

Questions and Answers

18 U.S.C. Chapter 40 and 27 CFR Part 55

Introduction

The following Questions and Answers are intended to aid you in gaining a better understanding of:

**18 U.S.C. Chapter 40—Importation,
Manufacture, Distribution and Storage of
Explosive Materials**

... and of the implementing regulations issued within:

27 CFR Part 55—Commerce in Explosives

Although the listing is by no means all-inclusive, it does contain a selection of those Questions that ATF receives most often about explosives.

A Table of Contents reflects the broad categories into which the Questions have been grouped, and a Subject Index has been included for your convenience.

These Questions and Answers apply only to Federal law and regulations. The States and their local jurisdictions have, in many cases, enacted their own requirements relating to explosives.

Public Law 93-639, approved January 4, 1975, amended the language contained in 18 U.S.C. § 845(a)(5) which had excepted any "black powder in quantities not to exceed five pounds", from the law. This amendment:

- Removed Federal controls over commercially manufactured black powder in quantities of 50 pounds or less (and other items specified therein) intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or antique devices, thereby removing black powder acquired under this exemption from all Federal regulations under Part 55; and

- Extended the Federal licensing provisions of

18 U.S.C. § 843 to include any person selling or distributing black powder regardless of quantity.

DISCUSSION:

The exemption contained in § 845(a)(5) applies to most retail sales of black powder. Licensees have the obligation in conducting these sales to establish to their own satisfaction that persons wanting to acquire black powder under the exemption intend to use the powder solely for exempted sporting, recreational, or cultural purposes.

Transaction records are required for nonexempt sales. For example, sales of black powder to non-licensees/nonpermittees in quantities exceeding 50 pounds, or in any quantity when not intended for use as exempted by the law, require the completion of ATF Form 5400.4, Explosives Transaction Record (§ 55.126). Other requirements in 27 CFR Part 55 include:

- Storage of black powder by licensees in accordance with Subpart K (§ 55.201, ff.); and,
- Entries for black powder in the daily summary of magazine transactions (§ 55.127).

Additionally . . .

Compliance with Federal law and regulations in no way exempts persons from compliance with State and local requirements.

[Under the exemption a nonlicensee/nonpermittee may import commercially manufactured black powder in quantity not to exceed 50 pounds (§ 55.108(b)). There is no ATF form to deliver to customs and an individual importing under the exemption has to comply with customs procedure at the port of entry.]

Table of Contents

General	1-15
Licenses & Permits	16-38
Recordkeeping	39-46
Storage	47-58
Fireworks	59-64

Subject Index

Accidents involving explosives: 10
 Accountability for explosive materials: 41
 Activities covered by licenses and permits:
 17,25–31
 Additions to storage facilities: 53
 Age—Licensees and permittees: 19
 Age—Purchasers: 2
 Ammunition: 11,54–56
 American Table of Distances: 49–51
 Application for license or permit:
 18,19,24,36,37
 Binary explosives: 12
 Black powder fuses: 54,55
 Black powder, license to sell: 18
 Changes in storage facilities: 53
 Contiguous State transactions: 4,5,38
 Continuing business pending license or
 permit renewal: 37
 Daily summary of magazine transactions: 41
 Dealer's license: 23,25,33
 Dealing in explosives, persons prohibited: 3
 Distances, tables of: 49–51,57
 Duration of license or permit: 21
 Explosives List: 15,59
 Federal explosives law—Penalties: 7
 Federal explosives law—Who it affects: 1
 Fees for licenses and permits: 23
 Fireworks, general: 59–64

FORMS (Obsolete Numbers in Parentheses):

ATF F 5400.4 (4710), Explosives
 Transaction Record: 6,8,44
 ATF F 5400.5 (4712), Report of Theft or
 Loss of Explosive Materials: 43
 ATF F 5400.6 (4709), User-Limited Permit:
 21,23
 ATF F 5400.8 (4721), Explosives Delivery
 Record: 35
 ATF F 5400.13/5400.16, (4705; 4707)
 Application For License or Permit: 19
 ATF F 5400.14/5400.15, Part I (4706, Part
 I; 4708, Part I), License or Permit: 19,23
 ATF F 5400.14/5400.15, Part III (4706, Part
 III; 4708, Part III), Renewal of Explosives
 License or Permit: 36
 ATF F 5400.21, Application/Permit
 User-Limited Special Fireworks: 21
 Where to order/obtain: 44

 Importation: 27
 Importer's license: 23,26,27,30
 Inhabited building: 57
 Inspection of storage facilities: 52

Inventory requirement: 46
 Investigations—Accidents: 10
 Investigations—Applications for license or
 permit: 24
 Interstate commerce: 1,4,5,38,58
 Intrastate transportation of explosives: 4,16
 Licenses, general: 16–38
 Local requirements: 19,20
 Location, more than one: 29
 Loss of explosives: 9,43
 Magazine records: 41,42,46
 Manufacturer-limited license: 21,23
 Manufacturer's license: 23,28,30,31
 Model rocket kits: 13
 Notification—Storage facilities: 53
 Notification—Thefts of explosives: 9,43
 On-site manufacturing: 31
 Penalty for purchasers providing false
 information: 7
 Permits, general: 16–24,32,37
 Permits, when not required: 4,16,32,33

PURCHASE OF EXPLOSIVES:

By employee of licensee/permittee: 34,35
 False information: 7
 For one's own use: 4,16
 Forms executed: 6,27,35
 In bordering States: 4,5,38
 Notification of Government: 8
 Persons prohibited from purchasing: 2

 Qualifying for Federal license or permit: 3,19
 Recording, general: 39–46
 Renewal of licenses or permits: 36,37
 Reporting theft or loss of explosives: 9,43
 Residence, storing explosives in: 49
 Revocation of license or permit: 22
 Rocket propellant: 13
 Sales of explosives—Persons prohibited from
 dealing: 3
 Sales of explosives—To residents of adjoining
 States: 38
 Separate license—Required for each
 business location: 29
 Separate license—Required for
 manufacturing and importing: 30
 Smokeless powder: 11,56
 State requirements: 19,20
 Storage requirements: 16,47–58,62
 Stolen explosives: 9
 Thefts of explosives: 9,43
 Transportation of explosives: 14
 User-limited permit: 21,23
 User's permit (see Permits, general)

General Questions

1. Who is affected by the Federal explosives law?

The law affects all persons who import, manufacture, deal in, purchase, use or store explosive materials. It also affects those who ship, transport, or receive explosive materials in interstate commerce. See Question 20 for State requirements. [Also, see § 55.141 for exemptions.]

