and judicial research

fields in describing: "child sexual exploitation", "child sexual abuse" and "child sexual molestation." Another concern to be addressed is how "extra" and "intra" familial abuse problems are defined.

The review should include a look at research detailing the family life of the juvenile with regard to parental characteristics, history of sexual abuse, prevalence of drugs and alcohol in the home and educational history.

The review of the literature will result in a report detailing the current state of the field of research involving missing children, as well as children who remain at home, who are sexually exploited, sexually abused or sexually molested.

Task II: A study of children, missing or not, who are or were involved in prostitution and pornography. This task should look at the previous contacts these children have had with the criminal justice, juvenile justice and social welfare systems. Questions that should be addressed include:

- What was their earlier family situation?
- Were they offered help or alternatives by the above systems when, and if, they were in contact with them?
- Who, voluntarily or involuntarily, brought them into a life of prostitution or pornography? List by the type of individual, e.g., pimp, teacher, scout leader, friend, relative, etc.

This task should be guided by the review of the literature so as not to duplicate previous works.

Task III: A legal analysis of Federal, State, and local laws, statutes and precedent cases should be completed. The main emphasis of this task will be in identifying the different laws related to presentation of evidence in the trials and the elements of a crime that are necessary for charging offenders. In the study of evidentiary law, statutes and cases laws concerning the use of children as witnesses and use of video cameras in place of face to face confrontations should be reviewed. Also, within this analysis the most frequently used legal definitions across the 50 States of child molestation, sexual abuse and sexual exploitation should be given.

Task IV: A case study of child sexual exploitation cases that have entered the criminal justice, juvenile justice and social service systems to identify problems encountered in handling these cases and the responses of these systems toward child sexual exploitation. Within this task, sites will be selected for further study. Identification of prosecutorial problems

in presenting evidence and problems associated with compelling witnesses and victims to testify should be included. Additionally, a study of recently closed cases should be done to determine the disposition of the case and the penalty, if any, associated with the conviction. What were the problems that judicial and corrections officials faced in dealing with these cases? What were the outcomes of the treatment and rehabilitation for the child? How available is it and who provides it and for how long? Also, a look at the problems confronting law enforcement officers in this area should be included.

To provide direction, guidance and oversight to the program in carrying out its function, an independent project advisory board will be appointed with OJJDP approval. All technical and subject matter portions of the program will be guided by the comments and recommendations of the project advisory board. It may be necessary to change or supplement project advisory committee members at different stages of the project. The objective will be to select technical and subject matter experts capable of addressing issues related to each program stage. The project advisory board members should have combined expertise in juvenile justice standards, juvenile courts, missing children issues, and legal expertise dealing with sex-related offenses involving juveniles. In assembling the advisory board, an effort should be made to include minorities and women.

Products

This project should produce several reports including:

(1) An assessment report based on the literature that details the history of research in this field. Also, the report should detail previous findings that have been made with reference to typical offender and victim characteristics. Within this report, recommended universal definitions should be formulated for "child sexual abuse," "child sexual exploitation," and "child sexual molestation." These definitions should clarify the differences between each crime.

(2) A report documenting the different laws existing within the States and Federal judicial systems for child sexual abuse, child sexual exploitation and child molestation. Major hindrances in prosecuting these cases should also be discussed within this report. Further recommendations for improvements in the systems should be included in the conclusion of this report.

Eligibility Requirements

Applications are invited from public and private non-profit agencies, organizations, educational institutions, or combinations thereof. Applicants must demonstrate that they have knowledge and experience in the design and implementation of large scale, multi-site research; in juvenile prostitution and pornography issues; in research dealing with missing, runaway, or thrown away youth; and both the juvenile justice and criminal justice systems in general.

Applicants must provide further evidence of their management and financial capability to implement effectively a project of this size and scope. Those who fail to do so will be ineligible for funding consideration.

Application Requirements

All applicants must submit a completed Standard Form 424, Application for Federal Assistance (SF 424); and a Standard Form 424A, Budget Information; OJP Form 4000/3, Assurances; and OJP Form 4061/6, Certifications. In addition to these forms, all applications must include a project summary, a budget narrative, and a program narrative.

All forms must be typed. The SF 424 must appear as a cover sheet for the entire application. The project summary should follow the SF 424. All other forms must then follow. Applicants should be sure to sign OJP Forms 4000/3 and 4061/6.

The project summary must not exceed 250 words. It must be clearly marked and typed single spaced on a single page. Applicants should take care to write a description that accurately and concisely reflects the proposal.

The program narrative must be typed double spaced on one side of a page only. The program narrative may not exceed 40 pages. This page limit does not apply to supporting materials normally found in appendices (such as preliminary surveys, résumés, and supporting charts and graphs).

Selection Criteria

All applicants, at a minimum, will be rated on the extent to which they meet the following selection criteria.

- (1) The problem to be addressed by the project is clearly stated. (15 points)
 - Problems to be addressed are based upon issues that have particular impact on current Missing Children's Program priorities. (7 points)
 - The applicant demonstrates broad knowledge of the current situation and practices and is aware of research and program development needs. (8 points)

(2) The objectives of the proposed project are clearly defined. (20 points)

- The applicant fully explains project's objectives. (10 points)
 - Objectives are clear and measurable. (10 points)
- (3) The project design is sound and contains program elements directly linked to the achievement of the project objectives. (25 points)
- The design contains research elements directly related to the program objectives. (13 points)
 - The applicant provides a detailed work plan describing and methodology of the program. (12 points)
- (4) The project management structure is adequate to the successful conduct of the project. (15 points)
- The applicant provides specific guidelines and timelines with regard to the research program activities. (10 points)

- The applicant explains how management structure is consistent with the needs of the program. (5 points)

(5) Organizational capability is demonstrated at a level sufficient to conduct the project successfully. (20 points)

- The applicant demonstrates knowledge and experience with missing and sexually exploited children issues, particularly with regard to the area of study addressed. (10 points)

- The applicant identifies staff qualified to support the project successfully. (10 points)

(6) Budgeted costs are reasonable, allowable and cost effective for the activities proposed to be undertaken and budgeted costs are justified and directly related to the achievement of the program objectives. (5 points)

Award Period

The award period will be 18 months.

Award Amount

A cooperative agreement will be awarded to the successful applicant. The project period will be 36 months. OJJDP has allocated up to \$400,000 for this grant. This announcement falls under number 16.543 of the Catalog of Federal Domestic Assistance, "Missing Children's Assistance." (This number and title are provided for completing Block 10 of the SF 424 Application for Federal Assistance.)

Due Date

Applicants are requested to submit the original, signed application (Standard Form 424) and two copies to OJJDP. Application forms and supplementary information will be provided upon request for the Application Kit. Potential applicants

should review the OJJDP Peer Review Guideline and the OJJDP Competition and Peer Review Procedures. These documents will be provided in the Application Kit. Applications must be received no later than October 28, 1991. Applications must be sent by mail or hand delivered to OJJDP by 5 p.m. e.d.t., on that date. Those applications sent by mail should be addressed to Jeffrey Slowikowski, Office of Juvenile Justice and Delinquency Prevention, United States Department of Justice, 633 Indiana Avenue, NW., Washington, DC, 20531, between the hours of 8 a.m. and 5 p.m. e.d.t., except Saturdays, Sundays, or Federal holidays. Applications being hand delivered should be delivered to the above address. Any applications received after the deadline will not be considered.

Contact

Jeffrey Slowikowski, Research and Program Development Division, (202) 616-3646.

Effective Screening of Child Care and Youth Service Workers

Purpose

The purpose of this program is to provide a comprehensive picture of what screening practices, including criminal records checks, are being utilized by both the public and private sector and the effectiveness of these practices in protecting children and youth from abduction, abuse, and exploitation by adults who prey on children.

Background

An effective pre-employment screening is needed for adult volunteers and paid personnel who work in agencies and organizations having direct contact with children and youth. While most such workers are conscientious individuals of high moral values, too often an employee has been known previously to have victimized young persons.

Child sexual abuse, exploitation and molestation present special problems for employers and volunteer organizations dealing with children. Pre-employment screening measures should be sufficient to identify not only individuals with unintended dispositions toward abusive behavior, but also those people who willfully prey on youngsters assigned to their care and misrepresent their past records and identification.

The DeConcini-Specter Amendment of 1984 required states to enact laws that would mandate nationwide criminal record checks for all staff and employees at child-care and juvenile

detention, correction or treatment facilities. The amendment did not authorize the FBI to respond directly to private employers' requests for screening, without which national offense records screening would be less effective, but left it up to each state to devise a system for obtaining access to the FBI files.

States vary greatly in requiring criminal background checks for prospective employees of agencies having responsibility for the care of juveniles. Not only do the states differ in the requirements for criminal background checks, they vary in the types of information available. In some cases, the arrest information for child abuse or child sexual exploitation offenses may be in the juvenile or family court and not entered in the regular state criminal histories at all. Furthermore, in some cases the initial offense charges may be plea bargained to a lesser offense that may not adequately reflect the more serious physically and/or sexually assaultive behavior of the initial charges.

Because of the variety existing in State laws and requirements, the need to determine the types of screening and background checks being utilized becomes readily apparent.

Goal

To provide a comprehensive picture of what screening practices, including criminal records checks, are being utilized by both the public and private sector and the effectiveness of these practices in protecting children and youths from abduction, abuse and exploitation by adults who prey on children.

Objectives

- To assess and determine the effectiveness of the different types of criminal records checks and screening tests that are currently in use by public, and private youth serving organizations.
- To determine and recommend the steps necessary to develop a national child care and youth service worker screening and background checks program which would be feasible and effective and which could be adopted by public and private organizations, State agencies, and replicated nationwide.
- To list the types of employment and volunteer organizations and professionals that should be encouraged to use records checks and pre-employment screening of all applicants.
- To estimate from available data the national population of all those involved in the positions identified above

Program Strategy

This project will require the fulfillment of three tasks in completing the program.

(1) The first task essential to the project will be the completion of a survey of the States to determine the extent of background and employment screening currently being done. This task should examine State laws that require background checks as well as licensing regulations that also mandate background checks. A random look into youth-serving agencies should also be completed to determine the extent of pre-employment screening among several occupations. In sites where there have been publicized cases involving workers accused of child exploitation, abuse or molestation, an effort should be made to examine the screening process, if any, that was utilized. This research should not be limited to employment or professional positions and should include any volunteer positions that involve contact with children or youth.

As part of this study, a determination should be made as to the extent of the background checks that are used:

- Are name checks used or are fingerprints used?
- Are the checks done locally or nationally?
- Furthermore, what is the extent of employment screening that is used?
- Are questionnaires used to discover the suitability for the job of potential volunteers and employees?

(2) Within the second task, a set of criteria should be developed to determine the effectiveness of the background checking and screening processes now available. This criteria should take into account the likelihood of identifying potential problem employees and/or volunteers. This stage of the project should make recommendations of other types of checks that are available and further questions that may be asked of the subject being screened. Another issue to be addressed here is the need and/or use for a national directory of people accused of child-related crimes. Technicalities such as the inclusion of a person who was not formally charged or one who was simply expelled from an organization without criminal charges is part of this issue.

(3) The third task is the development of a comprehensive listing of all professions, jobs, agencies, organizations and other related activities that have contact with children and youth that should be subject to background and screening checks. From this list, the grantee should

provide an estimate of the number of people that are currently employed or who volunteer with children and youth serving agencies and organizations.

To provide direction, guidance and oversight to the program in carrying out its function, an independent project advisory board will be appointed with OJJDP approval. All technical and subject matter portions of the program will be guided by the comments and recommendations of the project advisory board. It may be necessary to change or supplement project advisory board members for different stages of the project. The objective will be to select technical and subject matter experts capable of addressing issues related to each project stage. The project advisory board members should have combined expertise in juvenile justice standards, juvenile courts, and legal expertise dealing with sex related offenses involving juveniles. An effort should be made to include minorities and women.

Products

(1) A detailed report on the different types of background and screening checks that are currently being used by the agencies and states studied and their effectiveness.

(2) A second report should include the data from the population estimates and a listing of all positions and organizations involved in the handling of or delivery of service to children and youth.

Eligibility Requirements

Applications are invited from public and private agencies, organizations, educational institutions, or combinations thereof. Applicants must demonstrate that they have knowledge and experience, or both, in research involving children and youth, as well as experience in legal research of this nature. The applicant should indicate some knowledge in the juvenile justice area. Applicants must further evidence the management and financial capability to implement effectively a project of this size and scope. Those who fail to do so will be ineligible for funding consideration.

Application Requirements

All applicants must submit a completed Standard Form 424, Application for Federal Assistance (SF 424); a Standard Form 424A, Budget Information; OJP Form 4000/3, Assurances; and OJP Form 4061/6, Certifications. In addition to these forms, all applications must include a

project summary, a budget narrative, and a program narrative.

All forms must be typed. The SF 424 must appear as a cover sheet for the entire application. The project summary should follow the SF 424. All other forms must then follow. Applicants should be sure to sign OJP Forms 4000/3 and 4061/6.

The project summary must not exceed 250 words. It must be clearly marked and typed single spaced on a single page. Applicants should take care to write a description that accurately and concisely reflects the proposal.

The program narrative must be typed double spaced on one side of a page only. The program narrative may not exceed 40 pages. This page limit does not apply to supporting materials normally found in appendices (such as preliminary surveys, résumés, and supporting charts and graphs).

Selection Criteria

All applicants, at a minimum, will be rated on the extent to which they meet the following selection criteria.

(1) The problem to be addressed by the project is clearly stated. (15 points)

- Problems to be addressed are based upon issues that have particular impact on current Missing Children's Program priorities. (7 points)

- The applicant demonstrates broad knowledge of the current situation and practices involving missing children and record checks and screening and is aware of research and program development needs. (8 points)

(2) The objectives of the proposed project are clearly defined. (20 points)

- The applicant fully explains the project's objectives. (10 points)

- Objectives are clear and measurable. (10 points)

(3) The project design is sound and contains program elements directly linked to the achievement of the project objectives. (25 points)

- The design contains research elements directly related to the program objectives. (12 points)

- The applicant provides a detailed work plan describing the methodology of the program. (13 points)

(4) The project management structure is adequate to the successful conduct of the project. (15 points)

- The applicant provides specific guidelines and timelines with regard to the research program activities. (10 points)

- The applicant explains how the management structure is consistent with the needs of the program. (5 points)

(5) Organizational capability is demonstrated at a level sufficient to

conduct the project successfully. (20 points)

- The applicant demonstrates knowledge and experience with missing and exploited children issues, particularly with regard to the area of study addressed. (10 points)

- The applicant identifies staff qualified to support the project successfully. (10 points)

(6) Budgeted costs are reasonable, allowable and cost effective for the activities proposed to be undertaken and budgeted costs are directly related to the achievement of the program objectives. (5 points)

Award Period

The award period will be 12 months.

Award Amount

A cooperative agreement will be awarded to the successful applicant. The project period will be 24 months. OJJDP has allocated up to \$200,000 for this grant. This announcement falls under number 16.543 of the Catalog of Federal Domestic Assistance, "Missing Children's Assistance." (This number and title are provided for completing Block 10 of the SF 424 Application for Federal Assistance.)

Due Date

Applicants are requested to submit the original, signed application (Standard Form 424) and two copies to OJJDP. Application forms and supplementary information will be provided upon request for the Application Kit. Potential applicants should review the OJJDP Peer Review Guideline and the OJJDP Competition and Peer Review Procedures. These documents will be provided in the Application Kit. Applications must be received no later than October 28, 1991. Applications must be sent by mail or hand delivered to OJJDP by 5 p.m. e.d.t., on that date. Applications sent by mail should be addressed to Jeffrey Slowikowski, Office of Juvenile Justice and Delinquency Prevention, United States Department of Justice, 633 Indiana Avenue, NW., Washington DC 20531. Hand delivered applications should be delivered to the address listed above between the hours of 8 a.m. and 5 p.m. e.d.t., except Saturdays, Sundays, or Federal holidays. Any applications received after the deadline will not be considered.

Contact

Jeffrey Slowikowski, Research and Program Development Division, (202) 307-0586.

Training and Technical Assistance for Private Nonprofit Organizations Involved with Missing and Exploited Children

Purpose

The purpose of this program is to provide training and technical assistance to those agencies involved in assisting missing and exploited children and their families.

Background

There are many private nonprofit and voluntary organizations involved in assisting missing and exploited children and their families located in various cities around the nation. These agencies vary greatly in the types and levels of services provided as well as general level of expertise. Some of these nonprofit organizations may lack experience in organization, fundraising and management. Some local organizations do not provide a full range of services to their constituency. Many nonprofit organizations lack expertise in use of specific techniques needed by organizations working in the field. There is also a need for extensive networking among these organizations in order to develop standards and share information.

Goal

To achieve a high level of skill, sophistication and expertise among the private nonprofit agencies and other appropriate organizations serving missing and exploited children by providing technical assistance and training to improve their capacity to engage successfully in activities that will prevent the abduction and exploitation of children, assist in the recovery of children, and provide services to child victims and their families.

