

405 KAR 7:070. Certification of blasters.

RELATES TO: KRS 350.430, 351.380

STATUTORY AUTHORITY: KRS Chapter 13A, 224.033(20), 350.020, 350.028, 350.050, 350.465

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS Chapter 350 requires the cabinet to promulgate administrative regulations to implement the Surface Mining Control and Reclamation Act of 1977 (Pub.L. 95-87). Pub.L. 95-87, along with federal regulations promulgated pursuant thereto, requires the establishment of a blaster training, examination, and certification program. This administrative regulation establishes a certification program for blasters who are responsible for surface blasting operations incident to surface coal mining and reclamation operations and coal exploration operations. The administrative regulation contains requirements for the training, examination, and certification of blasters; requirements to which blasters must adhere in order to maintain their certifications; provisions whereby certified blasters may seek renewal of their certifications; and requirements for suspension, revocation, and reinstatement of certifications.

Section 1. Blasting Operations to be Conducted Under the Direction of a Certified Blaster.

(1) As used in this administrative regulation, the following terms shall have the indicated meanings:

(a) "Blaster" means a person who is directly responsible for surface blasting operations in surface coal mining and reclamation operations or coal exploration operations.

(b) "Surface blasting operations" means the on-site storage, transportation, and use of explosives in association with coal exploration operations, surface mining activities, and surface disturbances of underground mining activities. The term shall be interpreted broadly and shall encompass activities including, but not limited to, the design of individual blasts, the implementation of blast designs, the initiation of blasts, the monitoring of airblast and ground vibration, and the use of protective measures such as access control and warning and all-clear signals.

(2) Each permittee and each person conducting coal exploration operations shall have all surface blasting operations incident to surface coal mining and reclamation operations and coal exploration operations conducted under the direction of a blaster certified in accordance with this administrative regulation. Notwithstanding the exemption in 405 KAR 7:030, Section 1, this section shall also apply to permittees of operations with an affected area of two (2) acres or less.

Section 2. Requirements for Certification.

(1) A person desiring to become certified under this administrative regulation shall file an application upon a form furnished by the cabinet. This application shall identify the applicant's name, address, telephone number, and place of employment; shall contain the information required by subsections (2) through (7) of this section; and shall contain such additional information as the cabinet deems necessary for the purposes of this administrative regulation. The application shall be submitted to the central office of the department's Division of Field Services, located in Frankfort, Kentucky, accompanied by a fee of twenty-five (25) dollars.

(2) The applicant shall demonstrate that he or she has received training in the technical aspects of blasting operations and Kentucky and federal laws and regulations governing the storage, transportation, and use of explosives by completing a training course approved by the cabinet. This course shall provide training and discuss practical applications of the topics listed in subsection (5) of this section.

(3) The applicant shall demonstrate that he or she holds a valid Kentucky Blaster's License issued by the Kentucky Office of Mine Safety and Licensing.

(4) The application shall include at least two (2) letters of reference on forms provided by the cabinet. Each of these letters shall be from a person who has employed the applicant in blasting operations, from the applicant's supervisor while employed in blasting operations, or from a licensed blaster who has worked with the applicant in blasting operations. The letters shall indicate that the applicant has exhibited a pattern of conduct consistent with the acceptance of responsibility for blasting operations.

(5) The applicant shall pass a written examination on the technical aspects of blasting and Kentucky and federal laws and regulations governing the storage, use, and transportation of explosives. The examination shall cover, at a minimum, the following topics:

(a) Explosives, including:

1. Selection of the type of explosive to be used;
2. Determination of the properties of explosives which will produce desired results at an acceptable level of risk; and
3. Handling, transportation, and storage of explosives.

(b) Blast designs, including:

1. Geologic and topographic considerations;
2. Design of a blast hole, with critical dimensions;
3. Pattern design, field layout, and timing of blast holes; and
4. Field applications.

(c) Loading blast holes, including priming and boosting.

(d) Initiation systems and blasting machines.

