

18 U.S.C. 842(j): STORAGE OF EXPLOSIVES
27 CFR 555.210(b)(4): LOCKING REQUIREMENTS FOR INDOOR TYPE
4 STORAGE MAGAZINES

27 CFR 555.22: ALTERNATE METHODS OR PROCEDURES;
EMERGENCY VARIATIONS FROM REQUIREMENTS

Under certain conditions, flush-mounted bolt-type locks will be considered adequate for locking type 4 indoor magazines

ATF Rul. 2004-3

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has received inquiries from explosives industry members as to the suitability of certain types of locks for type 4 indoor storage magazines utilized for the storage of low explosives.

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 Attorney General." The regulations at 27 CFR 555.210(b) state, in part, "Indoor magazines are to be fire-resistant and theft-resistant." To satisfy the theft-resistance requirement, this section requires that each door be equipped with two mortise locks, two padlocks fastened in separate hasps and staples; a combination of a mortise lock and padlock; a mortise lock that requires two keys to open; or a three-point lock. Padlocks must have at least five tumblers and a case-hardened shackle of at least 3/8 inch diameter. In addition, padlocks must be protected with not less than 1/4 inch steel hoods constructed so as to prevent sawing or lever action on the locks, hasps, and staples.

This section further provides, "Indoor magazines located in secure rooms that are locked as provided in this subparagraph may have each door locked with one steel padlock (which need not be protected by a steel hood) having at least five tumblers and a case-hardened shackle of at least 3/8 inch diameter, if the door hinges and lock hasp are securely fastened to the magazine." This section makes it clear that, although the magazine-locking standards are reduced for magazines secured in a locked room, a substantial locking mechanism is still required.

The regulations at 27 CFR 555.22 allow for the approval and use of an alternate method or procedure (variance), provided that (1) there is good cause for the proposed variance; (2) the proposed variance is consistent with and substantially equivalent to the prescribed method or procedure; and (3) the proposed variance is not contrary to any provision of law and will not hinder the effective administration of the regulations or result in an increase in cost to the Government.

ATF has been asked whether a cam-type lock known as a "flush-mount lever lock," or a similarly mounted lock with a bolt-type locking mechanism meets ATF theft-resistance requirements for type 4 indoor storage of low explosives.

ATF has determined that, although the lever-type lock is mounted on a magazine lid in such a manner as to preclude prying or cutting of the lock, the lever-locking mechanism does not provide adequate protection against pulling or prying the lid off the magazine. The lever mechanism rests under a small piece of metal on the edge of the magazine wall (typically 18-gauge sheet metal), to secure the lid. This type of lock fails to provide a level of theft-resistance for indoor storage of low explosive materials that would be substantially equivalent to the methods prescribed in the regulations.

ATF has also examined the flush-mounted bolt-style locks, which secure the magazine by means of a bolt-type mechanism. The cylinder portion of the lock mounts in the lid of the magazine in such a manner that, when the key is turned, the bolt slides toward the outer wall of the magazine. This bolt engages in a slotted locking block attached securely to the inside of the magazine wall. Because this locking mechanism relies upon interlocking solid metal parts, operating in a fashion similar to a deadbolt lock, it provides a level of theft resistance that is substantially equivalent to that required by the regulations.

Held, cam-type locks known as "flush-mount lever locks," or a similarly mounted lock with a bolt-type locking mechanism does not provide a level of theft-resistance for indoor storage of materials that is substantially equivalent to the methods prescribed in the regulations.

Held further, flush mount bolt-style locks utilizing interlocking solid metal parts, each affixed securely to the magazine in such a way that they cannot be readily removed from the exterior of the magazine and each locking mechanism having at least five tumblers, will be considered to meet the theft-resistance requirements of Part 555, section 210(b) for indoor type 4 explosives storage magazines.

Date approved: June 5, 2004