

EXPLOSIVES NEWSLETTER

Volume 1, 1990

"Federal Explosives Licensees/Permittees Information Service" provided by the
Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms
Washington, D.C.

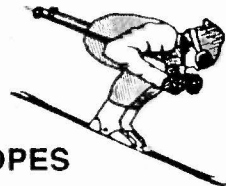
A LETTER OF THANKS

I would like to thank those explosives licensees/permittees for the cooperation and positive input received in response to our first "Explosives Newsletter," summer edition, 1989.

Your comments were most helpful in determining what type of information would be of interest and use to the explosives industry. As a result of your letters, a "question and answer" column ("**Letters to the Editor**") will become a permanent part of future issues of the newsletter. We encourage your continued participation by sending your questions and/or comments.

Through your efforts, this newsletter can become a valuable communications channel between industry and ATF.

THE EDITOR



FUN ON THE SLOPES

Winter is approaching and we all know what that means: ski resorts will be loaded with anxious families and other parties anticipating a safe holiday or just maybe a weekend outing with nothing to do but hit the slopes all day long.

Recent inspections by the Bureau of Alcohol, Tobacco and Firearms (ATF) of explosives storage facilities in ski areas have disclosed that some explosives storage facilities have been placed near ski lifts. We have studied the potential problem and have concluded that ski lifts and their affiliated operating buildings meet the definition of an inhabited building (refer to 27 CFR 55.218). The definition of an inhabited building includes any "...other structure where people are accustomed to assemble."

In most cases the storage magazines in ski areas are located beyond the minimum safe distances shown in the American Table of Distances for inhabited buildings (refer to 27 CFR 55.218). However, we advise each ski area operator who stores explosives to check the magazines for distances to the ski lifts and their affiliated operating buildings to ensure that they are in compliance with prescribed separation distance requirements.

In the interest of public safety, ATF has a program to inspect licensees, permittees, and nonpermittee ski areas who use explosives for avalanche control and other reasons. We wish to remind you that all persons storing explosive materials, even if they do not hold an ATF license or permit, are subject to the storage requirements as set forth in 27 CFR Subpart K. Please pass this fact along to your customers.

Should you need advice or assistance concerning this issue, consult your telephone directory for a listing of the ATF office in your area.

PROPOSED PLACARDS

As a result of the tragic deaths of six Kansas City firefighters in November 1988, ATF published a Notice of Proposed Rulemaking dated September 1, 1989, in the Federal Register concerning the displaying of warning placards on storage magazines. The proposed rule would amend 27 CFR Section 55.211 by adding a new paragraph (a)(5) to read as follows:

...."Placards. The placards required by Department of Transportation regulations at 49 CFR Part 172, Subpart F, for the transportation of blasting agents shall be displayed on all magazines."

We will advise when this change is effective.

A MATTER OF INTEREST

Members of the Institute Makers of Explosives (IME) met in Hilton Head, South Carolina, for their annual spring meeting. As a result of this meeting, the President of IME, Frederick Smith, Jr., has informed ATF that two recommendations concerning the Kansas City disaster were endorsed by IME members. The first recommendation was that the following warning sign be posted at all normal access routes to explosives manufacturing and storage areas:

DANGER
NEVER FIGHT EXPLOSIVES FIRES
EXPLOSIVES ARE STORED ON THIS SITE
CALL: _____

The sign should be weather-resistant with a reflective surface. IME is currently negotiating with two companies, Labelmaster, Chicago, Illinois, a major supplier of warning signs/placards for hazardous materials; and Blasters Tool and Supply Company, Frankfort, Kentucky. Questions concerning the availability and cost should be directed to IME at telephone number (202) 429-9280. The second recommendation was that whenever a new explosives storage or manufacturing location (including a temporary job site) is established, local authorities, i.e., law enforcement agencies, fire departments and the local emergency planning committees, be notified immediately of the type, quantity, and location of explosive materials at the site. This notification, of course, would be in addition to any action required by 27 CFR Part 55.