(e) Blasting vibrations, airblast, and flyrock, including:

1. Monitoring techniques; and
2. Methods to control adverse effects.

(f) Secondary blasting applications.

(g) Current federal and Kentucky rules applicable to the storage, transportation, and use of explosives.

(h) Blast records.

(i) Schedules.

(j) Preblasting surveys, including:

1. Availability;
2. Coverage; and
3. Use of in-blast design.

(k) Blast-plan requirements.

(l) Certification and training.

(m) Signs, warning signals, and site control.

(n) Unpredictable hazards, including:

1. Lightning;
2. Stray currents;
3. Radio waves; and
4. Misfires.

(6) Any person who fails the examination discussed in subsection (5) of this section may retake it after thirty (30) days; provided however, any person failing the examination twice may not retake it until after completing an approved training course and filing a new application.

(7)

(a) Upon receipt of an application for certification, the cabinet shall review the application and promptly notify the applicant, in writing, as to the application's completeness.

1. If the application is incomplete, the notification shall specify the application's deficiencies. The applicant may then submit, or cause to be submitted, documentation of test results, verification of training, letters of reference, or any

other information necessary to correct the cited deficiencies. The applicant shall have three (3) months, beginning on the date on which the notification of incompleteness is mailed or otherwise delivered to the applicant, during which the deficiencies may be corrected. If the deficiencies are not corrected during this three (3) month period, the application file shall be closed and, at the cabinet's discretion, discarded. Once the application file has been closed, the certification shall not be issued unless and until a new application is submitted pursuant to subsection (1) of this section and compliance is demonstrated with all applicable requirements of this administrative regulation.

2. If the application is complete, the notification shall either be accompanied by the issued certificate or it shall state that the cabinet is verifying information pursuant to paragraph (b) of this subsection. After any such verification is performed and the cabinet is satisfied that all applicable requirements of this administrative regulation have been met, the cabinet shall promptly issue the certification.

(b)

1. The cabinet may, at its discretion, verify any of the information contained in the application. If, as a result of any such verification effort, the cabinet determines that the applicant has knowingly caused falsified or misrepresented information to be submitted in the application, the cabinet shall deny certification and the applicant shall be ineligible to reapply for certification for at least one (1) year period.

2. After the period of ineligibility defined pursuant to subparagraph 1 of this paragraph, certification may only be granted if a new application is submitted pursuant to subsection (1) of this section. All of the information contained in the application shall be provided anew: this shall include new letters of reference pursuant to subsection (4) of this section; documentation that the applicant has been retrained pursuant to subsection (2) of this section and retested pursuant to subsection (5) of this section; and a demonstration, pursuant to subsection (3) of this section, that the applicant holds a valid blaster's license issued by the Office of Mine Safety and Licensing.

(8)

(a) The cabinet shall issue a blaster certification to any applicant who meets the requirements of subsections (1) through (7) of this section, except the cabinet shall deny certification if the applicant cannot reasonably be expected to conduct himself or herself in a manner consistent with the acceptance of responsibility for blasting operations. The cabinet shall make determinations regarding issuance or denial of the certification based upon the blaster's actions during any prior term of certification, the information contained in the application, and any other pertinent information that is available to the cabinet.

(b) The certification shall be issued for a term of three (3) years.

(9) Any person aggrieved by a determination under this section may request a formal hearing in accordance with 400 KAR 1:110, Section 9.

Section 3. Renewal of Certification. Subject to the provisions of this section, certified blasters shall have the right to successive renewal of their certifications.

(1)

(a) Applications for certification renewal shall be submitted on forms provided by the cabinet. Each such application shall identify the applicant's name, address, telephone number, and place of employment; shall contain the information required by subsection (3) of this section; and shall contain such additional information as the cabinet deems necessary for the purposes of this administrative regulation. The application shall be submitted to the central office of the department's Division of Field Services, located in Frankfort, Kentucky, and shall be accompanied by a renewal fee of

ten (10) dollars, plus any reexamination fee required pursuant to subsection (3) of this section. The renewal application shall not be submitted more than ninety (90) days prior to certification expiration.

