



State of New Hampshire

DEPARTMENT OF SAFETY
OFFICE OF THE COMMISSIONER
33 HAZEN DR. CONCORD, NH 03305
603/271-2791

COPY

JOHN J. BARTHELME
COMMISSIONER

ADOPTION OF SAF-C 5000, DISPLAY FIREWORKS RULES

I, Commissioner John J. Barthelme, hereby certify that the material enclosed is a true copy of Saf-C 5000, Display Fireworks Rules, adopted by me on August 2, 2010. These rules shall replace all rules of the same number and title.

These rules shall become effective on the day of filing.

August 2, 2010

John J. Barthelme
Commissioner
New Hampshire Department of Safety

Adopt Saf-C 5001, previously effective May 15, 2009 (Doc. #9471 Interim), and expired November 11, 2009, cited as to read as follows:

CHAPTER Saf-C 5000 DISPLAY FIREWORKS

PART Saf-C 5001 SCOPE

Saf-C 5001.01 Applicability. These rules shall apply to the storage, handling, transportation, inspection, administration and use of display fireworks.

Saf-C 5001.02 Exceptions.

(a) These rules shall not apply to:

- (1) The transportation of display fireworks that are under the jurisdiction of the Hazardous Materials Regulation Board of the U.S. Department of Transportation (DOT); and
- (2) The transportation and use of military display fireworks by federal and state military departments or federal, state and municipal police departments while in the performance of their duties.

Readopt Saf-C 5002.01 through Saf-C 5002.03, effective January 21, 2005 (Doc. #8261), cited as to read as follows:

PART Saf-C 5002 DEFINITIONS

Saf-C 5002.01 "Applicant" means any person requesting a permit.

Saf-C 5002.02 "Application" means a written request from an applicant to display fireworks or special effects.

Saf-C 5002.03 "Approved" means approved by the director of state police.

Adopt Saf-C 5002.04 and Saf-C 5002.05 to read as follows:

Saf-C 5002.04 "Assistant" means a person who works under the direct supervision of the operator.

Saf-C 5002.05 "Authority having jurisdiction" means the director of the state police.

Adopt Saf-C 5002.04 as Saf-C 5002.06, previously effective May 15, 2009 (Doc. #9471 Interim), and expired November 11, 2009, to read as follows:

Saf-C 5002.06 "Authorized signer" means an individual who, as a representative of a person, firm, corporation, or association is allowed to purchase display fireworks.

Adopt Saf-C 5002.07 to read as follows:

Saf-C 5002.07 "Dense pack firing racks" means a series of like-sized, single shot mortars that are securely braced and constructed utilizing metal framework for firing aerial shells electronically.

Readopt and renumber Saf-C 5002.06 as Saf-C 5002.08, effective January 21, 2005 (Doc. #8261), to read as follows:

Saf-C 5002.08 "Display" means an exhibition in which there is the firing off, deflagration or detonation of fireworks, including ground or aerial pieces, or special effects.

Adopt Saf-C 5002.07 as Saf-C 5002.09, previously effective May 15, 2009 (Doc. #9471 Interim), and expired November 11, 2009, to read as follows:

Saf-C 5002.09 "Display fireworks" means display fireworks as defined by RSA 160-B:1, X.

Readopt and renumber Saf-C 5002.08 and Saf-C 5002.09 as Saf-C 5002.10 and Saf-C 5002.11, effective January 21, 2005 (Doc. #8261), to read as follows:

Saf-C 5002.10 "Director" means the director of the New Hampshire state police or his designee.

Saf-C 5002.11 "Explosive" means any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion and includes, but is not limited to:

- (a) Dynamite;
- (b) Black powder;
- (c) Pellet powder;
- (d) Initiating explosives;
- (e) Detonators;
- (f) Safety fuses;
- (g) Squibs;
- (h) Detonating cord;
- (i) Igniter cord;
- (j) Igniters; and

(k) Display fireworks.

Readopt and renumber Saf-C 5002.10 through Saf-C 5002.13 as Saf-C 5002.12 through Saf-C 5002.15, effective January 21, 2005 (Doc. #8261), to read as follows:

Saf-C 5002.12 "Finale" means the ignition of one or more single shot mortars to conclude the display.

Saf-C 5002.13 "Highway" means any public street, public alley, public road, or public way.

Saf-C 5002.14 "Inhabited buildings" means a building or structure regularly used in whole or part as a place of human habitation. The term also includes any church, school, railway, passenger station, airport terminal for passengers, and any other building or structure where people are accustomed to congregate or assemble, but excludes any building or structure occupied in connection with the manufacture, transportation, storage and use of explosive materials.

Saf-C 5002.15 "Magazine" means any building or structure other than an explosives manufacturing building, approved for the storage of explosives, which can be either mobile or permanent.

Readopt with amendment Saf-C 5002.14, effective January 21, 2005 (Doc. #8261), to read as follows:

Saf-C 5002.16 "Marshal" means the state fire marshal or his designee.

Adopt Saf-C 5002.15 as Saf-C 5002.17, previously effective May 15, 2009 (Doc. #9471 Interim) and expired November 11, 2009, to read as follows

Saf-C 5002.17 "Mortar" means the pipe or tube from which the display fireworks shells are fired.

Readopt and renumber Saf-C 5002.16 through Saf-C 5002.18 as Saf-C 5002.18 through Saf-C 5002.20, effective January 21, 2005 (Doc. #8261), to read as follows:

Saf-C 5002.18 "Motor vehicle" means "motor vehicle" as defined in RSA 259:60.

Saf-C 5002.19 "Operator" means the individual person who fires off, discharges, deflagrates or detonates fireworks or special effects and who has been issued a certificate of competency from the director of state police.

Saf-C 5002.20 "Organization" means any association, society or organized group of persons.

Adopt Saf-C 5002.19 as Saf-C 5002.21, previously effective May 15, 2009 (Doc. #9471 Interim), and expired November 11, 2009, to read as follows:

Saf-C 5002.21 "Permit" means a written authorization for the display of display fireworks.

Readopt and renumber Saf-C 5002.20 through Saf-C 5002.26 as Saf-C 5002.22 through Saf-C 5002.28, effective January 21, 2005 (Doc. #8261), to read as follows:

Saf-C 5002.22 "Person" means any individual, firm, partnership, corporation, company, association, joint stock association including any trustee, receiver, assignee or personal representative thereof.

Saf-C 5002.23 "Public conveyance" means any railroad car, streetcar, ferry, cab, bus, airplane or other vehicle which carries passengers for hire.

Saf-C 5002.24 "Pyrotechnic" means any combustible or explosive compositions or manufactured articles designed and prepared for the purpose of producing audible or visible effects.

Saf-C 5002.25 "Pyrotechnics" means the display of fireworks.

Saf-C 5002.26 "Pyrotechnics composition" means any combination of chemical elements or chemical compounds capable of burning independently of the oxygen and the atmosphere.

Saf-C 5002.27 "Pyrotechnic device" means any combination of materials, including pyrotechnic compositions which, by the agency of fire, produce an audible, visual, mechanical or thermal effect.

Saf-C 5002.28 "Sell" means to barter, exchange, give or to offer, with or without consideration, and each such transaction made by any person whether as principal, proprietor, agent, servant, or employee.

Adopt Saf-C 5002.27 as Saf-C 5002.29, previously effective May 15, 2009 (Doc. #9471 Interim), and expired November 11, 2009, to read as follows:

Saf-C 5002.29 "Shell" means display fireworks designed to be set off within a mortar or firing tube.

Readopt and renumber Saf-C 5002.28 through Saf-C 5002.30 as Saf-C 5002.30 through Saf-C 5002.32, effective January 21, 2005 (Doc. #8261), to read as follows:

Saf-C 5002.30 "Special effects" means visual or sound effects introduced during a theatrical or musical production with or without an audience.

Saf-C 5002.31 "Use" means the method or manner by which explosive materials are handled and employed, but does not include storage.

Saf-C 5002.32 "Vessel" means a barge, ship, or boat utilized for carrying persons or cargo upon water.

Adopt Saf-C 5003.01, previously effective May 15, 2009 (Doc. #9471 Interim), and expired November 11, 2009, cited as to read as follows:

PART Saf-C 5003 CERTIFICATES OF COMPETENCY FOR THE DISPLAY OF DISPLAY FIREWORKS

Saf-C 5003.01 Certificate Required. No display of display fireworks shall be conducted unless at least one person with a current certificate of competency for the display of display fireworks is physically present at all times during the delivery, setting up, loading and firing of the display. The person with a current certificate of competency shall oversee and assure that the display is being conducted in a safe and secure manner.

Readopt with amendment Saf-C 5003.02, effective January 21, 2005, as amended effective May 15, 2009 and expired November 11, 2009 (Doc. #9471 Interim), to read as follows:

Saf-C 5003.02 Certificates of Competency.

(a) For the purposes of this section, "proximate audience" means an audience closer to pyrotechnic devices than permitted by NFPA 1123, Code for Fireworks Displays, 2006 edition.

(b) The director, upon application of any natural person, shall issue a certificate of competency to such person to conduct display fireworks displays if the director determines that the applicant is qualified in the safe use of display fireworks, as provided in Saf-C 5003.03.

(c) Certificates of competency for display of display fireworks shall be valid for 4 years from the date of issue unless suspended or revoked by the director.

(d) Certificates of competency for conducting blasting operations issued under RSA 158:9-f and Saf-C 1604 shall not be valid for the display of display fireworks.

(e) Certificates of competency issued under this part shall not be valid for the display of pyrotechnics, flame effects or special effects before a proximate audience, as regulated by Saf-C 6018 and 6019.

(f) No certificate of competency shall be assigned or transferred:

Readopt Saf-C 5003.03, effective January 21, 2005 (Doc. #8261), as amended previously effective May 15, 2009 (Doc. #9471 Interim) and expired November 11, 2009, except for unamended provisions in Doc. #8621, cited and to read as follows:

Saf-C 5003.03 Minimum Requirements.

