



# ATF EXPLOSIVES Industry Newsletter

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## Debra Satkowiak Named as New Chief of Explosives Industry Programs

**I**n September 2008, Debra Satkowiak was named as the new Chief of the Explosives Industry Programs Branch. Ms. Satkowiak succeeded Gary Bangs who became the Deputy Chief of the Firearms Programs Division in July 2008.

Ms. Satkowiak began her career with ATF in 1991 as an Inspector in the Flint, Michigan, post of duty and in 1998 became the Special Operations Inspector for the Detroit Field Division. In 2001, she transferred to Washington, DC, to work as a Program Manager in the Career Development Division where she was responsible for advanced explosives training and basic training for ATF Industry Operations Investigators. In 2004, she returned to the field as an Area Supervisor in the Detroit Area Office. After serving for 3 years in that capacity, she returned to ATF National Headquarters to work in the Office of Public and Governmental Affairs where she served until coming to the Arson and Explosives Programs Division as the new Chief of the Explosives Industry Programs Branch. Deb looks forward to continuing the industry relationships that she has developed throughout her career and fostering new partnership opportunities.

## New Fireworks, Security and Storage Web Pages

**A**TF has created three new web pages that provide guidance in the areas of display fireworks, explosives security and storage. The fireworks webpage consolidates pertinent information such as interpretation letters, rulings, special notices, tables of distances, press releases and fireworks questions and answers. The explosives storage and security web pages

### Arson & Explosives Programs Division (AEPD)

Division Chief **Joseph M. Riehl**

Deputy Division Chief **Gregory D. Plott**

### Explosives Industry Programs Branch (EIPB)

Branch Chief **Debra Satkowiak**

### Explosives Technology Branch

Branch Chief **Kenneth C. Coffey**

### Arson and Explosives Enforcement Branch (AEEB)

Branch Chief **Gilbert C. Bartosh**

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**[www.atf.gov](http://www.atf.gov)**

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Safer America**

contain information on locks, security, safety, record-keeping requirements and other items of interest. Go to the EIPB website at <http://www.atf.gov/explaron/eipb.htm> and click on the links provided for these new web pages.

## Fireworks Safety and Storage

**A**TF would like to remind all persons in the fireworks industry—both the commercial display fireworks industry and those involved in the manufacture, sale, or distribution of consumer fireworks — of the need to observe the highest levels of safety and sound practice. ATF is particularly concerned with unsafe storage of display fireworks. Persons using display fireworks are cautioned that the fireworks must be kept in proper storage magazines meeting all applicable tables of distances unless they are in the process of being manufactured, transported, or set up for use. Also, while display fireworks loaded in firing tubes are generally considered to be “in use”, they should not be left unattended. Leaving explosive materials unattended in display tubes represents not only a risk of financial loss, but also an open door for potential misuse, accidents, and injuries.

## Illegal Explosive Devices

**E**ach year, individuals throughout the United States are injured or killed manufacturing and using overloaded illegal explosive devices. These devices, commonly known as M-80's, M-100's, silver salutes, cherry bombs or quarter sticks, pose a significant risk to possessors of these devices and to the general public. These illegal explosives are manufactured using raw materials that are also contained in fireworks but should not be confused with legal display or consumer fireworks.

These illegal explosive devices typically do not bear warning or instruction labels required for consumer fireworks and contain pyrotechnic composition in excess of limits set by Federal law and regulations. Individuals who acquire explosive devices exceeding these limits must possess a Federal explosives license or permit and store the devices in storage magazines meeting the requirements of 27 CFR Part 555.

Individuals commonly manufacture these devices with the intent to distribute to customers who do not have a Federal explosives license or permit. Illegal explosive

devices are inherently dangerous due to the amount and sensitivity of the explosive powders they contain. The manufacturing of these explosive devices, which commonly occurs in residential areas, places unsuspecting neighbors, family, and friends in potentially disastrous situations.

In November 2007, ATF agents responded to an explosion and fire that resulted from the manufacture of illegal explosives at a residence. The explosion led directly to one fatality and the subsequent fire caused by the explosion destroyed the residence. In April 2008 ATF agents responded to an explosion, which damaged several residences. An individual was manufacturing explosive powder, which was to be used in illegal explosive devices. A search of the residence resulted in the seizure of several hundred complete illegal explosive devices.



It is illegal to engage in the business of manufacturing, importing or dealing in explosives without obtaining a Federal explosives license.

It is also illegal for individuals to receive explosives, including these devices, without obtaining a Federal explosives license or permit. Individuals can be fined up to \$10,000 or imprisoned for not more than 10 years, or both, for unlawfully engaging in these activities.

Anyone with information regarding the illegal manufacture and distribution or storage of these items is asked to contact the nearest ATF office and local or state authorities. You can also contact ATF at 1-800-ATF-BOMB (1-800-283-2662).