2. To whom is the distribution of explosive materials by licensees prohibited?

A. Prohibited Persons:

A licensee shall not knowingly distribute any explosive materials to any person who:

- (1) Is under 21 years of age;
- (2) Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;
- (3) Is under indictment for a crime punishable by imprisonment for a term exceeding one year;
- (4) Is a fugitive from justice;
- (5) Is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); or
- (6) Has been adjudicated a mental defective. [18 U.S.C. 842(d)]

B. Other Unlawful Distributions:

A licensee shall not knowingly distribute any explosive materials to any person who:

- (1) The licensee knows or has reason to believe does not reside in the State in which the licensee's place of business is located (unless a "contiguous State" provision applies. [See Question # 4.]) [18 U.S.C. 842(b)(3)];
- (2) Is in any State where the purchase, possession, or use of explosive materials would be in violation of any State law or any published ordinance applicable at the place of distribution [18 U.S.C. 842(e)];
- (3) The licensee has reason to believe intends to transport the explosive materials into a State where the purchase, possession, or use of explosive materials is prohibited or which does not permit its residents to transport or ship explosive materials into the State or to receive explosive materials in the State [18 U.S.C. 842(c)]; or,
- (4) The licensee has reasonable cause to believe intends to use the explosive materials for other than a lawful purpose. [§ 55.106]

3. Does the law prevent some persons from dealing in explosives?

Yes. The same classes of persons listed in Answer A to Question # 2 may not obtain a Federal

explosives license. In addition, prospective licensees must meet the other requirements set forth in § 55.49. [See Question 19.]

4. How does the law affect your dispositions to persons who do not have a license or permit?

A person who has not acquired a permit from the Federal Government may, if not barred as discussed in Questions # 2 and 3, purchase explosives only in the State in which he resides.

There are two exceptions:

- (1) Interstate purchases without permits are allowed if the purchaser's State of residence has passed specific legislation allowing its citizens to transport into, or receive in, that State explosive materials purchased in a bordering, or "contiguous," State; and
- (2) No form is required for the purchase of up to 50 pounds of black powder for sporting, recreational, or cultural purposes in antique firearms or antique devices. [§ 55.105]

5. What States allow their citizens to purchase explosive materials in bordering States?

Please contact your State Attorney General or State Fire Marshal, whichever is appropriate, for a definitive answer. States of Delaware, Kentucky, Vermont, Washington, and Wyoming are understood to allow such purchases for black powder, only.

6. When a person purchases explosives, does he have to sign anything?

Yes. ATF Form 5400.4 will be executed by the buyer for purchases of high and low explosives, and blasting agents. A Federal explosives licensee or permittee who purchases explosive materials is not required to complete Form 5400.4. [§ 55.126]

7. Does Federal law and regulations provide penalties for purchasers who give false information to a licensee at the time of purchase?

Yes. The penalty for providing false information or misrepresented identification is a maximum 10 years' imprisonment and/or a \$10,000 fine. [§ 55.162]

8. When a person purchases explosive materials, is the Federal Government notified?

No. The executed Form 5400.4 remains on the dealer's premises. [§ 55.126]

9. Are thefts of explosives covered by the law?

Yes. Any person discovering a theft or loss of explosive materials from stock must, in accordance

with regulations, report it to ATF and to the appropriate local authorities within 24 hours. [18 U.S.C. 842(k); §§ 55.30, 55.127]

Also, it is unlawful to receive, conceal, transport, ship, store, barter, sell or dispose of any explosive materials knowing or having reasonable cause to believe that such explosive materials were stolen. [18 U.S.C. 842(h); § 55.28]

10. Will anyone investigate accidents involving explosives?

ATF is authorized to inspect the site of any accident or fire where there is reason to believe that explosive materials were involved. Other Federal agencies, or State or local agencies, might also investigate such incidents, depending on the circumstances. [§ 55.31]

11. Is small arms ammunition affected by this law?

No. The law specifically exempts small arms ammunition and components thereof; therefore, the primers and smokeless propellants used in small arms ammunition are exempt from the provisions of the law. [§ 55.141]

16. I want to buy a small quantity of dynamite from my local dealer to use on my property. Do I need a Federal user's permit?

No, provided it is purchased in your State of residence and not transported across State lines. A Federal user's permit is required when a nonlicensee acquires or transports explosives in interstate or foreign commerce. It allows transactions for personal use, only. [See Question 17.]

Federal explosives storage requirements apply to nonlicensees and nonpermittees as well as to licensees and permittees. Except for those items and activities given exempt status under 18 U.S.C. 845 [also see § 55.141], all persons who purchase explosives (either intrastate or interstate) and who intend to store same, must have storage facilities which meet the requirements of 27 CFR Part 55, Subpart K, "Storage," and as is required by law, 18 U.S.C. § 842(j).

17. What activities are covered by licenses and permits?

Licenses are issued to explosives manufacturers, importers, and dealers. Any individual or business entity intending to engage in any of these activities

12. Are binary explosives subject to regulatory controls of the law?

Until the compounds are mixed they are not classified as explosives and, therefore, are not subject to control. However, once mixed, binary explosives are subject to all applicable Federal requirements.

A person who regularly and continually combines compounds of binary materials to manufacture an explosive is engaged in the business of manufacturing explosives and shall be required to be licensed as a manufacturer. [ATF Ruling 75-31]

13. Is the rocket propellant in model rocket kits considered to be an explosive?

No. [§ 55.141]

14. Does ATF have any regulations governing the actual transportation of explosives?

No. This authority is vested in the Department of Transportation. [18 U.S.C. 845(a)(1); § 55.141]

15. What is the Explosives List?

The Explosives List is a comprehensive (but not all-inclusive) listing of the more common explosive materials which have been determined to be within the coverage of Chapter 40. The List is published annually by the Director, ATF. [18 U.S.C. 841(d); § 55.23]

Licenses & Permits

must first obtain a license. A permit allows acquisition and transportation of explosives in interstate and foreign commerce. [§ 55.41]

A separate license is needed for each premises where an explosives business or activity is conducted [but see Questions 29 and 31]. Only one permit is needed by a permittee who uses explosives in more than one location. [§ 55.41]

