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Bureau of Alcohol, Tobacco, Firearms and Explosives

ATF EXPLOSIVES Industry Newsletter

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New Publication

ATF has issued a new pamphlet for firework manufacturers and persons otherwise involved in display fireworks. ATF P 5400.24, *Fireworks Reminders*, includes information on recordkeeping, tables of distances, marking, transfer and distribution, as well as recent rulings affecting fireworks storage. The new publication may be found at http://www.atf.gov/publications/explosives-arson.html. This publication is intended as an aid for compliance with statutory and regulatory requirements—not as a replacement. The Federal explosives law at Title 18, United States Code, Chapter 40, provides statutory requirements and implementing regulations at 27 CFR, Part 555, provide specific regulatory requirements for explosive materials.

Exploding Ammunition Requirements

ATF was recently asked if .50 caliber or smaller exploding rifle ammunition is exempt as "small arms ammunition" under the Federal explosives laws and regulations.

In general, firearms ammunition is an "explosive" because it typically contains smokeless powder and other explosive materials. However, 18 U.S.C. § 845 generally exempts small arms ammunition and components thereof from the provisions of 18 U.S.C., Chapter 40. ATF has long held that the term "small arms ammunition" pertains to .50 caliber or smaller rifle or handgun ammunition, as well as certain shotgun ammunition. Further, under 27 CFR 555.11, ATF has defined "ammunition" in part, as "small arms ammunition or cartridge cases, primers, bullets, or smokeless propellants designed for use in small arms…" Accordingly, .50 caliber or smaller rifle ammunition containing only smokeless powder, primers, and other items specifically listed as components of small arms ammunition, is exempt from the Federal explosives laws and regulations. In contrast, bullets containing other pyrotechnic mixtures or high explosives (e.g., exploding

ammunition, tracer ammunition, and "spotter" ammunition), do not meet the definition of "ammunition" under 27 CFR 555.11, and therefore are not exempt as small arms ammunition.

Persons engaged in the business of manufacturing .50 caliber or smaller ammunition containing explosive materials other than smokeless propellants or other listed components designed for use in small arms must have a license to manufacture explosive materials and abide by all other requirements imposed on licensed explosives manufacturers, unless subject to a separate exemption identified under 18 U.S.C. § 845 (e.g., manufacture by the U.S. military). Likewise, persons acquiring such ammunition must have a license or permit unless otherwise exempt (e.g., a government entity). Further, such ammunition would be considered "ammunition" under the Federal firearms laws, 18 U.S.C. 921(a)(17)(A), and any such projectiles with more than ¼ oz. of explosive or incendiary charge would be subject to the National Firearms Act as "missiles," 26 U.S.C. 5845(f)(1)(D).

Smoke Producing Devices

ATF has recently been asked if smoke producing devices are regulated under 18 U.S.C. Chapter 40 and 27 CFR, Part 555. Smoke producing devices can be divided into two categories: smoke bombs and smoke grenades (canisters). These devices consist of a fuse/fuze and a smoke composition.

Smoke bombs generally come in two forms, a smoke ball or a smoke candle. A smoke ball is a hollow, cherry-sized sphere of brightly colored clay or cardboard filled with a smoke-generating composition that produces a forceful jet of colored smoke for several seconds. A smoke candle (also called a smoke generator or smoke canister) is a cylindrical cardboard tube, usually 1.5" in diameter and several inches long and resembling a large firecracker, with a fuse. Such a device creates a thick cloud of smoke for up to several minutes. Uses include providing smoke for sewer inflow leak detection, fire-fighter training, special effects, HVAC testing, truck and trailer leak detection, smoke-screens for paintball games, and a variety of other air flow visualization and leak detection applications. Smoke bombs are typically initiated with an external fuse. Generally speaking, smoke bombs do not meet the exemption under 27 CFR 555.141(a)(7) because they do not meet the appropriate U.S. Department of Transportation UN classification, or because of their intended use. A determination would be required to establish if a specific smoke producing device meets the exemption.