## Fireworks Recordkeeping Variance

**F**ederal explosives regulations require that manufacturers and importers place marks of identification on all fireworks manufactured or imported for sale or distribution. Licensees and permittees must also maintain records of these materials, to include the marks of identification. In 2008, the American Pyrotechnics Association (APA) submitted a proposal to ATF regarding alternative methods for recordkeeping and marks of identification. Under this proposed variance to the regulations, importers would not be required to maintain a record of the date/shift code on their fireworks imported for sale or distribution. However, to ensure accountability for the fireworks, the terms of such a variance would also require that industry members have all of their imported products marked in the same manner as prescribed under 27 CFR 555.109(b) for products imported and intended for distribution. Importers who obtain a variance under these terms should notify purchasers of their continued marking requirements.

A proprietor who purchases from an importer using this alternative recordkeeping method must still comply with marking requirements found at 27 CFR, Part 555, Subpart G. In other words, an importer's variance does not extend to his or her customers. If it is impractical for a purchaser to maintain all required records (i.e., recording the date/shift code marked on each shell), then the purchaser will also require a variance similar to that described above. The terms of such a variance would require the purchaser to make all supplemental records available to ATF upon request if they wish to not record date/shift codes. If industry members can meet the guidelines for improved tracking, tracing, and accountability of display fireworks, ATF will consider requests for variances to the requirement for recording the date shift code.

## Fireworks Q&As

**A**TF has received numerous inquiries from industry members about the applicability of Federal explosives law and regulations to fireworks operations. The following Q&As are provided to assist licensees and permittees in understanding and complying with the Federal explosives law and regulations. We look forward to continuing our working relationship with the fireworks community. Individuals with additional specific questions may contact ATF's Explosives Industry Programs Branch at (202) 648-7120, or e-mail [EIPB@ATF.GOV](mailto:EIPB@ATF.GOV).

**Q1. *I use the majority of my imported display fireworks for company shows. We occasionally sell display fireworks to other Federally licensed individuals. However, we do not know which fireworks will be sold and which ones will be used in company shows. Am I required to mark all of my imported display fireworks?***

Federal regulations at 27 CFR § 555.109 require that you mark all explosive materials imported for sale or distribution. You need not mark those materials imported for your own use. However, the fact that the structure of your operations makes it difficult to distinguish materials imported for sale from those imported for your own use may make it practical for you to mark all of the imported display fireworks. Bear in mind that any materials to be sold or distributed must be marked within 15 days after release from U.S. Customs custody. Therefore, those materials not marked within 15 days may not be later marked and sold or otherwise distributed.

**Q2. *We hold an explosives importer license under which we import display fireworks for our company's displays. Do we have to mark imported display fireworks if we only use the fireworks for company display shows?***

No. If all of your imported fireworks are used for your company's display shows, no import markings are required. However, any subsequent distribution of display fireworks without the proper markings required by 27 CFR § 555.109 would place you in violation of Federal explosives laws. Import markings are required to be placed on display fireworks for sale or distribution within 15 days following their release from U.S. Customs custody.

**Q3. When marking imported fireworks, do I have to mark each individual display shell that is imported?**

Yes. Under 27 CFR § 555.109(c)(3), licensed importers must place the required marks on each cartridge, bag, or other immediate container of explosive materials that are imported for sale or distribution, as well as on any outside container used for the packaging of such explosive materials. The markings must also be included on each display candle and display cake.

**Q4. I am a licensed importer of display fireworks. In which explosives records am I required to record the date and shift of manufacture?**

Licensed importers are required to record the date and shift of manufacture of all imported explosive materials in their permanent acquisition and disposition records. The “Manufacturer’s marks of identification” required by 27 CFR § 555.122(b)(3) and 27 CFR § 555.122(c)(3) refer to the date and shift of manufacture. The shift of manufacture is not required if the foreign manufacturing plant operates only one shift during the day.

**Q5. I store display fireworks cakes and roman candles that contain only salutes. Are these cakes and candles considered bulk salutes requiring storage in a high explosives (Type-1 or Type-2) magazine?**

Yes. Fireworks display cakes and fireworks display roman candles that contain only salutes, and exceed the limits of explosive materials for classification as “consumer fireworks” as defined in 27 CFR § 555.11, are classified as bulk salutes. Bulk salutes are high explosives and must be stored in Type-1 or Type-2 magazines.