Objectives

(1) To assess existing service, training and technical assistance materials and identify training needs of the nonprofit organizations in the missing and exploited children's field. This needs assessment, along with guidelines stipulated by OJJDP, will frame the basis for curriculum development and technical assistance. Also included in the needs assessment phase will be the identification of those agencies targeted for assistance under this program.

(2) To design and develop a training curriculum and technical assistance plan. The plan may include development of operational and management standards and a plan for certification of the private voluntary organizations as

well as facilitation of the formation of a national organization.

(3) To implement a training curriculum and technical assistance plan through four regional training workshops, supported by additional dissemination of relevant materials.

Program Strategy

OJJDP will select one organization to provide training and technical assistance to the nonprofit organizations in the missing and exploited children field. A project advisory committee consisting of nonprofit organizations (NPOs) and independent experts who meet with OJJDP approval will be established to offer guidance and recommendations to the provider. The technical assistance provider may also draw upon information available from the National Center for Missing and Exploited Children, and from information gathered by OJJDP at a preliminary meeting of nonprofit organizations at which there was a discussion of the needs of the field.

The project advisory committee will also oversee the selection of the nonprofit organizations to be trained. To be considered by the committee for training and technical assistance, these organizations must meet the following criteria:

(1) Provide documentation of their section 501(c)(3) nonprofit status as provided by the Internal Revenue Service;

(2) Provide two letters of recommendation demonstrating appropriate linkages with law enforcement, State clearinghouses, and the National Center for Missing and Exploited Children. At least one letter should be from a law-enforcement official with whom the organization has worked in the past year on a missing or sexually exploited child case. The other letter should be from someone with whom the organization has worked closely on a case or program and should be from another law-enforcement officer, a Government official, a State Clearinghouse or the National Center for Missing and Exploited Children.

Training and technical assistance should focus on, but need not include all of the following, internal structure and credibility, case protocol and documentation, victim assistance, coordination with law enforcement, photo dissemination, reunification preparation, assistance and follow up, issue and prevention education, community outreach, referrals, networking, information exchange, improving service delivery, and advocacy. The grantee may provide assistance in the development of

national standards including a plan for certification and may help facilitate the formation of a national organization of non-profit organizations serving missing and exploited children.

A central strategy of training and technical assistance will involve the nonprofit organizations in learning through participation in planning and development, as well as utilizing nonprofit practitioners having specific areas of expertise as trainers.

Products

Specific products to be produced during this project should include:

- A needs assessment and plan for the delivery of training and technical assistance;
- Operational and management standards which may include a plan for certification of the nonprofit organizations;
- Curriculum in one or more areas where training is needed based upon the needs assessment.

Eligibility Requirements

Applications are invited from public and private institutions of higher education, public agencies, and private nonprofit organizations. A *nonprofit organization* denotes any corporation which: (1) Is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest; (2) is not organized primarily for profit; and (3) uses its net proceeds to maintain, improve, and/or expand its operations. Applicant organizations must provide documentation of their section 501(c)(3) nonprofit status as provided by the Internal Revenue Service. In submitting applications that contain more than one organization, the relationships among the parties must be set forth in the application. As a general rule, organizations that describe their working relationship in the development of products and the delivery of services as primarily cooperative or collaborative in nature will be considered co-applicants. In the event of a co-applicant submission, one applicant must be designated as the payee to receive and disburse project funds and be responsible for the supervision and coordination of the activities of the other co-applicant. Under this arrangement, each organization would agree to be jointly and severally responsible for all project funds and services. Each co-applicant must sign the SF-424 and indicate their acceptance of the conditions of joint and several responsibility with the other co-applicant. All co-applicants must meet

the eligibility requirements specified below.

In order to be eligible for consideration, the applicant must meet the following criteria:

(1) Organizational Capability

a. The applicant organization must have documented experience as an organization providing training and technical assistance nationwide to private nonprofit organizations involved with children and young people. This experience should include developing curricula for specialized needs and providing technical assistance in program development, organizational, and operational management. Experience with the missing and exploited children's field would enhance eligibility.

b. The key personnel must have had experience managing a nationwide training and/or technical assistance program for private nonprofit organizations.

c. Applicants must demonstrate how their organizational experience and capabilities will enable them to achieve the goals and objectives of this initiative.

d. The application must include an organizational chart, a list of key personnel responsible for managing and implementing the program, position descriptions, and resumes of key personnel.

(2) Program Goals and Objectives

A succinct statement demonstrating an understanding of the goals and objectives of the program should be included in the application.

(3) Project Strategy

Applicants should describe their proposed approach to achieving the goals and objectives of the project. A program implementation plan outlining the major activities involved in implementing the program, resource allocation, and program management should be included. A clear time-task workplan identifying major milestones and products should be a part of the application. A concise description of the products to be produced should be enclosed.

(4) Program Budget

Applicants should provide a 12-month budget with a detailed justification for all costs, including the basis for computation of these costs.

Selection Criteria

Those interested in responding to this solicitation should submit proposals

(applications) designed in accordance with the application review criteria set forth below:

(1) The problem to be addressed by the project is clearly stated. The criterion includes a clear, concise, statement of the problem to be addressed in this program. The problems of nonprofit organizations, particularly those in the missing and exploited children's field are discussed. A knowledge of training and technical assistance available and of the type of materials needed is evidenced. (10 points)

(2) The objectives of the project are clearly defined. The objectives to be achieved by the project must be clearly defined and consistent with the needs in the field. (15 points)

(3) The project design is sound and contains program elements directly linked to the achievement of project objectives. The program strategy to implement the project design is delineated. Program elements relate to the achievement of the project objectives. A description of how the plan for the delivery of training and technical assistance is to be developed is included, along with a time-task implementation identifying major milestones and products. (30 points)

(4) Organizational and programmatic capability is demonstrated. Applicants must demonstrate how their organizational experience and capabilities will enable them to achieve the goals and objectives of this initiative. Evidence of knowledge and experience with relevant social issues, juvenile justice issues, and systems function is presented. Fiscal integrity and organizational stability are demonstrated over time. (20 points)

(5) The project management structure is adequate to support successful conduct of the project. Management has demonstrated the ability to implement a project of this scope successfully. Management evidences adherence to sound management and fiscal practices. (15 points)

(6) Budgeted costs are reasonable, allowable, and cost effective for the activities proposed to be undertaken. The budget is clearly presented in a detailed manner and appropriate to the level of effort proposed. A budget narrative that explains and justifies the proposed line items is included. Economic efficiency in program development, implementation and administration is demonstrated. (10 points)

Award Period

The project period for this program is three years with each budget period

being 12 months. Second and third year funding will be based upon grantees meeting performance standards at a satisfactory level during the previous budget period, and availability of funds.

Award Amount

The award amount for the initial budget period is \$250,000.

Due Date

Applicants are requested to submit the original, signed application (Standard Form 424) and two copies to OJJDP. Application forms and supplementary information will be provided upon request for the Application Kit. Potential applicants should review the OJJDP Peer Review Guideline and the OJJDP Competition and Peer Review Procedures. These documents will be provided in the Application Kit. Applications must be received by mail or delivered to OJJDP by 5 p.m. e.d.t., October 28, 1991. Those applications sent by mail should be addressed to Lois Brown, Training, Dissemination, and Technical Assistance Division, OJJDP, room 705, 633 Indiana Avenue, NW., Washington, DC 20531. Delivered applications must be taken to OJJDP, room 705, 633 Indiana Avenue NW., Washington, DC 20531, between the hours of 8 a.m. and 5 p.m. e.d.t., except Saturdays, Sundays or Federal holidays.

Contact

Lois Brown, Training, Dissemination, and Technical Assistance Division, (202) 307-0598.

Missing Children: Field-Initiated Programs

Purpose

Within the Field-Initiated Programs, OJJDP encourages eligible parties to develop promising and new ideas that are relevant to the mission of OJJDP's Missing and Exploited Children's Program. Applications are invited which address certain specific priority areas of the Missing and Exploited Children's Programs for Fiscal Year 1991. These priority areas are listed below.

- **Prevention and Education**—Keeping children from becoming missing, abducted, runaway and thrown away children is closely associated with education and requires innovative and various prevention approaches.

- **Community Based Programs**—Public agencies and nonprofit groups working in the area of missing children must work cooperatively to maximize resources and share information that will prevent children from becoming missing, expedite recoveries and

provide treatment for missing children and their families. The involvement of residents, neighborhood organizations and institutions is an essential element of successful programs.

- **Victims**—Public and private agencies and organizations should implement policies and practices that will improve services for missing children and their families. Children who have been missing have too frequently been victimized by sexual exploitation and must be provided appropriate treatment.

- **Information Systems, Support and Statistics**—Agencies serving missing children require accurate, accessible, comprehensive and timely information to develop effective policies and allocate resources to enhance missing children programs and reduce the incidence of such events.

Background

Customarily, the research, development and training programs which OJJDP has sponsored have addressed specific activities mandated by Congress. The Field-Initiated Program, however, invites imaginative and innovative approaches of researchers and practitioners to the discretionary activities authorized by section 405(a) of the Act. Those approaches include research, demonstration, or service programs designed:

(1) To educate parents, children and community agencies and organizations in ways to prevent the abduction and sexual exploitation of children;

(2) To provide information to assist in the location and return of missing children;

(3) To aid communities in the collection of materials which would be useful to parents in assisting others in the identification of missing children;

(4) To increase knowledge of and develop effective treatment pertaining to the psychological consequences on both parents and children of:

a. The abduction of a child, both during the period of disappearance and after the child is recovered and

b. The sexual exploitation of a missing child;

(5) To collect detailed data from selected States or localities on the actual investigative practices utilized by law enforcement agencies in missing children's cases;

(6) To address the particular needs of missing children by minimizing the negative impact of judicial and law enforcement procedures on children who are victims of abuse or sexual exploitation and by promoting the active

participation of children and their families in cases involving abuse or sexual exploitation of children;

(7) To address the needs of missing children, as defined in section 403(1)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended (the Act), 42 U.S.C. 5772(1)(A), and their families following the recovery of such children;

(8) To reduce the likelihood that individuals under 18 years of age will be removed from the control of his or her legal custodians without the custodians' consent.

Goal

To promote Field-Initiated applications with the intention of preventing the occurrence of missing children and resulting detrimental effects.

Objectives

- To promote and support research, development, demonstration and service programs which address innovative approaches toward improving existing practices and policies related to activities identified in section 405(a) of the Act 42 U.S.C. 5775(a);
- To determine what influence domestic violence has as a contributing factor to the occurrence of missing children;
- To encourage new methods for addressing the issue of missing children; and
- To develop knowledge that will lead to new techniques, approaches and methods addressing the problems of missing and exploited children and the prevention and deterrence of abduction and exploitation.

Program Strategy

Through the Field-Initiated Programs, OJJDP is actively soliciting innovative program proposals. Applications should define the needs and/or problems and describe the objectives, strategy and methodology to be employed. A brief review of the history of the issue and current knowledge and approaches for addressing the issue should be included. Through a competitive process, all applications will be subject to peer review. Grants will be awarded to as many projects as funding allows.

Eligibility Requirements

Applications are invited from individuals, public and non-profit organizations, agencies, educational institutions, or combination thereof. Applicants must demonstrate that they have experience in the design and implementation of the types of programs for which they are applying.

Application Requirements

All applicants must submit a completed Standard Form 424, Application for Federal Assistance (SF 424); and a Standard Form 424A, Budget Information; OJP Form 4000/3, Assurances; and OJP Form 4061/6, Certifications. In addition to these forms, all applications must include a project summary, a budget narrative, and a program narrative.

All forms must be typed. The SF 424 must appear as a cover sheet for the entire application. The project summary should follow the SF 424. All other forms must then follow. Applicants should be sure to sign OJP Forms 4000/3 and 4061/6.

The project summary must not exceed 250 words. It must be clearly marked and typed single spaced on a single page. Applicants should take care to write a description that accurately and concisely reflects the proposal.

The program narrative must be typed doubled spaced on one side of a page only. The program narrative may not exceed 40 pages. This page limit does not apply to supporting materials normally found in appendices (such as preliminary surveys, résumés, and supporting charts and graphs).

Selection Criteria

All applications received will be rated on the extent to which they meet the following criteria:

- (1) The problem to be addressed by the project is clearly stated. (25 points)
 - The project clearly addresses a need under the Missing Children Program. (10 points)
 - The applicant demonstrates an understanding of the extent and nature of the problem. (15 points)
- (2) The objectives of the proposed project are clearly defined. (20 points)
 - The objectives relate directly to the problem to be studied. (10 points)
 - The objectives are specific and yield identifiable products. (10 points)
- (3) The project design is sound and contains program elements directly linked to the achievement of the project. (30 points)
 - The project design demonstrates an innovative approach to addressing the problem. (15 points)
 - The applicant provides a work plan with a timeline which indicates significant milestones in the project, due dates for products, and the nature of the products to be submitted. (15 points)
- (4) The project management structure is adequate to the successful conduct of the project. (10 points)

• General and specialized experience and competence of key project staff are provided.

(5) Organizational capability is demonstrated at a level sufficient to conduct the project successfully. (10 points)

• The applicant provides an organizational capability statement which demonstrates that the applicant has the technical, substantive and financial capabilities to administer the project effectively.

(6) Budgeted costs are reasonable, allowable and cost-effective for the activities proposed to be undertaken. The application includes a justified budget with budget narrative for all proposed costs. (5 points)

Award Period

The grant period is for 18 months.

Award Amount

The total amount available is \$175,000. Award amounts will be subject to negotiation. We anticipate funding three to five projects with available funds.

Due Date

Applicants are requested to submit the original, signed application (Standard Form 424) and two copies to OJJDP. Application forms and supplementary information will be provided upon request for the Application Kit. Potential applicants should review the OJJDP Peer Review Guideline and the OJJDP Competition and Peer Review Procedures. These documents will be provided in the Application Kit.

Applications must be received by mail or delivered to OJJDP by 5 p.m. e.d.t., October 28, 1991. Those applications sent by mail should be addressed to Gregory Thompson, Research and Program Development Division, OJJDP, Room 782, 633 Indiana Avenue, NW., Washington, DC 20531. Delivered applications must be taken to the address listed above between the hours of 8 a.m. and 5 p.m. e.d.t., except Saturdays, Sundays or Federal holidays.

Contact

For further information contact Elen Grigg, Research and Program Development Division, (202) 307-5929.

General Application and Administrative Requirements

For all assistance awards funded under Title IV—Missing Children's Assistance Act, priority will be given to applicants who utilize volunteers in locating, reuniting, and providing other

services to missing children and their families. In order to receive assistance for a fiscal year, applicants must give assurance that they will expend, to the greatest extent practicable, for such fiscal year an amount of funds (without regard to any funds received under any Federal law) that is not less than the amount of funds they received in the preceding fiscal year from State, local, and private sources.

Eligible Applicants

Applications are invited from eligible agencies, institutions or individuals, public or private. Private-for-profit organizations are not eligible for special emphasis grants but are for other grants; however, they must waive their fee in order to be eligible.

Applicants must also demonstrate that they have the management and financial capability to implement a project of this size and scope effectively. Applicants must demonstrate that they have management capability in order to be eligible for funding consideration.

Application Requirements

All applicants must submit a completed Application for Federal Assistance (Standard Form 424), including a program narrative, a detailed budget and budget narrative. All applications must include the information required by the specific solicitation as well as the Standard Form 424.

Applications that include proposed non-competitive contracts for the provision of specific goods and services must include a sole source justification for any procurement in excess of \$25,000.

Applicants who receive order funds in support of any of the proposed activities should list the names of the other organizations that are providing or will provide financial assistance to the program and indicate the amount of funds to be contributed during the program period. Also, the applicant must provide the title of the project, the name of the public or private grantor, the amount to be contributed during this program period, and a brief description of the program.

An original and two copies of the application are required. To facilitate the review of the applications, two additional copies are requested. Applications and copies must be sent to the following address: Office of Juvenile Justice and Delinquency Prevention, 633 Indiana Avenue, NW., Washington, DC 20531.

Applications must be received by mail or delivered to OJJDP by 5 p.m. e.d.t., on the date specified at the beginning of

this announcement. Delivered applications must be taken to the designated room at the address mentioned above between the hours of 8 a.m. and 5 p.m. e.d.t., except Saturdays, Sundays, or Federal holidays.

OJJDP will notify applicants in writing of the receipt of their application. Subsequently, applicants will be notified by letter as to the decision made regarding whether or not their submission will be recommended for funding.

To comply with Executive Order 12373, applicants from State and local units of government or other organizations providing services within a State must submit a copy of their application to the State Single Point of Contact, if one exists, and if the program has been selected for review by the State.

Application Review Process

Applications will be initially screened to determine if the basic eligibility requirements have been met, (e.g., an application must include a completed and signed Form 424, including a budget with narrative; evidence of linkages with Law Enforcement; an operational program for three years and evidence of the agency total budget for the previous year.) Applications will be reviewed by a panel of experts who will make recommendations to the Administrator. The panel will assign numerical values in rating competing applications based on the point distribution in the Selection Criteria for each specific program. Peer Reviewers' recommendations are advisory only and the final award decision will be made by the Administrator. Those applications receiving a score of 65 or higher will be eligible for funding consideration, provided that necessary programmatic and budgetary revisions are successfully negotiated.