NOTICE OF PROPOSED RULEMAKING

Did you know that your comments may make a difference in the changing or adopting of a **regulation** on subject matters within ATF regulatory controls? As changes are required, we publish **Notices of Proposed Rulemaking** in the Federal Register. The purpose of these notices is to afford the industry concerned and the public the opportunity to review the basis for the proposed rule; to make recommendations concerning the amendment of regulations; and, finally, to solicit comments from all interested persons that may be relevant to the decision making process.

NOTICES

Other subject matter not requiring comments may be published in the Federal Register. These matters are published as **NOTICES**. An example would be the list of Explosive Materials which must be published at least annually pursuant to the provisions of 18 U.S.C. 27 CFR section 841(d) and 27 CFR 55.23. The next revision of the list of Explosive Materials **NOTICE** will be published in December 1989 and included in our next newsletter.

ATF DISTRIBUTION CENTER

Federal explosives licensees/permittees wishing to order forms and/or publications may do so, free of charge, from the ATF Distribution Center. All orders should be requested on the 11-86 or 12-88 revisions of ATF Form 1600.8, Requisition for Firearms/Explosives Forms (sample below). The current address of the Distribution Center is:

Bureau of Alcohol, Tobacco and Firearms
Distribution Center
7943 Angus Street
Springfield, VA 22153

Form Approved: OMB No. 1512-0001 106/31/90

DEPARTMENT OF THE TREASURY BUREAU OF ALCOHOL, TOBACCO AND FIREARMS REQUISITION FOR FIREARMS/EXPLOSIVES FORMS		1. DATE OF REQUEST	2. FIREARMS LICENSE NO. <i>(If applicable)</i>		
<p>NOTE: To expedite your next order, use this requisition form. Order a year's supply, if possible. Fold card on fold line, tape closed and add proper postage. Type name and address on label above and in Item 3 below.</p>					
3. NAME AND SHIPPING ADDRESS		4. TELEPHONE NUMBER Area Code _____ Number _____			
QTY.	ATF FORM NO.	TITLE	QTY.	ATF FORM NO.	TITLE
	2(5320.2)	NOTICE OF FIREARMS MFD. OR IMPORTED		4473 PT. I (5300.9)	FIREARMS TRANSACTION RECORD OVER-THE-COUNTER
	3(5320.3)	APPL. FOR TAX-EXEMPT TRANSFER OF FIREARM		4473 (SV) (5300.9)	FIREARMS TRANSACTION RECORD OVER THE COUNTER (SPANISH VERSION)
	4(5320.4)	APPL. FOR TRANSFER & REGISTRATION OF FIREARM		4473 PT. II (5300.9)	FIREARMS TRANSACTION RECORD NON-OVER-THE-COUNTER
	5(5320.5)	APPL. FOR TAX-EXEMPT TRANSFER & REG. OF FIREARM		4473 PT I (LV) (5300.24)	FIREARMS TRANSACTION RECORD PART I- LOW VOLUME - OVER-THE COUNTER
	6 PT. I (5330.3A)	APPL. & PERMIT FOR IMPORTATION OF FIREARMS AMMUNITION AND IMPLEMENTS OF WAR		4473 PT II (LV) (5300.24)	FIREARMS TRANSACTION RECORD PART II- LOW VOLUME - INTRA-STATE NON-OVER-THE-COUNTER
	6 PT. II (5330.3B)	APPL. & PERMIT FOR IMPORTATION OF FIREARMS (MILITARY)		4710 (5400.4)	EXPLOSIVES TRANSACTION RECORD
	6A (5330.3C)	RELEASE AND RECEIPT OF IMPORTED FIREARMS AMMUNITION AND IMPLEMENTS OF WAR		4712 (5400.5)	REPORT OF THEFT OR LOSS - EXPLOSIVE MATERIAL
	9(5320.9)	APPL. & PERMIT FOR EXPORTATION OF FIREARMS		4721 (5400.8)	EXPLOSIVES DELIVERY RECORD
	10(5320.10)	APPL. FOR REG. OF FIREARMS (GOV'T ENTITIES)		5320.20	APPL. TO TRANSP. INTERSTATE OR TO TEMP. EXPT. CERTAIN NFA FIREARMS
	3310.4	REPT. OF MULTIPLE SALE OR DISP. OF PISTOLS-REV.		FBI FD-258	APPLICANT FINGERPRINT CARD
	3310.6	REPORT OF THEFT OR LOSS OF FIREARMS			

Letters to the Editor

The following represents some questions that were addressed to the **Explosives Newsletter Editor**:

Q. I am a farmer who occasionally has a need to purchase explosives to remove stumps or to destroy beaver dams on my property. Since I have no storage facilities for high explosives, I have found that binary explosives are suitable for my needs. If I purchase and use this type of explosive occasionally, would I be required to be licensed as a manufacturer?