18. May black powder be sold without a license?

No. Anyone who sells black powder, regardless of quantity, must be licensed as an explosives dealer. [§ 55.41]

19. How would a person qualify for a Federal license or permit?

The Chief, Firearms and Explosives Licensing Center, will approve a properly completed application for a license or permit, if the applicant:

- (1) Is 21 years of age or over;
- (2) Is not a person to whom distribution of explosive materials is prohibited under the Act;
- (3) Has not willfully violated any provisions of the Act or this part;
- (4) Has not knowingly withheld information or has

not made any false or fictitious statement intended or likely to deceive, concerning his application;

(5) Has premises in the State from which he intends to conduct business or operations;

(6) Has storage for the class (as described in § 55.202) of explosive materials described on the application, unless he establishes that the business or operations to be conducted will not require the storage of explosive materials; and

(7) Is familiar with and understands all published State laws and local ordinances relating to explosive materials for the location in which he intends to do business. [§ 55.49]

ATF Form 5400.13/5400.16 must be filed to obtain a license or permit. [§ 55.45]

20. Does a Federal license or permit exempt the holder from State or local requirements?

No. A license or permit confers no right or privilege to conduct business or operations, including storage, contrary to State or other law. [§ 55.62]

Where a situation arises that State or local requirements are more stringent than the Federal, the more stringent requirement must be followed.

21. For what period of time are licenses and permits valid?

- An original license or permit is issued for a period of one year.
- A renewal license or permit is issued for a period of 3 years.

However:

- A manufacturer-limited license is issued for a period of 30 days.
- A user-limited permit (ATF Form 5400.6) and a user-limited special fireworks permit (ATF Form 5400.21) are valid only for a single purchase transaction. [§ 55.51]

22. Can a license or permit be revoked?

Yes. The regional director (compliance) may revoke any license or permit if the holder has violated any provisions of the law or regulations. [§ 55.71, et seq.]

23. What are the fees for licenses and permits?

A. Original License Fees Are:

- Manufacturer—\$50
- Manufacturer-Limited (nonrenewable)—\$5
- Importer—\$50
- Dealer—\$20

B. Original Permit Fees Are:

- User—\$20
- User-Limited (nonrenewable)—\$2

C. Renewal License and Permit Fees:

One-half the original fees; good for a 3-year period. Also see Question # 21 regarding the duration of licenses and permits. [§§ 55.42, 55.43]

24. Will the Government investigate an applicant for a license or permit?

ATF may investigate any applicant, and inspect all places of storage before issuing a license or permit. [§ 55.49]

25. What may a licensed dealer do?

A licensed dealer may engage in the business of distributing explosive materials at wholesale or retail. [§ 55.11: Definition of 'dealer'.]

26. What may a licensed importer do?

A licensed importer may engage in the business of importing or bringing explosive materials into the United States for sale or distribution. [§ 55.11: Definition of 'importer']

It is not necessary for a licensed importer to also obtain a dealer's license in order to engage in business on his licensed premises as a dealer in explosive materials. [§ 55.41]

27. How may I import explosives?

Any licensed importer or permittee may import explosives by providing the Customs Service a copy of the license or permit. [§§ 55.41; 55.108]

Note, however, that in the case of propellant powder or other components of small arms ammunition, an approved ATF Form 6 must be provided to the Customs Service. [27 CFR § 178.113] Also, see Question 56.

28. What may a licensed manufacturer do?

Licensed manufacturers may engage in the business of manufacturing explosive materials for purposes of sale or distribution, or for their own use; **BUT**, a licensed manufacturer-limited may manufacture explosive materials for his own use, only. [§ 55.11]

It is not necessary for a licensed manufacturer to also obtain a dealer's license in order to engage in business on his licensed premises as a dealer in explosive materials. [§ 55.41]

29. Is a separate license required for each location where business is conducted?

Yes. A separate license is required for each location where business is conducted. However, a separate license is not required for:

(1) Facilities used only for the storage of explosive materials; and,

(2) A location used solely for the storage of records relating to the business. [§ 55.41]

30. Must a person who engages in the business of both manufacturing and importing at the same location have both licenses?

Yes. The licenses for manufacturing and importing allow a person to do separate and distinct things, and a separate license is required for each activity.

However, a manufacturer or an importer does not need a separate dealer's license in order to also distribute explosive materials from his licensed premises. [§ 55.41]

31. Does a licensed manufacturer need a separate license for his own on-site manufacturing?

No. As long as the on-site manufacturing takes place in the ATF Region in which the manufacturer's license is held. [§ 55.41]

32. Are companies having headquarters in one State but doing business in another State required to have a permit in order to acquire explosive materials in the latter State?

No. Companies engaged in business within a State acquire residency in that State by virtue of the work being performed (but check out the State and local requirements). Explosives purchases made by these companies in the State where work is being performed are considered by ATF to have been made within their State of residence; therefore, no permit is required. [ATF Ruling 76-4]

33. Does a licensed dealer need a permit to use explosives outside the State in which his business premises is located?

No. The dealer, by virtue of his license, is authorized to acquire and to transport explosives in interstate commerce. [§ 55.41]

34. How does the truck driver for an explosives licensee/permittee qualify to purchase explosives for his employer?

The driver must be on the current certified list of representatives or agents authorized to acquire explosives on behalf of that employer. [§ 55.105]

35. When an explosives licensee/permittee sends his truck driver to the distributor's premises for explosives which have been purchased by the licensee/permittee, will the driver be required to sign any forms?

The driver will be required to identify himself and to complete and sign Section A of Form 5400.8. [§ 55.103]

36. Will a licensee or permittee be notified in advance when his license or permit needs to be renewed?

Yes. Prior to expiration of the license or permit, a licensee or permittee will be notified by way of ATF Form 5400.14/5400.15, Part III, "Renewal of Explosives License or Permit," an application form which must be completed and timely filed in order to effect renewal. [§ 55.46]

37. I have timely filed my application for renewal but I have not received my renewed license or permit. May I continue in business? If so, how long?

Yes. You may continue to operate pursuant to your current license or permit until the application for renewal is acted upon. [18 U.S.C. 558]

38. When may sales of explosives by licensed dealers be made to residents of adjoining States?

Sales may be made legally to a resident of a bordering State only if that State has enacted specific legislation allowing its residents to purchase explosive materials in a bordering State. (Also, refer to Question # 5) [§§ 55.26, 55.105]

Recordkeeping

39. Does a person who obtains a license or permit have to keep records of explosive materials transactions?

Yes. A licensee or permittee must keep records of all acquisitions and dispositions of explosive materials. [§ 55.107]

40. How does one account for explosive materials in his records?

If acquisitions are recorded by weight, then disbursements must also be recorded by weight. If acquisitions are recorded by physical count, then disbursements must also be recorded by physical count.