**Q6. Prior to delivering and conducting a display fireworks show, employees attach igniters to the display fireworks at the fireworks plant. Is this considered processing?**

Yes. The attachment of igniters to the display fireworks at the fireworks plant constitutes an assembly process and is considered “processing.” Any building in which igniters are attached to display fireworks is considered a “fireworks process building,” which is defined, in part, in 27 CFR § 555.11 as “...any building in which pyrotechnic compositions or explosive materials is pressed or otherwise prepared for finished and assembly...” Be advised that the display shells and igniters cannot be stored in a process building overnight and

must be moved to an explosives magazine which complies with the requirements in 27 CFR § 555, Subpart K.

**Q7. I have recently learned that the U.S. Department of Transportation (USDOT) is classifying certain 1.75-inch aerial shells, previously classified as 1.4G consumer fireworks, as 1.3G display fireworks (UN0335) for transportation purposes. Will these aerial shells be regulated by ATF?**

Yes. The exemption for ‘consumer fireworks’ or ‘articles pyrotechnic’ found in 27 CFR § 555.141(a)(7) states that Part 555 (Commerce in Explosives) does not apply to “The importation, distribution, and storage of fireworks classified as UN0336, UN0337, UN0431, or UN0432 explosives by the U.S. Department of Transportation at 49 CFR 172.101...” The definition for “display fireworks” states, in part, that “...Display fireworks are classified as fireworks UN0333, UN0334 or UN0335 by the U.S. Department of Transportation at 49 CFR 172.101...” Therefore, this reclassification by USDOT causes these materials to fall under the definition of display fireworks.

**Q8. I am a licensee with ATF and a city has asked me to store display fireworks for its fireworks show. May I store fireworks for the city in my explosives magazine and return them to the municipality for the show? If so, what records would I have to keep?**

The transfer of display fireworks generally constitutes a distribution as defined in 27 CFR § 555.11. Therefore, you are permitted to receive display fireworks from the municipality but must maintain a record of the acquisition pursuant to 27 CFR, Part 555, Subpart G – Records and Reports. Additionally, you must maintain a daily summary of magazine transactions pursuant to 27 CFR § 555.127 for all explosives stored in your magazines.

Pursuant to 27 CFR § 555.141(a)(3), Federal explosives regulations generally do not apply to the “transportation, shipment, receipt, or importation of explosive materials for delivery to any agency of the United States or to any State or its political subdivision.” Although the city is required to properly store explosives – even if the city leased or owned its own storage magazines - it is exempt from the Federal licensing requirements at 27 CFR, Part 555, and can receive display fireworks

without possessing a Federal explosives license or permit. Therefore, you can return the display fireworks to the city prior to the show so long as you enter this disposition in your permanent records as required under 27 CFR, Part 555, Subpart G.

If the city leased a magazine from you for its own use, the removal of explosives materials from the magazine by the municipality would not be considered a disposition by you and would not require recordkeeping.

***Q9. I am a licensee with ATF. A fireworks hobbyist, who does not hold an ATF license or permit, has asked me to store fireworks in my explosives storage magazine. Is it lawful for me to store these fireworks and return them to the hobbyist?***

Although you may lawfully receive and store the display fireworks, your return or distribution of explosive materials to a person who does not hold a Federal license or permit would violate Federal law, 18 U.S.C. § 842(b).

Any explosives materials that a hobbyist manufactures and does not use immediately must be properly stored in a magazine that he or she may lease or own. If an unlicensed hobbyist leases your storage magazine for his or her own use, he or she would still be required to comply with storage requirements under 27 CFR 555, Subpart K- Storage. The hobbyist's removal of explosives materials from a magazine leased from you for the hobbyist's own use would not be considered "receipt." However, if storage in a leased magazine requires the act of transport to place the explosives materials in the magazine, then the hobbyist would be required to obtain a Federal explosives license or permit.

***Q10. If I am storing fireworks which meet the ATF definition of consumer fireworks under 27 CFR § 555.11, and are exempt under 27 CFR § 555.141, do I have to abide by the table of distances under 27 CFR § 555.224? I would be storing the consumer fireworks in the same magazine with display fireworks.***

No. The regulations at 27 CFR § 555.141 exempt consumer fireworks from the requirements of 27 CFR, Part 555, including distance requirements. However, if you store consumer fireworks in a magazine with display fireworks, your consumer fireworks should be in unopened cases and packaged for shipment.

***Q11. I am a volunteer member with a hobbyist fireworks club that holds an ATF license. I do not possess my own ATF license or permit. May I manufacture my personal-use fireworks on my property, and then transport them for use at a sanctioned club activity? I would be conducting the transportation under the club's license.***

You may not transport personally manufactured fireworks under the club's explosives license. Under 18 U.S.C. § 845(a)(3), it is unlawful for any person other than a licensee or permittee to knowingly transport, ship, cause to be transported, or receive explosive materials. ATF authorizes volunteer members of licensed clubs or other licensed hobby organizations to possess explosive materials while assisting in supervised club shoots, so long as their assistance is under the direct control and supervision of the licensed club. However, your personal manufacturing activities are conducted at a location away from the club's licensed premise or shoot and are not directed or supervised by the fireworks club.