A. No. Individuals or companies who infrequently or occasionally use this type of explosive for their own use, are not required to obtain a manufacturers license.

Q. I work for a construction company who uses explosives as part of our daily operation. Because of the types of operations we perform, we have found binary explosives suitable for our purposes. We realize that binary explosives are not classified as an explosive until mixed; however, once mixed, the component becomes a high explosive. What would be our requirements in using this explosive?

A: If binary explosives (a two-component mixture consisting of a solid and a liquid) which are not classified as an explosive until mixed; are used on a continual or habitual basis in daily operations, such as in construction or public utility work, your company would be required to apply for a manufacturers license. Companies using binary explosives as you described are considered to be engaged in the business of manufacturing explosive materials and therefore must be appropriately licensed as required by 18 U.S.C. section 842.

If you would like to express an idea or get an answer to a question concerning any of the topics covered in the newsletter or would like to request a clarification on any explosive related matters, you may address your inquiries to the Bureau of ATF, Attn: Editor, Explosives Newsletter, P.O. Box 189, Washington, DC 20044-0189.

THE EDITOR

NEW LICENSING CENTER

ATF has established a centralized Firearms and Explosives Licensing Center in Atlanta, Georgia. This national operation was established to improve the process relating to the issuance of firearms and explosives licenses/permits. Completion of this centralization is scheduled for January/February 1990. Also, it is anticipated that toll free telephone lines will be available for respective applicants and/or industry members. Further information regarding the toll free number will be released as soon as it becomes available. The hours of operation for the licensing center are from 8 a.m. to 4:30 p.m. e.s.t. The current commercial number for the Center is (404) 986-6040.

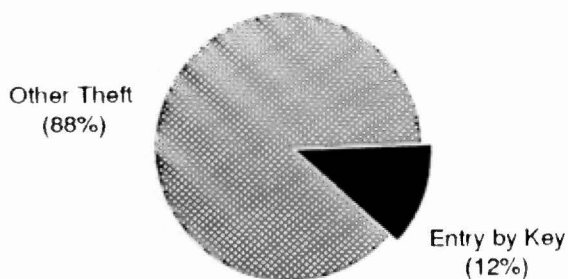


LOCK AND KEY CONTROL

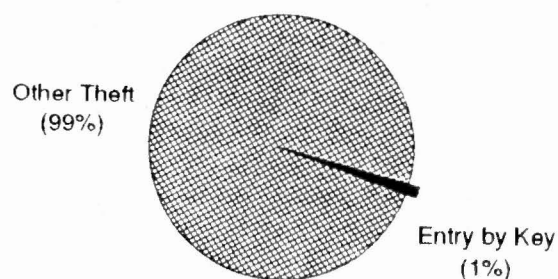
During the first 10 1/2 months of 1989, 92 thefts of explosives were reported to ATF. These incidents are reported in pounds for explosives classified as high, low, and blasting agents; each for electric and nonelectric detonators; and feet for safety fuse and detonating cord. Therefore, these 92 thefts involved: 11,137 pounds of high and low explosives and blasting agents; 11,837 each of detonators; and, 58,912 feet of safety fuse and/or detonating cord. For purposes of this newsletter, we will only address the percentages of explosive materials reported stolen from ATF approved storage facilities by means of a key.

The following graphs represent the percentages of reported stolen explosive materials for the first 10 1/2 months.

High, Low Blasting Agents



Electric/Non Electric Detonators



Although the percentages displayed may seem small when compared to the universe of stolen explosives by other methods of entry, we urge you to consider what other security measures could be taken to eliminate and discourage the theft of explosives by entry with a key.

One of ATF's responsibilities for enforcing the Federal explosives laws is to investigate all reported incidents involving stolen explosives. As a result of these investigations, we would like to share with you two types of incidents that involved problems pertaining to **key and lock control**.