Evaluation

OJJDP requires that funded programs contain plans for continuous self-assessment to keep program management informed of progress and results. Many funded projects will be considered for participation in independent evaluations initiated by OJJDP. Project management will be expected to cooperate fully with designated evaluators.

Financial Requirements

Discretionary grants are governed by the provisions of the Office of Management and Budget (OMB) Circulars applicable to financial assistance. The circulars, along with additional information and guidance,

are contained in the "Financial and Administrative Guide for Grants," Office of Justice Programs, Guideline Manual, M7100, available from the Office of Justice Programs. This guideline manual includes information on allowable costs, methods of payment, audit requirements, accounting systems, and financial records.

Civil Rights Requirements

Sec. 809(c)(1) of the Omnibus Crime Control and Safe Streets Act (OCCSSA) of 1968, as amended, 42 U.S.C. 3789d(c)(1), applicable to OJJDP funded programs and projects under Sec. 292(b) of the JJDP Act, 42 U.S.C. 5672(b), provides that no person in any State shall on the grounds of race, color, religion, national origin or sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under or denied employment in connection with any program or activity funded in whole or in part with funds made available under this title. Recipients of funds under the Act are also subject to the provisions of title VI of the Civil Rights Act of 1964; section 504 of the Rehabilitation Act of 1974, as amended; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1974; and the Department of Justice Non-Discrimination Regulations 28 CFR part 42, subparts C, D, E and G. Upon request, applicants shall maintain such records and submit to OJJDP or OJP timely, complete and accurate information regarding their compliance with the foregoing statutory and regulatory requirements.

In the event a Federal or State court or a Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin or sex against a recipient of funds, the recipient will forward a copy of the finding to the Office for Civil Rights (OCR) of the Office of Justice Programs.

Drug-Free Workplace

Title V, section 5153 of the Anti-Drug Abuse Act of 1988 provides that all grantees of Federal funds, other than an individual, shall certify to the granting agency that it will provide a drug-free workplace by:

- Publishing a statement notifying employees that the unlawful manufacturing, distribution, dispensation, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against

employees for violations of such prohibition.

- Establishing a drug-free awareness program to inform employees about:

- The danger of drug abuse in the workplace;
- the grantee's policy of maintaining a drug-free workplace;
- any available drug counseling, rehabilitation and employee assistance programs; and,
- the penalties that may be imposed upon employees for drug abuse violations.

- Making it a requirement that each employee to be engaged in the performance of such grant be given a copy of the statement of notification prohibiting controlled substances in the workplace.

- Notifying the employee that as a condition of employment in such grant, the employee will:

- abide by the terms of the statement; and,
- notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.

- Notifying the granting agency within 10 days after receiving notice of a conviction from an employee or otherwise receiving actual notice of such conviction.

- Imposing a sanction on or requiring the satisfactory participation in a drug abuse assistance or rehabilitation program by any employee who is so convicted.

- Making a good faith effort to continue to maintain a drug-free workplace.

The U.S. Office of Management and Budget, in collaboration with other Federal executive agencies, including the Department of Justice, has developed regulations to implement the Drug-Free Workplace Act of 1988, 28 CFR part 67, subpart F.

Audit Requirement

In October 1984, Congress passed the Single Audit Act of 1984. On April 12, 1985, the Office of Management and Budget issued Circular A-128, "Audits of State and Local Governments," which establishes regulations to implement the Act. OMB Circular A-128, "Audits of State and Local Governments," outlines the requirements for organizational audits which apply to OJJDP grantees.

OMB Circular A-133 outlines the requirements for institutions of higher education, hospitals and other nonprofit organizations to have audits performed.

Governmentwide Debarment and Suspension (Nonprocurement)

This Subpart of 28 CFR part 67, provides that executive departments and agencies shall participate in a system for debarment and suspension from programs and activities involving Federal financial and non-financial assistance and benefits. Debarment or suspension of a participant in a program by one Agency has governmentwide effect. It is the policy of the Federal Government to conduct business only with responsible persons, and these guidelines will assist agencies in carrying out this policy.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transaction (OJP Form 4061/1). All direct recipient grantees must complete an OJP Form 4061/1 prior to entering into a financial agreement with subrecipients. This requirement includes persons, corporations, etc. who have critical influence on or substantive control over the award. The direct recipient will be responsible for monitoring the submission and maintaining the official subrecipient certifications.

Certification Regarding Debarment, Suspension, Ineligibility and Other Responsibility Matters—Primary Covered Transactions (OJP Form 4061/2). Certifications must be completed and submitted by grantees of categorical awards to the grantor agency program officer during the application stage.

Disclosure of Lobbying Activities

Section 319 of Public Law 101-121 prohibits recipients of Federal contracts, grants and loans from using appropriated funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a specific contract, grant or loan. Section 319 also requires each person who requests or receives a Federal contract, grant, cooperative agreement, loan or a Federal commitment to insure or guarantee a loan, to disclose lobbying. The term "recipient," as used in this context, does not apply to any Indian tribe or to tribal or Indian organization.

A person who requests a Federal grant, cooperative agreement or contract exceeding \$100,000 is required to file a written declaration with OJP. The declaration shall contain:

- A certification that addresses payment made or to be made with both Federal or non-Federal funds for influencing or attempting to influence persons in the making of Federal awards.

- "Disclosure of Lobbying Activities" must be submitted if payments were made with non-Federal funds and must contain the following information with respect to each payment and each agreement:

- Name and address of each person paid, to be paid or reasonably expected to be paid;
- Name and address of each individual performing the services for which payment is made, to be made or reasonably expected to be made; and
- The amount paid, how the person was paid and the activity for which the person was paid, is to be paid or is reasonably expected to be paid.

- Copies of certification and disclosure of lobbying activities, as outlined above, received from subgrantees contractors or subcontractors under a grant, cooperative agreement or contract for Federal subgrants exceeding \$100,000.

A subgrantee, contractor or subcontractor under a grant, cooperative agreement or contract, who requests or receives Federal funds exceeding \$100,000 is required to file a written declaration, as described above, with the person making the award.

A declaration must be filed at the end of each calendar quarter in which there occurs any event that materially affects (\$25,000 or more) the accuracy of the information contained in any declaration previously filed for a grant, cooperative agreement, contract, subgrant or subcontract. These declarations shall be filed as follows:

- Grant, cooperative agreement and contract recipients shall send their amended declarations and copies of amended declarations for Federal subgrants to the Office of the Comptroller not later than 30 days after the end of each calendar quarter.

- Subgrantees, contractors or subcontractors under a grant, cooperative agreement or contract shall send their amended declarations each quarter to the person who made their subgrant.

Declarations are also required for extensions, continuations, renewals, amendments and modifications exceeding \$100,000.

Disclosure of Federal Participation

Section 8136 of the Department of Defense Appropriations Act (Stevens Amendment), enacted in October 1988, requires that, "when issuing statements, press releases for proposals, bid solicitations, and other documents describing projects or programs funded

in whole or in part with Federal money, all grantees receiving Federal funds, including but not limited to State and local governments, shall clearly state (1) the percentage of the total cost of the program or project which will be financed with Federal money, and (2) the dollar amount of Federal funds for the project or program."

Suspension or Termination of Funding

OJJDP may suspend, in whole or in part, or terminate funding for a grantee for failure to conform to the requirements or statutory objectives of the Act. Prior to suspension of a grant, OJJDP will provide reasonable notice to the grantee of its intent to suspend the grant and will attempt informally to resolve the problem resulting in the

intended suspension. Hearing and appeal procedures for termination actions are set forth in the Department of Justice regulation at 28 CFR part 18.

Robert W. Sweet, Jr.,

Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 91-21945 Filed 9-11-91; 8:45 am]

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Federal Register

Thursday
September 12, 1991

Part IV

Department of Labor

Mine Safety and Health Administration

30 CFR Parts 56 and 57

Safety Standards for Explosives at Metal and Nonmetal Mines; Final Rule

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 56 and 57

RIN 1219-AA17

Safety Standards for Explosives at Metal and Nonmetal Mines

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Stay of effective date of final rule and partial administrative stay of final rule; revision and republishing of final rule.

SUMMARY: The Mine Safety and Health Administration (MSHA) published in the *Federal Register* a final rule concerning safety standards for explosives at metal and nonmetal mines on January 18, 1991 (56 FR 2070). After a series of stays that extended the effective date, the final rule was to become effective on September 13, 1991 (56 FR 3201). Due to the Agency actions described in this and in prior notices, the final rule now has an effective date of November 1, 1991.

This document also gives notice of a one-year, administrative stay of the following provisions of the final rule at 30 CFR parts 56 and 57: §§ 56.6202(a)(1) and 57.6202(a)(1) on vehicles, §§ 56.6304(b) and 57.6304(b) on primer protection, §§ 56.6306 (a) and (c) through (g) and 57.6306 (a) and (c) through (g) on loading and blasting, §§ 56.6902(b) and 57.6902(b) on excessive temperatures, and §§ 56.6903 and 57.6903 on burning explosive material. Included within this one-year administrative stay are those provisions that were stayed indefinitely by *Federal Register* notice on April 10, 1991 (56 FR 14470). These indefinitely stayed provisions, now subject to the one-year stay, are §§ 56.6000 and 57.6000 on the definition of "blast site," the first sentence in §§ 56.6130(b) and 57.6130(b) on location of explosive material storage facilities, §§ 56.6131(a)(1) and 57.6131(a)(1) on requirements for storage of packaged blasting agents, §§ 56.6306(b) and 57.6306(b) on restrictions on activity within the blast site, §§ 56.6501(a) and 57.6501(a) on requirements of double trunklines or loop systems for nonelectric initiating systems, and Appendix I to subpart E—MSHA Tables of Distances.

This one-year administrative stay is effective until October 1, 1992. MSHA grants this stay in order to conduct supplemental rulemaking restricted to those issues raised in provisions stayed by this notice and by the notice of April 10, 1991 (56 FR 14470).

In addition to the stay of the effective date and the one-year partial administrative stay, MSHA is revising subpart E of 30 CFR parts 56 and 57 to reinstate several current regulations that otherwise would be superseded upon the effective date of the final rule. These reinstated regulations will be effective during the period of the one-year stay unless terminated before October 1, 1992, by *Federal Register* notice.

For the reader's convenience, MSHA has republished the full text of the revised final rule below. MSHA has renumbered the reinstated regulations so that the final rule as republished contains all provisions which will take effect on November 1, 1991, as well as those which are subject to the administrative stay.

EFFECTIVE DATE: The final rule, published on January 18, 1991 (56 FR 2070), as revised by this notice, will become effective November 1, 1991, except for the provisions stayed by this notice. The following provisions are stayed until October 1, 1992: 30 CFR 56.6000 definition of "blast site", 56.6130(b) first sentence, 56.6131(a)(1), 56.6202(a)(1), 56.6304(b), 56.6306, 56.6501(a), 56.6902(b), 56.6903, 57.6000 definition of "blast site", 57.6130(b) first sentence, 57.6131(a)(1), 57.6202(a)(1), 57.6304(b), 57.6306, 57.6501(a), 57.6902(b), 57.6903, and Appendix I to subpart E—MSHA Tables of Distances of 30 CFR parts 56 and 57.

Unless terminated earlier by *Federal Register* notice, the following reinstated and renumbered sections will expire and be replaced as of October 1, 1992: §§ 56.6140, 56.6220, 56.6320, 56.6330, 56.6331, 57.6140, 57.6220, 57.6320, 57.6330, 57.6331, 57.6375, and 57.6382.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, MSHA, (703) 235-1910.

SUPPLEMENTARY INFORMATION: On January 18, 1991, MSHA published a final rule in the *Federal Register* (56 FR 2070) revising its safety standards for explosives at metal and nonmetal mines. These standards were scheduled to take effect on March 19, 1991. However, on March 7, 1991, after further review of information regarding several provisions of the final rule, MSHA extended the effective date until May 20, 1991 (56 FR 9626). On April 10, 1991, MSHA indefinitely stayed the effective date of several provisions of the final rule and reopened the rulemaking record (56 FR 14470). On May 17, 1991, based on comments received from mine operators and explosives manufacturers and on a request by the Institute of Makers of Explosives (IME) for a reconsideration

of the rule, the Agency stayed the effective date of the final rule until July 16, 1991 (56 FR 22825). On July 15, 1991, the Agency extended the stay of the effective date of the final rule until September 13, 1991 (56 FR 32091). The Agency is further extending the stay of the effective date of the final rule until November 1, 1991, in order to give the affected mining community adequate notice of the reinstatement of several current provisions that will take effect as part of the final rule until terminated by *Federal Register* notice on or before October 1, 1992.

Since publication of the revised standards on January 18, 1991, MSHA has received a number of requests from rulemaking participants for the Agency to reconsider information within the rulemaking record. Specifically, some commenters pointed out that certain provisions of the final rule needed further public input and review by the Agency. In response, MSHA stayed the effective date of the rule in order to examine the rulemaking record. As a result, MSHA believes that further rulemaking is necessary on the stayed provisions, and a new proposed rule addressing these issues will be issued by the Agency in the near future.

Regarding the rulemaking record, MSHA will consider all comments on the stayed provisions currently within the rulemaking record, as well as any other comments on the new proposed rule. All submissions to MSHA concerning the explosives rulemaking will be placed in the record and made available for public review and comment.

During the period of the stay, the following existing regulations in subpart E of parts 56 and 57 have been reinstated and renumbered accordingly: §§ 56.6020(a) and 57.6020(a) renumbered as §§ 56.6140 and 57.6140 on location of magazines; §§ 56.6046 and 57.6046 renumbered as §§ 56.6220 and 57.6220 on maintenance and operation of transport vehicles; §§ 56.6094 and 57.6094 renumbered as §§ 56.6320 and 57.6320 on blasthole charging; §§ 56.6160 and 57.6160 renumbered as §§ 56.6330 and 57.6330 on protection of personnel at blast site; §§ 56.6161 and 57.6161 renumbered as §§ 56.6331 and 57.6331 on burning charges; § 57.6175 renumbered as § 57.6375 on loading and blast site restrictions; and § 57.6182 renumbered as § 57.6382 on blasting in shafts or winzes.

DISTRIBUTION TABLE

Current section	Renumbered section
56.6020(a).....	56.6140
56.6046.....	56.6220
56.6094.....	56.6320
56.6160.....	56.6330
56.6161.....	56.6331
57.6020(a).....	57.6140
57.6046.....	57.6220
57.6094.....	57.6320
57.6160.....	57.6330
57.6161.....	57.6331
57.6175.....	57.6375
57.6182.....	57.6382

To serve the interests of the mining community, MSHA has republished the final rule provisions that will go into effect on November 1, 1991. MSHA includes in the republication those provisions administratively stayed as well as those renumbered current regulations that the agency has reinstated during the one-year stay period.

This document is issued under 30 U.S.C. 811.

Dated: September 6, 1991.

William J. Tattersall,

Assistant Secretary for Mine Safety and Health.

PART 56—[AMENDED]

Subparts E and F of part 56, subchapter N, chapter I, title 30 of the Code of Federal Regulations is amended as follows:

§ 56.6000 [Stayed in part]

1. Stay the effective date of definition of "blast site" in revised § 56.6000 until October 1, 1992.

§ 56.6130 [Stayed in part]

2. Stay the effective date of the first sentence in paragraph (b) of revised § 56.6130 until October 1, 1992.

§ 56.6131 [Stayed in part]

3. Stay the effective date of paragraph (a)(1) of revised § 56.6131 until October 1, 1992.

§ 56.6202 [Stayed in part]

4. Stay the effective date of paragraph (a)(1) of revised § 56.6202 until October 1, 1992.

§ 56.6304 [Stayed in part]

5. Stay the effective date of paragraph (b) of revised § 56.6304 until October 1, 1992.

§ 56.6306 [Stayed]

6. Stay the effective date of revised § 56.6306 until October 1, 1992.

§ 56.6501 [Stayed in part]

7. Stay the effective date of paragraph (a) of revised § 56.6501 until October 1, 1992.

§ 56.6902 [Stayed in part]

8. Stay the effective date of paragraph (b) of revised § 56.6902 until October 1, 1992.

§ 56.6903 [Stayed]

9. Stay the effective date of revised § 56.6903 until October 1, 1992.

Appendix to Subpart E [Stayed]

10. Stay the effective date of revised appendix I to subpart E until October 1, 1992.

11. As of November 1, 1991 subpart E of part 56 is revised to read as set forth below.

PART 56—SAFETY AND HEALTH STANDARDS—SURFACE METAL AND NONMETAL MINES

* * *

Subpart E—Explosives

Sec.