41. Must a licensee or permittee maintain a daily summary of magazine transactions?

Yes. After the initial inventory required by regulations has been taken, the inventory shall be entered in a record of daily transactions. At the close of business each day, explosives shall be recorded by class, in accordance with the three classes set forth in § 55.202, as to the total quantity received in and removed from each magazine during the day and as to totals remaining on hand at the end of each day. [§ 55.127]

42. Must I keep my explosives records on the site of the magazine to which these records pertain?

No. A licensee or permittee proprietor of an approved explosives storage facility may keep the records required by § 55.127 at a centrally located area on the premises, provided a separate record of daily transactions for each magazine is maintained.

43. When must a report be made of a shortage or theft of explosive materials?

Any discrepancy which might indicate a theft or loss shall, within 24 hours, be reported by telephone to ATF (toll free: 800-424-9555). Licensees and permittees must confirm the report by filing a completed Form 5400.5 with the nearest ATF District Office. All other persons must confirm the report by letter to the nearest ATF Office. A report must also be made to local authorities. [§§ 55.30, 55.165]

44. Where may I obtain additional copies of ATF Form 5400.4?

Requests for forms should be mailed to the ATF Distribution Center, 7943 Angus Court, Springfield, Virginia 22153. They are available at no charge. [§ 55.21(c)]

45. What forms will the buyer of black powder have to sign at the time of purchase?

If 50 pounds or less is being bought, intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or antique devices, no form is required.

If black powder is being bought for any other purpose (regardless of quantity), ATF Form 5400.4 shall be signed by the buyer.

46. Is there a requirement for an annual inventory?

An inventory is required to be taken at least once a year. The inventory will be taken by type (blasting caps, dynamite, etc.) location and quantity. [§§ 55.122-55.125]

Storage

47. Who must meet storage requirements?

All persons who store explosive materials shall store them in conformity with the provisions of Subpart K of the regulations. [§§ 55.29, 55.164, 55.201]

48. What are the classes of explosive materials for storage purposes?

There are three classes of explosive materials:

(1) High explosives. (For example, dynamite, flash powders, and bulk salutes.)

(2) Low explosives. (For example, black powder, safety fuses, igniters, igniter cords, fuse lighters, and "special fireworks" defined as Class B

explosives by U.S. Department of Transportation regulations in 49 CFR Part 173, except for bulk salutes.)

(3) Blasting agents. (For example, ammonium nitrate-fuel oil and certain water gels.) [§ 55.202]

49. May a person store explosives in a residence or dwelling?

No. A person may not store explosive materials in a residence or dwelling. Under certain conditions, storage facilities may be located in a warehouse or in a wholesale or retail establishment, the maximum allowable quantity being 50 pounds. [§§ 55.208(b), 55.210(b), 55.211(b)]

50. What is the "American Table of Distances?"

This Table lists the minimum acceptable distances separating high explosives storage facilities from inhabited buildings, passenger railroads, public highways, and other explosives storage facilities. This Table is seen in § 55.218 of the regulations.

51. When low and high explosives are stored together, how is the distance determined to meet table of distance requirements?

The total weight is considered to be high explosives. The table in § 55.218 would apply.

52. Is it necessary to inspect one's storage facilities on a regular basis?

Yes. Any person storing explosives must inspect his storage facilities at intervals not greater than seven days to determine whether the contents are intact or if theft or unauthorized entry has occurred. [§ 55.204]

53. What are the requirements for relocating an approved storage facility or making changes or additions to the same?

Notification of ATF is usually required. See § 55.63 for details.

54. Is any type of black powder fuse exempt from storage requirements?

Yes, $\frac{3}{32}$ -inch and other external burning pyrotechnic hobby fuses are exempt from the explosives law and regulations. [§ 55.11: Definition of 'ammunition'; § 55.141]

55. With the exception of $\frac{3}{32}$ -inch pyrotechnic safety fuse for use in small arms, must black powder fuses generally be stored in approved storage facilities?

Yes. Igniter fuses, time fuses, blasting fuses, safety fuses, or other black powder fuses by what-

ever name known, designed for use with high explosives in blasting operations, must be stored in approved storage facilities. [§ 55.11: Definition of 'ammunition'; § 55.182]

56. Is smokeless powder for use in small arms ammunition subject to storage requirements?

No. Smokeless powder for use in small arms ammunition is exempt from this Part (27 CFR Part 55). However, smokeless powder intended for this purpose is subject to control under 27 CFR Part 178, "Commerce in Firearms and Ammunition," as a component of ammunition. [§ 55.141; § 178.11: Definition of 'ammunition']

57. My office building, in which several company employees work during the day in connection with my explosives business, is located in the general area of my explosive storage facility. Do the regulations and the Table of Distances apply to this office building as an inhabited building?

No. A building, such as an office building or repair shop, which is part of the premises of an explosives licensee or permittee and is used in connection with the manufacture, transportation, storage, or use of explosive materials is not an "inhabited building." [§ 55.11: Definition of 'inhabited building']

58. I bought 12 sticks of dynamite to blast stumps on my property. I have four sticks left over. May I give them to my brother, who does not have a Federal explosives license or permit?

You may give them to your brother only if he resides in the same State in which you reside. If either you or your brother store the dynamite, storage must be in conformity with Federal regulations. [See Question 47.]

Fireworks

59. Are display fireworks considered to be explosives?

Yes. Display fireworks contain chemical mixtures which are classified as explosive materials in the **Explosives List** compiled by the Director, ATF. These fireworks fall within the category of low explosives [§ 55.202(b)], and are regulated in the same manner as are other low explosives.

The Department of Transportation (DOT) classifies display fireworks as Class B explosives in 49 CFR 173.88(d).

60. What fireworks are exempted from regulation?

Common fireworks which are classified by the Department of Transportation (DOT) as Class C explosives are exempt from regulation. Common fireworks are generally small, visible-effects fireworks, but also include small firecrackers less than $1\frac{1}{2}$ -inch in length and $\frac{1}{4}$ -inch in diameter with a pyrotechnic charge of less than two grains. A list of common fireworks is contained in DOT regulations, 49 CFR § 173.100(r).