Presently, ATF has a case pending against an alleged hit man. The subject, after being frustrated in attempts to break into a magazine, noticed the key code on the lock. This subject had a locksmith make a key from the code and then entered the magazine and stole the explosives.

A theft occurred at a storage facility (which houses six magazines) owned by a seismic company. Investigation revealed all six magazines' locks were removed. There were no signs of the locks having been cut with a torch or bolt cutters. It was learned through interviews that several employees of the company were familiar with the existence and the location of the keys and that the magazine locks were apparently interchanged with other portable magazines for the purpose of cutting costs on the purchase of new locks and/or keys.

These two incidents reflect what appears to be a growing problem in the industry. Although there are no regulations with regard to the control of the key or lock, a higher level of security in these two areas would more than likely reduce the amount of explosives stolen.

Key and lock control could be accomplished by issuing keys to a limited number of employees who would be responsible for the control and access to these magazines; removing the key codes from the locks to prevent copying; periodically changing all the locks thus requiring new keys; don't leave keys on clip boards in offices/trailers (securing the keys in locations where no one would have access except designated persons); and never leaving keys concealed on or near magazines (**this would be the first place a thief would look**).

CHANGE IN TELEPHONE NUMBERS

The Firearms & Explosives Operations Branch, Bureau Headquarters, recently received new telephone numbers. Should you have a need to contact employees of this Branch regarding any explosive matter, the new telephone number is (202) 789-3026. We are sorry if this has caused any inconvenience.

SPECIAL EXPLOSIVE DEVICES

Under 18 U.S.C. Chapter 40 and 27 CFR Part 55, the Director is given authority (see regulation section 55.32) to exempt certain explosive actuated devices, explosive actuated tools, or similar devices from the requirements of the Federal explosives laws. Upon submitting a written request to the Director, a person may obtain an exemption under this section for any special explosive device which, as designed, does not constitute a public safety or security hazard. Each request should contain: (a) a complete and accurate description of the device; (b) the name and address of the manufacturer or importer; (c) the purpose of and use for which it is intended; (d) any photographs, diagrams, or drawings; and, in some cases, (e) an inert sample may be required for examination. Submission of all of the above information will not only enable the Director to make a determination, it will also provide a quicker response time. Remember, this exemption applies only on a case-by-case basis.

SAFETY INFORMATION AVAILABLE

Through the efforts of ATF, IME, and Nobel Insurance Company, a video tape on "Safe Storage of Explosive Materials" is now available. This video may be ordered for \$39.95 through IME, 1120 19th Street, NW., Washington, DC 20036, or by calling (202) 429-9280. Also offered for sale within IME's library are copies of pamphlets covering storage, handling, and use of explosives.

EXPLOSIVE SEMINARS

For the past several years ATF has held seminars for persons involved in the explosives industry. These seminars review the Federal explosive laws and regulations relating to licensing, storage and transfer of explosives. If you are interested in having a seminar held in your locale, you should contact your local ATF office of the Regional Director (Compliance).



LAW ENFORCEMENT CORNER

NATIONAL EXPLOSIVES TRACING CENTER

We would like to introduce a new member of our staff, David S. Shatzer, who has been assigned to the Explosives Technology Branch. Although Dave's primary duties are that of an explosives enforcement officer, he has been designated as the Bureau's coordinator for the National Explosives Tracing Center (NETC).

Dave comes to ATF with 6 years' experience on an Army explosive ordnance disposal unit (EOD), 2 years' experience as an EOD team leader, and 4 1/2 years' experience in the Army's Special Improvised Explosive Devices (SIED) Unit. Dave is a member of the International Association of Bomb Technicians. During his tenure with the military, Dave taught classes in identification and conducted practical exercises relating to military explosives and ordnance to law enforcement agencies in central and south Florida. Dave is a graduate of Penn State University with a bachelor of science degree.

Dave is now the explosives manufacturing community's primary contact point for explosive traces. His presence should eliminate some of the redundant contact that has occurred in recent months between the manufacturers and various law enforcement agencies. To eliminate duplication of effort, any requests you receive for traces should be referred to ATF.

