

Variations

General Requests for Variance



U.S. Department of Justice

Bureau of Alcohol, Tobacco, Firearms and Explosives

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Variance

- A variance may be requested to use alternate means to the regulations that you must follow, such as magazine construction, locks, and barricades. A variance cannot be contrary to the Law.

Basic Variance Requirements – 555.22

- Good cause
- Within the purpose of the regulation
- Consistent with the effect intended by regulation
- Substantially equivalent to the prescribed regulation
- Cannot be contrary to any provision of law
- will not result in an increase in cost to the Government or hinder the effective administration

Variations

- Requests for variations generally should be submitted to the Director of Industry Operations (DIO) for the ATF Field Division where your business premises is located.
- Requests may be sent directly to the Explosives Industry Programs Branch (EIPB), which will coordinate with the local field office.
- Provide the name and telephone number of the individual(s) who may be reached to answer any questions concerning the request.
- Requests should be made by a Responsible Person (RP) for the license/permit or a Point of Contact that an RP has designated and provided to ATF.

Variations

- Variations from the regulations may not be employed by the requestor until the licensee or permittee has received a formal, written approval of the variance request.
- ATF can only issue variations to a licensee or permittee.
- Authorization of any alternate method or procedure may be withdrawn whenever the effective administration of Federal explosives law and regulations is hindered by the continuation of the authorization.

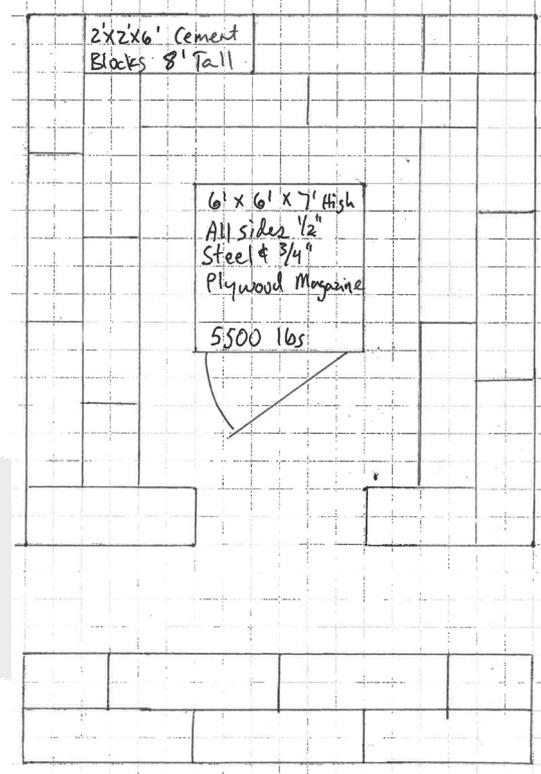
Variance - Documentation

- Licensee or permittee name
- License or permit number
- Point of contact (for follow-up questions)
- Address of storage location or affected location
- Detailed description of proposed variance request
- Explanation of why the current regulatory requirements are unable to be met
- Photographs, drawings or diagrams for illustration purposes
- Type of explosives material affected by the proposed request
- Justification for the variance (i.e. good cause)
- Additional policies/practices that are in place that exceed regulatory requirements, and helps reduce risk at the storage site (i.e. Any security measures - security guards, cameras, security system)

