

ATF EXPLOSIVES Industry Newsletter

May 2002

Editor, Gene Baker

Arson & Explosives Programs Division (AEPD)

Division Chief **Guy K. Hummel**
Deputy Division Chief **Phil Horbert**

Public Safety Branch (PSB)

Branch Chief **Gail H. Davis**

Arson & Explosives National Repository Branch (AENRB)

Branch Chief **John Spurgeon**

Canine Operations Branch (COB)

Branch Chief **Rhonda Trahern**

Explosives Research & Development Branch

Branch Chief **Bill Albright**

Explosives Technology Branch (ETB)

Branch Chief **Mark Murray**

Violent Offender Branch (VOB)

Branch Chief **Mark Siebert**

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A MESSAGE FROM THE CHIEF, ARSON & EXPLOSIVES PROGRAMS DIVISION

It was a real pleasure on the part of members of the AEPD to be able to visit with the many members of the International Society of Explosives Engineers and the American Pyrotechnic Association during their respective conferences in Las Vegas. It is always informative to be able to hear your concerns directly and listen to suggestions on how we can better work with the industry in implementing our obligations under Federal explosives laws and regulations. Hopefully, we explained to those with concerns our rationale and the constraints that we operate under when implementing the Federal explosives law. We hope to continue these face-to-face contacts with as many Federal explosives

licensees as possible. We really believe that active dialogue is an important part of working together to ensure compliance with the laws of the United States.

Not only will you be seeing more of an ATF presence at professional gatherings, but in addition, by the time you read this newsletter our Public Safety Branch will have increased the number of inspector specialists.

When I arrived as Chief, AEPD, we had two inspector specialists to handle industry inquiries. With the arrival of new inspector specialists Ben Canlas, Gary Patterson, and Megan Morehouse, we now have four specialists in the Public Safety Branch. I believe that this increase in staffing clearly demonstrates that we at ATF are committed to expanding our lines of communications with the explosive industry. We believe that with a total of five inspector specialists in the Public Safety Branch, we will be able to respond to your questions and requests for opinions in a more timely manner.

CHANGES IN THE A & E DIVISION

New Explosives Research & Development Branch begins

With the passage of the Anti-Terrorism Act of 1996, Congress mandated that the Secretary of the Treasury and, by delegation ATF, conduct an in-depth study on explosives. The Explosives Study Group (ESG) became operational shortly thereafter and was tasked with a study of:

- A) The tagging of explosive materials for purposes of detection and identification;



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- B) The feasibility and practicability of rendering common chemicals used to manufacture explosive materials inert;
- C) The feasibility and practicability of imposing controls on certain precursor chemicals used to manufacture explosive materials; and
- D) State Licensing requirements for the purchase and use of commercial high explosives.

The ESG was comprised of personnel from multiple directorates within ATF, bringing together a broad range of extensive specialized experience in the field of explosives totaling 193 years. The ESG concluded their findings last year, and their final report is currently under review prior to being formally presented to Congress.

With the expiration of their mandate, personnel assigned to the ESG expected to return back to the positions they held prior to being assigned to the ESG. ATF has decided, however, that the positive benefits of having a unit devoted full time to research on explosives were such that a permanent structure should be created to continue on in the footsteps of the ESG. With that decision, a new Branch within the A & E Programs Division was born – the Explosives Research & Development Branch. Bill Albright has been designated as the new branch Chief.

Bill has been with ATF for more than 31 years and has been stationed in various cities during his career. While in Philadelphia, he was co-creator of ATF’s successful, long-lasting Arson Program. For the last several years he has also been involved with the Technical Support Working Group (TSWG), the Department of State, and the Department of Defense on issues regarding combating terrorism. Bill is also the co-chairman of TSWG’s subgroup on Improvised Device Defeat. TSWG is the National Security Council’s research and development arm for combating terrorism.

VIOLENT OFFENDER BRANCH GETS NEW CHIEF

Phil Durham is moving on. After serving as the Chief of the VOB since June 2000, Phil will be the new Deputy Chief of the Special Operations Division. Mark Siebert will be the new VOB Chief. Mark has nearly 15 years of service with ATF, preceded by more than 9 years with the Tulsa, Oklahoma, Police Department. Mark has a criminal justice degree from the University of

Tulsa. After serving with ATF in Tulsa for 5 years, Mark held several positions in the Baltimore Field Division, including head of the Intelligence Group, serving as the Arson & Explosives Group Supervisor, and the Hyattsville resident agent in charge. More recently, Mark represented ATF as the program manager to the Justice Department’s Joint Terrorism Task Force.