Smoke grenades (canisters) are devices that release smoke when a pin is pulled. They are used by military personnel for signaling or as a screening device for troop movements as well as for law enforcement operations. Smoke grenades generally emit a far larger amount of smoke than smoke bombs. Also, smoke grenades typically contain a fuze, which is not to be confused with the fuse used in smoke bombs.

Both fuses and fuzes contain a low explosive, such as black powder, smokeless powder, or pyrotechnic composition. When installed, fuses are generally visible from the exterior of the device, while fuzes are contained within the device and often cannot be seen. Fuses are initiated by the direct application of flame or electricity, while fuzes are initiated through an external action or stimulus, such as direct impact, friction, or complex mechanical (and sometimes electronic) processes. Fuses are often used within the fireworks industry, while fuzes are used in devices such as large explosive ammunition or grenades.

Additionally, a smoke composition is designed primarily to generate smoke. The composition is often based on an oxidizer (e.g. potassium chlorate, potassium nitrate, or potassium perchlorate), a fuel (e.g. lactose or sugar), an optional coolant (e.g. sodium bicarbonate), and one or more dyes. Some smoke compositions are considered pyrotechnic compositions. Requests for classification determinations should be directed to the Explosives Industry Programs Branch.

Please be aware that any smoke producing device that contains explosive materials is a regulated item subject to the laws at 18 U.S.C. Chapter 40 and regulations at 27 CFR, Part 555. Certain explosive devices, such as devices for signaling in emergency or distress situations, may be exempted per 27 CFR 555.32 as Special Explosive Devices. Requests to exempt a specific product or

device from the Federal explosives regulations contained at 27 CFR, Part 555, should be accompanied by a full description of the product or device and its intended use. Information should include the types and amounts (net explosive weights) of explosives contained in the completed device; photographs, diagrams and/or schematics of the completed device; material safety data sheets, and the Department of Transportation classification.

Reagents

ATF has received questions from the scientific community asking whether the manufacture, acquisition, or distribution of certain laboratory standard solutions, and the explosive materials used in those solutions, are subject to the Federal explosives laws and regulations.

Laboratory standard solutions known as "reagents" are used to calibrate laboratory equipment or analyze and evaluate chemical samples. Some reagents contain a trace amount—typically no more than 1%—of an explosive material dissolved in acetonitrile, methanol, ethanol, isopropanol, or ethyl acetate (either individually or in combination). Once the explosive material is dissolved, it is difficult to extract the explosive material, or for the explosive material to precipitate from the solution. Reagents are commonly used in small amounts (one or two drops at a time), and have a shelf life of approximately 6 months.

It is not the primary or common purpose of these laboratory standard solutions to function by explosion. As reagents, these solutions are exempt from the Federal explosives law and regulations if they have been packaged and shipped in accordance with DOT regulations which do not require explosives hazard warning labels.

However, explosive materials manufactured, imported, or received for the purpose of producing laboratory standard solutions are subject to the Federal explosives laws and regulations. The regulatory exemption for reagents under 27 CFR 555.141(a)(9) does not apply to explosive materials in their pure form, even if they are imported, manufactured, received, or possessed for use as a component in a reagent. The exemption applies only after the explosive materials have been dissolved in the reagent solution. Further, the production of laboratory standard solutions containing explosive materials for use as reagents requires a Federal explosives manufacturing license.

Canadian Type 4 Magazines vs. U.S. Type 2 Magazines

ATF has seen a marked interest in utilizing magazines classified under Canadian regulations as "type 4" magazines for the storage of high explosives in the U.S. This article discusses some of the differences between the construction requirements in the *Storage Standards for Industrial Explosives*, May 2001, published by the Explosives Regulatory Division, Department of Natural Resources, Canada (Section 4-Type 4 Magazine) and 27 CFR 555.208(a) Construction of type 2 magazines. Pertinent ATF Rulings are also addressed here.