56.6000 Definitions.

Storage

56.6100 Separation of stored explosive material.

56.6101 Areas around explosive material storage facilities.

56.6102 Explosive material storage practices.

56.6130 Explosive material storage facilities.

56.6131 Location of explosive material storage facilities.

56.6132 Magazine requirements.

56.6133 Powder chests.

56.6140 Magazine location.

Transportation

56.6200 Delivery to storage or blast site areas.

56.6201 Separation of transported explosive material.

56.6202 Vehicles.

56.6203 Locomotives.

56.6204 Hoists.

56.6205 Conveying explosives by hand.

56.6220 Maintenance and operation of transport vehicles.

Use

56.6300 Control of blasting operations.

56.6301 Blasthole obstruction check.

56.6302 Explosive material protection.

56.6303 Initiation preparation.

56.6304 Primer protection.

56.6305 Unused explosive material.

56.6306 Loading and blasting.

56.6307 Drill stem loading.

56.6308 Initiation systems.

56.6309 Fuel oil requirements for ANFO.

56.6310 Misfire waiting period.

56.6311 Handling of misfires.

56.6312 Secondary blasting.

56.6313 Blast site security.

56.6320 Blasthole charging.

56.6330 Protection of personnel at blast site.

Sec.

56.6331 Burning charges.

Electric Blasting

56.6400 Compatibility of electric detonators.

56.6401 Shunting.

56.6402 Deenergized circuits near detonators.

56.6403 Branch circuits.

56.6404 Separation of blasting circuits from power source.

56.6405 Firing devices.

56.6406 Duration of current flow.

56.6407 Circuit testing.

Nonelectric Blasting

56.6500 Damaged initiating material.

56.6501 Nonelectric initiation systems.

56.6502 Safety fuse.

Extraneous Electricity

56.6600 Loading practices.

56.6601 Grounding.

56.6602 Static electricity dissipation during loading.

56.6603 Air gap.

56.6604 Precautions during storms.

56.6605 Isolation of blasting circuits.

Equipment/Tools

56.6700 Nonsparking tools.

56.6701 Tamping and loading pole requirements.

Maintenance

56.6800 Storage facilities.

56.6801 Vehicle repair.

56.6802 Bulk delivery vehicles.

56.6803 Blasting lines.

General Requirements

56.6900 Damaged or deteriorated explosive material.

56.6901 Black powder.

56.6902 Excessive temperatures.

56.6903 Burning explosive material.

56.6904 Smoking and open flames.

Appendix I to Subpart E—MSHA Tables of Distances

Authority: 30 U.S.C. 811, 956, and 961.

Subpart E—Explosives

§ 56.6000 Definitions.

The following definitions apply in this subpart.

Attended. Presence of an individual or continuous monitoring to prevent unauthorized entry or access.

Blast area. The area in which concussion (shock wave), flying material, or gases from an explosion may cause injury to persons. In determining the blast area, the following factors shall be considered:

- (1) Geology or material to be blasted.
- (2) Blast pattern.
- (3) Burden, depth, diameter, and angle of the holes.
- (4) Blasting experience of the mine.
- (5) Delay system, powder factor, and pounds per delay.
- (6) Type and amount of explosive material.

(7) Type and amount of stemming.

Blast site. The area where explosive material is handled during loading, including the perimeter formed by the blastholes and 50 feet in all directions from loaded holes. The 50-foot requirement also applies in all directions along the full depth of the hole.

Blasting agent. Any substance classified as a blasting agent by the Department of Transportation in 49 CFR 173.114(a). This document is available at any MSHA Metal and Nonmetal Safety and Health district office.

Detonating cord. A flexible cord containing a center core of high explosives which may be used to initiate other explosives.

Detonator. Any device containing a detonating charge used to initiate an explosive. These devices include electric or nonelectric instantaneous or delay blasting caps, and delay connectors. The term "detonator" does not include detonating cord. Detonators may be either "Class A" detonators or "Class C" detonators, as classified by the Department of Transportation in 49 CFR 173.53, and 173.100. This document is available at any MSHA Metal and Nonmetal Safety and Health district office.

Emulsion. An explosive material containing substantial amounts of oxidizers dissolved in water droplets, surrounded by an immiscible fuel.

Explosive. Any substance classified as an explosive by the Department of Transportation in 49 CFR 173.53, 173.88, and 173.100. This document is available at any MSHA Metal and Nonmetal Safety and Health district office.

Explosive material. Explosives, blasting agents, and detonators.

Flash point. The minimum temperature at which sufficient vapor is released by a liquid to form a flammable vapor-air mixture near the surface of the liquid.

Igniter cord. A fuse that burns progressively along its length with an external flame at the zone of burning, used for lighting a series of safety fuses in a desired sequence.

Laminated partition. A partition composed of the following material and minimum nominal dimensions: 1/2 inch thick plywood, 1/2 inch thick gypsum wallboard, 1/8 inch thick low carbon steel, and 1/4 inch thick plywood, bonded together in that order. Other combinations of material may be used, such as plywood, wood, or gypsum wallboard as insulators, and steel or wood as structural elements, provided that the partition is equivalent to a laminated partition for both insulation and structural purposes as determined by appropriate testing. The Institute of

Makers of Explosives (IME) 22 container or compartment, described in IME Safety Library Publication 22 (Jan. 1985), meets the criteria of a laminated partition. This document is available at any MSHA Metal and Nonmetal Safety and Health District Office.

Loading. Placing explosive material either in a blasthole or against the material to be blasted.

Misfire. The complete or partial failure of explosive material to detonate as planned. The term also is used to describe the explosive material itself that has failed to detonate.

Multipurpose dry-chemical fire extinguisher. An extinguisher having a rating of at least 2-A:10-B:C and containing a nominal 4.5 pounds or more of dry-chemical agent.

Primer. A unit, package, or cartridge of explosives which contains a detonator and is used to initiate other explosives or blasting agents.

Safety switch. A switch that provides shunt protection in blasting circuits between the blast site and the switch used to connect a power source to the blasting circuit.

Slurry. An explosive material containing substantial portions of a liquid, oxidizers, and fuel, plus a thickener.

Water gel. An explosive material containing substantial portions of water, oxidizers, and fuel, plus a cross-linking agent.

Note: At 56 FR ____, Sept. 12, 1991, the effective date of the definition of "blast site" in § 56.6000 is stayed until October 1, 1992.

Storage

§ 56.6100 Separation of stored explosive material.

(a) Detonators shall not be stored in the same magazine with other explosive material.

(b) When stored in the same magazine, blasting agents shall be separated from explosives, safety fuse, and detonating cord to prevent contamination.

§ 56.6101 Areas around explosive material storage facilities.

(a) Areas surrounding storage facilities for explosive material shall be clear of rubbish, brush, dry grass, and trees for 25 feet in all directions, except that live trees 10 feet or taller need not be removed.

(b) Other combustibles shall not be stored or allowed to accumulate within 50 feet of explosive material. Combustible liquids shall be stored in a manner that ensures drainage will occur away from the explosive material storage facility in case of tank rupture.

§ 56.6102 Explosive material storage practices.

(a) Explosive material shall be—
(1) Stored in a manner to facilitate use of oldest stocks first;

(2) Stored according to brand and grade in such a manner as to facilitate identification; and

(3) Stacked in a stable manner but not more than 8 feet high.

(b) Explosives and detonators shall be stored in closed nonconductive containers except that nonelectric detonating devices may be stored on nonconductive racks provided the case-insert instructions and the date-plant-shift code are maintained with the product.

§ 56.6130 Explosive material storage facilities.

(a) Detonators and explosives shall be stored in magazines.

(b) Packaged blasting agents shall be stored in a magazine or other facility which is ventilated to prevent dampness and excessive heating, weather-resistant, and locked or attended. Facilities other than magazines used to store blasting agents shall contain only blasting agents.

(c) Bulk blasting agents shall be stored in weather-resistant bins or tanks which are locked, attended, or otherwise inaccessible to unauthorized entry.

(d) Facilities, bins or tanks shall be posted with the appropriate United States Department of Transportation placards or other appropriate warning signs that indicate the contents and are visible from each approach.

Note: At 56 FR ____, Sept. 12, 1991, the effective date of the first sentence in § 56.6130(b) is stayed until October 1, 1992.

§ 56.6131 Location of explosive material storage facilities.

(a) Storage facilities for any explosive material shall be—

(1) Located in accordance with Appendix I to subpart E—MSHA Tables of Distances. However, where there is not sufficient area at the mine site to allow compliance with appendix I, storage facilities shall be located so that the forces generated by a storage facility explosion will not create a hazard to occupants in mine buildings and will not damage dams or electric substations; and

(2) Detached structures located outside the blast area and a sufficient distance from powerlines so that the powerlines, if damaged, would not contact the magazines.

(b) Operators should also be aware of regulations affecting storage facilities in 27 CFR part 55.

Note: At 56 FR —, Sept. 12, 1991, the effective date of § 56.6131(a)(1) is stayed until October 1, 1992.

§ 56.6132 Magazine requirements.

- (a) Magazines shall be—
- (1) Structurally sound;
 - (2) Noncombustible or the exterior covered with fire-resistant material;
 - (3) Bullet resistant;
 - (4) Made of nonsparking material on the inside;
 - (5) Ventilated to control dampness and excessive heating within the magazine;
 - (6) Posted with the appropriate United States Department of Transportation placards or other appropriate warning signs that indicate the contents and are visible from each approach, so located that a bullet passing through any of the signs will not strike the magazine;
 - (7) Kept clean and dry inside;
 - (8) Unlighted or lighted by devices that are specifically designed for use in magazines and which do not create a fire or explosion hazard;
 - (9) Unheated or heated only with devices that do not create a fire or explosion hazard;
 - (10) Locked when unattended; and
 - (11) Used exclusively for the storage of explosive material except for essential nonsparking equipment used for the operation of the magazine.
- (b) Metal magazines shall be equipped with electrical bonding connections between all conductive portions so the entire structure is at the same electrical potential. Suitable electrical bonding methods include welding, riveting, or the use of securely tightened bolts where individual metal portions are joined. Conductive portions of nonmetal magazines shall be grounded.
- (c) Electrical switches and outlets shall be located on the outside of the magazine.

§ 56.6133 Powder chests.

- (a) Powder chests (day boxes) shall be—
- (1) Structurally sound, weather-resistant, equipped with a lid or cover, and with only nonsparking material on the inside;
 - (2) Posted with the appropriate United States Department of Transportation placards or other appropriate warning signs that indicate the contents and are visible from each approach;
 - (3) Located out of the blast area once loading has been completed;
 - (4) Locked or attended when containing explosive material; and
 - (5) Emptied at the end of each shift with the contents returned to a magazine or other storage facility, or attended.

(b) Detonators shall be kept in separate chests from explosives or blasting agents, except if separated by 4-inches of hardwood, laminated partition, or equivalent.

§ 56.6140 Magazine location.

Magazines shall be located in accordance with the current American Table of Distances for storage of explosives.

Note: At 56 FR —, Sept. 12, 1991, § 56.6140 is effective until October 1, 1992, unless terminated earlier by Federal Register notice.

Transportation

§ 56.6200 Delivery to storage or blast site areas.

Explosive material shall be transported without undue delay to the storage area or blast site.

§ 56.6201 Separation of transported explosive material.

Detonators shall not be transported on the same vehicle or conveyance with other explosives except as follows:

(a) Detonators in quantities of more than 1000 may be transported in a vehicle or conveyance with explosives or blasting agents provided the detonators are—

- (1) Maintained in the original packaging as shipped from the manufacturer; and
 - (2) Separated from the explosives or blasting agents by 4-inches of hardwood, laminated partition, or equivalent. The hardwood, laminated partition, or the equivalent shall be fastened to the vehicle or conveyance.
- (b) Detonators in quantities of 1000 or fewer may be transported with explosives or blasting agents provided the detonators are—
- (1) Kept in closed containers; and
 - (2) Separated from the explosives or blasting agents by 4-inches of hardwood, laminated partition, or equivalent. The hardwood, laminated partition, or equivalent shall be fastened to the vehicle or conveyance.

§ 56.6202 Vehicles.

- (a) Vehicles containing explosive material shall be—
- (1) Structurally sound and well maintained;
 - (2) Equipped with sides and enclosures higher than the explosive material being transported or have the explosive material secured to a nonconductive pallet;
 - (3) Equipped with a cargo space that shall contain the explosive material (passenger areas shall not be considered cargo space);
 - (4) Equipped with at least two multipurpose dry-chemical fire

extinguishers or one such extinguisher and an automatic fire suppression system;

(5) Posted with warning signs that indicate the contents and are visible from each approach;

(6) Occupied only by persons necessary for handling the explosive material;

(7) Attended or the cargo compartment locked, except when parked at the blast site and loading is in progress; and

(8) Secured while parked by having—

- (i) The brakes set;
- (ii) The wheels chocked if movement could occur; and
- (iii) The engine shut off unless powering a device being used in the loading operation.

(b) Vehicles containing explosives shall have—

- (1) No sparking material exposed in the cargo space; and
 - (2) Only properly secured nonsparking equipment in the cargo space with the explosives.
- (c) Vehicles used for dispensing bulk explosive material shall—
- (1) Have no zinc or copper exposed in the cargo space; and
 - (2) Provide any enclosed screw-type conveyors with protection against internal pressure and frictional heat.

Note: At 56 FR —, Sept. 12, 1991, § 56.6202(a)(1) is stayed until October 1, 1992.

§ 56.6203 Locomotives.

Explosive material shall not be transported on a locomotive. When explosive material is hauled by trolley locomotive, covered, electrically insulated cars shall be used.

§ 56.6204 Hoists.

(a) Before explosive material is transported in hoist conveyances, the hoist operator shall be notified.

(b) Explosive material transported in hoist conveyances shall be placed within a container which prevents shifting of the cargo that could cause detonation of the container by impact or by sparks. The manufacturer's container may be used if secured to a nonconductive pallet. When explosives are transported, they shall be secured so as not to contact any sparking material.

(c) No explosive material shall be transported during a mantrip.

§ 56.6205 Conveying explosives by hand.

Closed, nonconductive containers shall be used to carry explosives and detonators to and from blast sites. Separate containers shall be used for explosives and detonators.

§ 56.6220 Maintenance and operation of transport vehicles.

Vehicles containing explosives or detonators shall be maintained in good condition and shall be operated at a safe speed and in accordance with all safe operating practices.

Note: At 56 FR ____, Sept. 12, 1991, § 56.6220 is effective until October 1, 1992, unless terminated earlier by Federal Register notice.

Use**§ 56.6300 Control of blasting operations.**

(a) Only persons trained and experienced in the handling and use of explosive material shall direct blasting operations and related activities.

(b) Trainees and inexperienced persons shall work only in the immediate presence of persons trained and experienced in the handling and use of explosive material.

§ 56.6301 Blasthole obstruction check.

Before loading, blastholes shall be checked and wherever possible, cleared of obstructions.

§ 56.6302 Explosive material protection.

(a) Explosives and blasting agents shall be kept separated from detonators until loading begins.

(b) Explosive material shall be protected from impact and temperatures in excess of 150°F when taken to the blast site.

§ 56.6303 Initiation preparation.

(a) Primers shall be made up only at the time of use and as close to the blast site as conditions allow.

(b) Primers shall be prepared with the detonator contained securely and completely within the explosive or contained securely and appropriately for its design in the tunnel or cap well.

(c) When using detonating cord to initiate another explosive, a connection shall be prepared with the detonating cord threaded through, attached securely to, or otherwise in contact with the explosive.

§ 56.6304 Primer protection.

(a) Tamping shall not be done directly on a primer.

(b) If cartridges of explosives or blasting agents exceed 4 inches in diameter, they shall not be dropped on the primer except where the blasthole is filled with or under water.

Note: At 56 FR ____, Sept. 12, 1991, the effective date of § 56.6304(b) is stayed until October 1, 1992.

§ 56.6305 Unused explosive material.

Unused explosive material shall be moved to a protected location as soon

as practical after loading operations are completed.

§ 56.6306 Loading and blasting.

(a) Vehicles and equipment shall not be driven over explosive material or initiating systems in a manner which could contact the material or system, or otherwise create a hazard.

(b) Once loading begins, the only activity permitted within the blast site shall be activity directly related to the blasting operation, and occasional haulage activity near the base of the highwall being loaded where no other haulage access exists.

(c) Loading shall be continuous except for emergency situations, shift changes, and up to two consecutive idle shifts.

(d) In electric blasting prior to hook-up of the power source and in nonelectric blasting prior to the attachment to an initiating device, all persons shall be removed from the blast area except persons in a blasting shelter or other location that protects from concussion (shock wave), flying material, or gases.

(e) Upon completion of loading and connecting of circuits, firing of blasts shall occur without undue delay.

(f) Before firing a blast—

(1) Ample warning shall be given to allow all persons to be evacuated;

(2) Clear exit routes shall be provided for persons firing the round; and

(3) All access routes to the blast area shall be guarded or barricaded to prevent the passage of persons or vehicles.

(g) No work shall resume in the blast area until a post-blast examination addressing potential blast-related hazards has been conducted by a person having abilities and experience that fully qualify the person to perform the duty assigned.

Note: At 56 FR ____, Sept. 12, 1991, the effective date of § 56.6306 is stayed until October 1, 1992.

§ 56.6307 Drill stem loading.