In a further attempt to streamline the tracing process, ATF has installed a facsimile machine. All non-urgent traces will be forwarded to the appropriate manufacturer via panafax. This should also help to ensure that you are only responding to legitimate trace requests.

Dave will be contacting each manufacturer to introduce himself and provide the appropriate telephone numbers. Should you have any inquiries regarding the NETC you may direct your calls to (202) 566-7087.

As always, ATF extends its gratitude to the explosives community for its continued support.

NIGHTMARE IN SALEM

On the morning of July 5, 1988, 13 homemade bombs containing more than 300 sticks of dynamite were discovered in this small southern Indiana town. Three of the bombs initiated and burned. The remaining ten were disarmed by bomb technicians of the military and Indiana State Police.

The bombs were placed near all the bridges and roads leading into the town of about 6,000, which is surrounded by the Blue River and Brock Creek, making it a "virtual island."

More than 200 officials from 11 States and local and Federal agencies were summoned to this small town to take part in the investigation and search of the town.

It was learned that 410 pounds of the dynamite used in these bombs had been reported stolen on June 13, 1988, from a quarry in English, Indiana. Additionally, explosives used in a similar device that was recovered after a July 1 explosion in a State park were also part of this explosives theft.

As a result of many months of intense investigation conducted by ATF and the Indiana State Police, two suspects were developed. In May of 1989, the two suspects were charged with and later convicted of conspiracy, possession of stolen dynamite, 14 counts of making bombs, and 13 counts of attempting to destroy bridges and buildings used in interstate commerce.

CRIME DOESN'T PAY

As a result of a burglary investigation by the North Myrtle Beach, South Carolina, Police Department, information was developed that revealed a possible conspiracy among an unknown number of people to rob a bank by using an explosive device. Once the robbery plan was uncovered and thwarted, ATF pursued the investigation. ATF special agents traced the bomb through four co-conspirators, from whom the device was subsequently purchased intact. Additional bomb components were later recovered from the manufacturer of the bomb. A Federal grand jury returned an 11-count indictment charging 10 co-conspirators with conspiring to rob a bank with a time delay bomb.

RIVALRY AMONG MOTORCYCLE CLUBS

After a 5-week jury trial, nine national officers and six local chapter officers of the Bandidos motorcycle club were found guilty of the possession of an unregistered destructive device. Of the nine national officers convicted, three were also found guilty of the possession of an unregistered firearm and aiding and abetting. The jury also found two club members not guilty of their charges and dismissed the charges against six others.

The indictment that prompted the arrests and convictions of the club members resulted from an investigation that began in 1983. That year, the Bandidos bombed a vehicle and a residence that belonged to a rival outlaw motorcycle club known as the Banshees. The bombings were in retaliation

for an altercation between members of the two clubs that left one Bandido member dead and several members of each club wounded. Over time, investigators from ATF, DEA, Customs, the U.S. Marshal's Service, the Corpus Christi Police Department, the Texas Department of Public Safety, and the Nueces County Sheriff's Department gathered information through the execution of search warrants and grand jury testimony. Their efforts uncovered a plot by the Bandidos to bomb and murder several members of the Banshees. Sentencing of these defendants is still pending.

CONTACTING THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

All technical questions concerning Federal explosives laws and regulations may be directed to your local ATF Compliance area office, as listed in your telephone directory, or the appropriate regional office listed below.

6 World Trade Center - 6th Floor
New York, New York 10048
(212) 264-2106

230 S. Dearborn Street - 15th Floor
Chicago, Illinois 60604
(312) 353-3883

841 Chestnut Bldg. - 3rd Floor
Philadelphia, Pennsylvania 19107
(215) 597-4107

1114 Commerce Street - 7th Floor
Dallas, Texas 75242
(214) 767-2281

3835 Presidential Parkway
Atlanta, Georgia 30340
(404) 986-6030

525 Market Street - 34th Floor
San Francisco, California 94105
(415) 974-9623

Federal Office Building - Rm. 6519
550 Main Street
Cincinnati, Ohio 45202
(513) 684-3334

All calls of suspected criminal activity involving explosives should be directed to your local ATF Law Enforcement office. You may also call ATF Headquarters toll free, 24 hours a day, at 1-800-424-9555.