(b)

1. The cabinet shall neither accept nor process the renewal application of a blaster who does not hold a valid Kentucky blaster's license, whose certification is revoked, whose certification is suspended pursuant to Section 4(2)(b) of this administrative regulation, or whose certification is revoked pursuant to an order rendered under Section 4(4)(b)3 or (5) of this administrative regulation. If a blaster's certification is suspended pursuant to an order rendered under Section 4(4)(b)3 or (5) of this administrative regulation, a renewal application will be accepted and processed only in accordance with Section 9(2)(a)2 and only if the term and conditions of the suspension have been met.

2. If an application for renewal is submitted and, prior to renewal, the certification is suspended, revoked, or otherwise invalidated, the renewal application shall be rendered null and void and shall be returned to the applicant.

(2)

(a)

1. If the blaster seeking renewal desires for his or her certification not to lapse, the renewal application must be submitted sixty (60) or more days prior to the expiration date identified on the blaster's certificate. For applications which are so submitted, the cabinet shall renew the certification, deny the renewal request, or withdraw the renewal request for submission of additional information pursuant to subsection (1)(a) of this section, prior to the date of the certification's expiration. A blaster who submits a renewal application pursuant to this subparagraph shall be eligible for an extension of his or her certification pursuant to subparagraph 2 of this paragraph, should such an extension be necessary and justified as provided for in that subparagraph.

2. If the blaster has submitted a renewal application sixty (60) or more days prior to the expiration date identified on the blaster's certificate, and if the cabinet has not taken final action on the application by the certificate's expiration date, the cabinet may postpone expiration of certification, in order to lessen the likelihood of a lapse in certification during the interim period between the expiration date identified on the certificate and issuance of the renewed certification. Such postponement shall be granted by written letter signed by the director of the department's Division of Field Services and shall delay certification expiration for a period of sixty (60) days. A postponement pursuant to this subparagraph may only be granted once per renewal application and may only be granted if:

a. Through no fault of the certified blaster, the cabinet has not taken final action on the renewal request as of the expiration date identified on the blaster's certificate; and

b. The blaster is making a good faith effort to obtain renewal.

(b) If the blaster desiring renewal fails to submit his or her renewal application sixty (60) or more days prior to the expiration date identified on the certificate, the certification may only be renewed if the renewal application, complete with all information necessary for the cabinet to grant the renewal, is submitted prior to certification expiration or within ninety (90) days following certification expiration. However, if the application is so submitted, the certification shall be considered to have lapsed during any interim period between expiration of the certificate and issuance of the renewed certificate. Blasters who apply for renewal pursuant to this paragraph shall not be eligible for postponement of certification expiration pursuant to paragraph (a)2 of this subsection.

(c) If the blaster fails to comply with the requirements of paragraph (a) or (b) of this subsection, he or she may be recertified only by reapplying for certification under Section 2 of this administrative regulation. All of the information contained in an application for recertification shall be provided anew: this shall include new letters of reference pursuant to Section 2(4) of this administrative regulation; documentation that the applicant has been retrained pursuant to Section 2(2) of this administrative regulation and retested pursuant to Section 2(5) of this administrative regulation; and a demonstration, pursuant to Section 2(3) of this administrative regulation, that the applicant holds a valid blaster's license issued by the Office of Mine Safety and Licensing. The blaster's certification shall be considered to have lapsed during the interim period between expiration of the certificate and issuance of the following certificate. Blasters who apply for recertification pursuant to this paragraph shall not be eligible for postponement of certification expiration pursuant to paragraph (a)2 of this subsection.