Explosive material shall not be loaded into blastholes with drill stem equipment or other devices that could be extracted while containing explosive material. The use of loading hose, collar sleeves, or collar pipes is permitted.

§ 56.6308 Initiation systems.

Initiation systems shall be used in accordance with the manufacturer's instructions.

§ 56.6309 Fuel oil requirements for ANFO.

(a) Liquid hydrocarbon fuels with flash points lower than that of No. 2 diesel oil (125°F) shall not be used to prepare ammonium nitrate-fuel oil, except that diesel fuels with flash points

no lower than 100°F may be used at ambient air temperatures below 45°F.

(b) Waste oil, including crankcase oil, shall not be used to prepare ammonium nitrate-fuel oil.

§ 56.6310 Misfire waiting period.

When a misfire is suspected, persons shall not enter the blast area—

(a) For 30 minutes if safety fuse and blasting caps are used; or

(b) For 15 minutes if any other type detonators are used.

§ 56.6311 Handling of misfires.

(a) Faces and muck piles shall be examined for misfires after each blasting operation.

(b) Only work necessary to remove a misfire and protect the safety of miners engaged in the removal shall be permitted in the affected area until the misfire is disposed of in a safe manner.

(c) When a misfire cannot be disposed of safely, each approach to the area affected by the misfire shall be posted with a warning sign at a conspicuous location to prohibit entry, and the condition shall be reported immediately to mine management.

(d) Misfires occurring during the shift shall be reported to mine management not later than the end of the shift.

§ 56.6312 Secondary blastings.

Secondary blasts fired at the same time in the same work area shall be initiated from one source.

§ 56.6313 Blast site security.

Areas in which loading is suspended or loaded holes are awaiting firing shall be attended, barricaded and posted, or flagged against unauthorized entry.

§ 56.6320 Blasthole charging.

Holes to be blasted shall be charged as near to blasting time as practical and such holes shall be blasted as soon as possible after charging has been completed. In no case shall the time elapsing between the completion of charging to the time of blasting exceed 72 hours unless prior approval has been obtained from MSHA.

Note: At 56 FR ____, Sept. 12, 1991, § 56.6320 is effective until October 1, 1992, unless terminated earlier by Federal Register notice.

§ 56.6330 Protection of personnel at blast site.

Ample warning shall be given before blasts are fired. All persons shall be cleared and removed from the blasting area unless suitable blasting shelters are provided to protect persons endangered by concussion or flyrock from blasting.

Note: At 56 FR ____, Sept. 12, 1991, § 56.6330 is effective until October 1, 1992.

unless terminated earlier by Federal Register notice.

§ 56.6331 Burning charges.

If explosives are suspected of burning in a hole, all persons in the endangered area shall move to a safe location and no one shall return to the hole until the danger has passed, but in no case within 1 hour.

Note: At 56 FR ____, Sept. 12, 1991, § 56.6331 is effective until October 1, 1992, unless terminated earlier by Federal Register notice.

Electric Blasting

§ 56.6400 Compatibility of electric detonators.

All electric detonators to be fired in a round shall be from the same manufacturer and shall have similar electrical firing characteristics.

§ 56.6401 Shunting.

Except during testing—

(a) Electric detonators shall be kept shunted until connected to the blasting line or wired into a blasting round;

(b) Wired rounds shall be kept shunted until connected to the blasting line; and

(c) Blasting lines shall be kept shunted until immediately before blasting.

§ 56.6402 Deenergized circuits near detonators.

Electrical distribution circuits within 50 feet of electric detonators at the blast site shall be deenergized. Such circuits need not be deenergized between 25 to 50 feet of the electric detonators if stray current tests, conducted as frequently as necessary, indicate a maximum stray current of less than 0.05 amperes through a 1-ohm resistor as measured at the blast site.

§ 56.6403 Branch circuits.

(a) If electric blasting includes the use of branch circuits, each branch shall be equipped with a safety switch or equivalent method to isolate the circuits to be used.

(b) At least one safety switch or equivalent method of protection shall be located outside the blast area and shall be in the open position until persons are withdrawn.

§ 56.6404 Separation of blasting circuits from power source.

(a) Switches used to connect the power source to a blasting circuit shall be locked in the open position except when closed to fire the blast.

(b) Lead wires shall not be connected to the blasting switch until the shot is ready to be fired.

§ 56.6405 Firing devices.

(a) Power sources shall be capable of delivering sufficient current to energize all electric detonators to be fired with the type of circuits used. Storage or dry cell batteries are not permitted as power sources.

(b) Blasting machines shall be tested, repaired, and maintained in accordance with manufacturer's instructions.

(c) Only the blaster shall have the key or other control to an electrical firing device.

§ 56.6406 Duration of current flow.

If any part of a blast is connected in parallel and is to be initiated from powerlines or lighting circuits, the time of current flow shall be limited to a maximum of 25 milliseconds. This can be accomplished by incorporating an arcing control device in the blasting circuit or by interrupting the circuit with an explosive device attached to one or both lead lines and initiated by a 25-millisecond delay electric detonator.

§ 56.6407 Circuit testing.

A blasting galvanometer or other instrument designed for testing blasting circuits shall be used to test each of the following:

(a) Continuity of each electric detonator in the blasthole prior to stemming or connection to the blasting line.

(b) Resistance of individual series or the resistance of multiple balanced series to be connected in parallel prior to their connection to the blasting line.

(c) Continuity of blasting lines prior to the connection of electric detonator series.

(d) Total blasting circuit resistance prior to connection to the power source.

Nonelectric Blasting

§ 56.6500 Damaged initiating material.

A visual check of the completed circuit shall be made to ensure that the components are properly aligned and connected. Safety fuse, igniter cord, detonating cord, shock or gas tubing, and similar material which is kinked, bent sharply, or damaged shall not be used.

§ 56.6501 Nonelectric initiation systems.

(a) When blasting with any nonelectric initiation system where continuity cannot be tested, double trunklines or loop systems shall be used, except—

(1) When blasting with safety fuse and caps;

(2) When performing secondary blasting; or

(3) When blasting one or two rows using shock tube.

(b) When the nonelectric initiation system uses shock tube—

(1) Connections with other initiation devices shall be secured in a manner which provides for uninterrupted propagation;

(2) Factory made units shall be used as assembled and shall not be cut except that a single splice is permitted on the lead-in trunkline during dry conditions; and

(3) Connections between blastholes shall not be made until immediately prior to clearing the blast site when surface delay detonators are used.

(c) When the nonelectric initiation system uses detonating cord—

(1) The line of detonating cord extending out of a blasthole shall be cut from the supply spool immediately after the attached explosive is correctly positioned in the hole;

(2) In multiple row blasts, the trunkline layout shall be designed so that the detonation can reach each blasthole from at least two directions;

(3) Connections shall be tight and kept at right angles to the trunkline;

(4) Detonators shall be attached securely to the side of the detonating cord and pointed in the direction in which detonation is to proceed;

(5) Connections between blastholes shall not be made until immediately prior to clearing the blast area when surface delay detonators are used; and

(6) Lead-in lines shall be manually unreel if connected to the trunklines at the blast site.

(d) When the nonelectric initiation system uses gas tube, continuity of the circuit shall be tested prior to blasting.

Note: At 56 FR ____, Sept. 12, 1991, the effective date of § 56.6501(a) is stayed until October 1, 1992.

§ 56.6502 Safety fuse.

(a) The burning rate of each spool of safety fuse to be used shall be measured, posted in locations which will be conspicuous to safety fuse users, and brought to the attention of all persons involved with the blasting operation.

(b) When firing with safety fuse ignited individually using handheld lighters, the safety fuse shall be of lengths which provide at least the minimum burning time for a particular size round, as specified in the following table.

TABLE E-1.—SAFETY FUSE—MINIMUM BURNING TIME

Number of holes in a round	Minimum burning time
1	2 minutes. ¹
2-5	2 minutes 40 seconds.
6-10	3 minutes 20 seconds.
11 to 15	5 minutes.

¹ For example, at least a 36-inch length of 40-second-per-foot safety fuse or at least a 48-inch length of 30-second-per-foot safety fuse would have to be used to allow sufficient time to evacuate the area.

(c) Where flyrock might damage exposed safety fuse, the blast shall be timed so that all safety fuses are burning within the blastholes before any blasthole detonates.

(d) Fuse shall be cut and capped in dry locations.

(e) Blasting caps shall be crimped to fuse only with implements designed for that purpose.

(f) Safety fuse shall be ignited only after the primer and the explosive material are securely in place.

(g) Safety fuse shall be ignited only with devices designed for that purpose. Carbide lights, liquefied petroleum gas torches, and cigarette lighters shall not be used to light safety fuse.

(h) At least two persons shall be present when lighting safety fuse, and no one shall light more than 15 individual fuses. If more than 15 holes per person are to be fired, electric initiation systems, igniter cord and connectors, or other nonelectric initiation systems shall be used.

Extraneous Electricity

§ 56.6600 Loading practices.

If extraneous electricity is suspected in an area where electric detonators are used, loading shall be suspended until tests determine that stray current does not exceed 0.05 amperes through a 1-ohm resistor when measured at the location of the electric detonators. If greater levels of extraneous electricity are found, the source shall be determined and no loading shall take place until the condition is corrected.

§ 56.6601 Grounding.

Electric blasting circuits, including powerline sources when used, shall not be grounded.

§ 56.6602 Static electricity dissipation during loading.

When explosive material is loaded pneumatically or dropped into a blasthole in a manner that could generate static electricity—

(a) An evaluation of the potential static electricity hazard shall be made

and any hazard shall be eliminated before loading begins;

(b) The loading hose shall be of a semiconductive type, have a total of not more than 2 megohms of resistance over its entire length and not less than 1000 ohms of resistance per foot;

(c) Wire-countered hoses shall not be used;

(d) Conductive parts of the loading equipment shall be bonded and grounded and grounds shall not be made to other potential sources of extraneous electricity; and

(e) plastic tubes shall not be used as hole liners if the hole contains an electric detonator.

§ 56.6603 Air gap.

At least a 15-foot air gap shall be provided between the blasting circuit and the electric power source.

§ 56.6604 Precautions during storms.

During the approach and progress of an electrical storm, blasting operations shall be suspended and persons withdrawn from the blast area or to a safe location.

§ 56.6605 Isolation of blasting circuits.

Lead wires and blasting lines shall be isolated and insulated from power conductors, pipelines, and railroad tracks, and shall be protected from sources of stray or static electricity. Blasting circuits shall be protected from any contact between firing lines and overhead powerlines which could result from the force of a blast.

Equipment Tools

§ 56.6700 Nonsparking tools.

Only nonsparking tools shall be used to open containers of explosive material or to punch holes in explosive cartridges.

§ 56.6701 Tamping and loading pole requirements.

Tamping and loading poles shall be of wood or other nonconductive, nonsparking material. Couplings for poles shall be nonsparking.

Maintenance

§ 56.6800 Storage facilities.

When repair work which could produce a spark or flame is to be performed on a storage facility—

(a) The explosive material shall be moved to another facility, or moved at least 50 feet from the repair activity and monitored; and

(b) The facility shall be cleaned to prevent accidental detonation.

§ 56.6801 Vehicle repair.

Vehicles containing explosive material and oxidizers shall not be taken into a repair garage or shop.

§ 56.6802 Bulk delivery vehicles.

No welding or cutting shall be performed on a bulk delivery vehicle until the vehicle has been washed down and all explosive material has been removed. Before welding or cutting on a hollow shaft, the shaft shall be thoroughly cleaned inside and out and vented with a minimum ½ inch diameter opening to allow for sufficient ventilation.

§ 56.6803 Blasting lines.

Permanent blasting lines shall be properly supported. All blasting lines shall be insulated and kept in good repair.

General Requirements

§ 56.6900 Damaged or deteriorated explosive material.

Damaged or deteriorated explosive material shall be disposed of in a safe manner in accordance with the instructions of the manufacturer.

§ 56.6901 Black powder.

(a) Black powder shall be used for blasting only when a desired result cannot be obtained with another type of explosive, such as in quarrying certain types of dimension stone.

(b) containers of black powder shall be—

- (1) Nonsparking;
- (2) Kept in a totally enclosed cargo space while being transported by a vehicle;
- (3) Securely closed at all times when—

(i) Within 50 feet of any magazine or open flame,

(ii) Within any building in which a fuel-fired or exposed-element electric heater is operating, or

(iii) In an area where electrical or incandescent-particle sparks could result in powder ignition; and

(4) Opened only when the powder is being transferred to a blasthole or another container and only in locations not listed in paragraph (b)(3) of this section.

(c) Black powder shall be transferred from containers only by pouring.

(d) Spills shall be cleaned up promptly with nonsparking equipment. Contaminated powder shall be put into a container of water and shall be disposed of promptly after the granules have disintegrated, or the spill area shall be flushed promptly with water until the granules have disintegrated completely.

(e) Misfires shall be disposed of by washing the stemming and powder charge from the blasthole, and removing and disposing of the initiator in accordance with the requirement for damaged explosives.

(f) Holes shall not be reloaded for at least 12 hours when the blastholes have failed to break as planned.

§ 56.6902 Excessive temperatures.

(a) Where heat could cause premature detonation, explosive material shall not be loaded into hot areas, such as kilns or sprung holes.

(b) Special precautions shall be used when blasting sulfide ores that react with explosive material or stemming in blastholes.

Note: At 56 FR —, Sept. 12, 1991, the effective date of § 56.6902(b) is stayed until October 1, 1992.

§ 56.6903 Burning explosive material.

If explosive material is suspected of burning at the blast site, persons shall be evacuated from the endangered area and shall not return for at least one hour after the burning or suspected burning has stopped.

Note: At 56 FR —, Sept. 12, 1991, the effective date of § 56.903 is stayed until October 1, 1992.

§ 56.6904 Smoke and open flames.

Smoking and use of open flames shall not be permitted within 50 feet of explosive material except when separated by permanent noncombustible barriers. This standard does not apply to devices designed to ignite safety fuse or to heating devices which do not create a fire or explosion hazard.

Appendix I to Subpart E—MSHA Tables of Distances

TABLE 1—SURFACE STORAGE OF EXPLOSIVE MATERIAL

Quantity of explosive material (pounds)	Minimum separation distances (feet)			
	From mine buildings, dams and electric substations		Between magazines	
	Barricaded	Unbarricaded	Barricaded	Unbarricaded
Not over				
5	70	140	6	12
10	90	180	8	16
20	110	220	10	20
30	125	250	11	22
40	140	280	12	24
50	150	300	14	28
75	170	340	15	30
100	190	380	16	32
125	200	400	18	36
150	215	430	19	38
200	235	470	21	42
250	255	510	23	46
300	270	540	24	48
400	295	590	27	54
500	320	640	29	58
600	340	680	31	62
700	355	710	32	64
800	375	750	33	66
900	390	780	35	70
1,000	400	800	36	72
1,200	425	850	39	78
1,400	450	900	41	82
1,600	470	940	43	86
1,800	490	980	44	88
2,000	505	1,010	45	90
2,500	545	1,090	49	98
3,000	580	1,160	52	104
4,000	635	1,270	58	116
5,000	685	1,370	61	122
6,000	730	1,460	65	130
7,000	770	1,540	68	136
8,000	800	1,600	72	144
9,000	835	1,670	75	150
10,000	865	1,730	78	156
12,000	875	1,750	82	164
14,000	885	1,770	87	174
16,000	900	1,800	90	180
18,000	940	1,880	94	188
20,000	975	1,950	98	196
25,000	1,055	2,000	105	210
30,000	1,130	2,000	112	224
35,000	1,205	2,000	119	238
40,000	1,275	2,000	124	248
45,000	1,340	2,000	129	258
50,000	1,400	2,000	135	270
55,000	1,460	2,000	140	280
60,000	1,515	2,000	145	290
65,000	1,565	2,000	150	300
70,000	1,610	2,000	155	310
75,000	1,655	2,000	160	320
80,000	1,695	2,000	165	330
85,000	1,730	2,000	170	340
90,000	1,760	2,000	175	350
95,000	1,790	2,000	180	360

TABLE 1—SURFACE STORAGE OF EXPLOSIVE MATERIAL—Continued

Quantity of explosive material (pounds)	Minimum separation distances (feet)			
	From mine buildings, dams and electric substations		Between magazines	
	Barricaded	Unbarricaded	Barricaded	Unbarricaded
Not over				
100,000	1,815	2,000	185	370
110,000	1,835	2,000	195	390
120,000	1,855	2,000	205	410
130,000	1,875	2,000	215	430
140,000	1,890	2,000	225	450
150,000	1,900	2,000	235	470
160,000	1,935	2,000	245	490
170,000	1,965	2,000	255	510
180,000	1,990	2,000	265	530
190,000	2,010	2,010	275	550
200,000	2,030	2,030	285	570
210,000	2,055	2,055	295	590
230,000	2,100	2,100	315	630
250,000	2,155	2,155	335	670
275,000	2,215	2,215	360	720
300,000	2,275	2,275	385	770

For purposes of this table, "barricaded" means that the storage facility containing explosive material is screened effectively by a natural barricade or an artificial barricade consisting of a mound or revetted wall of earth with a minimum thickness of three feet.