BULK SALUTES AND LICENSING

ATF has received numerous questions on what the term “bulk salutes” encompasses, and what type of license or permit is required in connection with salutes, whether individually or in bulk. Salute shells are defined in 55.11 of the Federal Explosive Regulations as:

“An aerial shell, classified as a display firework, that contains a charge of flash powder and is designed to produce a flash of light and a loud report as the pyrotechnic effect.”

Flash powder has been classed as a high explosive (HE) by ATF since the early 1990s. As such, flash powder must be stored in a magazine designed to store HE items. ATF recognizes two types of storage magazines, type 1 and type 2, as being acceptable for storing HE items. As such, bulk salutes, as well as individual salute shells, must be stored in either a type 1 or a type 2 magazine, and the construction requirements for such magazines are contained in Subpart K of 27 CFR, Part 55, the Federal Explosive Regulations.

Bulk salutes are defined in 55.11 as

“Salute components prior to final assembly into aerial shells, and finished salute shells held separately prior to being packed with other types of Display Fireworks.”

In essence, this definition describes two different types of items that meet the definition of bulk salutes. The first would be a flash powder charge, usually referred to as an insert, which is designed or intended to be used in an aerial display shell, prior to actually placing the device in an aerial shell. The second definition of an item considered to be a “bulk salute” would be a finished salute shell, intended to be used as a salute shell alone, and not to be packaged with other display fireworks as part of a show or shipment. In either case, such items would have to be stored in an HE magazine unless they meet the criteria of

“movement” as outlined in Section 55.205 of the Federal Explosives Regulations.

With regard to the licensing question, although salutes are classified as high explosives, they are still considered to be within the fireworks family. As such, ATF will accept a license or permit to handle either high explosives or display fireworks as meeting the requirements of the Federal Explosive regulations. ATF intends to deal with this issue in the near future by simplifying and clarifying the licensing and permit requirements to reflect this fact.

If you have any questions with regard to this issue, please address them to the Public Safety Branch in ATF Headquarters.

OFFICE OF FOREIGN ASSET CONTROLS (OFAC) RESTRICTIONS

The Treasury Department’s Office of Foreign Asset Controls (OFAC) compiles a list of persons, companies, and organizations that commit, threaten to commit, or support certain acts of terrorism. President Bush issued an Executive Order on September 23, 2001 (Executive Order 13224), prohibiting persons and companies from engaging in commercial transactions with any entity on the OFAC list.

The OFAC list also contains names of persons, companies, and organizations that have been found to be foreign terrorist organizations or terrorists who threaten to disrupt the Middle East peace process. Various laws and executive orders also prohibit persons and companies from engaging in commercial transactions with these entities. Violations of these prohibitions can result in criminal or civil penalties.

The Arson & Explosives Programs Division would like to inform you of these prohibitions in order that you may take necessary steps to ensure that you do not conduct business with anyone on the OFAC list. This list is a public record and can be accessed through the OFAC web page at <http://www.treas.gov/ofac/t11ter.pdf>.

When you access the list, you will notice that many of the persons on the list have numerous aliases and minimal identifying information, such as a date of birth. We recognize this makes it difficult to determine if someone you are considering doing business with is the same person as someone on the list. If you have a

question about what to do in this situation, or about the OFAC list in general, please contact the OFAC office at 202-622-2520.

Please note that although a person may be found on the OFAC list, this is not indicative of whether or not the person is prohibited from possessing or receiving explosives under the Federal explosives law. Nevertheless, under the various economic sanctions programs, it is illegal to engage in a commercial transaction with a person on the list. As a result of the events of September 11th, this information is intended to assist persons in the explosives industry in complying with the requirements of law and is further designed to help prevent further terrorist attacks. As noted above, please contact the OFAC office if you have any questions concerning this matter.

PHONE NUMBER FOR NATIONAL LICENSING CENTER CHANGED

New number for queries on fms and explosives license issues

The phone number at the National (Firearms and Explosives) Licensing Center (NLC) in Atlanta has been changed. **Please note new number: (404) 417-2750.**

The old number has been disconnected and is no longer in operation. Please use the new number when making calls to the NLC with questions on Firearms Licenses and Explosives License or Permit issues. ATF regrets any inconvenience that changing this phone number may have caused.