(3)

(a) The applicant for certification renewal shall:

1. Demonstrate that he or she has worked in blasting operations associated with surface coal mining and reclamation operations and/or coal exploration operations, in a manner that demonstrates the blaster's competency, during at least one and one-half (1 1/2) years of the three (3) years prior to the expiration date identified on the certificate; or
2. Demonstrate that he or she has:
 - a. Worked, in a manner that demonstrates the blaster's competency, during at least one and one-half (1 1/2) years of the three (3) years prior to the expiration date identified on the certificate in blasting operations associated with road construction, noncoal mining, or other activities that involve blasting techniques similar to those associated with surface coal mining and reclamation operations and/or coal exploration operations;
 - b. Retaken and passed a written examination on the cabinet's laws and administrative regulations pertaining to the use of explosives; and
 - c. Submitted a reexamination fee of fifteen (15) dollars; or
3. Retake and pass the written examination specified in Section 2(5) of this administrative regulation and submit a reexamination fee of fifteen (15) dollars; provided, however, consecutive renewals pursuant to this subparagraph shall not be granted without the applicant for renewal being retrained pursuant to Section 2(2) of this administrative regulation.

(b) In addition to submitting the documentation required pursuant to paragraph (a) of this subsection, each applicant for renewal shall demonstrate that he or she holds a valid Kentucky Blaster's License issued by the Office of Mine Safety and Licensing.

(4) The provisions of Section 2(7)(b) of this administrative regulation shall apply to applicants for renewal pursuant to this section.

(5)

(a) The cabinet shall renew the certification of any blaster who meets the requirements of subsections (1) through (4) of this section, except the cabinet shall deny renewal if the blaster cannot reasonably be expected to conduct himself or herself in a manner consistent with the acceptance of responsibility for blasting operations. The cabinet shall make determinations regarding issuance or denial of the renewal based upon the applicant's actions during the most recent term of certification, the information contained in the renewal application, and any other pertinent information.

(b) The term of a renewed certification shall be three (3) years.

(6) A blaster's certification shall expire on the expiration date identified on his or her most recent certificate, unless expiration of certification has been postponed pursuant to

subsection (2)(a)2 of this section.

(7) Any person aggrieved by a determination under this section may request a formal hearing in accordance with 400 KAR 1:110, Section 9.

Section 4. Suspension and Revocation.

(1) For the purposes of this section, a blaster shall be considered to be in violation if he or she:

- (a) Fails to comply with any order of the cabinet;
- (b) Handles or uses explosives while under the influence of alcohol, narcotics, or other dangerous drugs, or uses same in the workplace;
- (c) Violates any provision of federal explosives laws or regulations or Kentucky's explosives laws or administrative regulations;
- (d) Provides false information or a misrepresentation to obtain certification; or
- (e) Fails to comply with the conditions of certification specified in Section 6 of this administrative regulation.

(2)

(a)

1. Unless the cabinet immediately suspends certification pursuant to paragraph (b) of this subsection, the cabinet shall evaluate the following when the cabinet determines that a blaster is or has been in violation:

- a. Whether well-founded blasting procedures and reasonable precautions were used in endeavoring to prevent the violation;
- b. The seriousness of the violation;
- c. The history of the blaster's performance;
- d. The existence of any information suggesting that the blaster willfully committed or caused the violation; and
- e. Any other pertinent information.

2. Subsequent to conducting the evaluation required by subparagraph 1 of this paragraph, and based upon and commensurate with the results of that evaluation, the cabinet shall issue a written notice to the blaster if the cabinet has reason to believe that he or she willfully committed or caused the violation, or if the cabinet otherwise determines that suspension or revocation of certification is warranted. The written notice shall advise the blaster of the provision(s) of which he or she was in violation and shall advise him or her that the cabinet intends to seek suspension or revocation of the certification.

(b) When the cabinet determines that a blaster is or has been in violation, the cabinet shall issue an order immediately suspending the blaster's certification if further blasting operations conducted by or under the direction of the blaster may reasonably be expected to constitute an imminent danger to the health and safety of the public or cause significant, imminent environmental harm.