61. Is a license required to manufacture fireworks?

No. A manufacturer of fireworks needs to have a license only if he manufactures fireworks ingredients which constitute explosive materials. (Also see Question # 63.)

62. Are certain fireworks subject to Federal storage regulations?

Yes. All special or display fireworks which are defined by the Department of Transportation (DOT) as Class B explosives in 49 CFR 173.88(d) are considered to be low explosives and must be stored in type 4 storage facilities.

This Class includes all fireworks which are designed to produce an audible effect and contain a pyrotechnic charge in excess of two grains.

Items such as cherry bombs, silver salutes, and

M-80's are illegal fireworks banned from interstate commerce. (Exception—use by Government Agencies)

63. Would a manufacturer of common fireworks, which are exempt from regulation, need a permit in order to acquire explosive ingredients for fireworks he manufactures?

Yes. If he acquires such ingredients in interstate or foreign commerce.

64. Although a manufacturer of display fireworks has no manufacturer's license because he does not manufacture explosive ingredients for such fireworks, does he need a license to deal in display fireworks?

Yes, he would need a license to deal in display fireworks.

ATF Explosives Rulings and Procedures

Following are digests of ATF determinations regarding explosives matters which are of special significance to Federal explosives licensees and permittees, and to ATF Compliance and Law Enforcement personnel. The full text of each of these determinations can be found in the ATF Cumulative Bulletin (1973-1978), and is cited by year, "CB," and page number at the end of each item.

On August 7, 1981, Part 181 of Title 27, CFR was redesignated as Part 55. The ATF Rulings and Procedures issued prior to August 1981 and still in effect are presented here with current, Part 55 regulation citations and the current titles of ATF personnel, where applicable.

Subject Index

- (1) ATF Procedure 75-4: Descriptions of Explosives Storage Facilities.
- (2) ATF Ruling 75-20: Meaning of Terms, "Inhabited Building."
- (3) ATF Ruling 75-21: Construction of Storage Facilities by the Department of Defense—Concrete Floors
- (4) ATF Ruling 75-31: Meaning of Terms, "Engaged in the Business"
- (5) ATF Ruling 75-35: Identification of Explosive Materials
- (6) ATF Ruling 76-4: Meaning of Terms, "State of Residence"
- (7) ATF Ruling 76-10: One Sale With Multiple Deliveries
- (8) ATF Ruling 76-18: Alternate Magazine Construction Standards

(9) ATF Ruling 77-13: Reporting Theft or Loss of Explosive Materials

(10) ATF Ruling 77-24: Storage of Electric Blasting Caps With Other Explosive Materials

(1) 27 CFR 55.41: LICENSES AND PERMITS —GENERAL

Requirements for descriptions of explosives storage facilities.

ATF Proc. 75-4

This Procedure (which was incorporated in Industry Circular 75-10; effective November 1, 1975) revised requirements for descriptions of explosives storage facilities that must be filed by applicants intending to store explosive materials.

The Director, ATF, determined that this additional descriptive information was and is required in order to ensure compliance with the law and regulations. Accordingly, Forms 4705 and 4707 (now ATF F 5400.13/5400.16, "Application For License or Permit") were revised.

Following is the text of the Procedure, as amended:

Secs. 3 & 4. Licenses and Permits. A person intending to engage in business as an importer, manufacturer or dealer in explosive materials, or who is intending to acquire, transport, ship, import or receive explosive materials in interstate or foreign commerce for his own use and not for resale, shall complete ATF F 5400.13/5400.16, "Application For License or Permit," in accordance with

the instructions on the form, and forward the form with the license or permit fee to the office specified on the form. If approved, the Chief, Firearms and Explosives Licensing Center will issue a license or permit to the applicant. At the time of renewal of a license or permit, the Chief, Firearms and Explosives Licensing Center may require the filing of a new or amended application, or additional descriptive pages, to be attached to the application upon a determination that the currently approved application is inaccurate or does not fully describe the storage facilities. If the application is denied, the applicant will be advised in writing of the reasons for the denial.

Sec. 5. Storage.

.01 If explosive materials are to be stored, the requirements of 27 CFR Part 55, Subpart K—Storage, must be complied with before the application will be approved. An applicant for a license or permit who intends to store explosive materials shall fully describe the intended storage facilities to support the applicant's affirmation that the storage facilities meet the requirements set forth in 27 CFR Part 55, Subpart K—Storage.

.02 The description should, as a minimum, include the following information:

- (a) The type of magazine (building, igloo, tunnel, portable box, portable trailer, etc.).
- (b) The location and distance from applicant's place of business.
- (c) The distance to the next nearest storage magazine.
- (d) A description of significant terrain features and physical structures, such as buildings, roads, utilities and other facilities which could be damaged if the magazine exploded. Indicate the distance between the magazine and the feature.
- (e) The materials (including dimensions and thicknesses) used for the structure (e.g., concrete, corrugated iron over wood, plywood, tin and earth, etc.).
- (f) The security, physical safeguards, locks, safety equipment, and anti-theft measures.
- (g) The dimensions and capacity of each magazine.
- (h) The class of explosive materials to be stored in each magazine.
- (i) The owner(s) of the magazine, if other than the applicant.
- (j) The names and telephone numbers of individuals who could open the magazines for inspection by ATF officers.
- (k) Any special conditions, such as inaccessibility in winter, etc.
- (l) [ADDENDUM] A diagram of the premises,

providing much of the required, descriptive information set out above. (Preparation by an engineer is not required.)

[75 CB 79]

(2) 27 CFR 55.11: MEANING OF TERMS (Also § 55.206)

An office or repair shop used in connection with the manufacture, etc. of explosive materials is not an "inhabited building."

ATF Rul. 75-20

ATF has held that a building, such as an office or repair shop, which is a part of the premises of an explosives manufacturer and is used in connection with the manufacture, transportation, storage, or use of explosive materials, is not an "inhabited building."

Section 55.11 of 27 CFR defines inhabited building as "any building regularly occupied in whole or in part as a habitation for human beings, or any church, schoolhouse, railroad station, store, or other structure where people are accustomed to assemble, except any building occupied in connection with the manufacture, transportation, storage, or use of explosive materials."

Regulations in 27 CFR §§ 55.206 and 55.218 set forth provisions concerning the location of storage facilities and the minimum distances such storage facilities may be located from, among other things, "inhabited buildings."