TABLE 2—MSHA TABLE OF SEPARATION DISTANCES

Quantity of ammonium nitrate or blasting agents (pounds)	Storage facilities—minimum separation distances when barricaded ¹ (feet)		Minimum thickness of artificial barricades ² (inches)
	Ammonium nitrate	Blasting agents	
Not over			
100	3	11	12
300	4	14	12
600	5	18	12
1,000	6	22	12
1,500	7	25	12
2,000	8	29	12
3,000	9	32	15
4,000	10	36	15
6,000	11	40	15
8,000	12	43	20
10,000	13	47	20
12,000	14	50	20
16,000	15	54	25
20,000	16	58	25
25,000	18	65	25
30,000	19	68	30
35,000	20	72	30
40,000	21	76	30
45,000	22	79	35
50,000	23	83	35
55,000	24	86	35
60,000	25	90	35
70,000	26	94	40
80,000	28	101	40
90,000	30	108	40
100,000	32	115	40
120,000	34	122	50
140,000	37	133	50
160,000	40	144	50
180,000	44	158	50
200,000	48	173	50
220,000	52	187	60
250,000	56	202	60
275,000	60	216	60
300,000	64	230	60

¹ When the ammonium nitrate or blasting agents are not barricaded, the distances shown in the table must be multiplied by six.

² For purposes of this table "barricaded" means that the storage facility is screened effectively by a natural barricade or an artificial barricade consisting of amount or revetted wall or earth with the prescribed minimum thickness.

Note: At 56 FR —, Sept. 12, 1991, appendix I to subpart E of part 56 is stayed until October 1, 1992.

12. Sections 56.7055 and 56.7056 of subpart F which were added on January 18, 1991 (56 FR 2096), are stayed until November 1, 1991, and revised as of that date to read as follows:

Subpart F—Drilling and Rotary Jet Piercing

§ 56.7055 Intersecting holes.

Holes shall not be drilled where there is a danger of intersecting a misfired hole or a hole containing explosives blasting agents, or detonators.

§ 56.7056 Collaring in bootlegs.

Holes shall not be collared in bootlegs.

PART 57—[AMENDED]

Subparts E and F of part 57, subchapter N, chapter I, title 30 of the Code of Federal Regulations are amended as follows:

§ 57.6000 [Stayed in part]

1. Stay the effective date of definition of "blast site" in revised § 57.6000 until October 1, 1992.

§ 57.6130 [Stayed in part]

2. Stay the effective date of the first sentence in paragraph (b) of revised § 57.6130 until October 1, 1992.

§ 57.6131 [Stayed in part]

3. Stay the effective date of paragraph (a)(1) of revised § 57.6131 until October 1, 1992.

§ 57.6202 [Stayed in part]

4. Stay the effective date of paragraph (a)(1) of revised § 57.6202 until October 1, 1992.

§ 57.6304 [Stayed in part]

5. Stay the effective date of paragraph (b) of revised § 57.6304 until October 1, 1992.

§ 57.6306 [Stayed in part]

6. Stay the effective date of revised § 57.6306 until October 1, 1992.

§ 57.6501 [Stayed in part]

7. Stay the effective date of paragraph (a) of revised § 57.6501 until October 1, 1992.

§ 57.6902 [Stayed in part]

8. Stay the effective date of paragraph (b) of revised § 57.6902 until October 1, 1992.

§ 57.6903 [Stayed]

9. Stay the effective date of revised § 57.6903 until October 1, 1992.

Appendix I to Subpart E [Stayed]

10. Stay the effective date of revised Appendix I to subpart E until October 1, 1992.

11. As of November 1, 1991 subpart E is revised to read as set forth below.

PART 57—SAFETY AND HEALTH STANDARDS—UNDERGROUND METAL AND NONMETAL MINES

* * * * *

Subpart E—Explosives

Sec.

57.6000 Definitions.**Storage—Surface and Underground**

- 57.6100 Separation of stored explosive material.
- 57.6101 Areas around explosive material storage facilities.
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- 57.6960 Mixing of explosive material.

Appendix I to Subpart E—MSHA Tables of Distances

Authority: 30 U.S.C. 811, 956, and 961.

Subpart E—Explosives**§ 57.6000 Definitions.**

The following definitions apply in this subpart.

Attended. Presence of an individual or continuous monitoring to prevent unauthorized entry or access. In addition, areas containing explosive material at underground areas of a mine can be considered attended when all access to the underground areas of the mine is secured from unauthorized entry. Vertical shafts shall be considered secure. Inclined shafts or adits shall be considered secure when locked at the surface.

Blast area. The area in which concussion (shock wave), flying material, or gases from an explosion may cause injury to persons. In determining the blast area, the following factors shall be considered:

- (1) Geology or material to be blasted.
- (2) Blast pattern.
- (3) Burden, depth, diameter, and angle of the holes.
- (4) Blasting experience of the mine.
- (5) Delay system, powder factor, and pounds per delay.
- (6) Type and amount of explosive material.

(7) Type and amount of stemming.

Blast site. The area where explosive material is handled during loading, including the perimeter formed by the blastholes and 50 feet in all directions from loaded holes. The 50-foot requirement also applies in all directions along the full depth of the hole. In underground mines, 15 feet of solid rib or pillar can be substituted for the 50-foot distance.

Blasting agent. Any substance classified as a blasting agent by the Department of Transportation in 49 CFR 173.114(a). This document is available at any MSHA Metal and Nonmetal Safety and Health district office.

Detonating cord. A flexible cord containing a center core of high explosives which may be used to initiate other explosives.

Detonator. Any device containing a detonating charge used to initiate an explosive. These devices include electric or nonelectric instantaneous or delay blasting caps, and delay connectors. The term "detonator" does not include detonating cord. Detonators may be either "Class A" detonators or "Class C" detonators, as classified by the Department of Transportation in 49 CFR 173.53, and 173.100. This document is available at any MSHA Metal and Nonmetal Safety and Health district office.

Emulsion. An explosive material containing substantial amounts of oxidizers dissolved in water droplets, surrounded by an immiscible fuel.

Explosive. Any substance classified as an explosive by the Department of Transportation in 49 CFR 173.53, 173.88, and 173.100. This document is available at any MSHA Metal and Nonmetal Safety and Health district office.

Explosive material. Explosives, blasting agents, and detonators.

Flash point. The minimum temperature at which sufficient vapor is released by a liquid to form a flammable vapor-air mixture near the surface of the liquid.

Igniter cord. A fuse that burns progressively along its length with an external flame at the zone of burning, used for lighting a series of safety fuses in a desired sequence.

Laminated partition. A partition composed of the following material and minimum nominal dimensions: ½ inch thick plywood, ½ inch thick gypsum wallboard, ¾ inch thick low carbon steel, and ¼ inch thick plywood, bonded together in that order. Other combinations of materials may be used, such as plywood, wood or gypsum wallboard as insulators, and steel or wood as structural elements, provided

that the partition is equivalent to a laminated partition for both insulation and structural purposes as determined by appropriate testing. The Institute of Makers of Explosives (IME) 22 container or compartment, described in IME Safety Library Publication 22 (Jan. 1985), meets the criteria of a laminated partition. This document is available at any MSHA Metal and Nonmetal Safety and Health district office.

Loading. Placing explosive material either in a blasthole or against the material to be blasted.

Misfire. The complete or partial failure of explosive material to detonate as planned. The term also is used to describe the explosive material itself that has failed to detonate.

Multipurpose dry-chemical fire extinguisher. An extinguisher having a rating of at least 2-A:10-B:C and containing a nominal 4.5 pounds or more of dry-chemical agent.

Primer. A unit, package, or cartridge of explosives which contains a detonator and is used to initiate other explosives or blasting agents.

Safety switch. A switch that provides shunt protection in blasting circuits between the blast site and the switch used to connect a power source to a blasting circuit.

Slurry. An explosive material containing substantial portions of a liquid, oxidizers, and fuel, plus a thickener.

Water gel. An explosive material containing substantial portions of water, oxidizers, and fuel, plus a cross-linking agent.

Note: At 56 FR —, Sept. 12, 1991, the effective date of the definition of "blast site" in § 57.6000 is stayed until October 1, 1992.

Storage—Surface and Underground

§ 57.6100 Separation of stored explosive material.

(a) Detonators shall not be stored in the same magazine with other explosive material.

(b) When stored in the same magazine, blasting agents shall be separated from explosives, safety fuse, and detonating cord to prevent contamination.

§ 57.6101 Areas around explosive material storage facilities.

(a) Areas surrounding storage facilities for explosive material shall be clear of rubbish, brush, dry grass, and trees for 25 feet in all directions, except that live trees 10 feet or taller need not be removed.

(b) Other combustibles shall not be stored or allowed to accumulate within 50 feet of explosive material. Combustible liquids shall be stored in a

manner that ensures drainage will occur away from the explosive material storage facility in case of tank rupture.

§ 57.6102 Explosive material storage practices.

(a) Explosive material shall be—

(1) Stored in a manner to facilitate use of oldest stocks first;

(2) Stored according to brand and grade in such a manner as to facilitate identification; and

(3) Stacked in a stable manner but not more than 8 feet high.

(b) Explosives and detonators shall be stored in closed nonconductive containers except that nonelectric detonating devices may be stored on nonconductive racks provided the case-insert instructions and the date-plant-shift code are maintained with the product.

Storage—Surface Only

§ 57.6130 Explosive material storage facilities.

(a) Detonators and explosives shall be stored in magazines.

(b) Packaged blasting agents shall be stored in a magazine or other facility which is ventilated to prevent dampness and excessive heating, weather-resistant, and locked or attended. Facilities other than magazines used to store blasting agents shall contain only blasting agents.

(c) Bulk blasting agents shall be stored in weather-resistant bins or tanks which are locked, attended, or otherwise inaccessible to unauthorized entry.

(d) Facilities, bins or tanks shall be posted with the appropriate United States Department of Transportation placards or other appropriate warning signs that indicate the contents and are visible from each approach.

Note: At 56 FR —, Sept. 12, 1991, the effective date of the first sentence in § 57.6130(b) is stayed until October 1, 1992.

§ 57.6131 Location of explosive material storage facilities.

Storage facilities for any explosive material shall be—

(1) Located in accordance with Appendix I for subpart E—MSHA Tables of Distances. However, where there is not sufficient area at the mine site to allow compliance with appendix I, storage facilities shall be located so that the forces generated by a storage facility explosion will not create a hazard to occupants in mine buildings and will not damage mine openings, mine ventilation fans, dams, or electric substations; and

(2) Detached structures located outside the blast area and a sufficient distance from powerlines so that the

powerlines, if damaged, would not contact the magazines.

(b) Operators should also be aware of regulations affecting storage facilities in 27 CFR part 55.

Note: At 56 FR —, Sept. 12, 1991, the effective date of § 57.6131(a)(1) is stayed until October 1, 1992.

§ 57.6132 Magazine requirements.

(a) Magazines shall be—

(1) Structurally sound;

(2) Noncombustible or the exterior covered with fire-resistant material;

(3) Bullet resistant;

(4) Made of nonsparking material on the inside;

(5) Ventilated to control dampness and excessive heating within the magazine;

(6) Posted with the appropriate United States Department of Transportation placards or other appropriate warning signs that indicate the contents and are visible from each approach, so located that a bullet passing through any of the signs will not strike the magazine;

(7) Kept clean and dry inside;

(8) Unlighted or lighted by devices that are specifically designed for use in magazines and which do not create a fire or explosion hazard;

(9) Unheated or heated only with devices that do not create a fire or explosion hazard;

(10) Locked when unattended; and

(11) Used exclusively for the storage of explosive material except for essential nonsparking equipment used for the operation of the magazine.

(b) Metal magazines shall be equipped with electrical bonding connections between all conductive portions so the entire structure is at the same electrical potential. Suitable electrical bonding methods include welding, riveting, or the use of securely tightened bolts where individual metal portions are joined. Conductive portions of nonmetal magazines shall be grounded.

(c) Electrical switches and outlets shall be located on the outside of the magazine.

§ 57.6133 Powder chests.

(a) Powder chests (day boxes) shall be—

(1) Structurally sound, weather-resistant, equipped with a lid or cover, and with only nonsparking material on the inside;

(2) Posted with the appropriate United States Department of Transportation placards or other appropriate warning signs that indicate the contents and are visible from each approach;

(3) Located out of the blast area once loading has been completed;

(4) Locked or attended when containing explosive material; and

(5) Emptied at the end of each shift with the contents returned to a magazine or other storage facility, or attended.

(b) Detonators shall be kept in separate chests from explosives or blasting agents, except if separated by 4 inches of hardwood, laminated partition, or equivalent.

§ 57.6140 Magazine location.

Magazines shall be located in accordance with the current American Table of Distances for storage of explosives.

Note: At 56 FR —, Sept. 12, 1991, § 57.6140 is effective until October 1, 1992, unless terminated earlier by Federal Register notice.

Storage—Underground Only

§ 57.6160 Main facilities.

(a) Main facilities used to store explosive material underground shall be located—

(1) In stable or supported ground;

(2) So that a fire or explosion in the storage facilities will not prevent escape from the mine, or cause detonation of the contents of another storage facility;

(3) Out of the line of blasts, and protected from vehicular traffic, except that accessing the facility;

(4) At least 200 feet from work places or shafts;

(5) At least 50 feet from electric substations;

(6) A safe distance from trolley wires; and

(7) At least 25 feet from detonator storage facilities.

(b) Main facilities used to store explosive material underground shall be—

(1) Posted with warning signs that indicate the contents and are visible from any approach;

(2) Used exclusively for the storage of explosive material and necessary equipment associated with explosive material storage and delivery:

(i) Portions of the facility used for the storage of explosives shall only contain nonsparking material or equipment.

(ii) The blasting agent portion of the facility may be used for the storage of other necessary equipment.

(3) Kept clean, suitably dry, and orderly;

(4) Provided with unobstructed ventilation openings;

(5) Kept securely locked unless all access to the mine is either locked or attended; and

(6) Unlighted or lighted only with devices that do not create a fire or explosion hazard and which are

specifically designed for use in magazines.

(c) Electrical switches and outlets shall be located outside the facility.

§ 57.6161 Auxiliary facilities.

(a) Auxiliary facilities used to store explosive material near work places shall be wooden, box-type containers equipped with covers or doors, or facilities constructed or mined-out to provide equivalent impact resistance and confinement.

(b) The auxiliary facilities shall be—

(1) Constructed of nonsparking material on the inside when used for the storage of explosives;

(2) Kept clean, suitably dry, and orderly;

(3) Kept in repair;

(4) Located out of the line of blasts so they will not be subjected to damaging shock or flyrock;

(5) Identified with warning signs or coded to indicate the contents with markings visible from any approach;

(6) Located at least 15 feet from all haulageways and electrical equipment, or placed entirely within a mined-out recess in the rib used exclusively for explosive material;

(7) Filled with no more than a one-week supply of explosive material;

(8) Separated by at least 25 feet from other facilities used to store detonators; and

(9) Kept securely locked unless all access to the mine is either locked or attended.

Transportation—Surface and Underground

§ 57.6200 Delivery to storage or blast site areas.

Explosive material shall be transported without undue delay to the storage area or blast site.

§ 57.6201 Separation of transported explosive material.

Detonators shall not be transported on the same vehicle or conveyance with other explosives except as follows:

(a) Detonators in quantities of more than 1000 may be transported in a vehicle or conveyance with explosives or blasting agents provided the detonators are—

(1) Maintained in the original packaging as shipped from the manufacturer; and

(2) Separated from the explosives or blasting agents by 4-inches of hardwood, laminated partition, or equivalent. The hardwood, laminated partition, or equivalent shall be fastened to the vehicle or conveyance.

(b) Detonators in quantities of 1000 or fewer may be transported with

explosives or blasting agents provided the detonators are—

(1) Kept in closed containers; and

(2) Separated from the explosives or blasting agents by 4-inches of hardwood, laminated partition, or equivalent. The hardwood, laminated partition, or the equivalent shall be fastened to the vehicle or conveyance.

§ 57.6202 Vehicles.

(a) Vehicles containing explosive material shall be—

(1) Structurally sound and well-maintained;

(2) Equipped with sides and enclosures higher than the explosive material being transported or have the explosive material secured to a nonconductive pallet;

(3) Equipped with a cargo space that shall contain the explosive material (passenger areas shall not be considered cargo space);

(4) Equipped with at least two multipurpose dry-chemical fire extinguishers or one such extinguisher and an automatic fire suppression system;

(5) Posted with warning signs that indicate the contents and are visible from each approach;

(6) Occupied only by persons necessary for handling the explosive material;

(7) Attended or the cargo compartment locked at surface areas of underground mines, except when parked at the blast site and loading is in progress; and

(8) Secured while parked by having—

(i) The brakes set;

(ii) The wheels chocked if movement could occur; and

(iii) The engine shut off unless powering a device being used in the loading operation.

(b) Vehicles containing explosives shall have—

(1) No sparking material exposed in the cargo space; and

(2) Only properly secured nonsparking equipment in the cargo space with the explosives.