Questions on other matters involving ATF and the Federal explosives regulations should be addressed to the Public Safety Branch in ATF Headquarters in Washington, DC.

ATF’S LAB NEW FIRST RESPONSE FIELD LAB VEHICLES

In the aftermath of the events of September 11th as well as other incidents involving explosives in the recent past, ATF sought to have a “rapid response” laboratory capability. What is rapid response? To ATF, it is the ability to swing into action members and equipment the Agency needs for any disaster, wherever it may occur. To the ATF Forensic Science Laboratories, it also means mobility.

Two major events prompted President Clinton to direct all Federal agencies with forensic capabilities to acquire mobile laboratory vehicles: the 1993 terrorist bombing of the World Trade Center and the 1995 bombing of the Federal building in Oklahoma City, Oklahoma.

ATF laboratory personnel met with experts in the field of mobile lab services, and together they designed a unique state-of-the-art mobile laboratory unit: A vehicle that could go anywhere in the world and operate standing alone. At the front end of the Ford F-650 is a 12 ton capacity winch. The cab of the truck houses the ATF radio system, an interactive talking global mapping system, and an exterior view TV monitor. At the rear of the 18-foot custom box are a 1000 lb. capacity hydraulic lift gate and a set of removable steps. On top are two air conditioning units and an array of antennas. Customs made signs are mounted on the sides and rear of the box and can be turned around as needed. The rear axle is equipped with an air ride suspension that can be adjusted as needed for the conditions encountered at a site. The vehicle is equipped with floodlights that are mounted high on the vehicle and are able to illuminate the immediately surrounding area. A 10 x 16 foot awning can be pulled out to create a staging area, complete with tables and chairs, to review physical evidence.

Inside the vehicle's lab area is a chemical fume hood, a stainless steel sink with instant hot water, hazardous materials locker, refrigerator, microwave, coffee maker, and TV/VCR unit. The rear lab area is divided by a sliding door, which houses the front office and examination section. The interior lab areas provide internal and external communications through modem, telephone, ATF radio, and satellite phone. High tech portable instruments can be loaded into the lab area. These consist of gas chromatographs for arson detection, a scientific oven, EGIS explosives detection system, image enhancement, chemical analysis, fingerprinting equipment, firearm/toolmark scopes, and a Rapid Brass Identification instrument for automated shell casing identification. All electronic instruments can be plugged into 115-volt outlets that are powered by two onboard 8K-diesel generators. The vehicle is also equipped with shoreline hookups for telephone, power lines, and direct water connection.

All of this highly technical equipment requires the talents of skilled specialists. Experienced arson and explosives chemists, document examiners, fingerprint specialists, and firearm/toolmark

examiners are all part of an expert team that is ready to respond to major incidents.

The first Rapid Response Laboratory Vehicle was delivered to the Washington, DC, Forensic Science laboratory in May 2000. A second vehicle was recently delivered to the San Francisco Laboratory, and was immediately pressed into service at the Winter Olympics in Utah. A third vehicle is on order and will be delivered to the Atlanta Laboratory in 2002.



ATF MEETS WITH ISEE, APA

Interaction between ATF and Explosives Industry enhances security

Personnel from ATF's Arson and Explosives Programs Division recently participated in two national conferences sponsored by the International Society of Explosive Engineers (ISEE) and the American Pyrotechnics Association (APA).

PSB Chief Gail H. Davis provided an update on ATF's activities and new initiatives in light of the events of September 11th, and the potential impact of these events on ATF's role with the industry. In addition to a need for greater awareness of safety and security requirements by all persons associated with the explosives industry, closer interaction between ATF and the various segments of the industry is encouraged.

One of the issues presented at these forums was the establishment of an executive outreach program that is planned to commence this summer. Representatives of the different explosives communities will be invited to meet with key personnel in the Firearms, Explosives and Arson (FEA)

Directorate, to present their suggestions, views, and concerns regarding any additional steps that will be taken or are needed in light of all that has occurred since 9/11. These newsletters will provide additional information to the explosives industry and provide you with an opportunity to request feedback on any explosive related topic you may wish to present for discussion.

A & E Personnel attend International Pyrotechnics Symposium

Personnel from the Arson & Explosives Programs Division attended the 6th International Pyrotechnics Symposium in Orlando during the week of December 3-7, 2001. The symposium consisted of 3 days of presentations and roundtable discussions on issues of safety, legal requirements, and other matters facing the international pyrotechnics community.