(a) An applicant for a certificate of competency shall meet the following minimum requirements:

- (1) Compliance with the application procedures set forth in Saf-C 5003.04; and
- (2) Pass a written competency test administered by the director.

(b) If an applicant cannot read or write, the written competency test shall be administered orally by the director or his/her designee.

(c) The competency test cited in (a)(2) above, shall test the person's knowledge of the rules and the general procedures for display of display fireworks.

(d) For the purposes of (a)(2) above, an applicant shall receive 8 or less wrong answers in order to pass the test.

Readopt with amendment Saf-C 5003.04, effective January 21, 2005 (Doc. #8261), to read as follows:

Saf-C 5003.04 Application Procedures.

(a) Any person who wishes to apply for a certificate of competency for the display of display fireworks shall:

- (1) Be 21 years of age or older , pursuant to RSA 160-B:6, IX;
- (2) Appear in person at the New Hampshire department of safety-division of state police, room 106, during normal business hours to:
 - a. Obtain a photo identification; and
 - b. Submit to a written examination;
- (3) Supply proof of identification such as a valid driver's license or birth certificate;
- (4) Submit a completed application, form DSSP 165, to the director;
- (5) Have been present and assisted an operator with the display of display fireworks for a combined amount of at least 10 separate displays comprising of a minimum of 100 shells per display and each shell shall be at least of 3 inches in diameter or larger;
- (6) Make payment of the fee as specified in RSA 158:9-c; and
- (7) Supply the endorsement of at least 2 persons who shall:
 - a. Hold a valid certificate of competency issued by the director for the display of display fireworks;
 - b. Attest that the applicant was present and assisted the operator with the display of display fireworks, pursuant to (5) above; and
 - c. Make an endorsement on a form supplied by the department which shall include:
 1. Date of each of the display;
 2. Time of each of the display;
 3. Location of each of the display;
 4. Number and size of shells; and

5. Specific duties of the applicant.

Readopt with amendment Saf-C 5003.05, effective January 21, 2005 (Doc. #8261), to read as follows:

Saf-C 5003.05 Renewal of Certificate of Competency.

- (a) All applicants for renewal of certificates of competency shall complete form DSSP 165.
- (b) If the renewal application is filed with the director prior to the expiration of the certificate of competency, the renewal shall become effective when the old certificate of competency expires.
- (c) No renewal certificate of competency shall be issued more than 30 days before the expiration date of the current certificate of competency. If an application for renewal is filed more than 30 days after the expiration of the old certificate of competency, it shall be considered as an application for an original certificate of competency and the applicant for renewal shall resubmit to all of the requirements in Saf-C 5003.04.

Adopt Saf-C 5004.01, previously effective May 15, 2009 (Doc. #9471 Interim), and expired November 11, 2009, cited as to read as follows:

PART Saf-C 5004 LICENSES TO STORE DISPLAY FIREWORKS

Saf-C 5004.01 Storage Licenses. Storage licenses shall be issued to persons qualified to engage in the storage of display fireworks.

Readopt Saf-C 5004.02, effective January 21, 2005 (Doc. #8261) to read as follows:

Saf-C 5004.02 Minimum Requirements.

- (a) An applicant for a storage license shall meet the following minimum requirements:
 - (1) Comply with the application procedures set forth in Saf-C 5004.03; and
 - (2) Provides magazine(s) which comply with the magazine provisions of these rules.

Readopt with amendment Saf-C 5004.03 and Saf-C 5004.04, effective January 21, 2005 (Doc. #8261), to read as follows:

Saf-C 5004.03 Application Procedures.

- (a) Any person who wishes to apply for an original license to store display fireworks shall:
 - (1) Be 21 years of age or older, in accordance with RSA 160-B;
 - (2) Appear in person at the New Hampshire department of safety, room 106, during normal business hours;
 - (3) Supply proof of identification such as a valid driver's license or birth certificate;

- (4) Complete the application, form DSSP 110;
- (5) Make payment of the fee as specified in RSA 158:9-c; and
- (6) Provide written approval to store fireworks from the local fire chief that has jurisdiction for the storage site.

Saf-C 5004.04 Renewal of License.

(a) All applicants for renewal of license shall complete for DSSP 110.

(b) If the renewal application is filed with the director prior to the expiration of the license, the renewal shall become effective when the old license expires.

(c) No renewal license shall be issued more than 30 days before the expiration date of the current license. If an application for renewal is filed more than 30 days after the expiration of the old license, it shall be considered as an application for an original license and the applicant shall resubmit all the requirements of Saf-C 5004.03.

Readopt Saf-C 5004.05, effective January 21, 2005 (Doc. #8261), to read as follows:

Saf-C 5004.05 License Provisions.

(a) No person shall deliver any explosive materials to any magazine which is not licensed in accordance with RSA 158:9-c, or is not in compliance with the rules adopted by the commissioner.

(b) One copy of the explosive magazine license shall be prominently displayed at the magazine and shall be available for inspection upon requests of the director or his designee.

Adopt Saf-C 5004.06 through Saf-C 5004.08, previously effective May 15, 2009 (Doc. #9471 Interim), and expired November 11, 2009, to read as follows:

Saf-C 5004.06 Background Investigation. Pursuant to RSA 160-B:6, III-b, the department shall conduct a background investigation to verify the information provided on DSSP 110 and to ensure compliance with the requirements of these rules and RSA 160-B.

Saf-C 5004.07 Sole Use of Building. Pursuant to RSA 160-B:6, III-a, any building used for the storage and/or sale of fireworks, shall be dedicated solely to the storage and/or sale of fireworks and items relating to the sale and promotion of fireworks as permitted by these rules.

Saf-C 5004.08 Inspection. Pursuant to RSA 160-B:6, III-b, following receipt of an application as specified in Saf-C 5004.03, the department shall conduct an inspection of the site, including all buildings where fireworks will be sold and/or stored to determine compliance with all applicable statutes and rules, including Saf-C 6000.

Readopt Saf-C 5005.01 and Saf-C 5005.02, effective January 21, 2005 (Doc. #8261), cited and to read as follows:

PART Saf-C 5005 LICENSE OR CERTIFICATE OF COMPETENCY, DENIAL, SUSPENSION AND REVOCATION

Saf-C 5005.01 Denial.

(a) The issuance or renewal of any license or certificate of competency, as set forth in Saf-C 5003.04 and Saf-C 5004.04, shall be denied by the director for the following:

- (1) Failure to comply with the licensing requirements as set forth in Saf-C 5003 or Saf-C 5004;
- (2) Noncompliance with any lawful order of the director relative to explosives, pursuant to RSA 158:9-e, IV and RSA 158:9-f, II;
- (3) The applicant is under indictment for, or has been convicted of, a crime punishable by imprisonment for a term exceeding one year, which involved acts of violence, fraud, or dishonesty such as, but not limited to, murder, assault, subversive activities, terrorism, extortion and embezzlement;
- (4) The applicant is a fugitive from justice;
- (5) The applicant is an unlawful user of narcotics or controlled drugs, or is addicted to alcohol, narcotics or controlled drugs;
- (6) The applicant advocates, or knowingly belongs to any organization or group that advocates violent overthrow of or violent action against any federal, state, or local government;
- (7) The applicant is under the age specified in RSA 160-B;
- (8) The applicant suffers from a mental or physical defect that would interfere with the applicant's safe use of explosives;
- (9) Violation by the applicant of any provision of RSA 158, RSA 160-B, or of any rule adopted thereunder; and
- (10) The licensee or holder of a certificate of competency gave false information or made any misrepresentation in order to obtain such a license or certificate.

(b) Any person who has been denied a license or certificate of competency may request, in writing, a hearing before the director within 10 days of the date of such denial. The director shall extend the 10 day time limit for good cause.

(c) Good cause shall include, but not be limited to:

- (1) Serious illness;
- (2) Hospitalization;
- (3) Incarceration;
- (4) Death of a family member; or
- (5) Any other exigent circumstance beyond the control of the person.

Saf-C 5005.02 Suspension or Revocation.

(a) A license or certificate of competency shall be suspended, for the reasons set forth in Saf-C 5005.01(a)(1), (2) or (9), or revoked after a hearing for any of the reasons set forth in Saf-C 5005.01 (a)(3)-(8) or (10) above.

(b) In addition to (a) above, a license or certificate of competency shall be revoked when the director determines that an individual is a threat to the public or the state, or any subdivision thereof such as, but not limited to, when an individual has made threats against a person or public building.

(c) The director shall notify the licensee or holder of a certificate of competency in writing of the date, time and place of the hearing which shall be scheduled at least 10 days from the date of notice. The notice shall specify the reason why suspension or revocation is under consideration.

Readopt with amendment Saf-C 5005.03, effective January 21, 2005 (Doc. #8261), to read as follows:

Saf-C 5005.03 Hearing Procedures. Hearings shall be conducted by the bureau of hearings. The hearing procedures that are followed shall be those outlined in Saf-C 203.

Readopt with amendment Saf-C 5006.01, effective January 21, 2005 (Doc. #8261), as amended effective May 15, 2009, and expired November 11, 2009 (Doc. #9471 Interim), cited and to read as follows:

PART Saf-C 5006 RECORD KEEPING AND NOTIFICATION

Saf-C 5006.01 Record Required.

(a) No person shall sell or transfer ownership of any display fireworks without making a record. The record shall be kept by the transferor for at least 5 years from the date of the sale.

(b) The record in (a) above shall contain the following:

- (1) The name and address of the receiver;
- (2) The date of transfer;
- (3) The type and quantity of display fireworks sold;
- (4) The serial number and lot number of the display fireworks, if any; and
- (5) If the explosive material is to be used within the State of New Hampshire, the name and competency certificate number of the conductor of the display.

Readopt with amendment Saf-C 5006.02, effective January 21, 2005 (Doc. #8261), as amended effective May 15, 2009, and expired November 11, 2009 (Doc. #9471 Interim), cited and to read as follows:

Saf-C 5006.02 Notifications.