(c) Vehicles used for dispensing bulk explosive material shall—

(1) Have no zinc or copper exposed in the cargo space; and

(2) Provide any enclosed screw-type conveyors with protection against internal pressure and frictional heat.

Note: At 56 FR —, Sept. 12, 1991, § 57.6202(a)(1) is stayed until October 1, 1992.

§ 57.6203 Locomotives.

Explosive material shall not be transported on a locomotive. When explosive material is hauled by trolley

locomotive, covered, electrically insulated cars shall be used.

§ 57.6204 Hoists.

(a) Before explosive material is transported in hoist conveyances—

(1) The hoist operator shall be notified; and

(2) Hoisting in adjacent shaft compartments, except for empty conveyances or counterweights, shall be stopped until transportation of the explosive material is completed.

(b) Explosive material transported in hoist conveyances shall be placed within a container which prevents shifting of the cargo that could cause detonation of the container by impact or by sparks. The manufacturer's container may be used if secured to a nonconductive pallet. When explosives are transported, they shall be secured so as not to contact any sparking material.

(c) No explosive material shall be transported during a mantrip.

§ 57.6205 Conveying explosives by hand.

Closed, nonconductive containers shall be used to carry explosives and detonators to and from blast sites. Separate containers shall be used for explosives and detonators.

§ 57.6220 Maintenance and operation of transport vehicles.

Vehicles containing explosives or detonators shall be maintained in good condition and shall be operated at a safe speed and in accordance with all safe operating practices.

Note: At 56 FR ____, Sept. 12, 1991, § 57.6220 is effective until October 1, 1992, unless terminated earlier by Federal Register notice.

Use—Surface and Underground

§ 57.6300 Control of blasting operations.

(a) Only persons trained and experienced in the handling and use of explosive material shall direct blasting operations and related activities.

(b) Trainees and inexperienced persons shall work only in the immediate presence of persons trained and experienced in the handling and use of explosive material.

§ 57.6301 Blasthole obstruction check.

Before loading, blastholes shall be checked and wherever possible, cleared of obstructions.

§ 57.6302 Explosive material protection.

(a) Explosives and blasting agents shall be kept separated from detonators until loading begins.

(b) Explosive material shall be protected from impact and temperatures in excess of 150 °F when taken to the blast site.

§ 57.6303 Initiation preparation.

(a) Primers shall be made up only at the time of use and as close to the blast site as conditions allow.

(b) Primers shall be prepared with the detonator contained securely and completely within the explosive or contained securely and appropriately for its design in the tunnel or cap well.

(c) When using detonating cord to initiate another explosive, a connection shall be prepared with the detonating cord threaded through, attached securely to, or otherwise in contact with the explosive.

§ 57.6304 Primer protection.

(a) Tamping shall not be done directly on a primer.

(b) If cartridges of explosives or blasting agents exceed 4 inches in diameter, they shall not be dropped on the primer except where the blasthole is filled with or under water.

Note: At 56 FR ____, Sept. 12, 1991, the effective date of § 57.6304(b) is stayed until October 1, 1992.

§ 57.6305 Unused explosive material.

Unused explosive material shall be moved to a protected location as soon as practical after loading operations are completed.

§ 57.6306 Loading and blasting.

(a) Vehicles and equipment shall not be driven over explosive material or initiating systems in a manner which could contact the material or system, or otherwise create a hazard.

(b) Once loading begins, the only activity permitted within the blast site shall be activity directly related to the blasting operation, and occasional haulage activity near the base of the highwall being loaded where no other haulage access exists.

(c) Loading shall be continuous except for emergency situations, shift changes, and up to two consecutive idle shifts.

(d) In electric blasting prior to hook-up of the power source and in nonelectric blasting prior to the attachment to an initiating device, all persons shall be removed from the blast area except persons in a blasting shelter or other location that protects from concussion (shock wave), flying material, or gases.

(e) Upon completion of loading and connecting of circuits, firing of blasts shall occur without undue delay.

(f) Before firing a blast—

(1) Ample warning shall be given to allow all persons to be evacuated;

(2) Clear exit routes shall be provided for persons firing the round; and

(3) All access routes to the blast area shall be guarded or barricaded to

prevent the passage of persons or vehicles.

(g) No work shall resume in the blast area until a post-blast examination addressing potential blast-related hazards has been conducted by a person having abilities and experience that fully qualify the person to perform the duty assigned.

Note: At 56 FR ____, Sept. 12, 1991, the effective date of § 57.6306 is stayed until October 1, 1992.

§ 57.6307 Drill stem loading.

Explosive material shall not be loaded into blastholes with drill stem equipment or other devices that could be extracted while containing explosive material. The use of loading hose, collar sleeves, or collar pipes is permitted.

§ 57.6308 Initiation systems.

Initiation systems shall be used in accordance with the manufacturer's instructions.

§ 57.6309 Fuel oil requirements for ANFO.

(a) Liquid hydrocarbon fuels with flash points lower than that of No. 2 diesel oil (125 °F) shall not be used to prepare ammonium nitrate-fuel oil, except that diesel fuels with flash points no lower than 100 °F may be used at ambient air temperatures below 45 °F.

(b) Waste oil, including crankcase oil, shall not be used to prepare ammonium nitrate-fuel oil.

§ 57.6310 Misfire waiting period.

When a misfire is suspected, persons shall not enter the blast area—

(a) For 30 minutes if safety fuse and blasting caps are used; or

(b) For 15 minutes if any other type detonators are used.

§ 57.6311 Handling of misfires.

(a) Faces and muck piles shall be examined for misfires after each blasting operation.

(b) Only work necessary to remove a misfire and protect the safety of miners engaged in the removal shall be permitted in the affected area until the misfire is disposed of in a safe manner.

(c) When a misfire cannot be disposed of safely, each approach to the area affected by the misfire shall be posted with a warning sign at a conspicuous location to prohibit entry, and the condition shall be reported immediately to mine management.

(d) Misfires occurring during the shift shall be reported to mine management not later than the end of the shift.

§ 57.6312 Secondary blasting.

Secondary blasts fired at the same time in the same work area shall be initiated from one source.

§ 57.6313 Blast site security.

Areas in which loading is suspended or loaded holes are awaiting firing shall be attended, barricaded and posted, or flagged against unauthorized entry.

§ 57.6320 Blasthole charging.

Holes to be blasted shall be charged as near to blasting time as practical and such holes shall be blasted as soon as possible after charging has been completed. In no case shall the time elapsing between the completion of charging to the time of blasting exceed 72 hours unless prior approval has been obtained from MSHA.

Note: At 56 FR —, Sept. 12, 1991, § 57.6320 is effective until October 1, 1992, unless terminated earlier by Federal Register notice.

Use—Surface Only**§ 57.6330 Protection of personnel at blast site.**

Ample warning shall be given before blasts are fired. All persons shall be cleared and removed from the blasting area unless suitable blasting shelters are provided to protect persons endangered by concussion or flyrock from blasting.

Note: At 56 FR —, Sept. —, 1991, § 57.6330 is effective until October 1, 1992, unless terminated earlier by Federal Register notice.

§ 57.6331 Burning charges.

If explosives are suspected of burning in a hole, all persons in the endangered area shall move to a safe location and no one shall return to the hole until the danger has passed, but in no case within 1 hour.

Note: At 56 FR —, Sept. —, 1991, § 57.6331 is effective until October 1, 1992, unless terminated earlier by Federal Register notice.

Use—Underground Only**§ 57.6375 Loading and blast site restrictions.**

Ample warning shall be given before the blasts are fired. All persons shall be cleared and removed from areas endangered by the blast. Clear access to exits shall be provided for personnel firing the rounds.

Note: At 56 FR —, Sept. 12, 1991, § 57.6375 is effective until October 1, 1992, unless terminated earlier by Federal Register notice.

§ 57.6382 Blasting in shafts or winzes.

Blasts in shafts or winzes shall be initiated from a safe location outside the shaft or winze.

Note: At 56 FR —, Sept. 12, 1991, § 57.6382 is effective until October 1, 1992, unless terminated earlier by Federal Register notice.

Electric Blasting—Surface and Underground**§ 57.6400 Compatibility of electric detonators.**

All electric detonators to be fired in a round shall be from the same manufacturer and shall have similar electrical firing characteristics.

§ 57.6401 Shunting.

Except during testing—

(a) Electric detonators shall be kept shunted until connected to the blasting line or wired into a blasting round;

(b) Wired rounds shall be kept shunted until connected to the blasting line; and

(c) Blasting lines shall be kept shunted until immediately before blasting.

§ 57.6402 Deenergized circuits near detonators.

Electrical distribution circuits within 50 feet of electric detonators at the blast site shall be deenergized. Such circuits need not be deenergized between 25 to 50 feet of the electric detonators if stray current tests, conducted as frequently as necessary, indicate a maximum stray current of less than 0.05 amperes through a 1-ohm resistor as measured at the blast site.

§ 57.6403 Branch circuits.

(a) If electric blasting includes the use of branch circuits, each branch shall be equipped with a safety switch or equivalent method to isolate the circuits to be used.

(b) At least one safety switch or equivalent method of protection shall be located outside the blast area and shall be in the open position until persons are withdrawn.

§ 57.6404 Separation of blasting circuits from power source.

(a) Switches used to connect the power source to a blasting circuit shall be locked in the open position except when closed to fire the blast.

(b) Lead wires shall not be connected to the blasting switch until the shot is ready to be fired.

§ 57.6405 Firing devices.

(a) Power sources shall be capable of delivering sufficient current to energize all electric detonators to be fired with the type of circuits used. Storage or dry

cell batteries are not permitted as power sources.

(b) Blasting machines shall be tested, repaired, and maintained in accordance with manufacturer's instructions.

(c) Only the blaster shall have the key or other control to an electrical firing device.

§ 57.6406 Duration of current flow.

If any part of a blast is connected in parallel and is to be initiated from powerlines or lighting circuits, the time of current flow shall be limited to a maximum of 25 milliseconds. This can be accomplished by incorporating an arcing control device in the blasting circuit or by interrupting the circuit with an explosive device attached to one or both lead lines and initiated by a 25-millisecond delay electric detonator.

§ 57.6407 Circuit testing.

A blasting galvanometer or other instrument designed for testing blasting circuits shall be used to test the following:

(a) In surface operations—

(1) Continuity of each electric detonator in the blasthole prior to stemming and connection to the blasting line;

(2) Resistance of individual series or the resistance of multiple balanced series to be connected in parallel prior to their connection to the blasting line;

(3) Continuity of blasting lines prior to the connection of electric detonator series; and

(4) Total blasting circuit resistance prior to connection to the power source.

(b) In underground operations—

(1) Continuity of each electric detonator series; and

(2) Continuity of blasting lines prior to the connection of electric detonators.

Nonelectric Blasting—Surface and Underground**§ 57.6500 Damaged initiating material.**

A visual check of the completed circuit shall be made to ensure that the components are properly aligned and connected. Safety fuse, igniter cord, detonating cord, shock or gas tubing, and similar material which is kinked, bent sharply, or damaged shall not be used.

§ 57.6501 Nonelectric initiation systems.

(a) When blasting with any nonelectric initiation system where continuity cannot be tested, double trunklines or loop systems shall be used, except—

(1) When blasting with safety fuse and caps;

(2) When performing secondary blasting; or

(3) When blasting one or two rows using shock tube.

(b) When the nonelectric initiation system uses shock tube—

(1) Connections with other initiation devices shall be secured in a manner which provides for uninterrupted propagation;

(2) Factory made units shall be used as assembled and shall not be cut except that a single splice is permitted on the lead-in trunkline during dry conditions; and

(3) Connections between blastholes shall not be made until immediately prior to clearing the blast site when surface delay detonators are used.

(c) When the nonelectric initiation system uses detonating cord—

(1) The line of detonating cord extending out of a blasthole shall be cut from the supply spool immediately after the attached explosive is correctly positioned in the hole;

(2) In multiple row blasts, the trunkline layout shall be designed so that the detonation can reach each blasthole from at least two directions;

(3) Connections shall be tight and kept at right angles to the trunkline;

(4) Detonators shall be attached securely to the side of the detonating cord and pointed in the direction in which detonation is to proceed;

(5) Connections between blastholes shall not be made until immediately prior to clearing the blast area when surface delay detonators are used; and

(6) Lead-in lines shall be manually unreel if connected to the trunklines at the blast site.

(d) When nonelectric initiation systems use gas tube, continuity of the circuit shall be tested prior to blasting.

Note: At 56 FR —, Sept. 12, 1991, the effective date of § 57.6501(a) is stayed until October 1, 1992.

§ 57.6502 Safety fuse.

(a) The burning rate of each spool of safety fuse to be used shall be measured, posted in locations which will be conspicuous to safety fuse users, and brought to the attention of all persons involved with the blasting operation.

(b) When firing with safety fuse ignited individually using handheld lighters, the safety fuse shall be of lengths which provide at least the minimum burning time for a particular size round, as specified in the following table.

TABLE E-1.—SAFETY FUSE—MINIMUM BURNING TIME

Number of holes in a round	Minimum burning time
1.....	2 minutes.*
2-5.....	2 minutes 40 seconds.
6-10.....	3 minutes 20 seconds.
11 to 15.....	5 minutes.

* For example, at least a 36-inch length of 40-second-per-foot safety fuse or at least a 48-inch length of 30-second-per-foot safety fuse would have to be used to allow sufficient time to evacuate the area.

(c) Where flyrock might damage exposed safety fuse, the blast shall be timed so that all safety fuses are burning within the blastholes before any blasthole detonates.

(d) Fuse shall be cut and capped in dry locations.

(e) Blasting caps shall be crimped to fuse only with implements designed for that purpose.

(f) Safety fuse shall be ignited only after the primer and the explosive material are securely in place.

(g) Safety fuse shall be ignited only with devices designed for that purpose. Carbide lights, liquefied petroleum gas torches, and cigarette lighters shall not be used to light safety fuse.

(h) At least two persons shall be present when lighting safety fuse, and no one shall light more than 15 individual fuses. If more than 15 holes per person are to be fired, electric initiation systems, igniter cord and connectors, or other nonelectric initiation systems shall be used.

Extraneous Electricity—Surface and Underground

§ 57.6600 Loading practices.

If extraneous electricity is suspected in an area where electric detonators are used, loading shall be suspended until tests determine that stray current does not exceed 0.05 amperes through a 1-ohm resistor when measured at the location of the electric detonators. If greater levels of extraneous electricity are found, the source shall be determined and no loading shall take place until the condition is corrected.

§ 57.6601 Grounding.

Electric blasting circuits, including powerline sources when used, shall not be grounded.

§ 57.6602 Static electricity dissipation during loading.

When explosive material is loaded pneumatically or dropped into a blasthole in a manner that could generate static electricity—

(a) An evaluation of the potential static electricity hazard shall be made

and any hazard shall be eliminated before loading begins;

(b) The loading hose shall be of a semiconductive type, have a total of not more than 2 megohms of resistance over its entire length and not less than 1000 ohms of resistance per foot;

(c) Wire-counter hoses shall not be used;

(d) Conductive parts of the loading equipment shall be bonded and grounded and grounds shall not be made to other potential sources of extraneous electricity; and

(e) Plastic tubes shall not be used as hole liners if the hole contains an electric detonator.

§ 57.6603 Air gap.

At least a 15-foot air gap shall be provided between the blasting circuit and the electric power source.

§ 57.6604 Precautions during storms.

During the approach and progress of an electrical storm—

(a) Surface blasting operations shall be suspended and persons withdrawn from the blast area or to a safe location.

(b) Underground electrical blasting operations that are capable of being initiated by lightning shall be suspended and all persons withdrawn from the blast area or to a safe location.

§ 57.6605 Isolation of blasting circuits.

Lead wires and blasting lines shall be isolated and insulated from power conductors, pipelines, and railroad tracks, and shall be protected from sources of stray or static electricity. Blasting circuits shall be protected from any contact between firing lines and overhead powerlines which could result from the force of a blast.

Equipment/Tools—Surface and Underground

§ 57.6700 Nonsparking tools.

Only nonsparking tools shall be used to open containers of explosive material or to punch holes in explosive cartridges.

§ 57.6701 Tamping and loading pole requirements.

Tamping and loading poles shall be of wood or other nonconductive, nonsparking material. Couplings for poles shall be nonsparking.

Maintenance—Surface and Underground

§ 57.6800 Storage facilities.

When repair work which could produce a spark or flame is to be performed on a storage facility—

(a) The explosive material shall be moved to another facility, or moved at least 50 feet from the repair activity and monitored; and

(b) The facility shall be cleaned to prevent accidental detonation.

§ 57.6801 Vehicle repair.

Vehicles containing explosive material and oxidizers shall not be taken into a repair garage or shop.

§ 57.6802 Bulk delivery vehicles.

No welding or cutting shall be performed on a bulk delivery vehicle until the vehicle has been washed down and all explosive material has been removed. Before welding or cutting on a hollow shaft, the shaft shall be thoroughly cleaned inside and out and vented with a minimum ½ inch diameter opening to allow for sufficient ventilation.