Examples of Variance Requests



Sargent & Greenleaf
951C Padlock

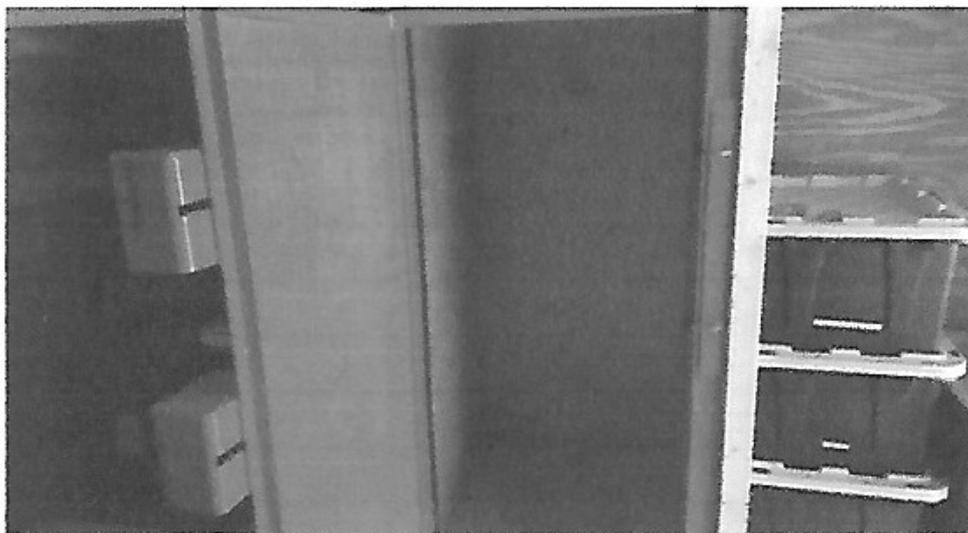


Drawing of
Artificial Barricade



Actual Picture of
Artificial Barricade

Examples of Variance Requests



Magazine stored inside a mobile trailer

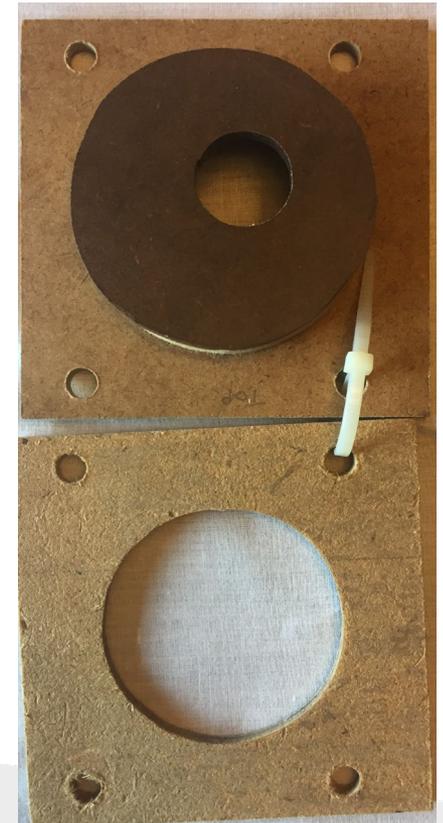
- immobilization of the trailer;
- locks on each trailer access door; and
- whether the magazine is securely attached to the trailer



Examples of Variance Requests



Scanned by CamScanner



Examples of Variance Requests



Secure File Cabinet Safe

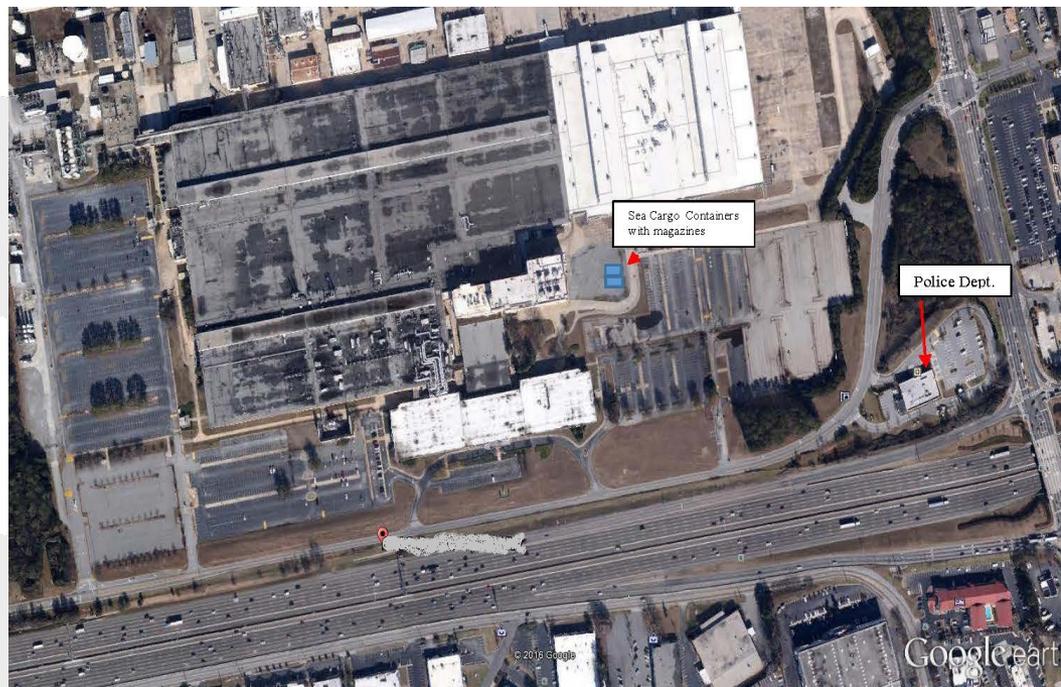


Type 2 outdoor in container under 555.218

Examples of Variance Requests



Type 2 indoor in sea container
on movie set



Other things to consider:

- Bullet Resistant?
- Security?
- Location?
- Access?