You may manufacture display fireworks for personal use at your property without obtaining a Federal explosives license or permit (a manufacturer's license is needed only by persons engaged in the business of manufacturing fireworks for sale, distribution, or other commercial purpose). However, where storage occurs, you must comply with all storage requirements in 27 CFR, Part 555, Subpart K. In addition, a Federal explosives license or permit is required to transport, or cause to be transported, the explosive materials, even to the location of the club activity.

***Q12. I have a permit with ATF. I will be transporting hobby fireworks that I have manufactured for my own personal (non-business) use across State lines to a club-sanctioned activity. Since this transportation is personal and noncommercial in nature, it is not regulated by USDOT or Homeland Security as to safety or security. Therefore, the exemption under 18 U.S.C. § 845(a)(1) would not apply to this transportation activity. What storage requirements must I comply with under Federal law and regulations, especially if lodging overnight in a motel is required?***

Federal regulations at 18 U.S.C. § 845(a)(1) state that Federal explosives law does not apply to "Any aspect of the transportation of explosive materials via railroad, water, highway, or air which

are regulated by the United States Department of Transportation and agencies thereof, and which pertain to safety.” If USDOT has deemed your fireworks activities exempt from their regulations, the exception in 18 U.S.C. § 845(a)(1) would not apply.

Federal regulations at 27 CFR § 555.205 require, in part, that all explosive materials be stored in locked magazines unless they are being transported to a place of storage or use by a person who has lawfully acquired the explosive materials. When your vehicle comes to rest for the evening, your explosive materials would not be considered in transit, no longer fall under this exception, and must comply with all explosives requirements under Federal law and regulations for overnight storage. You would also be required to comply with all State and local regulations regarding the storage and transportation of explosives.

All persons are required to store explosives in a manner outlined under 27 CFR, Part 555, Subpart K - Storage, including the table of distance requirements. ATF has outlined alternate methods and procedures for the temporary storage of display fireworks in locked and attended vehicles at explosives magazine sites, as well as at fireworks display sites in ATF Ruling 2007-2. You can find the specific guidelines in ATF Ruling 2007-2, as well as other ATF rulings, at [www.atf.gov/explarson/eipb.htm](http://www.atf.gov/explarson/eipb.htm).

***Q13: Do other vehicles parked in a hotel parking lot trigger the table of distance requirements, as they are not occupied structures?***

A vehicle does not fall under the definition of the term “inhabited building,” as defined in 27 CFR § 555.11 and further clarified in ATF ruling 2005-3. However, the hotel would be considered an inhabited building when determining distances needed to comply with table of distance requirements at 27 CFR § 555.224. Further, you are required to comply with any State and local requirements regarding storage of explosive materials.

***Q14: Our licensed fireworks club manufactures fireworks for use during club shoots. The fireworks are manufactured by several club members. What are the procedures for transporting the fireworks to club events at different locations?***

By way of background, in order for the manufacturing and transportation to be considered under the authority of a Federal explosives license or permit,

the manufacturing and transportation of fireworks by volunteer club members must be supervised by an authorized member of the club, such as an officer of the club, who is listed as a responsible person on the license or permit application. Further, these fireworks must be transported in compliance with USDOT regulations.

***Q15: I am an employee possessor on “Company A’s” fireworks license. I also conduct unrelated fireworks activities as a hobby (e.g., manufacturing shells for my own use in conjunction with pyrotechnics club activities). Do my hobby activities, which are similar to, but unrelated to my activities on behalf of Company A have any potential effects on that company or my employee possessor status? Are there certain activities or practices that I should avoid, or steps that I should take, to ensure that my hobby activities are clearly separated from my activities as an employee possessor for Company A?***

ATF is unable to provide you with specific advice without receiving more information on your activities. Generally, your employee possessor status would not be affected unless you were no longer employed by “Company A,” or you fell within a prohibiting category listed on ATF Form 5400.28, Employee Possessor Questionnaire. Generally, “Company A” would not be responsible for your off-site fireworks hobby activities.

You can submit additional information regarding specific questions to ATF’s Explosives Industry Programs Branch at: [EIPB@atf.gov](mailto:EIPB@atf.gov).

***Q16: I am planning to store my personally manufactured fireworks in an explosives storage magazine. What table of distance chart should I use to comply with storage regulations?***

If your fireworks meet the definition of “Display Fireworks” under 27 CFR § 555.11, you must use the table of distance requirements found in 27 CFR § 555.224, Table of distances for the storage of display fireworks (except bulk salutes). You are required to use the table of distance requirements found in 27 CFR § 555.218 if your magazine contains bulk salutes or flash powder, or if the net explosives weight of your display fireworks magazine exceeds 10,000 pounds.

