

**27 CFR 181.187: CONSTRUCTION OF TYPE I STORAGE FACILITIES
(Also 181.190)**

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

[Status of ruling: Active]

The Bureau of Alcohol, Tobacco and Firearms has been asked to state its position with respect to concrete floors used in certain types of explosives storage facilities. Specifically, the question has been raised whether concrete floors of Type 1 storage facilities manufactured for the Department of Defense and currently being leased to licensees and permittees for the storage of commercial explosives may be considered nonsparking under the provisions of 27 CFR Part 181.

Regulations in 27 CFR 181.187 and 181.190, which implement, in part, title II, Regulation of Explosives (18 U.S.C. Chapter 40), provide in pertinent part that floors of Type 1 and Type 4 storage facilities for the storage of explosives shall be constructed of or covered with a nonsparking material.

The Bureau has been advised by the Department of Defense Explosives Safety Board that the majority of explosives magazines constructed for the Department of Defense have smooth finished concrete floors and that current Defense Department specifications for such magazines have no requirement for sparkproof flooring. Although these magazines are approved by the Board for the storage of all types of explosive materials, the Board does recognize that the Department of the Navy advises that black powder be stored in explosives magazines with spark resistant floor finishes.

Documentation from other government and industry sources supports the position that smooth finished concrete floors are sufficiently nonsparking for the storage of fully packaged explosives.

Held, explosives storage facilities with smooth finished concrete floors that were constructed under contract for the use of the Department of Defense 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 181.187(a)(4) and 181.187(b) and 27 CFR 181.90, 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 the Department of Defense construction specifications will also be considered to be in compliance with the requirements of Part 181 with respect to nonsparking floors. It is the responsibility of the licensee or permittee to provide verification that such facilities were manufactured under Department of Defense specifications or that the facilities meet or exceed such specification standards.

If it is determined by the Regional Director that the concrete floors of Type 1 or Type 4 explosives storage facilities do not meet the requirements as stated above, he will require such floors to be covered with a nonsparking material, such as epoxy paint or mastic.

Signed: June 26, 1975

[Editor's Note: 27 CFR Part 181 is now 27 CFR Part 555.]