(a) Any licensee or person who holds a certificate of competency shall promptly notify the director of a change of address.

(b) The loss, theft, or unlawful removal of any display fireworks shall be reported by the licensee to the director immediately following the discovery of the loss, theft or unlawful removal.

(c) The licensee shall notify the director prior to placement of the location of any unattended magazine, used overnight. The licensee shall state the estimated length of time the magazine shall be at the location. The director shall be notified within 48 hours upon removal of the magazine.

Readopt with amendment Saf-C 5007.01, effective January 21, 2005 (Doc. #8261), as amended effective May 15, 2009 and expired November 11, 2009 (Doc. #9471 Interim), cited and to read as follows:

PART Saf-C 5007 APPLICATIONS AND PERMITS FOR DISPLAY

Saf-C 5007.01 Applications.

(a) An application for a permit for a supervised display of display fireworks by a municipality, an association, amusement park, other organizations or person, shall be in writing on form DSSP 166.

(b) Applications for display shall be submitted to the head of the fire department and to the licensing board, or in the absence of a licensing board, to the chief of the police department or governing board in the municipality where the display shall be given, not less than 15 days in advance of the display.

(c) The operator of the display shall provide the director with an approved form DSSP 166 at least 3 business day prior to the intended date of the display.

Adopt a new Saf-C 5007.02 to read as follows:

Saf-C 5007.02 Buried Utilities. When trenches or holes are to be dug in the ground in order to place mortars, the operator shall consult with the sponsor, fire chief and Dig Safe in order to locate any buried utilities in the discharges site. The buried utilities shall be indicated on the site plan submitted pursuant to Saf-C 5029.03.

Readopt with amendment Saf-C 5007.03 and Saf-C 5007.04, effective January 21, 2005 (Doc. #8261), to read as follows:

Saf-C 5007.03 Duties of Officials.

(a) Upon receipt of the application in accordance with RSA 160-B:7, the fire chief shall investigate the facts set forth in the application and inspect the display grounds to determine if the grounds comply with these rules.

(b) Upon completion of the investigation and inspection, the fire chief shall transmit the application with an endorsement thereon, or reasons for withholding such endorsement to the licensing board or, in the absence of a licensing board, to the chief of police or the governing board of the town, city or village district.

(c) After review of the recommendations of the fire chief, the licensing board, or, in the absence of a licensing board, the chief of police or the governing board of the town, city or village district, shall endorse the application and grant a permit for the display or deny the application, in accordance with RSA 160-B:7, IV.

Saf-C 5007.04 Application to be Transmitted. A copy of the approved application and permit for display or the denied application and reasons for denial, shall be transmitted to the director by the operator of the fire display at least 3 business days prior to the date of the display.

Adopt Saf-C 5007.05 – 5007.07, previously effective May 15, 2009, (Doc. #9471 Interim), and expired November 11, 2009, to read as follows:

Saf-C 5007.05 Permits not Transferable. No permit granted for a supervised display of display fireworks shall be transferable.

Saf-C 5007.06 Permits Valid for Display Date Only. Permits issued for the display of display fireworks shall be valid only for the display date indicated on the permit. If unforeseen conditions such as weather or high winds require a change in the display date, the fire chief and the licensing board of the municipality, or in the absence of a licensing board, the chief of police or governing body of the municipality, shall determine whether the permit shall be extended.

Saf-C 5007.07 Insurance or Bonding Requirements. Each applicant for a permit to display display fireworks shall present at the time of application, such proof of insurance or bonding coverage as required by Saf-C 2603.

Adopt Saf-C 5008.01, previously effective May 15, 2009, (Doc. #9471 Interim), and expired November 11, 2009, cited and to read as follows:

PART Saf-C 5008 STORAGE OF DISPLAY FIREWORKS

Saf-C 5008.01 Storage Requirements.

- (a) Display fireworks shall be kept in magazines which meet the requirements of these rules.
- (b) An outdoor magazine used for unattended overnight storage of display fireworks shall not be less than one cubic yard in size.
- (c) Display fireworks shall be stored in a type 4 magazine in compliance with the rules set forth in Saf-C 5009, or in types 1, 2 or 3 as set forth in Saf-C 1610, Saf-C 1611 and Saf-C 1612.

Readopt Saf-C 5008.02 and Saf-C 5008.03, effective January 21, 2005 (Doc. #8261), to read as follows:

Saf-C 5008.02 Inspection. All storage facilities shall be subject to periodic and unannounced inspections by the director for the purpose of determining compliance by the licensee with these rules.

Saf-C 5008.03 Exceptions.

- (a) All display fireworks shall be kept in storage magazines unless they are:
 - (1) In process of manufacture;
 - (2) Being used; or
 - (3) Being transported.

Readopt Saf-C 5009.01 through Saf-C 5009.03, effective January 21, 2005 (Doc. #8261), cited and to read as follows:

PART Saf-C 5009 CONSTRUCTION OF TYPE 4 MAGAZINES

Saf-C 5009.01 Structure.

(a) A type 4 magazine may be a building, an igloo, a tunnel, a dugout, a box, a trailer, or a semi-trailer or other mobile facility and shall be fire-resistant, weather-resistant, and theft-resistant. A type 4 magazine shall be constructed of masonry, metal-covered wood, fabricated metals, or a combination of these materials.

(b) In the interior of storage facilities, stored materials shall be placed so that they do not interfere with ventilation.

(c) All nails shall be blind-nailed or counter-sunk.

(d) Foundations shall be constructed of brick, concrete, cement block, stone or wood posts. If piers or posts are used in lieu of a continuous foundation, the space under the magazine shall be enclosed with metal.

Saf-C 5009.02 Doors.

(a) The doors or covers of a Type 4 magazine shall be metal or solid wood covered with metal. Hinges and hasps shall be attached to doors by welding, riveting, or bolting with the nuts on the inside of the door. Hinges and hasps shall be installed in such a manner that they cannot be removed when the doors are closed and locked.

(b) Each door shall be equipped with:

- (1) 2 mortise locks; or
- (2) 2 padlocks fastened in separate hasps and staples; or
- (3) A combination of mortise lock and padlock; or
- (4) A mortise lock that requires 2 keys to open; or
- (5) A 3-point lock.

(c) Locks shall be 5-tumbler proof. All padlocks shall be protected with ¼ inch steel caps constructed so as to prevent locks or hasps from being pried or sawed.

Saf-C 5009.03 Outdoor Magazines. The ground around the magazines shall slope away for drainage. When unattended, a vehicular magazine shall have its wheels removed or shall be otherwise effectively immobilized by kingpin locking devices.

Readopt with amendment Saf-C 5009.04, effective January 21, 2005 (Doc. #8261), as amended effective May 15, 2009 and expired November 11, 2009 (Doc. #9471 Interim), to read as follows:

Saf-C 5009.04 Indoor Magazines.

(a) An indoor magazine for the storage of display fireworks shall not be located in a residence or dwelling. When located in a warehouse, wholesale, or retail establishment, the magazine shall be equipped with wheels or casters to facilitate removal.

(b) No more than one indoor storage magazine shall be kept in any one building. The magazine shall be located on the floor nearest the ground level and within 10 feet of an outside exit.

(c) An indoor magazine shall not contain a quantity of display fireworks in excess of 50 pounds. When unattended, the building housing the magazine shall be locked.

Adopt Saf-C 5010.01, previously effective May 15, 2009, (Doc. #9471 Interim), and expired November 11, 2009, cited and to read as follows:

PART Saf-C 5010 LOCATION OF MAGAZINES

Saf-C 5010.01 Location. Magazines for display fireworks shall be located no closer than the minimum distances from inhabited buildings, passenger railways, public highways, and from other magazines in which explosive materials are stored, as specified in table 16.40.1, table of distances for storage of low explosives, in Saf-C 1640.01.

Readopt Saf-C 5010.02, effective January 21, 2005 (Doc. #8261), to read as follows:

Saf-C 5010.02 Grouped Magazines. If 2 or more magazines are separated from each other by less than the distance specified in, table 1640.1, the table of distances in Saf-C 1640.01, then those magazines, as a group, shall be considered as one magazine. The total quantity of explosive materials stored in the group shall be treated as if stored in a single facility and shall comply with the minimum of distances specified in tables 1640.1, 1640.2 or 1640.3, the table of distances as cited in Saf-C 1640 from inhabited buildings, passenger railways, and public highways.

Adopt Saf-C 5011.01 through Saf-C 5011.06, previously effective May 15, 2009, (Doc. #9471 Interim), and expired November 11, 2009, cited and to read as follows:

PART Saf-C 5011 MAGAZINE RESTRICTIONS

Saf-C 5011.01 Smoking and Open Flames. Smoking, matches, open flames, and spark-producing devices shall not be permitted in, or within, 50 feet of any magazine containing explosive materials, including display fireworks.

Saf-C 5011.02 Lighting. No lighting shall be placed or used in a magazine containing display fireworks except battery-activated safety lights or safety lanterns or other lighting approved by the director and installed in accordance with NFPA 70, National Electrical Code, as adopted by the State Building Code Review Board.

Saf-C 5011.03 Ventilation. Display fireworks within a storage facility shall not be placed directly against interior walls. Any devices constructed or placed within a magazine shall not interfere with ventilation.

Saf-C 5011.04 Arrangement and Display. Containers of display fireworks shall be stored by being laid flat with top sides up. Corresponding sizes, grades and brands shall be stored together within a magazine in such a manner that size, grade, and brand marks are easily visible upon inspection. Stocks of display fireworks shall be stored so as to be easily counted and checked.

Saf-C 5011.05 Unpacking and Repacking.

(a) Containers of display fireworks shall not be unpacked or repacked inside a magazine or within 50 feet thereof and shall not be unpacked or repacked within 50 feet of other explosive materials, except for fiberboard containers or other non-metal containers.

(b) Containers of display fireworks shall be closed while being stored.