(c)

1. Regardless of whether the cabinet pursues recourse against the blaster pursuant to paragraph (a) or (b) of this subsection, if the cabinet determines that a blaster is or has been in violation, the cabinet shall retain a description of the violation, a description of the procedures used in evaluating the violation, the conclusion which was reached as a result of the evaluation, and any supporting information which was used in reaching the conclusion. This documentation shall be used in compiling a history of the blaster's performance for use pursuant to paragraph (a) of this subsection and Sections 2(8) and 3(5) of this administrative regulation.

2. When a violation is placed on a blaster's record pursuant to subparagraph 1 of this paragraph, the cabinet shall issue a written statement to the blaster advising him or her of the documented violation. The blaster shall be allowed to challenge the fact of

the violation, or his or her responsibility for same, in accordance with the provisions of 400 KAR 1:110, Section 6 or 7.

(3)

(a) Notices issued pursuant to subsection (2)(a)2 of this section, blaster suspension orders issued pursuant to subsection (2)(b) of this section, statements issued pursuant to subsection (2)(c)2 of this section, and orders of the secretary rendered pursuant to subsections (4)(b)3 and (5) of this section shall be served promptly after issuance. Service to the blaster shall be made by hand; by certified mail, return receipt requested; or by registered mail. A copy of each order and each notice shall also be mailed or otherwise delivered to the Office of Mine Safety and Licensing. In addition, if the order suspends or revokes certification, a copy of the order shall be mailed or otherwise delivered to the blaster's employer as documented in the cabinet's files and to any other person who, to the best knowledge of the cabinet, employs the blaster as a certified blaster.

(b) Service, whether by hand or by mail, shall be complete upon tender of the order, notice, or statement and shall not be deemed incomplete because of refusal to accept. Moreover, service by mail shall not be deemed incomplete because of failure to claim the document prior to its return to the cabinet by the U.S. Postal Service, nor shall it be deemed incomplete because of the U.S. Postal Service's inability to deliver a document which has been properly addressed with the intended recipient's most recent address known to the cabinet. Service by mail to the blaster shall be addressed to the permanent address shown on the certification or renewal application, or if the blaster has submitted notice of an address change pursuant to Section 7 of this administrative regulation, to such other address as is known to the cabinet.

(4) The following provisions shall apply to suspension orders issued pursuant to subsection (2)(b) of this section:

(a) Upon issuance of the suspension order, all rights and privileges granted by certification shall be suspended until the order is vacated or the certification is restored in accordance with an order of the secretary; however, the blaster shall not be required to surrender his or her certificate unless and until the secretary renders an order requiring revocation or further suspension.

(b) Unless vacated, the suspension order shall be adjudicated in accordance with the following:

1. A hearing shall be scheduled upon issuance of the suspension order. This hearing shall be scheduled to be held within ten (10) working days of issuance of the order. The blaster shall be promptly notified, in accordance with 400 KAR 1:110, Section 5, of the time, date, and location of the scheduled hearing.

2. The chief hearing officer or any other designated hearing officer shall preside over the hearing, and except as otherwise specified or provided for in this paragraph, the hearing shall be conducted pursuant to the provisions of 400 KAR 1:110, Section 5. Within five (5) working days following the hearing, the hearing officer shall issue a report on the findings of fact and conclusions of law concerning the violation.

3. The provisions of 400 KAR 1:110, Section 3 shall apply to the filing of exceptions to the hearing officer's report, and the final order of the secretary concerning the violation shall be issued forthwith.

4. The time schedule for adjudication as specified in subparagraphs 1 and 2 of this paragraph may be extended by the cabinet upon written request by the blaster to whom the suspension order was issued.

(c) Prior to the hearing held pursuant to paragraph (b) of this subsection, a suspension order determined to have been issued in error may be vacated by the director of the Division of Field Services.