Examples of Variance Requests



Indoor type 2 using Sakrete cement/sand mix

Variance Letters

March 8, 2018

Bureau of Alcohol, Tobacco, Firearms and Explosives
Explosives Industry Programs Branch
99 New York Avenue, NE, Mailstop 6N672
Washington, DC 20226 USA

Re: Amendment to Request for Barricade Construction Variance - [REDACTED] – Alternate Construct

Dear Sir/Madam:

[REDACTED], holder of the referenced License respectfully requests a variance for construction of a barricade variance submitted in a letter dated February 26, 2018 that is identified in §555.218 Table of distances for storage of explosive materials, found on Page 55 “American Table of Distances for Storage of Explosives (December 1910), as Revised and Approved by the Institute of Makers of Explosives - July, 1991” in the 2012 edition of the ATF regulations.

According to the 2012 edition the definition of an artificial barricade in this table is described on page 14 as “An artificial mound or revetted wall of earth of a minimum thickness of three feet, or any other approved barricade that offers equivalent protection”.

[REDACTED] would like to re-submit to the EIPB that construction of an “artificial barricade” utilizing interlocking concrete blocks as an inner wall described in the Appendix offers equivalent, even superior, protection in these terms due to their material construction, steel reinforcement and interlocking features. To meet the requirement of a minimum of three feet in thickness, our modified design also incorporates an outer wall made of mortared and reinforced cinder blocks to contain the resulting sand-filled void for a total barrier of at least three feet thickness. The sand-filled void will be covered to keep the sand dry.

If you have any questions or concerns for the particulars of our request, please feel free to contact me by phone or email at the information in this closure. We eagerly await your response.

Sincerely,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

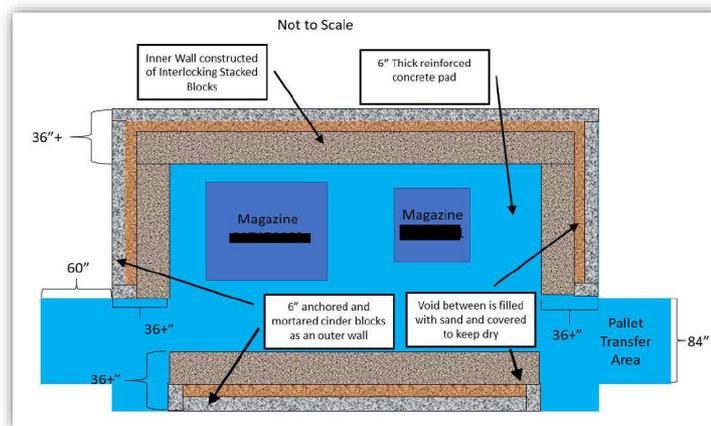
[REDACTED] [REDACTED] [REDACTED] [REDACTED]

Appendix



The basic building block consists of cast concrete with interlocking “tongue and groove” fittings that have an embedded “lifting eye” to allow the mason to position each block. Each block is 24”x24”x 72” for our proposed construct. The “tongue and groove” prevents both lateral and vertical shifting and the block weight of approximately 700 lbs. each gives substantial bulk and rigidity to the design, more than a block of dirt or sand described in a 36”x36”x72” volume as an “artificial barricade” of 36” wide as described on page 14 to begin with. With this outer wall as a vertical foundation of support we will add the second line of barricade materials to this first line.

As indicated in our modified design below, utilizing these inner blocks with an outer, mortared cinder-blocked wall that is sand-filled to a three (3) foot (minimum thickness). This wall will be set upon a 6” thick steel-reinforced concrete pad to place our two Type II Outdoor magazines that have already been inspected by the ATF and surround these magazines. The openings at either end facilitate pallet loading of the material for safe handling. This gives us stability and a great level foundation to place these blocks to a minimum height of eight (8) feet which covers the height of the Magazines).



EIPB Resources

EIPB e-mail address: EIPB@atf.gov

EIPB phone number: (202) 648-7120

- Branch Chief, Mike O'Lena
- Industry Liaison, Bill O'Brien
- Explosives Program Managers:
 - William Boyle III
 - Rinell Lawrence
 - George Semonick
 - Crystal Clardy
- Program Analyst, Anita Scheddel