Saf-C 5011.06 Tools. Tools used for opening or closing containers of display fireworks shall be of non-sparking materials, except that metal slitters may be used for opening fiberboard containers. A wood wedge and a fiber, rubber or wooden mallet shall be used for opening or closing wood containers of display fireworks. Metal tools other than non-sparking transfer conveyors shall not be stored in any magazine containing display fireworks.

Readopt Saf-C 5011.07, effective January 21, 2005 (Doc. #8261), to read as follows:

Saf-C 5011.07 Responsibility.

(a) The owner of a magazine shall:

- (1) Be at least 21 years;
- (2) Be responsible for the enforcement of all safety precautions; and
- (3) Be in charge of the magazine at all times.

Adopt Saf-C 50011.08 – 50011.09, previously effective May 15, 2009, (Doc. #9471 Interim), and expired November 11, 2009, to read as follows:

Saf-C 5011.08 Inspection for Entry or Theft.

(a) A magazine containing display fireworks shall be inspected at a minimum of every 3 days to determine whether there has been an unauthorized entry or attempted entry into the magazine or to determine whether there has been unauthorized removal of the magazine.

(b) In addition to (a) above, a magazine containing display fireworks shall be opened at a minimum of every 3 days to determine whether there has been unauthorized removal of any of the contents of the magazine.

Saf-C 5011.09 Precautions.

(a) The magazine's door shall be locked, except during the time of placement and removal of display fireworks or during an inspection.

(b) No display fireworks shall be left unattended or unsecured except while being stored in an approved magazine or being transported in accordance with Saf-C 5016.03.

Readopt Saf-C 5012 and Saf-C 5013, effective January 21, 2005 (Doc. #8261), cited and to read as follows:

PART Saf-C 5012 UPKEEP AND REPAIR OF MAGAZINES

Saf-C 5012.01 Housekeeping.

(a) Magazines shall be kept clean, dry, and free of grit, paper, empty packages, containers, and rubbish. Floors shall be swept regularly in order to maintain its cleanliness. Brooms and other utensils used in the cleaning and maintenance of magazines shall have no spark-producing metal parts.

(b) Floors stained by leakage from explosive materials shall be cleaned according to the instructions of the explosives materials manufacturer. When any explosive material has deteriorated to the extent that it is in a dangerous condition, or if any liquid leaks therefrom, it shall be destroyed in accordance with the instructions of its manufacturer.

(c) The area surrounding the magazine shall be kept clear of rubbish, brush, dry grass, or trees for at least 25 feet in all directions. Any other combustible materials shall be kept a distance of at least 50 feet from outdoor magazines.

Saf-C 5012.02 Repair.

(a) Prior to the interior repair of a magazine, all explosive materials shall be removed and the interior shall be cleaned.

(b) Prior to the exterior repair of a magazine, all explosive materials shall be removed if there exists a possibility that such repairs might produce sparks or flames.

(c) The explosive materials removed from a magazine under repair shall be placed in another magazine appropriate for the storage of such materials or placed a safe distance from the magazine under repair where they shall be guarded and protected until the repairs have been completed.

PART Saf-C 5013 CONSTRUCTION OF PADLOCKS, STEEL CAPS, AND HOODS

Saf-C 5013.01 Padlocks. Padlocks used on outdoor storage magazines shall be constructed of not less than 7/16 inch diameter shackle, case hardened or stainless steel alloy, 420°F or 216°C, heat treated to rockwell hardness of C53. Shackle clearance shall not be less than one inch.

Saf-C 5013.02 Steel Caps and Hoods. Whenever steel caps or hoods are required to protect padlocks, the steel cap or hood shall be constructed of not less than ¼ inch steel and shall be designed to eliminate access to the hasp between the hood or cap and magazine. An extra ¼ inch steel shall be required by the director when it is necessary to prevent the cutting of any part of the locking assembly.

Adopt Saf-C 5014.01, previously effective May 15, 2009, (Doc. #9471 Interim), and expired November 11, 2009, cited and to read as follows:

PART Saf-C 5014 TRANSPORTATION OF DISPLAY FIREWORKS

Saf-C 5014.01 Prohibited Ways. Pursuant to RSA 265:115, VI, display fireworks shall not be transported through any vehicular tunnel, over any prohibited bridge, roadway, or elevated highway.

Readopt with amendment Saf-C 5014.02, effective January 21, 2005 (Doc. #8261), as amended effective May 15, 2009 and expired November 11, 2009 (Doc. #9471 Interim), to read as follows:

Saf-C 5014.02 Prohibited Acts.

(a) No person shall smoke, carry matches or any other flame-producing device, or firearms, or loaded cartridges while in or within 50 feet of a motor vehicle transporting display fireworks. Nothing in this section shall prohibit an on-duty law enforcement officer from approaching, or inspecting a vehicle containing display fireworks while wearing a loaded firearm.

(b) No person shall park his/her motor vehicle transporting display fireworks within 300 feet of an open fire.

(c) The driver shall load or unload the vehicle in compliance with 49 CFR 177.834 through 177.843, pursuant to RSA 21-P:17, I(a).

Adopt Saf-C 5014.03 – 5014.05, previously effective May 15, 2009, (Doc. #9471 Interim), and expired November 11, 2009, to read as follows:

Saf-C 5014.03 Public Conveyance. Display fireworks shall not be carried or transported in or on a public conveyance.

Saf-C 5014.04 Transferal from Vehicle. Display fireworks shall not be transferred from one vehicle to another on any highway within the state of New Hampshire without informing the local fire and police departments. In the event of a breakdown or collision, the operator shall promptly notify the local fire and police departments that have a duty to safeguard the public in such emergencies. Display fireworks shall be transferred from the disabled vehicle to another only when proper and qualified supervision, and the local fire and police departments are present. Motor vehicles transporting display fireworks shall not be towed while containing display fireworks unless directed by the director, or the local fire chief. Road flares shall not be used for traffic warning devices.

Saf-C 5014.05 Additional Requirements. In addition to all other applicable requirements set forth in these rules, those transporting explosive materials, including display fireworks, over all highways shall comply with applicable requirements in 49 CFR 171 to end.

Adopt Saf-C 5015.01 – 5015.03, previously effective May 15, 2009, (Doc. #9471 Interim), and expired November 11, 2009, cited and to read as follows:

PART Saf-C 5015 VEHICLES TRANSPORTING DISPLAY FIREWORKS

Saf-C 5015.01 Condition of Vehicles.

(a) Vehicles used for transporting display fireworks shall be strong enough to carry the load without difficulty or exceeding manufacturer's recommended gross vehicle weight and shall be in good mechanical condition.

(b) If a vehicle does not have a closed body, the body shall be covered with a flame retardant and moisture proof tarpaulin or other effective protection against moisture and sparks. Packages of display fireworks shall not be loaded above the sides of an open-body vehicle.

(c) All vehicles used for the transportation of explosive materials, including display fireworks, shall have tight floors and any exposed potentially spark-producing metal, on the inside of the body, shall be covered with wood or other non-sparking materials to prevent contact with packages of explosives.

Saf-C 5015.02 Marking of Vehicle. Every vehicle used for transporting display fireworks shall be marked in accordance with 49 CFR 172.

Saf-C 5015.03 Fire Extinguishers. Each motor vehicle used for transporting display fireworks shall be equipped with 2 fire extinguishers having a combined rating of at least 2-A:10B:C. Extinguishers shall be filled, ready for immediate use, and located near the driver's seat. Extinguishers shall be examined periodically by the driver, in accordance with National Fire Protection Association 10, Standard for Portable Fire Extinguishers, 2007 edition.

Readopt with amendment Saf-C 5015.04, effective January 21, 2005 (Doc. #8261), as amended effective May 15, 2009 and expired November 11, 2009 (Doc. #9471 Interim), to read as follows:

Saf-C 5015.04 Inspection.

(a) A motor vehicle used for transporting display fireworks shall be inspected daily by the driver prior to operation to determine whether the vehicle is in proper condition for safe transportation of explosive material.

(b) The following shall be inspected:

- (1) The fire extinguisher, which shall be filled and ready for immediate use;
- (2) All visible electrical wiring underneath the dashboard, the vehicle or the hood of the vehicle, which shall be protected and securely fastened to prevent short-circuiting;
- (3) The chassis, motor, pan, and underside of body, which shall be reasonably clean and free of excess oil and grease;
- (4) Fuel tank and feed line;
- (5) Brakes, lights, horn, windshield wipers, and steering apparatus; and
- (6) Tires, which shall be properly inflated and free of defects.

Adopt Saf-C 5016.01 – 5016.02, previously effective May 15, 2009 (Doc. #9471 Interim), and expired November 11, 2009, cited and to read as follows:

PART Saf-C 5016 OPERATION OF VEHICLES TRANSPORTING DISPLAY FIREWORKS

Saf-C 5016.01 Drivers. Vehicles transporting display fireworks shall be driven by a properly licensed driver who is in compliance with Saf-C. 600 and Saf-C 1800.

Saf-C 5016.02 Parking. Except under emergency conditions, no vehicle display fireworks shall be parked before reaching its destination, even though attended, on any public street adjacent to or in proximity of any bridge, tunnel, dwelling, building, or place where people work, congregate, or assemble.

Readopt with amendment Saf-C 5016.03, effective January 21, 2005 (Doc. #8261), as amended effective May 15, 2009 and expired November 11, 2009 (Doc. #9471 Interim), to read as follows:

Saf-C 5016.03 Attendant and His Duties.

(a) Every motor vehicle transporting any quantity of display fireworks shall, at all times, be attended by a driver or a designee of the motor carrier operating the vehicle. The attendant shall be informed by the carrier that there are explosive materials in the vehicle and shall be made aware of their inherent dangers. The driver or attendant shall be made aware of the procedures to be followed, pursuant to Saf-C 600, in order to protect the public from the dangers. The attendant shall be familiar with the vehicle and shall be trained, in accordance with the training requirements set forth in 49 CFR 172, 177, and 390-397.