## Simplified License and Permit Structure

Until recently, ATF's Federal explosives license and permit application contained 23 separate license and permit options. While created with the intention of generating statistical information regarding the makeup of the explosives industry, this scheme has unfortunately caused significant confusion among applicants. The requirement to distinguish between high explosives, low explosives and blasting agents has made it difficult for some to determine for which type of license or permit a company should apply. For example, a company manufacturing blasting agents and purchasing high explosives such as detonators and boosters must determine whether they should apply for a manufacturer of blasting agents license, a permit for the purchase of high explosives, or both.

In an effort to simplify the license and permit application process, ATF is amending the application form. The new application will continue to distinguish between types of business activities, such as manufacturing, importing, dealing and using. However, it will not differentiate between the types of explosives involved in each activity. ATF will continue to capture information on the types of materials involved in an applicant's explosives business through separate questions on the newly amended application form.

Current license and permit holders need not make any changes to their license or permit. At their normal renewal time, they will complete a renewal application reflecting the above changes to the licensing and permitting structure. We anticipate that the new application form should be available to the public later this year. Any questions regarding this change should be directed to the Federal Explosives Licensing Center via email at [FELC@atf.gov](mailto:FELC@atf.gov) or by telephone at 304-616-4400 or 877-283-3352 (toll free).

## Change of Control

In recent years, ATF has often found that Federal explosives licensees and permittees have made changes to their business types/structures without notifying ATF, or have made changes in ownership or responsible persons that affect the validity of their license or permit. In an increasing number of cases, explosive licensees and permittees have had to cease operations until a new license or permit could be issued

because they did not notify ATF of the change prior to creating a new entity. Federal explosives licensees and permittees must remember that licenses and permits are not transferable. Below are some scenarios and requirements that FELs/FEPs should be cognizant of:

- Change in entity (business type, e.g., sole proprietorship, partnership, corporation, etc.)—a new license/permit is required prior to the change
- Partnership adds or loses a partner other than by death—a new license/permit is required prior to the change, with some exception under State laws
- Corporation A and Corporation B merge to form corporation C—a new license/permit is required prior to Corporation C commencing operations.
- Corporation or Association including Limited Liability Companies (LLC) change of control (actual or legal)—
  - Change in majority stockholder, corporate officer, manager, or director—a new responsible person must be reported to licensing center within 30 days
- Death of a partner—no new license/permit required until estate is settled, then a new license/permit is required. Control of the explosives rests with the surviving partner(s).
- FEL/FEP moves to a new location – a new license or permit is not required, however, a letter must be sent in duplicate to the Chief, Federal Explosives Licensing Center at least 10 days prior to the move.
- Responsible person for a corporation or similar organization leaves position/business—a new license is not required but the licensee must notify the Chief, Federal Explosives Licensing Center in writing within 30 days of the change. Responsible Person is defined as an individual who has the power to direct the management and policies of the applicant pertaining to explosive materials. Generally, the term includes sole proprietors, site managers, corporate officers and directors, and majority shareholders but may include others as well. Notifications of changes in employee possessors must be sent to the Chief, Federal Explosives Licensing Center within 30 days of the change. Also renewal applications must contain an originally signed EPQ for all current employee possessors and responsible persons, otherwise they will be “deactivated” by the Federal Explosives Licensing Center.
- A Federal explosives license covers the type of explosives business operations specified in the license. Any change, for example manufacturer to importer, requires a new license prior to commencing the new business operations.

When contemplating changes affecting ownership or control of an explosives business, FELs/FEPs should contact their local ATF office and/or the Federal Explosives Licensing Center for assistance to ensure uninterrupted operations. Any changes in ownership or control should be reported, as early in the process as possible to ensure continuity of your business. Do not wait until your renewal or an inspection to find out your license or permit is not valid.

## Scanned or E-Mailed Copies of Federal Explosives Licenses

**A**TF has determined that scanned or e-mailed explosives licenses or permits are acceptable for explosives transactions. The regulations in 27 CFR 555.103 require that a licensee or permittee distributing explosives must verify the identity and licensed status of the distributee prior to delivery of the explosive materials. Verification is established by the distributee furnishing a certified copy of their license or permit to the distributor. Under 27 CFR 555.104, a licensee or permittee may reproduce copies of his or her license or permit for certification as required for distribution pursuant to 27 CFR 555.103. It is ATF's position that any signature – whether it is done by hand with a pen, stamped, or auto-penned – is an original signature, if the person whose signature appears intends it as an original signature. Accordingly, a reproduction of the license or permit may be used, rather than an original copy.