These provisions are intended to provide protection to persons who inhabit buildings located near premises where explosives are manufactured, stored, etc. However, it is the intent of § 55.11 to exempt buildings used by the explosives industry in connection with the manufacture, transportation, storage, or use of explosive materials from the table of distance requirements on "inhabited buildings."

[75 CB 64]

(3) 27 CFR 55.207: CONSTRUCTION OF TYPE 1 MAGAZINES (Also § 55.210)

Certain explosives storage facilities meeting standards of construction prescribed by the Department of Defense Explosives Safety Board for such storage are approved by the Bureau.

ATF Rul. 75-21

ATF has held that explosives storage facilities with smooth-finished concrete floors that were constructed under contract for the use of the Department of Defense (DOD) and that are presently being leased to licensees and permittees for the

storage of commercial explosives are considered to be in compliance with the requirements for nonsparking floors, as set forth in 27 CFR §§ 55.207(a)(4), 55.207(b), and 55.210, for the storage of all types of fully packaged explosives, pyrotechnics and propellants, with the exception of black powder.

Any other such magazines which have smooth finished concrete floors and which meet or exceed DOD construction specifications will also be considered to be in compliance with the requirements of Part 55 with respect to nonsparking floors.

It is the responsibility of the licensee or permittee to provide verification that such facilities were manufactured under DOD specifications or that the facilities meet or exceed such specification standards.

If the regional director (compliance) determines that the concrete floors of type 1 or type 4 magazines do not meet the preceding requirements, he will require such floors to be covered with a non-sparking material, such as epoxy paint or mastic.

[75 CB 67]

(4) 27 CFR 55.41: LICENSES AND PERMITS —GENERAL

Certain companies that manufacture explosive materials for use in their own operations are required to obtain licenses as manufacturers of explosive materials.

ATF Rul. 75-31

ATF has held that companies, such as public utility companies engaged in line and facility construction, which manufacture explosives on a regular or continual basis are considered to be engaged in the business of manufacturing explosive materials and must be appropriately licensed as required by 18 U.S.C. 842.

The term “**manufacturer**” is defined in 18 U.S.C. 841(h) as “**any person engaged in the business of manufacturing explosive materials for purposes of sale or distribution or for his own use.**”

Although the term “**engaged in the business**” is not susceptible to a rigid definition within 18 U.S.C. §§ 841–848, it is interpreted to imply an element of continuity or habitual practice; an element clearly present in the operations of companies described herein.

Therefore, these companies are considered to be “**engaged in the business**” and must be licensed as explosives manufacturers. [75 CB 65]

(5) 27 CFR 55.109: IDENTIFICATION OF EXPLOSIVE MATERIALS

Methods of marking containers of explosive materials are prescribed.

ATF Rul. 75–35

ATF has held that any method or combination of methods for affixing the required marks to the immediate container of explosive materials, or outside container used in the packaging thereof, is authorized provided the identifying marks:

- (1) Are legible;
- (2) Show all required information; and,
- (3) Are not rendered indecipherable by extended periods of storage.

Where it is desired to utilize a coding system and to omit printed markings on the container, a letter-head application displaying the coding to be used and the manner of its application shall be filed with and approved by the Director, ATF, prior to the use of the proposed coding. Further, where a manufacturer operates his plant for only one shift during the day, the shift of manufacture need not be shown.

It was found that liquid components of explosive materials stored for a period of time in polyethylene or other soft containers would seep through the container walls, tending to render illegible the inked, identifying marks on the container.

A manufacturer’s proposal [subsequently approved] of using a system of perforated numbers and code symbols (similar that used on cancelled checks) to mark containers in addition to other identifying marks stamped in ink, was determined to continue to provide the identification required by 27 CFR 55 .109, even if the ink later became illegible. [75 CB 65]

(6) 27 CFR 55.11: MEANING OF TERMS —STATE OF RESIDENCE

“**State of residence**” of business entities who use explosive materials; distribution of explosive materials by licensees to out-of-State business entities other than licensees and permittees; and, distribution to nonresident employees of such entities are discussed.

ATF Rul. 76–4

ATF was asked to interpret the term “**State of residence**” (in § 55.11) as it:

- (1) Pertains to the distribution of explosive materials to out-of-State corporations and other business entities other than licensees and permittees; and
- (2) Relates to the distribution of explosive materials to nonresident employees of such business entities.

The Business Entity

If a person is a corporation or other business entity, “**State of residence**” means the State in which such corporation or other business entity maintains a “**place of business.**” A business

entity establishing another “**place of business**” or “**job site**” in another State would acquire a “**State of residence**” in that State as well. This means that a company engaged in construction work would acquire a residence in each State wherein its work is performed. Its place of business in those States would be the job sites at which business is carried on. It would not be essential to a determination of its State of residence that a branch office be maintained in, or administrative work be performed in, the States where job sites are located.

Such a company would not need a permit to acquire explosive materials from a licensee in a State for use at job sites located therein. Form 5400.4, “Explosives Transaction Record,” would show the out-of-State address of the business entity as the principal place of business, and the location of the job site as the local place of business.

Nonresident Employees

The purpose of the data requested on Form 5400.4 is to identify the person authorized by the business entity to make the purchase of explosive materials on the entity’s behalf and to assure the distributor that such person appears on the required certified list of names of representatives or agents authorized by the business entity to acquire the materials. Regulations (27 CFR § 55.105(e)), implementing Title 18, U.S.C. 842(f), in part, provide that each business entity acquiring explosive materials shall furnish the distributing licensed dealer with a current, certified list of the names of representatives or agents authorized to acquire explosive materials on behalf of such business entity. The purpose of the data requested on Form 5400.8, “Explosives Delivery Record,” is to identify the employee of the business entity or the employee of a carrier accepting delivery of explosive materials on behalf of the distributee at the distributor’s business premises.

Therefore:

In the case of business entities, the information required on ATF Forms 5400.4 and 5400.8 with respect to employees or agents arranging for the distribution is not for the purpose of establishing the residence of such persons but only for identification purposes. [76 CB 104]

(7) 27 CFR 55.126: EXPLOSIVES TRANSACTION RECORD

Under certain conditions, a single Form 5400.4 may be used to cover a series of deliveries.