(b) For the purpose of this section, a motor vehicle shall be deemed to be attended only when:

(1) The driver or other attendant is physically on or in the vehicle or has the vehicle within his field of vision and can reach it quickly without any kind of interference; and

(2) The driver or attendant is awake, alert and not engaged in other duties or activities which may divert his attention from the vehicle, except for necessary communication with public officers, representative of the carrier, shipper, consignee, or except for necessary absence from the vehicles to obtain food or use a restroom.

(c) A vehicle carrying display fireworks may be left unattended in accordance with Saf-C 603.01 or if parked in an area that complies with the requirements of the National Fire Protection Association 498, Standard for Safe Havens and Interchange Lots for Vehicles Transporting Explosives, 2006 edition.

Adopt Saf-C 5016.04 – 5016.05, previously effective May 15, 2009, (Doc. #9471 Interim), and expired November 11, 2009, to read as follows:

Saf-C 5016.04 Hazardous Materials. Spark-producing metal, spark-producing metal tools, oils, matches, firearms, electric storage batteries, flammable substances, acids, oxidizing materials, or corrosive compounds shall be carried in the body of any motor truck or vehicle transporting display fireworks only if in compliance with other applicable state or federal regulations.

Saf-C 5016.05 Congested Areas. Vehicles transporting display fireworks shall avoid congested areas and heavy traffic. Where routes through congested areas have been designated by local authorities, such routes shall be followed.

Readopt Saf-C 5016.06, effective January 21, 2005 (Doc. #8261), to read as follows:

Saf-C 5016.06 Delivery. Delivery shall only be made to magazines which have met the requirements of Saf-C 5009.

Readopt with amendment Saf-C 5017.01, effective January 21, 2005 (Doc. #8261), cited and to read as follows:

PART Saf-C 5017 LOCATION OF DISPLAY

Saf-C 5017.01 Minimum Distances.

(a) A display of display fireworks shall not be held unless the actual point at which they are to be discharged meets the following minimum separation distance requirements:

- (1) At least 50 feet from the nearest above ground electrical, telephone or telegraph line, tree or overhead obstruction;
- (2) At least 200 feet from the nearest public highway, railroad or other means of travel unless closed to travel during the display;
- (3) At least 200 feet from the nearest building;
- (4) At least 250 feet from the nearest tent or canvas shelter;
- (5) At least 500 feet from the nearest hospital, penal facility or other health care or detention establishment; and
- (6) At least twice the distance of the largest shell in the display from areas containing bulk storage of a material which contains a flammability, explosive or toxic hazard.

(b) Where unusual or safety threatening conditions exist, the director shall be permitted to increase the required separation distances as deemed necessary to protect life and property.

Readopt with amendment Saf-C 5017.02, effective January 21, 2005 (Doc. #8261), as amended effective May 15, 2009 and expired November 11, 2009 (Doc. #9471 Interim), and amended effective July 1, 2010 (Doc. #9750, Emergency), to read as follows:

Saf-C 5017.02 Distance from Audience.

(a) The audience at a display of display fireworks shall be restrained behind lines that are at least 200 feet from the point where the display fireworks are discharged. For any display containing one or more shells of 4 inches or larger in diameter, the audience shall be restrained behind lines that are equal to 70 feet per inch of shell diameter from the point of discharge in accordance with Table 5017.1:

Table 5017.1 Distance from Audience

<u>Mortar Size</u>	<u>Vertical Mortars</u>	<u>Secured Diameter of Site</u>	<u>Special Hazards</u>
<i>Inches</i>	<i>Feet</i>	<i>Feet</i>	<i>Feet</i>
<u>1</u>	<u>200</u>	<u>400</u>	<u>400</u>
<u>1.5</u>	<u>200</u>	<u>400</u>	<u>400</u>
<u>2</u>	<u>200</u>	<u>400</u>	<u>400</u>

<u>2.5</u>	<u>200</u>	<u>400</u>	<u>400</u>
<u>3</u>	<u>200</u>	<u>400</u>	<u>400</u>
<u>4</u>	<u>280</u>	<u>560</u>	<u>560</u>
<u>5</u>	<u>350</u>	<u>700</u>	<u>700</u>
<u>6</u>	<u>420</u>	<u>840</u>	<u>840</u>
<u>7</u>	<u>490</u>	<u>980</u>	<u>980</u>
<u>8</u>	<u>560</u>	<u>1120</u>	<u>1120</u>
<u>10</u>	<u>700</u>	<u>1400</u>	<u>1400</u>
<u>12</u>	<u>840</u>	<u>1680</u>	<u>1680</u>

(b) Only persons the operator, authorized assistants, fire chief or the director shall be allowed inside the display site. The restraining lines shall be erected with fencing or rope which shall clearly define the restricted discharge area.

Readopt with amendment Saf-C 5017.03, effective January 21, 2005 (Doc. #8261), to read as follows:

Saf-C 5017.03 Responsibility of Operator.

(a) It shall be the responsibility of the operator to determine that the area in which the display is to be discharged is safe and that these rules are complied with.

(b) The operator shall be responsible for ensuring that all assistants have received the proper training relative to:

- (1) The performances of their duties;
- (2) Relevant laws and administrative rules; and
- (3) Safety hazards.

(c) During the firing of the display, all personnel in the discharge site shall wear the following:

- (1) Hard hat or helmet that is OSHA compliant;
- (2) Eye protection that is OSHA compliant;
- (3) Hearing protection;
- (4) Foot protection;
- (5) Gloves;

- (6) Cotton, wool or clothing with a similar fire resistant quality; and
- (7) Clothing with long sleeves worn at full length and full length pants.

(d) The operator shall insure that the discharge site is restricted throughout the display and until the discharge site has been inspected immediately following the display.

(e) In the event a condition arises that requires the entry of fire protection or other public safety personnel into the fallout area or security perimeter, the operator shall immediately stop the display until the situation is resolved and the area is once again clear.

(f) The operator and assistants shall use only flash lights, electric lighting, or other intrinsically safe portable lighting equipment for illuminating the firing and ready box area.

Readopt with amendment Saf-C 5017.04, effective January 21, 2005 (Doc. #8261), to read as follows:

Saf-C 5017.04 Postponement of Display. The fire chief, police chief, or the director shall order postponement of the display for any violation of these rules until such time as the violation shall have been corrected.

Readopt with amendment Saf-C 5018.01, effective January 21, 2005 (Doc. #8261), as amended effective May 15, 2009 and expired November 11, 2009 (Doc. #9471 Interim), cited and to read as follows:

PART Saf-C 5018 FIREWORKS AT THE DISPLAY SITE

Saf-C 5018.01 Precautions.

(a) Upon delivery to the display site, members of the public, the audience, spectators, and any other person not authorized by the director or fire chief shall be kept at a distance not less than those specified in Saf-C 5017.01 (b) and Saf-C 5017.02 (a).

(b) All display fireworks or shells shall be kept in their shipping containers or packaging until they are prepared, loaded, or set-up in the display. All display fireworks shall be handled carefully while being unloaded from the deliver vehicle, prepared, loaded or set-up.

(c) Upon delivery to the display site, the display fireworks shall not be left unattended nor shall they be allowed to become wet.

(d) Upon delivery to the display site, all shells shall be inspected by the display operator. Any shells having tears, leaks, broken fuses or showing signs of having been wet, shall be set aside and shall not be fired. After the display, any defective shells shall be returned to the supplier.

(e) All shells shall be separated according to diameter and stored in tightly covered containers of metal, fire retardant wood, fire retardant plastic, or in fiber drums. All cardboard containers or other combustible materials shall be removed from the shell storage reload area. A flame-resistant tarpaulin

meeting the requirements of Standard Methods of Fire Tests for Flame-Propagation of Textiles and Films, NFPA 701, 2004 edition, shall be used as a covering over the containers.

(f) The shell storage area shall be located at a distance of not less than 25 feet from the discharge site.

(g) During the display, except where conditions do not permit, such as on a barge or point of land, shells shall be stored upwind from the discharge site. If the wind shifts during the display, the shell storage area shall be relocated to be upwind from the discharge site.

Readopt with amendment Saf-C 5019, effective January 21, 2005 (Doc. #8261), cited and to read as follows:

PART Saf-C 5019 DISPLAY MORTARS

Saf-C 5019.01 Requirements for Single Fire Trenched and Reloadable Mortars.

(a) Single fire and reloadable mortars shall be constructed of non-fragmentary steel, aluminum, or other material, approved by the director, of not less than ¼ inch in thickness, and shall be capped at the base by a threaded or welded cap. Wood plug base ends shall not be permitted. Cast iron, stove pipe, corrugated culvert, clay, PVC, bamboo and wood shall not be used to make mortars.

(b) Single fire mortars up to 10 inches in diameter shall be buried in a trench at least 18 inches apart to a depth of not less than ¾ of their length. In no case shall the protrusion above ground exceed 8 inches. The trench shall be provided with a wooden base planking that shall be equivalent in width to the largest diameter mortar used. The portion of the mortar tube extending above ground shall be braced with 6" x 6" wooden timbers or their equivalent placed on both sides of the tubes and firmly secured together by wood or metal connecting straps. All remaining space between mortars shall be filled with firmly tamped rock free sand or earth.

(c) For the purposes of paragraph (a) above, a material shall be approved by the director if the licensee can demonstrate, through documentation provided by the manufacturer, that the material can withstand equal or greater strength without displaying any fragmentation.

Saf-C 5019.02 Exceptions.

(a) In display locations where ground excavation or trenching is not feasible, due to unremovable ground conditions such as tar, the director or the fire chief shall allow single fire and reloadable mortars of up to 6 inches in diameter to be buried to ¾ its length in sturdy wooden boxes with partitions, at least 2 feet wide by 3 feet in height filled with clean sand, and provided with 18 inch spacing between mortars or direct that the display location be moved to a site where trenching is feasible.

(b) In lieu of using sturdy wooden boxes with partitions, as set forth in (a) above, sturdy 55 gallon steel drums filled with rock free sand or earth may be used so long as no more than 2 mortars are placed in each drum.