Everyone should be aware of the security issues surrounding transmission of electronic information. If a licensee or permittee receives a certified copy of a license or permit that looks suspicious (e.g., names that are crooked, different type faces, hard to read license/permit number), it is recommended that he or she contact the intended distributee to verify the validity of the license or permit to ensure a legitimate transaction. An additional precaution can be the use of a PDF protocol, which is less likely to be altered. It is incumbent upon all FELs/FEPs to safeguard their personal and business information to prevent fraudulent activity involving their Federal explosives license or permit.

Finally, a copy of a license or permit is not considered valid for the purposes of an explosives transfer unless it clearly identifies the name, address, license or permit number, and expiration date. Acceptance of blurred or

illegible copies of a distributee's license or permit may result in a violation of Federal explosives laws and regulations. If you have questions regarding this information, please contact your local ATF field office.

## Igniter Storage with Regulated Rocket Motors in Attached Garages

**F**or several years, ATF has issued storage variances to rocketry enthusiasts. A typical variance allows for storage of regulated rocket motors in a qualified magazine kept in a garage attached to a residence, provided that the storage meets certain conditions.

Many of the variances issued contained a requirement that regulated rocket motors be stored separately from igniters. This provision was based upon a belief that safety would be enhanced by separation of these materials. Further research and discussion of this issue has led us to the conclusion that storage of igniters with rocket motors does not significantly increase the risk of the ignition of the rocket motors. Therefore, variances now being issued for regulated rocket motor storage in an attached garage do not contain this separation requirement.

Any licensee or permittee holding such a variance that includes the requirement that igniters be separated from stored propellant, should contact ATF to request an amended variance containing provisions consistent with those currently being issued to industry members. To request an amended variance, write to the Explosives Industry Programs Branch (EIPB) via email at [EIPB@atf.gov](mailto:EIPB@atf.gov), or by letter addressed to:

Bureau of Alcohol, Tobacco, Firearms  
and Explosives  
Chief, Explosives Industry Programs Branch  
99 New York Avenue NE  
Mail Stop 6E403  
Washington, DC 20226

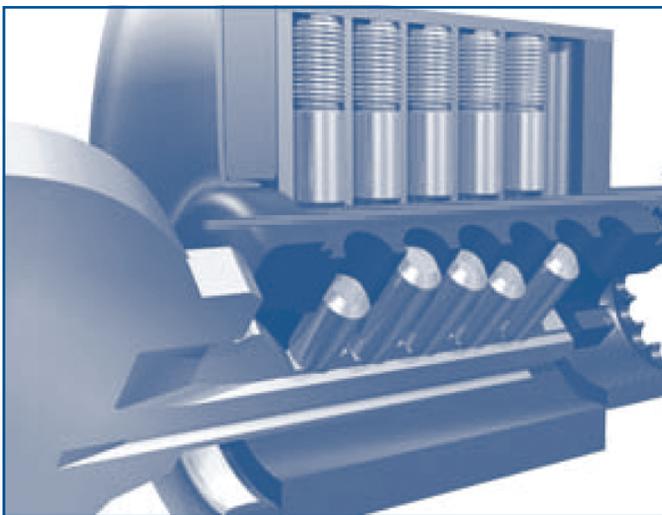
In your letter, you should list your ATF license or permit number, and include a current mailing address. Please include the date of your original approval letter, if available, and note that you are requesting an updated variance approval for storing your regulated rocket motors in your attached garage. Please direct any questions on this process to EIPB at 202-648-7120 or via email at [EIPB@atf.gov](mailto:EIPB@atf.gov).

## Locking Issues

The regulations at 27 CFR Part 555, Subpart K require that magazines be theft-resistant. One option for locking a magazine is to equip each magazine door with two padlocks having 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. Recent innovations in lock technology and the unique and diverse construction of explosive storage magazines have resulted in many options when choosing the means to secure explosive materials. This article addresses common questions or concerns brought to ATF's attention.

### *Tumblers vs. Pins*

Federal explosives regulations require padlocks with at least 5 tumblers. Most padlock manufacturers construct the padlock cylinders with pins rather than tumblers. This diagram shows the interior of a padlock cylinder and how the key of the lock is used to push the pins into a position that opens the lock. Some padlock cylinders may have up to 10 pins, 5 pins for each side of the key. These padlock keys are referred to as "Blade" keys. The blade key has ridges on both sides of the key. Pin based cylinder padlocks are acceptable in place of tumbler based locks.



### *"Hockey Puck" Locks*

Another recent innovation in lock technology is round, "hockey puck" type locks. These locks have no visible shackle when installed. The locking mechanism is located in the rear of the lock and is connected to a

specialized hasp. For these locks to be approved for use, the lock must also have a case hardened hasp/shackle shroud installed around the lock to prevent sawing or prying the lock open. Prior to installing a hockey puck lock, the licensee/permittee must request and receive a variance from the requirements of the Federal explosives regulations.