ATF Rul. 76–10

Under the provisions of 27 CFR § 55.126, a sale or other distribution by a licensee or permittee shall

not be made to a nonlicensee or nonpermittee unless the transaction is recorded on a Form 5400.4. Under certain conditions, a single Form 5400.4 may be used to cover a series of deliveries.

When an initial sale has been consummated, with partial deliveries to be made in the immediate future, the requirements of § 55.126 will have been satisfied if the following steps are taken:

- (1) Form 5400.4 shall be executed at the time the sale is initially made, although delivery of the explosive material is extended over a period of time not to exceed 30 days.
- (2) The executed Form 5400.4 shall subsequently be noted to accurately reflect the date of each separate delivery and describe each separate lot of explosive materials delivered.
- (3) In lieu of showing the separate deliveries on the Form 5400.4, the proprietor may attach to the executed form a copy of the delivery record or a copy of the bill of lading or commercial invoice covering each delivery; provided that, as to each such delivery, the attachment contains the date of the delivery and all the information required by Item 21 of Form 5400.4.
- (4) All other regulatory requirements and instructions relating to the completion of the form must be complied with.

[76 CB 105]

(8) 27 CFR 55.207: CONSTRUCTION OF TYPE 1 STORAGE FACILITIES (Also § 55.208)

Alternate construction standards for storage facilities for explosive materials are prescribed.

ATF Rul. 76–18

Section 842(j) of 18 U.S.C. states: “It shall be unlawful for any person to store any explosive material in a manner not in conformity with regulations promulgated by the Secretary. In promulgating such regulations, the Secretary shall take into consideration the class, type, and quantity of explosive materials to be stored, as well as the standards of safety and security recognized in the explosives industry.”

The regulations in 27 CFR §§ 55.207 and 55.208 prescribe types of storage facilities for explosive materials and provide (among other things) that such storage facilities shall be bullet-resistant. Section 55.201(b) provides that alternate storage facilities may be authorized for the storage of explosive materials when it is shown that such alternate facilities are or will be constructed in a manner substantially equivalent to the standards of construction contained in the applicable regulations.

The term “bullet-resistant” means resistant to penetration of a bullet of 150 grain M2 ball ammunition having a nominal muzzle velocity of 2700 feet per second fired from a .30 caliber rifle from a distance of 100 feet perpendicular to the wall or door.

It has been determined that a wide range of construction criteria meet the bullet-resistant requirements of regulations for construction of storage facilities for explosive materials.

In order to promote standards of safety and security in the storage of explosive materials while allowing the industry a wide latitude in the selection of construction materials, it is held that storage facilities (magazines) that are constructed according to the following minimum specifications are bullet-resistant and meet the requirements of the regulations as set forth in 27 CFR Part 55. (All steel and wood dimensions indicated are actual thicknesses. To meet the concrete block and brick dimensions indicated, the manufacturers’ represented thicknesses may be used.)

- (a) Exterior of $\frac{5}{8}$ inch steel, lined with an interior of any type of nonsparking material.
- (b) Exterior of $\frac{1}{2}$ inch steel, lined with an interior of not less than $\frac{3}{8}$ inch plywood.
- (c) Exterior of $\frac{3}{8}$ inch steel, lined with an interior of two inches of hardwood.
- (d) Exterior of $\frac{3}{8}$ inch steel, lined with an interior of three inches of softwood or $2\frac{1}{4}$ inches of plywood.
- (e) Exterior of $\frac{1}{4}$ inch steel, lined with an interior of three inches of hardwood.
- (f) Exterior of $\frac{1}{4}$ inch steel, lined with an interior of five inches of softwood or $5\frac{1}{4}$ inches of plywood.
- (g) Exterior of $\frac{1}{4}$ inch steel, lined with an intermediate layer of two inches of hardwood and an interior lining of $1\frac{1}{2}$ inches of plywood.
- (h) Exterior of $\frac{3}{16}$ inch steel, lined with an interior of four inches of hardwood.
- (i) Exterior of $\frac{3}{16}$ inch steel, lined with an interior of seven inches of softwood or $6\frac{3}{4}$ inches of plywood.
- (j) Exterior of $\frac{3}{16}$ inch steel, lined with an intermediate layer of three inches of hardwood and an interior lining of $\frac{3}{4}$ inch of plywood.
- (k) Exterior of $\frac{1}{8}$ inch steel, lined with an interior of five inches of hardwood.
- (l) Exterior of $\frac{1}{8}$ inch steel, lined with an interior of nine inches of softwood.
- (m) Exterior of $\frac{1}{8}$ inch steel, lined with an intermediate layer of four inches of hardwood and an interior lining of $\frac{3}{4}$ inch plywood.
- (n) Exterior of any type of fire-resistant material which is structurally sound, lined with an intermediate layer of four inches of solid concrete

block, OR four inches of solid brick, OR four inches of solid concrete; AND, an interior lining of $\frac{1}{2}$ inch plywood placed securely against the masonry lining.

- (o) Standard eight inch concrete block with voids filled with well-tamped sand/cement mixture.
- (p) Standard eight inch solid brick.
- (q) Exterior of any type of fire-resistant material which is structurally sound, lined with an intermediate six inch space filled with well-tamped dry sand or well-tamped sand/cement mixture.
- (r) Exterior of $\frac{1}{8}$ inch steel, lined with a first intermediate layer of $\frac{3}{4}$ inch plywood, a second intermediate layer of $3\frac{5}{8}$ inches well-tamped dry sand or sand/cement mixture and an interior lining of $\frac{3}{4}$ inch plywood.
- (s) Exterior of any type of fire-resistant material, lined with a first intermediate layer of $\frac{3}{4}$ inch plywood, a second intermediate layer of $3\frac{5}{8}$ inches well-tamped dry sand or sand/cement mixture, a third intermediate layer of $\frac{3}{4}$ inch plywood, and a fourth intermediate layer of two inches of hardwood OR 14 gauge steel AND an interior lining of $\frac{3}{4}$ inch plywood.
- (t) Eight inch thick solid concrete. [76 CB 106]

**(9) 27 CFR 55.30: REPORTING THEFT OR
LOSS OF EXPLOSIVE MATERIALS
(Also § 55.165)**

Reporting theft or loss of explosive materials.

ATF Rul. 77-13

Section 842(k) of 18 U.S.C. makes it unlawful for any person who has knowledge of the theft or loss of any explosive materials from his stock to fail to report such theft or loss within 24 hours of discovery thereof to ATF and to appropriate local authorities. Regulations at 27 CFR § 55.30, implementing section 842(k), require that the report of theft or loss be made by telephone and in writing to ATF.