(c) The director or fire chief in determining whether the display location shall be moved to a site where trenching is feasible shall consider:

- (1) Whether there is an area around the proposed display location where trenching is available;
- (2) Whether the nearest available trenchable site is adequate to hold the audience for the fireworks display; and

(3) Whether the nearest available trenchable site meets the requirement set forth in Saf-C 5017.

Readopt with amendment Saf-C 5020.01 and Saf-C 5020.02, effective January 21, 2005 (Doc. #8261), cited as to read as follows:

PART Saf-C 5020 SINGLE SHOT OR FINALE MORTARS RACKS

Saf-C 5020.01 Construction.

(a) Single shot or "finale" mortars up to 6 inches in diameter and used in racks shall be constructed of a minimum of 18 gauge galvanized metal with welded seams, SDR 21 high density polyethylene pipe or similar material, or of any approved non-fragmentary type material, as determined pursuant to Saf-C 5019.01(c). Wood plug base ends shall be permitted for single shot or finale mortars made from HDPE, fiberglass or similar materials.

(b) Single shot or "finale" mortars in excess of 6 inches in diameter shall be constructed of non-fragmenting steel or aluminum only and shall be placed and utilized in accordance with Saf-C 5019.01.

Saf-C 5020.02 Trenched Finale Mortars. Each finale mortar shall be buried in a trench at least $\frac{3}{4}$ of its length, but in no case shall the protrusion above ground exceed 10 inches. All seam welds, whenever practicable, shall face away from the audience. Burial shall be in a trench only. Finale mortars shall not be buried in rows in an open pit-like excavation.

Readopt Saf-C 5020.03 and Saf-C 5020.04, effective January 21, 2005 (Doc. #8261), cited as to read as follows:

Saf-C 5020.03 Time Rack Construction.

(a) The time rack or ignition train used for tying the leaders of each shell shall be so constructed that the time rack shall not exceed the height of the finale mortar opening.

(b) For the purposes of this section, "time rack", also known as an "ignition train", means the device which connects the fuse and the finale mortars together in a row so that when the leading finale mortar is ignited, each subsequent final mortar is ignited after the passing of an interval of time.

Saf-C 5020.04 Single Shot Mortars. Single shot mortars up to 8 inches in diameter shall be buried to $\frac{3}{4}$ its length in sand filled boxes or steel 55 gallon drums, and single shot mortars greater than 8 inches in diameter and up to 12 inches in diameter shall be buried to $\frac{3}{4}$ its length in separate sand filled boxes or steel 55 gallon drums in accordance with Saf-C 5020.02.

Readopt with amendment Saf-C 5020.05, effective January 21, 2005 (Doc. #8261), to read as follows:

Saf-C 5020.05 Mortar Rack Mounting.

(a) Single shot or "finale" mortars may be rack-mounted to adequately constructed wooden racks. Each mortar shall be securely fastened to its rack and each rack securely supported individually and at both ends.

(b) Single shot mortars shall comply with the following:

- (1) Spacing between mortars in a rack shall be at least $\frac{1}{2}$ the diameter of the adjacent mortar;
- (2) Parallel racks or rows of racks shall be no less than 12 inches apart at both the top and bottom of each mortar. The distance shall be measured from outside shell to outside shell of each mortar;
- (3) Rack mounted single shot mortars may be used in accordance with the provisions of Saf-C 5020.02;
- (4) Strapping used to secure mortar racks shall be double nailed at all connecting points;
- (5) Mortars of various sizes shall not be intermixed; and
- (6) Mortars of the same size shall be placed in groups, and the groups shall be separated from one another.

(c) Prevention of repositioning shall be accomplished by using mortar racks that are designed to withstand a shell exploding in a mortar, causing it to burst.

(d) Whenever more than 3 shells are to be chain fused, additional measures shall be taken to prevent adjacent mortars from being repositioned in the event that a shell explodes in a mortar, causing it to burst.

(e) Chain fused mortar racks shall be limited to a maximum of 10 mortars per rack.

(f) Racks shall not contain any mortar larger than 6 inches in diameter.

(g) Staple guns shall not be permitted to be used to secure quick match that is connected to aerial shells, mines or comets.

Readopt with amendment Saf-C 5021.01, effective January 21, 2005 (Doc. #8261), cited as to read as follows:

PART Saf-C 5021 INSPECTION AND PLACEMENT

Saf-C 5021.01 Inspection of Mortars. Mortars shall be inspected for dents, bent ends, and cracked or broken plugs prior to ground placement. Mortars found to be defective in any way shall not be used. Any scale on the inside surface of the mortar shall be removed. Mortars shall be inspected before any shells are loaded to ensure that no water or debris has accumulated in the bottom of the mortar.

Readopt Saf-C 5021.02, effective January 21, 2005 (Doc. #8261), to read as follows:

Saf-C 5021.02 Position of Mortars. Mortars shall be positioned so that the shells are carried away from spectators and into a clear area, with the projectile going into the air as nearly vertical as possible.

Readopt with amendment Saf-C 5021.03, effective January 21, 2005 (Doc. #8261), to read as follows:

Saf-C 5021.03 Protection from Weather.

(a) Mortars shall be protected from damp weather as follows:

- (1) In damp ground, a weather-resistant bag shall be placed under the bottom of the mortar prior to placement in the ground to protect the mortar against moisture; and
- (2) Weather-resistant bags, tarps or plastic sheeting shall be placed over the open end of the mortar in damp weather to keep moisture from accumulating on the inside of the mortar.

(b) Displays of display fireworks shall not be held when the wind velocity exceeds 20 miles per hour at ground level. The operator shall have available at all times, a portable anemometer or similar device for measuring wind velocity. Any supervised display of display fireworks shall be stopped immediately in the event that the upper wind conditions cause the fall out to change and pose a threat to the safety of the public or property.

Repeal Saf-C 5021.04, effective January 21, 2005 (Doc. #8261):

[Saf-C 5021.04 Operator Protection. Sand bags, dirt boxes, or other material that offers equal or greater protection shall be placed behind the mortars to protect the operator from ground bursts. This requirement shall not apply to the landing area of the discharge site.]

Readopt with amendment Saf-C 5022, effective January 22, 2005 (Doc. #8261), cited and to read as follows:

PART Saf-C 5022 POTENTIAL LANDING AREA

Saf-C 5022.01 Area to be Clear.

- (a) The potential landing area shall be a large, clear, open area acceptable to the fire chief.
- (b) Spectators, vehicles, or any readily combustible materials shall not be relocated within the potential landing area during the display.
- (c) For the purpose of this section, "landing area" means the area over which firework shells are fired. The shells burst over this area, and unignited fireworks and unsafe debris fall into this area.

Adopt Saf-C 5023.01, previously effective April 25, 2001 (Doc. # 7481), and expired April 25, 2009, cited and to read as follows:

PART Saf-C 5023 ELECTRICAL DISPLAY FIRING

Saf-C 5023.01 Electrical System Requirements. All electrical firing systems shall be in accordance with NFPA 1123, Code for Display Fireworks, 2006 edition.

Readopt with amendment Saf-C 5023.02, effective January 21, 2005 (Doc. #8261), as amended effective May 15, 2009 and expired November 11, 2009 (Doc. #9471 Interim), to read as follows:

Saf-C 5023.02 Operator Requirements.

(a) For each electrical display firing, the operator shall comply with the following:

- (1) All firing shall be done from a remote central control location that provides the operator(s) with an unobstructed view of the entire display;
- (2) All wiring and firing system set-up shall be done under the direct control of the operator who shall also insure that the firing device or control panel is properly safeguarded; and
- (3) Prior to the display, precautions shall be taken to preclude the possibility of premature ignition due to stray sources of electrical or radio frequency energy.

Readopt Saf-C 5023.03, effective January 21, 2005 (Doc. #8261), to read as follows:

Saf-C 5023.03 Electrical Mis-Fires. Should any shell fail to function as intended, the igniter for that shell shall be re-shunted and the shell shall be removed in accordance with Saf-C 5024.08.

Adopt Saf-C 5024, previously effective May 15, 2009, (Doc. #9471 Interim) and expired November 11, 2009, cited and to read as follows:

PART Saf-C 5024 FIRING OF THE DISPLAY

Saf-C 5024.01 Operator and Assistant to be on Duty During Display. At all times, there shall be at least one operator and one assistant, who is at least 18 years of age, to conduct each display of display fireworks.

Readopt Saf-C 5024.02 effective January 21, 2005 (Doc. #8261), to read as follows:

Saf-C 5024.02 Loading Shells. Shells shall not, under any circumstance, be forced into a mortar too small to accept them. Shells that do not fit properly into the mortars shall not be fired.

Readopt with amendment Saf-C 5024.03 effective January 21, 2005 (Doc. #8261), to read as follows:

Saf-C 5024.03 Igniting of Shells.

(a) Shells shall be ignited by lighting the tip of the fuse with a fusee, torch, portfire, or similar device. The operator shall never place any part of his or her body over the mortar at any time. As soon as the fuse is ignited, the operator shall retreat from the mortar area.

(b) All manually fired shells shall have a safety cap installed over the exposed end of the fuse.

(c) Safety caps shall only be removed by the shooter, and shall be only removed just prior to igniting the fuse.

Readopt with amendment Saf-C 5024.04, effective January 21, 2005 (Doc. #8261), as amended effective May 15, 2009 and expired November 11, 2009 (Doc. #9471 Interim), to read as follows:

Saf-C 5024.04 Prohibitions.

- (a) Shells shall be carried from the storage area to the discharge site only by their bodies, and never by their fuses.
- (b) The safety cap protecting the fuse shall not be removed by the operator responsible for igniting the fuse until immediately before the shell shall be fired.
- (c) No smoking or open flames shall be allowed in the shell storage area if shells are present.
- (d) No attempt shall be made to repair a damaged shell or to attempt to dismantle a dry shell. The operator shall contact the supplier for proper disposal instructions.
- (e) Display fireworks that have become wet shall not be utilized even if dried out.
- (f) Displays shall not be set up during any rain or snow storm or displayed during any electrical storm or when the wind reaches a velocity of more than 20 miles per hours.