§ 57.6803 Blasting lines.

Permanent blasting lines shall be properly supported. All blasting lines shall be insulated and kept in good repair.

General Requirements—Surface and Underground

§ 57.6900 Damaged or deteriorated explosive material.

Damaged or deteriorated explosive material shall be disposed of in a safe manner in accordance with the instructions of the manufacturer.

§ 57.6901 Black powder.

(a) Black powder shall be used for blasting only when a desired result cannot be obtained with another type of explosive, such as in quarrying certain types of dimension stone.

(b) Containers of black powder shall be—

- (1) Nonsparking;
- (2) Kept in a totally enclosed cargo space while being transported by a vehicle;

(3) Securely closed at all times when—

(i) Within 50 feet of any magazine or open flame,

(ii) Within any building in which a fuel-fired or exposed-element electric heater is operating, or

(iii) In an area where electrical or incandescent-particle sparks could result in powder ignition; and

(4) Opened only when the powder is being transferred to a blasthole or another container and only in locations not listed in paragraph (b)(3) of this section.

(c) Black powder shall be transferred from containers only by pouring.

(d) Spills shall be cleaned up promptly with nonsparking equipment.

Contaminated powder shall be put into a container of water and shall be disposed of promptly after the granules have disintegrated, or the spill area shall be flushed promptly with water until the granules have disintegrated completely.

(e) Misfires shall be disposed of by washing the stemming and powder charge from the blasthole, and removing and disposing of the initiator in accordance with the requirement for damaged explosives.

(f) Holes shall not be reloaded for at least 12 hours when the blastholes have failed to break as planned.

§ 57.6902 Excessive temperatures.

(a) Where heat could cause premature detonation, explosive material shall not be loaded into hot areas, such as kilns or sprung holes.

(b) Special precautions shall be used when blasting sulfide ores that react with explosive material or stemming in blastholes.

Note: At 56 FR —, Sept. 12, 1991, the effective date of § 57.6902(b) is stayed until October 1, 1992.

§ 57.6903 Burning explosive material.

If explosive material is suspected of burning at the blast site, persons shall

be evacuated from the endangered area and shall not return for at least one hour after the burning or suspected burning has stopped.

Note: At 56 FR —, Sept. 12, 1991, the effective date of § 57.6903 is stayed until October 1, 1992.

§ 57.6904 Smoking and open flames.

Smoking and use of open flames shall not be permitted within 50 feet of explosive material except when separated by permanent noncombustible barriers. This standard does not apply to devices designed to ignite safety fuse or to heating devices which do not create a fire or explosion hazard.

General Requirements—Underground Only

§ 57.6960 Mixing of explosive material.

(a) The mixing of ingredients to produce explosive material shall not be conducted underground unless prior approval of the MSHA district manager is obtained. In granting or withholding approval, the district manager shall consider the potential hazards created by—

(1) The location of the stored material and the storage practices used;

(2) The transportation and use of the explosive material;

(3) The nature of the explosive material, including its sensitivity;

(4) Any other factor deemed relevant to the safety of miners potentially exposed to the hazards associated with the mixing of the bulk explosive material underground.

(b) Storage facilities for the ingredients to be mixed shall provide drainage away from the facilities for leaks and spills.

Appendix I to Subpart E—MSHA Tables of Distances

TABLE 1.—SURFACE STORAGE OF EXPLOSIVE MATERIAL

Quantity of explosive material (pounds)	Minimum separation distances (feet)			
	From mine buildings, dams and electric substations		Between magazines	
	Barricaded	Unbarricaded	Barricaded	Unbarricaded
Not over				
5	70	140	6	12
10	90	180	8	16
20	110	220	10	20
30	125	250	11	22
40	140	280	12	24
50	150	300	14	28
75	170	340	15	30
100	190	380	16	32
125	200	400	18	36
150	215	430	19	38
200	235	470	21	42
250	255	510	23	46

TABLE 1.—SURFACE STORAGE OF EXPLOSIVE MATERIAL—Continued

Quantity of explosive material (pounds)	Minimum separation distances (feet)			
	From mine buildings, dams and electric substations		Between magazines	
	Barricaded	Unbarricaded	Barricaded	Unbarricaded
Not over				
300	270	540	24	48
400	295	590	27	54
500	320	640	29	58
600	340	680	31	62
700	355	710	32	64
800	375	750	33	66
900	390	780	35	70
1,000	400	800	36	72
1,200	425	850	39	78
1,400	450	900	41	82
1,600	470	940	43	86
1,800	490	980	44	88
2,000	505	1,010	45	90
2,500	545	1,090	49	98
3,000	580	1,160	52	104
4,000	635	1,270	58	116
5,000	685	1,370	61	122
6,000	730	1,460	65	130
7,000	770	1,540	68	136
8,000	800	1,600	72	144
9,000	835	1,670	75	150
10,000	865	1,730	78	156
12,000	875	1,750	82	164
14,000	885	1,770	87	174
16,000	900	1,800	90	180
18,000	940	1,880	94	188
20,000	975	1,950	98	196
25,000	1,055	2,000	105	210
30,000	1,130	2,000	112	224
35,000	1,205	2,000	119	238
40,000	1,275	2,000	124	248
45,000	1,340	2,000	129	258
50,000	1,400	2,000	135	270
55,000	1,460	2,000	140	280
60,000	1,515	2,000	145	290
65,000	1,565	2,000	150	300
70,000	1,610	2,000	155	310
75,000	1,655	2,000	160	320
80,000	1,695	2,000	165	330
85,000	1,730	2,000	170	340
90,000	1,760	2,000	175	350
95,000	1,790	2,000	180	360
100,000	1,815	2,000	185	370
110,000	1,835	2,000	195	390
120,000	1,855	2,000	205	410
130,000	1,875	2,000	215	430
140,000	1,890	2,000	225	450
150,000	1,900	2,000	235	470
160,000	1,935	2,000	245	490
170,000	1,965	2,000	255	510
180,000	1,990	2,000	265	530
190,000	2,010	2,010	275	550
200,000	2,030	2,030	285	570
210,000	2,055	2,055	295	590
230,000	2,100	2,100	315	630
250,000	2,155	2,155	335	670
275,000	2,215	2,215	360	720
300,000	2,275	2,275	385	770

For purposes of this table, "barricaded" means that the storage facility containing explosive material is screened effectively by a natural barricade or an artificial barricade consisting of a mound or revetted wall of earth with a minimum thickness of three feet.

TABLE 2.—MSHA TABLE OF SEPARATION DISTANCES

Quantity of ammonium nitrate of blasting agents (pounds)	Storage facilities—minimum separation distances when barricaded * (feet)		Minimum thickness of artificial barricades ** (inches)
	Ammonium nitrate	Blasting agents	
Not over			
100	3	11	12
300	4	14	12
600	5	18	12
1,000	6	22	12
1,600	7	25	12
2,000	8	29	12
3,000	9	32	15

TABLE 2.—MSHA TABLE OF SEPARATION DISTANCES—Continued

Quantity of ammonium nitrate of blasting agents (pounds)	Storage facilities—minimum separation distances when barricaded * (feet)		Minimum thickness of artificial barricades ** (inches)
	Ammonium nitrate	Blasting agents	
Not over			
4,000	10	36	15
6,000	11	40	15
8,000	12	43	20
10,000	13	47	20
12,000	14	50	20
16,000	15	54	25
20,000	16	58	25
25,000	18	65	25
30,000	19	68	30
35,000	20	72	30
40,000	21	76	30
45,000	22	79	35
50,000	23	83	35
55,000	24	86	35
60,000	25	90	35
70,000	26	94	40
80,000	28	101	40
90,000	30	108	40
100,000	32	115	40
120,000	34	122	50
140,000	37	133	50
160,000	40	144	50
180,000	44	158	50
200,000	48	173	50
220,000	52	187	60
250,000	56	202	60
275,000	60	216	60
300,000	64	230	60

* When the ammonium nitrate or blasting agents are not barricaded, the distances shown in the table must be multiplied by six.

** For purposes of this table, "barricaded" means that the storage facility is screened effectively by a natural barricade or an artificial barricade consisting of amount of revetted wall or earth with the prescribed minimum thickness.

Note: At 56 FR —, Sept. 12, 1991, appendix I to subpart E of part 57 is stayed until October 1, 1992.

12. Sections 57.7055 and 57.7056 of subpart F which were added on January 18, 1991 (56 FR 2104), are stayed until November 1, 1991, and revised as of that date to read as follows:

Subpart F—Drilling and Rotary Jet Piercing

§ 56.7055 Intersecting holes.

Holes shall not be drilled where there is a danger of intersecting a misfired hole or a hole containing explosives, blasting agents, or detonators.

§ 57.7056 Collaring in bootlegs.

Holes shall not be collared in bootlegs.

[FR Doc. 91-21863 Filed 9-11-91; 8:45 am]

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Federal Register

Thursday
September 12, 1991

Part V

Department of Defense

48 CFR Parts 225, 231, and 242

**Department of Defense Federal
Acquisition Regulation Supplement;
Independent Research and Development
Costs; Final Rule**

DEPARTMENT OF DEFENSE

48 CFR Parts 225, 231, and 242

Department of Defense Federal Acquisition Regulation Supplement; Independent Research and Development Costs

AGENCY: Department of Defense (DOD).

ACTION: Final rule.

SUMMARY: The Defense Acquisition Regulations (DAR) Council has revised DoD FAR Supplement parts 225, 231, and 242 to implement section 824 of the FY 1991 DoD Authorization Act (Pub. L. 101-510). This final rule incorporates the new, broader legislative standard for IR&D/B&P projects which are of "potential interest to DoD" and makes other related changes. Additional requirements of 10 U.S.C. 2372 have been proposed for implementation in the Federal Acquisition Regulation and will be published separately.

Note: This rule amends the 1988 edition of the DFARS, not the 1991 edition which was published July 31, 1991 (56 FR 36280).

EFFECTIVE DATE: August 19, 1991.

FOR FURTHER INFORMATION CONTACT: Mr. Eric Mens, (703) 697-7266. Please cite DAR Case 90-313D.

SUPPLEMENTARY INFORMATION:

A. Background

Background information on the proposed rule was published in the Federal Register on March 14, 1991 (56 FR 10854). Several editorial and other minor changes were made after considering public comments received in response to the proposed rule. In 231.205-18(c)(1)(iii)(S-71)(1), the word "activities" was changed to "projects." DFARS 242.1005(a) was rewritten to clarify the responsibility of the DoD IR&D Technical Evaluation Group in providing contractors with appropriate guidance for submission of technical information to support IR&D proposals. In 242.1005(c) and in 242.1006(a)(5) and (b), the citation "231.205-18(c)(1)(iii)(A)" was changed to "231.205-18(c)(1)(iii)(S-70)(2)."

B. Regulatory Flexibility Act

The final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because most contracts awarded to small entities are awarded on a competitive, fixed-price basis and the cost principles do not apply. Therefore, the Regulatory Flexibility Act does not apply and a Regulatory Flexibility Analysis has not been performed.

Comments on the applicability of the Regulatory Flexibility Act were invited but none were received.

C. Paperwork Reduction Act

The final rule does not impose any reporting or recordkeeping requirements which require the approval of OMB under 44 U.S.C. 3501, *et seq.*

D. Public Comments

On March 14, 1991, a proposed rule was published in the Federal Register (56 FR 10854). Comments received from five organizations were considered by the Council; four minor changes were made in the development of the final rule.

List of Subjects in 48 CFR Parts 225, 231, and 242

Government procurement.

Claudia L. Naugle,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR parts 225, 231, and 242 are amended as follows:

1. The authority citation for 48 CFR parts 225, 231, and 242 continues to read as follows:

Authority: 5 U.S.C. 301, 10 U.S.C. 2202, DoD Directive 5000.35, DoD FAR Supplement 201.301.

PART 225—FOREIGN ACQUISITION

2. Section 225.7304 is amended by revising paragraphs (c)(2) and (3) to read as follows:

225.7304 Pricing acquisitions for foreign military sales.

(c) *Cost of Doing Business With a Foreign Government or an International Organization.* * * *

(2) Cost that are allowable under FAR part 31 are not allowable in pricing FMS contracts, except as noted in paragraph (c)(3) of this section.

(3) The provisions of 10 U.S.C. 2372 do not apply to contracts for foreign military sales. Therefore, the ceiling limitations or the formula constraints on independent research and development and bid and proposal (IR&D/B&P) costs incorporated in FAR part 31 shall not be applicable to contracts for foreign military sales. IR&D/B&P costs allowed on contracts for foreign military sales shall be limited to their allocable share of the total expenditures. In pricing contracts for foreign military sales, the best estimate of reasonable costs shall be used in forward pricing. Actual expenditures, to the extent that they are

reasonable, shall be used in determining final cost.

PART 231—CONTRACT COST PRINCIPLES AND PROCEDURES

3. Section 231.205-18 is revised as follows:

231.205-18 Independent research and development and bid and proposal costs.

(c)(1)(iii)(S-70)(1) Total incurred IR&D/B&P costs, including total IR&D/B&P ceiling amounts which are negotiated pursuant to FAR 31.205-18(c)(1), are fully allocable to all final cost objectives of the contractor. The amount of IR&D/B&P costs allowable under contracts which are subject to advance agreements negotiated by DoD shall not exceed the lesser of:

(i) Such contracts' allocable share of incurred IR&D/B&P costs;

(ii) Such contracts' allocable share of the total IR&D/B&P ceiling; or

(iii) The amount of incurred IR&D/B&P costs for projects having potential interest to DoD.

(2) Allowable IR&D/B&P costs are limited to those for projects which are of potential interest to DoD, including activities that:

(i) Strengthen the defense industrial and technology base of the United States;

(ii) Enhance the industrial competitiveness of the United States;

(iii) Promote the development of technologies identified as critical in the plan required under 10 U.S.C. 2508;

(iv) Increase the development of technologies useful for both the private commercial sector and the public sector; or

(v) Develop efficient and effective technologies for achieving such environmental benefits as improved environmental data gathering, environmental cleanup and restoration, pollution-reduction in manufacturing, environmental conservation, and environmentally safe management of facilities.

(S-71) The contracting officer will:

(1) Determine whether IR&D/B&P projects are of potential interest to DoD; and

(2) Provide the results of the determination to the contractor.

(S-72) See 225.7304 for additional allowability requirements affecting foreign military sales contracts.

PART 242—CONTRACT ADMINISTRATION

4. Section 242.1005 is revised to read as follows:

242.1005 Lead negotiating agency responsibilities.

(a) The DoD IR&D Technical Evaluation Group is responsible for providing contractors the appropriate guidance for submission of technical information to support IR&D proposals.

(b) The DoD IR&D Technical Evaluation Group will provide the contracting officer with the required technical evaluation, including an opinion concerning the potential interest of the proposed IR&D projects to DoD.

(c) The determination shall address the 231.205-18(c)(1)(iii)(S-70)(2) requirement that the proposed IR&D/B&P projects must be of potential interest to DoD.

5. Section 242.1006 is revised to read as follows:

242.1006 Conducting negotiations.

(a)(5) Ensure that the 231.205-18(c)(1)(iii)(S-70)(2) requirement that the proposed IR&D/B&P projects must be of potential interest to DoD is met.

(b) To implement 10 U.S.C. 2372(c), contracting officers shall encourage contractors to engage in the IR&D/B&P

activities cited in 231.205-18(c)(1)(iii)(S-70)(2).

6. Section 242.1007 is revised to read as follows:

242.1007 Content of advance agreements.

(e)(S-70) The agreement shall specifically note that:

(i) A review of the proposed IR&D/B&P projects for potential interest to DoD was performed; and

(ii) A determination was made that the Government's allocable share of the negotiated ceiling met the requirement for potential interest to DoD at the time of negotiation.

(f)(2) Allowable IR&D/B&P costs are limited to those incurred for projects that are of potential interest to DoD.

7. Section 242.1008 is revised to read as follows:

242.1008 Administrative appeals.

Each Department will establish an appeals hearing group consisting of an acquisition member, who shall be chairman, a technical member, and a legal member. Determinations of the appeals group shall be the final and conclusive determination of the

Department of Defense. Members shall be appointed as follows:

(S-70)(1) *For the Army.* The Deputy Assistant Secretary (Procurement) will appoint the acquisition member. The Deputy Assistant Secretary (Research and Technology) will appoint the technical member. The Deputy General Counsel (Acquisition) will appoint the legal member.

(2) *For the Navy.* The Principal Deputy Assistant Secretary (Research, Development and Acquisition) will appoint the acquisition member and the technical member. The Deputy General Counsel (Logistics) will appoint the legal member.

(3) *For the Air Force.* The Deputy Assistant Secretary (Acquisition) will appoint the acquisition member and the technical member. The Assistant General Counsel (Procurement) will appoint the legal member.

(4) *For the Defense Logistics Agency (DLA).* The Director, DLA (or the Deputy Director, DLA) will appoint the acquisition member, the technical member, and the legal member.

[FR Doc. 91-21979 Filed 9-11-91; 8:45 am]

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