ATF provided a booth at the conference that generated continuous activity, with questions encompassing virtually the entire spectrum of explosives and pyrotechnics matters. This was the first symposium in the U.S., previous symposia having been held in Canada and other countries. The symposium was partially sponsored by the Canadian Explosives Research Lab (CERL) which is roughly the equivalent of ATF & the Department of Transportation in the U.S. The interchange and discussion of ideas were very beneficial to both ATF and the international pyrotechnics community. The next conference is planned for Japan in 2003.

EXPLOSIVES FORMS

New Theft & Loss Report Form in development

We recently received questions on the various ATF Forms for use in the explosives arena. The following forms are currently in use and available from the ATF Distribution Center. Previous versions of these forms are obsolete and may not be used. Check carefully to make sure you are using the most current editions of these forms.

<u>Form title & number</u>	<u>Date issued</u>
ATF F 5400.13/ 5400.16	APPLICATION FOR LICENSE OR PERMIT 6/98
ATF F 5400.4	EXPLOSIVES TRANSACTION RECORD 3/92

ATF F 5400.8 7/98	EXPLOSIVES DELIVERY RECORD	
ATF F 5400.21	APPLICATION FOR PERMIT USER LIMITED DISPLAY FIREWORKS	11/98
ATF F 5400.5	REPORT OF THEFT OR LOSS - EXPLOSIVE MATERIALS	1/93

PLEASE NOTE: ATF F 5400.5 FOR REPORTING THEFTS OR LOSS IS CURRENTLY BEING REVISED. AS SOON AS THE NEW FORM IS APPROVED FOR USE WE WILL MAKE THAT INFORMATION AVAILABLE.

If you need to order additional supplies of these forms, please contact the ATF Distribution Center at 703-455-7801 or write P.O. Box 5950, Springfield, VA 22150-5950. Many of these forms may also be ordered through the ATF Website at www.atf.treas.gov.

EXPLOSIVES QUESTIONS

We welcome any questions or topics that you would like to have presented. You may contact the Public Safety Branch in Washington, DC, by mail, phone, or fax, as follows:

Bureau of Alcohol, Tobacco & Firearms -
Public Safety Branch
Room 710, Tech World South Building,
Washington, DC 20001
Phone: (202) 927-7930
Fax: (202) 927-8887

FUGITIVE CORNER

Miami Field Division seeks information on fugitive

ATF's Miami Field Division requests anyone with information on the location of fugitive Anibal Mustelier to contact them. Mustelier is wanted on violations of Federal Explosives Laws in the Miami and south Florida area dating back to the early 1990s. Mustelier is also wanted in Brevard County, Florida for armed robbery, and has been implicated in a murder attempt.

Mustelier has been in hiding for a number of years, but information recently obtained indicates that he may be attempting to resurface in the South Florida area. The following is a description of Mustelier:

Sex: Male
Race: White
Date of Birth: July 22, 1950
Height: 5' 4"
Weight: 135
Eyes: Brown
Hair: Brown
Scars: Scar on neck
SSN: 264-65-6773

ALIASES: Suarez, Emilio; Musteler, Barrero, Musieler, Anibal; Mustellier, Anibal; Mustelier, Anileal; Llerena, Ramon; Mutelier, Anivan



A warrant (No. 9607-0720-1402-J) was issued on 8/16/1995 for Mustelier's arrest in the Southern District of Florida. Mustelier is also wanted by the FBI for robbery.

Do not attempt to apprehend Mustelier yourself. He should be considered armed and extremely dangerous. Report any information to ATF Miami at (305)-597-4800, or contact ATF at (888) 283-8477.

NEWSLETTER DISTRIBUTION

Have you recently changed your address, or do you know someone in the industry not currently on the distribution list that may wish to receive the ATF Explosives Newsletter? If so, please notify the Public Safety Branch by phone or fax us the following information and we will change your address or add their names to the distribution list. All we need is the following information:

Name: _____

Company: _____

Address: _____

City/State _____

Zip code _____

Phone No. (optional) _____

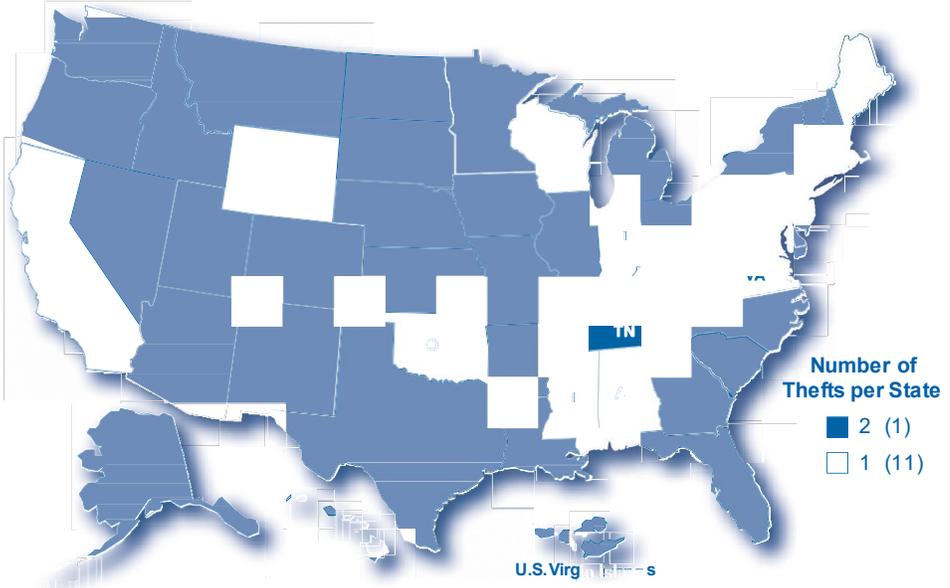
e-mail: (Optional) _____

FIRST QUARTER 2002 EXPLOSIVE THEFTS

Explosives thefts, while down in the first three months of 2002, remain an issue requiring constant vigilance and attention. As always, the need to notify both ATF and State or local law enforcement of any theft or suspicious activity in or near locations where explosives are stored is critically essential. Specialist Rick Simpson of the Arson and Explosives National Repository Branch compiled the following data on thefts of explosives during the first quarter of 2002.

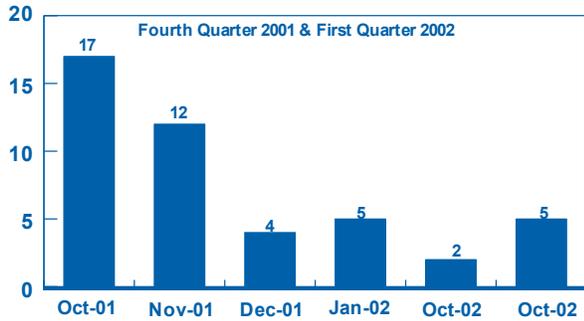
Theft of Explosives Fourth Quarter - 2001

- 01/04/2002 - Kaumauna, WI
- 01/14/2002 - Bethel, ME
- 01/15/2002 - Fyffe, AL
- 01/21/2002 - Nashville, TN
- 01/31/2002 - Quantico, VA
- 02/24/2002 - Valparaiso, IN
- 02/26/2002 - Maury County, TN
- 03/02/2002 - Vandetta, KY
- 03/07/2002 - Drumright, OK
- 03/14/2002 - Windber, PA
- 03/15/2002 - Los Angeles, CA
- 03/25/2002 - Oxford, MS



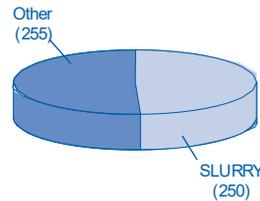
Theft of Explosives Fourth Quarter - 2001 & First Quarter - 2002

Number of Incidents

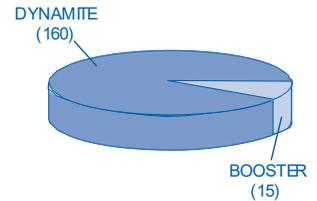


Theft of Explosives First Quarter - 2002

Blasting Agents (in pounds)

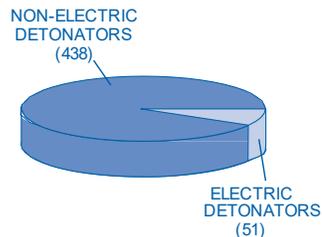


High Explosives (in pounds)



Theft of Explosives First Quarter - 2002

Ignition Systems



Other Explosives



Military: N/A
 Low Explosives: 3 Pounds
 Detonating Cord: 1003 Feet
 Fireworks: 896 Units



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ATTN: Explosives Newsletter
650 Massachusetts Avenue, NW, Room 7100
Washington, DC 20226

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