Readopt Saf-C 5024.05, effective January 21, 2005 (Doc. #8261), to read as follows:

Saf-C 5024.05 Installation of Mortars.

- (a) A cleaning tool shall be utilized for cleaning debris out of the mortars between firings.
- (b) Mortars shall be inspected before the first shells are loaded to ensure that no water or debris has accumulated in the bottom of the mortar.
- (c) Display operators and assistants shall use only flashlights or electric lighting for artificial illumination.

Adopt Saf-C 5024.06, previously effective May 15, 2009 (Doc. #9471 Interim), and expired November 11, 2009, to read as follows:

Saf-C 5024.06 Use of Alcohol or Drugs.

- (a) No person shall handle, transport or display any display fireworks or be present in the discharge site while under the influence of or having consumed, within the previous 24 hour period, alcohol or controlled substances.
- (b) Paragraph (a) shall not apply to the possession or use of a substance administered to a person by or under the instructions of a licensed physician or medical specialist, who is authorized by RSA 318:42 to prescribe controlled drugs, and who has advised the person that such substance will not affect his/her ability to handle, transport or display any display fireworks.

Readopt Saf-C 5024.07 effective January 21, 2005 (Doc. #8261), to read as follows:

Saf-C 5024.07 Cancellation of Display. The local fire chief, police chief, or the director shall cancel any display when the behavior or condition of the operator or assistant is such as to imperil the public safety.

Readopt with amendment Saf-C 5024.08 effective January 21, 2005 (Doc. #8261), to read as follows:

Saf-C 5024.08 Misfires.

(a) In the event of a shell failing to ignite in the mortar, the mortar shall be left alone for a minimum of 5 minutes, than carefully flooded with water. Immediately following the display, the mortar shall be emptied into a bucket of water. The supplier shall be contacted as soon as possible for proper disposal instructions.

(b) Where electrical ignition is used and the firing failure is electrical in nature, or where the aerial shell was not fired intentionally, the operator shall be permitted to salvage the shell without flooding the mortar with water.

Readopt with amendment Saf-C 5024.09 and Saf-C 5024.10, effective January 21, 2005 (Doc. #8261), to read as follows:

Saf-C 5024.09 Search of Display Area.

(a) It shall be the responsibility of the operator to ensure that a thorough search of the display area is made for any unignited fireworks or remnants thereof, containing explosives. The search shall be conducted at the completion of the display and at the first available daylight following the display.

(b) Upon completion of the search, the operator shall report all findings to the fire chief in the municipality where the display was held. It shall be the responsibility of the operator to dispose of any such items found.

(c) The operator of the display shall keep a record on a form provided by the supplier of all shells that fail to ignite or fail to function. The form shall be completed and returned to the supplier.

Saf-C 5024.10 Fire Equipment.

(a) The sponsor of the display shall arrange for the presence of one or more members of the local fire department as may be required by the fire chief. They shall be on duty from the time the fireworks are delivered at the site until the termination of the display and removal of all fireworks and debris from the site. For the purpose of this rule debris shall include any unignited fireworks or remnants containing explosive material.

(b) The fire chief shall designate such fire extinguishing equipment as may be required at the display site from the time the fireworks are delivered at the site until the termination of the display and removal of all fireworks and debris from the site. The head of the fire department shall designate the location and type of fire extinguishing equipment.

Adopt Saf-C 5025.01 to read as follows:

PART Saf-C 5025 MARINE DISPLAYS

Saf-C 5025.01 Marine Display Requirements. All marine displays of fireworks shall be in accordance with NFPA 1123, Code for Display Fireworks, 2006 edition, and this section.

Adopt Saf-C 5025.02, previously effective May 15, 2009, (Doc. #9471 Interim), and expired November 11, 2009, to read as follows:

Saf-C 5025.02 Inspection. All barges and vessels used as launch platforms for the supervised display of display fireworks shall be open to inspection by the director, the head of the local police and fire departments, harbor master having jurisdiction or to any person delegated by the aforementioned.

Readopt and renumber Saf-C 5025.02 through Saf-C 5025.06 as Saf-C 5025.03 through Saf-C 5025.07, effective January 21, 2005 (Doc. #8261), to read as follows:

Saf-C 5025.03 Construction of Barges. All barges used for marine displays shall be of sturdy, seaworthy construction, properly maintained, and provided with adequate towing, anchor, and mooring lines or chains.

Saf-C 5025.04 Barge at Anchorage. When the barge is secured at anchorage, secondary mooring lines of equal value to the primary mooring lines shall be employed.

Saf-C 5025.05 No Hazardous Cargo. No barge that is used for the transportation of fuel or other hazardous cargo, above or below deck, shall be used unless the hazardous cargo and residue thereof has been removed and any holding tanks purged, as directed by the head of the local fire department.

Saf-C 5025.06 Decking to be Covered. All barges with decks of wooden construction shall have all exposed decking covered with a minimum of one inch of clean sand.

Saf-C 5025.07 Vessel to be Placarded. Any vessel transporting display fireworks on any water of the state shall have affixed amidship on both side thereof, an Explosive B placard as outlined in Saf-C 1621.02.

Readopt with amendment and renumber Saf-C 5025.07 as Saf-C 5025.08, effective January 21, 2005 (Doc. #8261), as amended effective May 15, 2009 and expired November 11, 2009 (Doc. #9471 Interim), to read as follows:

Saf-C 5025.08 Restrictions.

(a) No personnel other than those directly responsible for discharge of the display shall be allowed on such barge during the display.

(b) No smoking shall be allowed on any vessel containing display fireworks.

(c) All marine vessels, or floating platforms shall be anchored at the discharge site before any of the mortar tubes are loaded.

Readopt with amendment and renumber Saf-C 5025.08 as Saf-C 5025.09, effective January 21, 2005 (Doc. #8261), to read as follows:

Saf-C 5025.09 Safety Requirements.

(a) Each barge shall be equipped with at least 2 portable fire extinguishers with a rating of 2A:10 BC.

(b) The sponsor shall ensure the display conforms with any USCG standards or requirements.

(c) The sponsor and the operator shall ensure that the area on all sides of the barge is free of all personnel, vessels, and crafts in accordance with the requirements of Saf-C 5017.01 and Saf-C 5017.02.

Adopt Saf-C 5026.01, previously effective May 15, 2009 (Doc. #9471 Interim), and expired November 11, 2009, cited and to read as follows:

PART Saf-C 5026 NOTIFICATION

Saf-C 5026.01 Notification to the Director. Any explosion, fire, or other accident occurring in connection with the keeping, storage, manufacture, handling, transportation, display or other disposition of display fireworks causing loss of life or injury to any person or damage to property shall be reported by the operator immediately to the director, giving a detailed account of the event and confirmed in writing, pursuant to Saf-C 5026.02. Notification shall be made to the New Hampshire State Police communications center.

Adopt Saf-C 5026.02 previously effective May 15, 2009 as Saf-C 5026.02(a) (Doc. #9471 Interim), and expired November 11, 2009, to read as follows:

Saf-C 5026.02 Accident Report.

A written accident report shall be sent by the operator who conducted the firework display to the director within 48 hours of any accident resulting in injury, death or damage to property on a form furnished by the division.

Adopt Saf-C 5027 and Saf-C 5028 to read as follows:

PART Saf-C 5027 DENSE PACK FIRING RACKS

Saf-C 5027.01 Scope.

(a) This part shall apply to vehicle mounted, or marine vessel mounted dense packs only, used on or after January 1, 2011.

(b) Ground based dense packs shall be prohibited.

Saf-C 5027.02 Approval

(a) All dense pack firing racks shall be approved by the director before being utilized for a display of display fireworks.

(b) Design specifications and engineered drawings, which have been reviewed and stamped by a New Hampshire licensed professional engineer shall be submitted to the director before an approval shall be granted.

(c) If the dense pack firing rack to be utilized is constructed of mortar material other than SDR21 high density polyethylene pipe (HDPE), pursuant to Saf-C 5027.03(b) below, the applicant shall also submit to the director the specification sheet indicating that the material being utilized has the equivalent characteristics as SDR21 HDPE.

(d) Approval shall be granted only for a period of one year, at which time the dense pack firing rack system shall be placed out of service until inspected by a New Hampshire licensed professional engineer to ensure that the structural integrity of the rack system has not been compromised during the repeated use.

(e) Documentation of the inspection and a report of all findings shall be forwarded to the director before the dense pack firing rack system is approved by the director to be placed back in service.

(f) Any dense pack firing rack which has been involved in any type of fire, explosion, or other type of accident shall be immediately placed out of service and the director shall be immediately notified. The rack system shall remain out of service until such time as a New Hampshire licensed professional engineer has inspected the rack system and all necessary repairs have been made. Documentation of the inspection, required repairs and inspection of the repair work shall be forwarded to the director before the dense pack firing rack system is approved by the director to be placed back in service.

(g) Approval shall be granted if the dense pack firing rack complies with this part.

Saf-C 5027.03 Construction

(a) Dense pack firing racks shall be constructed of metal construction and shall be engineered to withstand a ground detonation of the largest shell being fired from the rack system and shall be designed to minimize damage to adjacent mortar tubes.

(b) Mortar tubes shall be constructed of SDR21 high density polyethylene pipe (HDPE) or greater, or other similar material.

(c) Mortar tubes shall be securely anchored in place, or securely locked into the rack system in 2 separate locations. Locks shall be designed with a positive locking arrangement to prevent the mortar tube from becoming accidentally dislodged during the firing operations.

(d) All mortar tubes contained in the rack system shall be grouped into like sizes.

(e) Size groups within the rack system shall be clearly identified and separated from other size groups.

(f) All mortar tubes within the rack system shall be of an equal length.

(g) Dense pack firing racks used in conjunction with a trailer, marine vessel, or floating platform shall be securely affixed to the frame work of the trailer, marine vessel, or floating platform.