### *Indoor Magazines*

Federal regulations require that each door must be equipped with two locks or a three-point lock. However, an indoor magazine located in a secured room that is locked as provided in 27 CFR § 555.208(b) or 555.210(b), with the door hinges and lock hasp securely fastened to the magazine, may have each door locked with one steel padlock which meets the requirements stated above. Although the magazine-locking standards are reduced for magazines secured in a locked room, a substantial locking mechanism is still required

### *Flush Mounted Locks*

ATF has been asked whether flush-mount "lever locks" or flush mounted bolt-style locks meet ATF theft-resistance requirements for type 4 indoor storage of low explosives. Locks known as "flush-mount lever locks," do not provide adequate protection against pulling or prying the lid off the magazine. This type of lock fails to provide the required level of theft-resistance for indoor storage of low explosive materials and may not be used to secure type-4 indoor magazines. Licensees or permittees who desire to use this type of lock in a secured room that is locked as provided in 27 CFR § 555.210(b), may submit a request for a variance from the Federal explosives regulations to the Explosives Industry Programs Branch.

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 and engages in a slotted locking block attached securely to the inside of the magazine wall. 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, are considered to meet the theft-resistance requirements of 27 CFR § 555.210(b) and may be used for indoor type 4 explosives storage magazines. For additional information, see ATF Ruling 2004-3.

It is incumbent upon licensees and permittees to ensure that all explosive materials are properly secured. ATF suggests that any padlock used to secure an explosives magazine have an American Society for Testing and Materials (ASTM) rating of at least 5 for “forcing” and “surreptitious entry.” ASTM’s publication, F883-97 “Standard Performance Specifications for Padlocks”, reports the results of the testing and rating of padlocks for various performance standards. Having the appropriate padlock will prevent easy access to thieves and help to thwart break-ins and robberies.

## Bullet Resistance for Type-2 Indoor Storage

Federal regulations require that explosives magazines be bullet-resistant. The term “bullet-resistant” means resistant to penetration by a bullet of 150 grain M2 ball ammunition having a nominal muzzle velocity of 2,700 feet per second fired from a .30 caliber rifle from a distance of 100 feet perpendicular to the wall or door. However, ATF has discovered some confusion regarding how this applies to Type 2 indoor magazines. The Federal explosives regulations at 27 CFR 555.208(b)(1) state that Type 2 indoor magazines need not be bullet-resistant if the buildings in which they are stored provide protection from bullet penetration. ATF inspections have revealed that some industry members are using indoor magazines that are not bullet resistant inside of buildings that do not provide protection from bullet penetration. If neither the magazine, nor the building in which it is located, is itself bullet resistant, then the combination of the magazine and the building must meet bullet-resistance requirements.

ATF Ruling 76-18 specifies alternate bullet-resistant construction standards for explosives magazines. If there is a concern that the combined construction of a particular Type-2 indoor magazine and its associated building does not meet bullet-resistance requirements, and the situation is not addressed by ATF Ruling 76-18, a licensee or permittee may submit a request for a variance to the bullet-resistance requirements contained in 27 CFR § 555.208. Variance requests should be submitted to the Explosives Industry Programs Branch through the local ATF office. If you choose to submit a request for a variance, please include specific construction information for both the magazine and the building in which it is located, in your request.

## Detonator Boxes – Indoor or Outdoor?

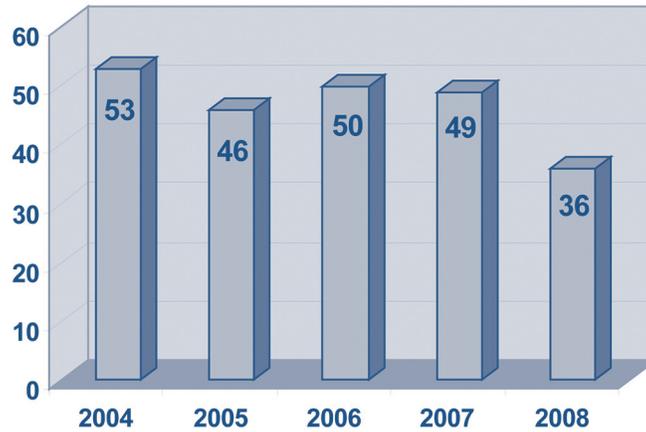
The regulation at 27 CFR § 555.208(c) provides construction and locking requirements for “detonator boxes” used as type-2 magazines. Magazines for detonators in quantities of 100 or less are to have sides, bottoms and doors constructed of not less than number 12-gauge (.1046 inches) metal and are to be lined with non-sparking material. The hinges and hasps must be attached so that they cannot be removed from the outside. One steel padlock having at least 5 tumblers and a case-hardened shackle of at least 3/8-inch diameter must be used to secure the box. However, the regulation does not address the question of whether a detonator box so constructed may be used as an outdoor magazine.