- (d) The forms on which blaster suspension orders are issued shall be at the discretion of the cabinet and may include the forms used pursuant to 405 KAR 12:020.
- (5) Upon issuance of a notice pursuant to subsection (2)(a)2 of this section, the cabinet shall schedule a formal hearing for review of the violation. This hearing shall be held pursuant to 400 KAR 1:110, Section 5.
- (6)
- (a) Orders of the secretary rendered pursuant to subsections (4)(b)3 and (5) of this section may suspend or revoke the blaster's certification and may carry requirements for additional training or testing or other appropriate corrective measures; provided however, if the violation was caused or committed willfully, suspension or revocation of certification shall be obligatory.
- (b) The termination date of a suspension shall be specified in the order or the suspension shall be for an indefinite period contingent upon completion of required remedial action. An order for revocation shall specify the ending date of the period during which the blaster will be ineligible for reinstatement, with said period exceeding the minimum required by Section 9(1) of this administrative regulation if appropriate.
- (c) The term and conditions of each order rendered by the secretary pursuant to subsection (4)(b)3 or (5) of this section shall be commensurate with the pertinent factors surrounding the blaster and the violation(s). These factors may include, but not necessarily be limited to, the seriousness of the violation(s), the blaster's culpability for the violation(s), the history of the blaster's performance, and whether the blaster took reasonable care in determining that the operation would be in compliance with applicable laws and administrative regulations.
- (d)
1. Upon service of a suspension or revocation order rendered pursuant to subsection (4)(b)3 or (5) of this section, the blaster shall surrender the suspended or revoked certificate to the cabinet in accordance with subparagraph 2 of this paragraph. All rights and privileges granted by certification shall be suspended or revoked in accordance with the term and conditions of the order.
2. If the suspension or revocation order is hand delivered by a cabinet representative, the suspended or revoked certificate shall be immediately surrendered to the representative delivering the order. If the order is served by certified or registered mail, the certificate shall be immediately delivered and surrendered to the department's appropriate regional office.
- (7)
- (a) If the blaster's Kentucky Blaster's License expires, is revoked, or otherwise lapses or becomes invalid during the term of certification, in accordance with Section 6(5) of this administrative regulation the blaster's certification shall automatically be rendered invalid. Once the certification has been rendered invalid, the certificate shall immediately be delivered and surrendered to the department's appropriate regional office. The certificate shall only be returned and certification reinstated after the blaster has demonstrated, and the cabinet has found, that the blaster once again holds a valid Kentucky Blaster's License.
- (b) The provisions of paragraph (a) of this subsection shall apply automatically, and issuance of a notice or a suspension order pursuant to subsection (2) of this section shall not be required in order to invalidate a blaster's certification pursuant to Section 6(5) of this administrative regulation.

Section 5. Protection of Certification. Certified blasters shall take every reasonable precaution to protect their certificates from loss, theft, or unauthorized duplication. Any such occurrence shall be immediately reported to the cabinet.

Section 6. Conditions. The following are conditions for maintaining certification:

- (1)
 - (a) His or her Kentucky Blaster's License, his or her Kentucky Blaster Certificate, and at least one (1) other form of identification shall be carried by the certified blaster during blasting operations. If the blaster is operating under a postponement of certification expiration rendered pursuant to Section 3(2)(a)2 of this administrative regulation, the blaster shall also carry the letter granting the postponement.
 - (b) A certified blaster shall immediately exhibit his or her certificate, Kentucky Blaster's License, letter postponing expiration of certification (if applicable), and one (1) other form of identification to any authorized representative of the cabinet or OSM upon request.
- (2) Blasters' certifications shall not be assigned or transferred.
- (3) Certified blasters shall not delegate their responsibilities to any persons who are not certified blasters.
- (4) The certified blaster who is responsible for conducting blasting operations shall provide direction and on-the-job training to noncertified persons who are assigned to his or her blasting crew or who assist in the storage, use, or transportation of explosives incident to the blasting operations.
- (5) Each certified blaster shall hold a valid Kentucky Blaster's License throughout the term of the certification.