(h) The deck of the trailer, marine vessel or floating platform shall be constructed with a non-combustible material which is strong enough to withstand the repeated discharge of display fireworks on its surface.

(i) All trailers used in conjunction with dense pack firing racks shall be consistently maintained in a roadworthy condition.

(j) All marine vessels or floating platforms used in conjunction with dense pack firing racks shall be consistently maintained in seaworthy condition.

Saf-C 5027.04 Restrictions

(a) Dense pack firing racks shall only be fired electronically from a remote location. Firing locations shall be located a minimum of 50 feet from the dense pack portable firing system.

(b) Multiple dense pack firing rack systems shall be separated from one another at the discharge site by a minimum distance of 25 feet.

(c) Dense pack firing racks shall not be reloaded during a display.

(d) Mortar size shall not exceed 6 inches.

(e) Salute shells shall be prohibited from being fired from any dense pack firing rack.

(f) Dense pack firing racks used in conjunction with a vehicle trailer shall be secured and leveled at the discharge site and disconnected from the tow vehicle before any mortar is loaded.

(g) Dense pack firing racks utilized in conjunction with a marine vessel or floating platforms shall be anchored or properly moored in accordance with Saf-C 5025.04 before any mortar is loaded.

PART Saf-C 5028 SPECIAL STRUCTURES

Saf-C 5028.01 Special Structures All displays of display fireworks from rooftops, bridges, towers, stadiums, parking decks, other structures or limited egress locations shall be conducted in accordance with NFPA 1123, Code for Display Fireworks, 2006 edition.

Readopt and renumber Saf-C 5003.04(b) and (c) as Saf-C 5029.01, effective January 21, 2005 (Doc. #8261) as Saf-C 5029.02, cited and to read as follows:

PART Saf-C 5029 FORMS

Saf-C 5029.01 DSSP 165.

(a) Applicants shall supply on form DSSP 165 the following:

- (1) Name, address and date of birth of applicant;
- (2) Applicant's present employer, and position;
- (3) Employer's address;
- (4) Whether applicant holds a license or certificate of competency to conduct fireworks displays from another state, and if so, the state and the license number;
- (5) Whether a license or certificate of competency has ever been denied, and if so, an explanation;
- (6) Whether any previous license or certificate of competency has ever been revoked or suspended, and if so, an explanation;
- (7) Any criminal record that has not been annulled;
- (8) Citizenship status;
- (9) Number of years engaged in actual fireworks display;
- (10) Companies, municipalities or other organizations that applicant has worked for in this capacity;
- (11) Whether applicant is under indictment for a crime punishable by imprisonment for more than one year, and if so, an explanation stating the specific charge, the date of the charge, and the court of jurisdiction;
- (12) Whether applicant is a fugitive from justice;
- (13) Whether applicant is 21 years of age or older;
- (14) Whether applicant uses or is addicted to marijuana, depressants, stimulants or narcotics;
- (15) Whether applicant has ever been adjudicated as mentally ill, or been committed to any mental institution;
- (16) Physical characteristics:
 - a. Height;

- b. Weight;
- c. Color hair; and
- d. Color eyes;

(17) Certification that the information provided on or with the form is true; and

(18) Signature under penalty of unsworn falsification.

(b) The applicant shall sign the application under penalty of unsworn falsification and the provisions RSA 160-B:6, X.

Readopt with amendment and renumber Saf-C 5004.03(b) effective January 21, 2005 (Doc. #8261) as Saf-C 5029.02, to read as follows:

Saf-C 5029.02 DSSP 110.

(a) Applicants shall submit on form DSSP 110 the following:

- (1) Whether applicant is an individual, partnership, corporation or other;
- (2) Applicant's name, address, date of birth, present employer;
- (3) Employer's address;
- (4) Applicant's position;
- (5) If the applicant is not an individual, the name and address of the person in charge, the address of the person signing the application, and the date of birth of the person signing the application;
- (6) Applicant's telephone number;
- (7) Whether the applicant holds a license or certificate of competency from another state and if so, the state and license number;
- (8) Whether the applicant has ever been refused a license or certificate of competency, and if so, an explanation;
- (9) Whether the applicant has ever had a license or certificate of competency revoked or suspended, and if so, an explanation;
- (10) Whether the applicant has a criminal record, and if so, an explanation;
- (11) Whether applicant is an American citizen;
- (12) Number of years applicant has been engaged in the display, storage, or handling of display fireworks;
- (13) All the companies, municipalities or other organizations applicant has worked for;

- (14) Whether the applicant is under indictment for a crime punishable by imprisonment for more than one year;
- (15) Whether the applicant is a fugitive from justice;
- (16) Whether the applicant is 21 years old or older;
- (17) Whether the applicant is a user of marijuana, depressants, stimulants or narcotics;
- (18) Whether the applicant has been adjudicated mentally ill, or has been committed to a mental institution;
- (19) Physical characteristics:
 - a. Height;
 - b. Weight;
 - c. Color hair; and
 - d. Color eyes; and
- (20) Certification that the information is true and that applicant is familiar with the state laws, rules and local ordinances relating to display fireworks and explosives.

Readopt and renumber Saf-C 5007.02 effective January 21, 2005 (Doc. #8261) as Saf-C 5029.03, to read as follows:

Saf-C 5029.03 Application for Display Permit.

- (a) Each applicant for a display permit shall make application on form DSSP 166.
- (b) An applicant shall submit the following on DSSP 166:
 - (1) Date of application;
 - (2) Name of sponsoring organization or individual;
 - (3) Date of birth, if applicable;
 - (4) Complete address of sponsor;
 - (5) Name and address of sponsor owner or person in charge, if other than an individual;
 - (6) Intended date and time of display;
 - (7) Name and address of person or company furnishing the display material;
 - (8) Name of company issuing surety bond and amount of coverage, if required;
 - (9) Name, address of operator(s) who will fire display, and certificate of competency number;
 - (10) Location of proposed display;

- (11) Amount and description of fireworks to be discharged and whether manually or electrically fired; and
 - (12) Signature of applicant.
- (b) A site plan containing the following information shall accompany the DSSP 166 application:
- (1) The dimensions of the following:
 - a. The discharge site;
 - b. The spectator viewing areas;
 - c. The parking areas;
 - d. The fallout areas; and
 - e. All the separation distances; and
 - (2) Location of buried utilities, if trenches or holes are to be dug in the ground to place mortars.

Readopt and renumber Saf-C 5026.02(b) effective January 21, 2005 (Doc. #8261) as Saf-C 5029.04, to read as follows:

Saf-C 5029.04 Accident Report Form.

- (a) The operator shall submit the following on the accident report:
- (1) Date of the report;
 - (2) Certificate of competency number;
 - (3) Time and exact location of accident;
 - (4) Name and address of person(s) injured or killed;
 - (5) Weather conditions at time of accident;
 - (6) Name and address of person who conducted the display;
 - (7) Type of display firework that malfunctioned;
 - (8) Description of the accident and total cost of repair;
 - (9) Cause of the accident;
 - (10) Names and addresses of any known witnesses;
 - (11) Name of hospital or doctor where injured person(s) was taken to;
 - (12) What type of first aid equipment was available at scene of the accident;

- (13) Detailed description of failure, if the launching mechanism was involved; and
- (14) Signature of individual who conducted the display.

Appendix

Provision of the Proposed Rule	Specific State Statute which the Rule is Intended to Implement
Saf-C 5001.01 & Saf-C 5001.02	RSA 160-B:1, X; RSA 541-A:7
Saf-C 5002.01- Saf-C 5002.08	RSA 541-A:7
Saf-C 5002.09	RSA 160-B:1, X; RSA 541-A:7
Saf-C 5002.10 – Saf-C5002.17	RSA 541-A:1, XV
Saf-C 5002.18	RSA 259:60; RSA 541-A:7
Saf-C 5002.19 – Saf-C 5002.32	RSA 541-A:7
Saf-C 5003.01 – Saf-C 5003.04(a)	RSA 160-B:3 & RSA 160-B:7
Saf-C 5003.05	RSA 160-B:3 & RSA 160-B:7
Saf-C 5004.01 – Saf-C 5004.04	RSA 158:9-c, III-a ; RSA 160-B:8, VIII
Saf-C 5004.05	RSA 160-B:4, I(e); RSA 160-B:6, III
Saf-C 5004.06	RSA 160-B:6, III-b
Saf-C 5004.07	RSA 160-B:6, III-a
Saf-C 5004.08	RSA 160-B:6, III-b
Saf-C 5005.01	RSA 160-B:7, I; RSA 160-B:8, I
Saf-C 5005.02	RSA 160-B:8, I; RSA 541-A:30
Saf-C 5005.03	RSA 541-A:31
Saf-C 5006.01 – Saf-C 5006.02	RSA 160-B:6, VI
Saf-C 5007.01	RSA 160-B:7
Saf-C 5007.02	RSA 160-B:7
Saf-C 5007.03 – Saf-C 5007.04	RSA 160-B:7
Saf-C 5007.05 – 5007.07	RSA 160-B:7, V
Saf-C 5008 – Saf-C 5013	RSA 160-B:6, III-a, III-b & RSA 160-B:8, VIII
Saf-C 5014.01	RSA 265:115, VI
Saf-C 5014.02(a)	RSA 265:115, III(c)
Saf-C 5014.02(b) – Saf-C 5016	RSA 265:115, RSA 158:9-f, I; 160-B:8, VIII;
Saf-C 5017- Saf-C 5028	RSA 158:0-f, I; RSA 160-B:7, IV
Saf-C 5029.01(a)	RSA 160-B:8, V
Saf-C 5029.01(b)	RSA 160-B:6, X
Saf-C 5029.02	RSA 158:9-c, III-a ; RSA 160-B:8, VIII
Saf-C 5029.03	RSA 160-B:7, V; RSA 160-B:8, V
Saf-C 5029.04	RSA 160-B:8, VI