While the regulation as currently written does not prohibit detonator boxes from being used for outdoor storage, ATF encourages manufacturers of explosives magazines to fabricate outdoor detonator magazines in accordance with specifications found at 27 CFR § 555.208(a) for the most secure and safe explosives storage. As part of our efforts to continuously improve explosives security and public safety, ATF intends to seek rulemaking in the future to clarify that type-2 detonator boxes, constructed in accordance with 27 CFR § 555.208(c), are indoor magazines.

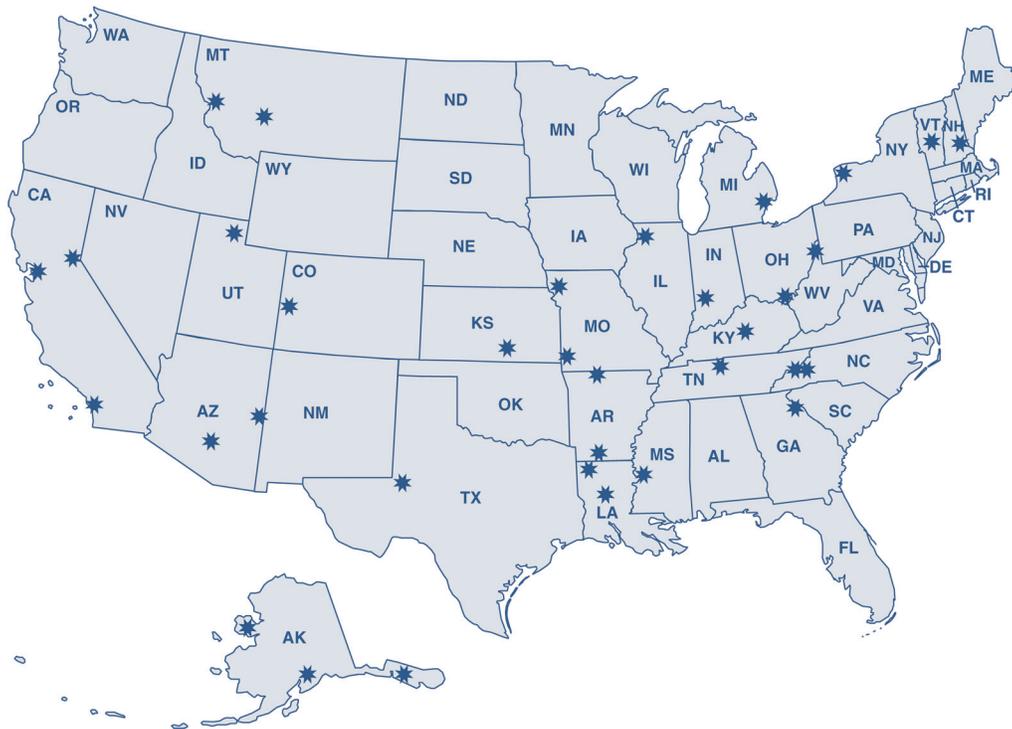
## Explosives Thefts

ATF appreciates the explosives industry’s continued dedication to preventing the theft and criminal misuse of explosive materials. In addition to watching for suspicious activities, proprietors should secure tools or equipment at job sites that could be utilized for unauthorized access. If these items are not secured properly, the theft resistant features of your storage magazines may become vulnerable. Thank you for your continued vigilance!

## Thefts from 2004 thru 2008



## Explosives Thefts Reported to ATF During 2008



Anchorage, AK  
 Auke Bay, AK  
 Taku Inlet, AK  
 Wales, AK  
 Bull Shoals, AR  
 East Camden, AR  
 Florence, AZ  
 Springerville, AZ  
 Floriston, CA  
 Moffett Field, CA  
 Riverside, CA  
 Whitewater, CO

Elberton, GA  
 Dixon, IL  
 Greencastle, IN  
 Augusta, KS  
 Richmond, KY  
 Minden, LA  
 Pollock, LA  
 Pontiac, MI  
 Carthage, MO  
 Saint Joseph, MO  
 Inverness, MS  
 Missoula, MT

White Sulphur Springs, MT  
 Spruce Pine, NC  
 Wolfeboro, NH  
 Ridgway, NY  
 Vinton, OH  
 Nashville, TN  
 Parrottsville, TN  
 Midland, TX  
 Eden, UT  
 Bethel, VT  
 Benwood, WV (2 thefts)

# Newsletter Distribution

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Company: \_\_\_\_\_

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City/State \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone No. *(optional)* \_\_\_\_\_ E-mail: *(optional)* \_\_\_\_\_

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