Section 7. Change of Information. A certified blaster shall submit written notification to the cabinet whenever there is a change in his or her name, address, telephone number, or place of employment. Such notifications shall be submitted to the central office of the department's Division of Field Services, located in Frankfort, Kentucky, within thirty (30) days of the change.

Section 8. Reciprocity. For any person who is a certified blaster under OSM's blaster certification program or under any OSM approved state blaster certification program, the submission of satisfactory documentation demonstrating that he or she is so certified shall be considered an adequate demonstration of compliance with Section 2(2), (4), and (5) of this administrative regulation. However, compliance with Section 2(1) and (3) of this administrative regulation shall occur prior to obtaining certification pursuant to this administrative regulation.

Section 9. Reinstatement.

- (1) Reinstatement following revocation. Unless a longer term is specified in the Secretary's revocation order, during the one (1) year period following issuance of the order the blaster shall not be eligible for reinstatement of certification. After this period of ineligibility, certification shall only be reinstated after reapplying for certification pursuant to Section 2 of this administrative regulation. All of the information contained in the application shall be provided anew: this shall include new letters of reference pursuant to Section 2(4) of this administrative regulation; documentation that the applicant has been retrained pursuant to Section 2(2) of this administrative regulation and retested pursuant to Section 2(5) of this administrative regulation; and a demonstration, pursuant to Section 2(3) of this administrative regulation, that the applicant holds a valid blaster's license issued by the Office of Mine Safety and Licensing. In addition to containing such information, the application must demonstrate, and the cabinet must find, that the conditions that led to the revocation have been corrected and are not likely to reoccur. When these requirements have been met, the cabinet may reissue the blaster certification.
- (2) Reinstatement following suspension.
 - (a)

1. Following suspension of certification pursuant to an order of the secretary, certification shall be reinstated only upon a demonstration by the blaster that he or she has met the term and conditions of the suspension.

2. The cabinet shall not reinstate a certification which has expired solely upon a demonstration that the requirements of subparagraph 1 of this paragraph have been met. If the certification expires during the suspension period, in order to have certification reinstated without reapplying under Section 2 of this administrative regulation, a renewal application must be submitted within thirty (30) days of meeting the term and conditions of the suspension; provided however, if the order suspending certification does not specify a termination date for the suspension, the remedial measures prescribed in the order must be completed within one (1) year following certification expiration to qualify for reinstatement through the renewal process. Renewal applications filed for reinstatement shall contain the information required by subparagraph 1 of this paragraph and the information and fees required by Section 3(1)(a) of this administrative regulation. Failure to submit a renewal application within these constraints will result in certification being reinstated only if, in addition to complying with subparagraph 1 of this paragraph, the application requirements of Section 2 of this administrative regulation are met, with all of the information contained in the application being provided anew: this shall include new letters of reference pursuant to Section 2(4) of this administrative regulation; documentation that the applicant has been retrained pursuant to Section 2(2) of this administrative regulation and retested pursuant to Section 2(5) of this administrative regulation; and a demonstration, pursuant to Section 2(3) of this administrative regulation, that the applicant holds a valid blaster's license issued by the Office of Mine Safety and Licensing.

(b) After the demonstrations required by paragraph (a) of this subsection have been made and the cabinet is satisfied as to the adequacy of the demonstrations, the cabinet shall either return the surrendered certificate, renewed if applicable, or shall tender to the blaster the reissued certificate. The surrendered or reissued certificate shall be accompanied by a notice of reinstatement.

Section 10. Delegation to Office of Mine Safety and Licensing. The cabinet and the Office of Mine Safety and Licensing may enter into agreements whereby the Office of Mine Safety and Licensing may administer part or all of this administrative regulation.

(405 KAR 007:070. 11 Ky.R. 1345; 1596; eff. 5-14-1985; 14 Ky.R. 4; eff. 6-15-1987; 14 Ky.R. 37; 432; eff. 9-10-1987; TAm eff. 8-9-2007; TAm eff. 5-4-2018; Crt eff. 7-3-2018; Crt eff. 6-10-2025.)