There are multiple aspects of Canadian type 4 magazines that do not comply with the bullet–resistance standards as stated in Federal explosives regulations. The regulation at 27 CFR 555.208(a) states, in part, that "Outdoor magazines are to be bullet–resistant, fire-resistant, weather–resistant, theft–resistant and ventilated… The exterior and doors are to be constructed of not less than ¼″ steel and lined with at least two inches of hardwood."

Doors

The construction requirements for doors on Canadian type 4 magazines require the laminated door to be fabricated from two metal steel plates separated by a fire-resistant material, e.g., "backer board" made of bonded refined cement mixed with wood or fiberglass. Further, the inner surface of the door must be lined with exterior fir plywood firmly fixed in place with the "good side" exposed to the inside of the magazine.

Measurements of the steel plates or wood lining are not given in the Canadian Storage Standards and can only be acquired on a need to know basis. Under ATF requirements at 27 CFR 555.208(a) the door must be constructed of ¼″ steel and lined with at least two inches of hardwood. Alternately, the door construction may also conform to the bullet–resistant standards set forth in ATF Ruling 76–18.

Locks

The Canadian type 4 door lock design consists of a sliding lock bolt train that secures the door at three points along the door jamb coupled with rim or mortise mounted cylinders and deadbolt–type locks. The locking devices have at least six pins and will include anti–drill, pick–resistant and bypass–resistant design features. This locking mechanism is considered a three point lock under 27 CFR 555.208(a).

Walls

According to the Canadian *Storage Standards for Industrial Explosives*, the exterior walls are to be fabricated with continuously welded seams from 6mm or more metal plate, the inner walls fully sheathed with 20mm (0.75") plywood, and the walls are filled with bullet-resistant material. The bullet-resistant material used between the exterior and interior wall is either 7.6 cm of washed hard crushed stone or washed coarse gravel or 15 cm of sand as a substitute bullet-resistant material.

ATF Ruling 76–18 addresses alternate construction standards for storage facilities. Item (q) permits an exterior constructed of "any type of fire–resistant material which is structurally sound, lined with an intermediate six inch space filled with well-tamped dry sand or well-tamped sand/cement mixture." According to the Canadian standards, 3″ of washed hard crushed gravel or 6″ of sand provide protection against bullet penetration. Depending on the wall construction of the specific magazine, a variance may be required in order to use the magazine in the U.S.

Roof

The Canadian type 4 roof is fabricated from 4.7mm [3⁄16″] or heavier metal plate. The 3⁄16″ metal plate roof does not provide equivalent bullet-resistance to a roof constructed of ¼″ steel lined with two inches of hardwood as required for type 2 magazines under 27 CFR 555.208. Therefore, Canadian magazine roof construction is generally not adequate for a type 2 magazine per 27 CFR 555.208(a).

However, the regulation at 27 CFR 555.207 requires that the roof for a type 1 magazine (also for the storage of high explosives) be bullet–resistant only when it is possible for a bullet to be fired directly through the roof and into the explosives within. Otherwise, the roof may be constructed of fabricated metal or 26 gauge iron or aluminum, fastened to at least ⅞″ sheathing. The roof standard for Canadian type 4 magazines is equivalent to the fabricated metal and iron/aluminum roof construction requirements for type 1 magazines. Therefore, the roof on such a Canadian magazine may be used if placed in an area where an individual could not fire a bullet through the magazine roof and into the explosives within. However, a variance is still required to use the Canadian standard roof because this provision is not specified in the regulations for type 2 magazines.