The legislative history of Title XI of the Organized Crime Control Act of 1970 (18 U.S.C. Chapter 40) makes clear the Congress believed that total coverage of all stolen explosive materials was necessary for the effective operation of any Federal explosives regulatory statute—because of the special problems presented by such stolen explosive materials and the persons possessing them. The statute and the regulations refer to the reporting of thefts or losses of explosive materials from the “stock” of a person. With reference to that requirement, the House Judiciary Committee report makes it clear that this provision was intended to place an affirmative duty on all possessors of explosive materials to report a

theft or loss of such explosive materials. Thus, the reporting requirements were not meant to apply only to thefts or losses from business inventories.

It is, therefore, **held** that all persons possessing explosive materials who suffer a theft or loss of such materials shall report the theft or loss within 24 hours after the discovery thereof to ATF and to appropriate local authorities. Such persons required to report include (but are not limited to) licensees, permittees, carriers who transport or otherwise possess explosive materials, and users of such materials. Licensees and permittees must make such report by:

First, calling ATF toll free at 800-424-9555;

Second, calling the local law enforcement office; and

Third, completing and forwarding ATF Form 5400.5 in accordance with instructions on the form.

All other persons subject to the reporting requirement must report by telephone and in writing, by letter, to the nearest ATF Office. [77 CB 190]

**(10) 27 CFR 55.213: QUANTITY AND STORAGE RESTRICTIONS
(Also § 55.208)**

Alternate magazine construction standards for storage of electric blasting caps with other explosive materials are prescribed.

ATF Rul. 77-24

Section 842(j) of 18 U.S.C. states: "It shall be unlawful for any person to store any explosive material in a manner not in conformity with regulations promulgated by the Secretary. In promulgating such regulations, the Secretary shall take into consideration the class, type, and quantity of explosive materials to be stored, as well as the standards of safety and security recognized in the explosives industry."

The regulations in 27 CFR § 55.213 restrict the storage of blasting caps with other explosive materials. Section 55.201(b) provides that alternate storage magazines may be authorized for the storage of explosive materials when it is shown that such alternate magazines are or will be constructed in a manner substantially equivalent to the standards of construction contained in the applicable regulations.

ATF recognizes that the transportation and storage of explosive materials in the same vehicle along with electric blasting caps is often desired. The Institute of Makers of Explosives established a recommended standard for such transport in their Safety Library Publication No. 22, dated November 5, 1971 [revised January 1985]. This standard prescribes the minimum construction criteria for:

- (a) A container securely attached—
 - (1) Above the cab of the vehicle (see Figure 1, Appendix A), and
 - (2) To the vehicle frame under the cargo space (see Figure 2, Appendix A), or
- (b) A built-in compartment in the cargo space of the vehicle (see Appendix B).

In addition to motorized vehicles, consideration was also given for the use of similar criteria on portable wheeled trailers being used as magazines under § 55.208(a) of the regulations (see Appendix E).

In order to insure standards of safety and security in the storage of explosive materials while allowing the industry a proper latitude in the construction of magazines, it is **held** that vehicles used for transporting and for storing explosive materials that are constructed in conformity with the standards listed below, and in compliance with all other safety and security provisions contained in Part 55 (e.g., effectively immobilized when unattended) will meet the requirements of ATF regulations.

Even though constructed on the same vehicle, each compartment will be considered as a separate magazine. The two magazines on the vehicle will, however, be considered as one magazine when applying the American Table of Distances [see Table at § 55.218].

**Construction Standards For Storage of Electric Blasting Caps—
(Non Mass-Detonating)**

- a. The container or compartment must provide for total enclosure of the electric blasting caps.
- b. The partition between the explosives storage compartment and the electric blasting cap compartment must be of laminate construction consisting of A/C grade or better exterior plywood, gypsum board [sheetrock] and low carbon steel plates. In order of arrangement, the laminate must conform to the following, with minimum thickness of each lamination as indicated:
 - ½ inch plywood,
 - ½ inch gypsum board [sheetrock],
 - ⅛ inch low carbon steel, and,
 - ¼ inch plywood,

With the ¼ inch plywood facing the explosives storage compartment. See Appendix C for details of laminate construction. The door to the electric blasting cap compartment must be of metal construction or solid wood covered with metal; the outside walls and top must be of the same construction as the rest of the vehicle or trailer. If high explosives, or bullet sensitive explosive materials are stored in the vehicle,

then the storage compartment of the vehicle must be constructed so as to be bullet-resistant.

- c. As an alternative to the construction requirements shown in paragraph b, a container for use only as illustrated in Appendix A may be used when constructed as follows:
1. The top, lid or door, and the sides and bottom of each container must be of laminate construction consisting of A/C grade or better exterior plywood, solid hardwood, gypsum board [sheetrock], and sheet metal. In order of arrangement, the laminate must conform to the following, with minimum thickness of each lamination as indicated:
 $\frac{1}{4}$ inch plywood,
 1 inch solid hardwood,
 $\frac{1}{2}$ inch plywood,
 $\frac{1}{2}$ inch gypsum board [sheetrock]
 (OR $\frac{1}{4}$ inch particle board), and
 22 gauge sheet metal,
 Constructed inside to outside in that order. See Appendix D for detail of laminate construction.
 2. The hardwood must be fastened together with wood screws, the $\frac{1}{2}$ inch plywood must be fastened to the hardwood with wood

screws, the inner $\frac{1}{4}$ inch plywood must be fastened to the hardwood with adhesive, and the 22 gauge sheet metal must be attached to the exterior of the container with screws.

- d. The laminate composite material must be securely bound together by waterproof adhesive or other equally effective means.
- e. The steel plates at the joints of laminations must be secured by continuous fillet welds.
- f. All interior surfaces of the container or compartment must be constructed so as to prevent contact of contents with any sparking metal.
- g. There must be direct access to the container or into a compartment from outside the vehicle.
- h. Each container or compartment must have a snug fitting continuous piano-type hinged lid or door equipped with a locking device (or devices).
- i. Without permitting direct access to contents under normal conditions, the locking or hinging mechanisms must permit at least one edge of the lid or door to rise or move outward at least $\frac{1}{2}$ inch when subjected to internal pressure.
- j. The exterior of the container or compartment must be weather-resistant.

[77 CB 191]