

**TITLE 460. DEPARTMENT OF MINES
CHAPTER 25. OKLAHOMA EXPLOSIVES AND BLASTING RULES AND
REGULATIONS**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Requirements

460:25-1-9. Availability of records [REVOKED]

Subchapter 7. Permit Information

460:25-7-2. Public notices of filing of permit application [AMENDED]

Subchapter 13. Performance Standards

460:25-13-5. General requirements [AMENDED]

460:25-13-19. Blasting standards [AMENDED]

Subchapter 15. State Inspection

460:25-15-5. Availability of records [REVOKED]

Appendix A. Table to be Used for Determining Weight of Explosives to be Used on a Single Delay [REVOKED]

SUMMARY:

Executive Order (EO) 2020-03, issued on February 3, 2020, requires state agencies to identify at least two (2) existing regulatory restrictions, as defined in EO 2020-03, to be revoked whenever they propose one (1) new regulatory restriction through the permanent rulemaking process. Because the agency recently adopted eight restrictions and revoked three obsolete restrictions, the agency determined that it must propose an additional thirteen (13) regulatory restrictions to be revoked. Among the rules proposed to be revoked in accordance with EO 2020-03 are certain provisions in Chapter 25 of Title 460 of the Oklahoma Administrative Code (OAC). These provisions are duplicative of the agency's other statutory requirements and thus no longer necessary.

Section 460:25-1-9 was determined by the agency to be outdated and unnecessary because the Oklahoma Open Records Act, 51 O.S. § 24A.1 *et seq.*, already provides for the public inspection of all agency records described by the rule.

Section 460:25-7-2 was determined to be ineffective as it lists a specific address for review of blasting permit applications, when it would be more effective to state that such applications will be posted and may be reviewed at the principal office of the Department of Mines. In this way, the public notice procedure will not be interrupted by the relocation of the agency's principal office.

Subsection (u) of Section 460:25-13-5 was determined to be obsolete as it contains requirements for buildings used in the mixing of blasting agents, a practice no longer utilized by industry and no longer allowed by law. Subsection (u) and its requirements will be removed.

Section 460:25-15-5 was determined by the agency to be outdated and unnecessary because the Oklahoma Open Records Act, 51 O.S. § 24A.1 *et seq.*, already provides for the public inspection or confidentiality of certain agency records described by the rule.

Appendix A was determined to be duplicative with the scale distance formula described in Section 460:25-13-19. References to Appendix A in Section 460:25-13-19 will also be removed.

AUTHORITY:

63 O.S. § 123.4.

COMMENT PERIOD:

From May 17, 2021 through June 21, 2021, the public may present their views, either orally or in writing, to the below listed contact person.

PUBLIC HEARING:

Persons, associations, political subdivisions, and state or federal agencies may request a hearing on these proposed rule amendments to Chapter 25 at any time prior to 5:00 p.m. on June 21, 2021. A request for a hearing must be made in writing and must be delivered by hand, through U.S. Mail or other commercial carrier, or by email to the below-listed contact person.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A.

COPIES OF THE PROPOSED RULES:

Copies of the proposed rules may be obtained from the below listed contact person after May 3, 2021.

RULE IMPACT STATEMENT:

Copies of the Rule Impact Statement may be obtained from the below listed contact person on and after May 17, 2021.

CONTACT PERSON:

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