Conclusion

While there may be some areas of overlap between the Canadian Storage Standards and ATF's regulations, in order to use a Canadian type 4 magazine as a U.S. type 2 magazine several variances may be required. Anyone who wants to use a Canadian type 4 magazine as a U.S. type 2 magazine should send their requests to ATF's Explosives Industry Programs Branch (EIPB) at eipb@atf.gov or via mail to 99 New York Avenue, Mailstop 6N–672, Washington, D.C. 20226. In order for EIPB to process your request, you should submit the following information with your request: company information (e.g. name, address, Federal explosives license/permit number, storage magazine information (e.g. type, construction of magazine, magazine location), contact information (e.g. email address, phone number, and name and title of requester). Keep in mind that a responsible person on the Federal explosives license or permit must submit the variance request.

Hardwood or Softwood?

ATF has received several inquiries regarding the requirements for hardwood and softwood in the explosives magazine construction regulations in 27 CFR 555, Subpart K.

The regulation at 27 CFR 555.11 defines "Hardwood" as oak, maple, ash, hickory, or other hard wood, free from loose knots, spaces, or similar defects. Hardwoods have a more complex internal structure and are generally denser than softwoods. However, plywood made from hardwood is not considered to be hardwood for ATF magazine construction purposes. Softwoods come from seed producing trees such as conifers and are defined under 27 CFR 555.11, as "fir, pine, or other soft wood, free from loose knots, spaces, or similar defects".

Because of the numerous variations in actual wood hardness, Federal explosives licensees or permittees with questions concerning the classification of a wood not listed in 27 CFR 555.11 are encouraged to submit determination requests via email to eipb@atf.gov.

Interior Walls for Type 1 Magazines

ATF has recently received several requests from licensees and permittees for variances from the explosives regulations at 27 CFR, Part 555, Subpart K—Storage, to store explosives in type 1 magazines with interior walls not lined with a non-sparking material. In most cases, the requests have been related to igloo style magazines built to Department of Defense (DOD) specifications in the 1940s.

The magazines' interiors are typically constructed of concrete floors and walls.

The regulation at 27 CFR 555.207(a)(1) states, in part, that "Interior walls are to be constructed of, or covered with, a non-sparking material." This requirement prevents stray sparks and static from igniting explosive materials stored in magazines and starting fires from combustible materials.

ATF has held in ATF Ruling 75-21 that smooth finished concrete floors in magazines constructed for DOD are "in compliance with the requirements for nonsparking floors" for the storage of fully packaged explosives, pyrotechnics and propellants—with the exception of black powder–and therefore do not need to be covered with a non-sparking material. However, the ruling does not address the magazines' concrete walls. While appearing similar, the finishing process of concrete walls typically does not produce the same smooth finish that can be achieved on magazine floors, thereby creating a surface that is more likely to produce sparks.

However, ATF understands that many licensees and permittees using these type 1 magazines are restricted by DOD from covering the walls with a non-sparking material. In these situations, ATF has approved variance requests when industry members can put measures in place that prevent equipment and explosives contact with the concrete walls, and, as a result, prevent the sparking hazards. For example, industry members have proposed to only store palletized fiberboard-cased explosive materials in these magazines and to place the pallets a minimum of 24" from the base of the magazines' walls. The alternate methods proposed in a variance request must be substantially equivalent to the methods prescribed by the regulations.

Industry members using similar type 1 magazines can meet the requirement of 27 CFR 207(a)(1) by lining the walls with a non-sparking material or can submit a variance request to ATF's Explosives Industry Programs Branch (EIPB) describing the circumstance(s) that prevents you from meeting the non-sparking requirement and the proposed alternate methods that should provide equivalent protection from sparks. In order for EIPB to process your request, please also submit the following information: company information (e.g. name, address, Federal explosives license/permit number), storage magazine information (e.g. type, construction of magazine(s), photos, number of magazines and unique identifiers, if applicable), intended measures to satisfy the non-sparking requirement, and contact information (e.g. email address, phone number, and name and title of requester).

Gun Loading Facilities

ATF has recently received several requests to use a Gun Loading Facility (GLF)—also known as the Supermag—for the loading and storage of perforating guns. Perforating guns are typically long steel pipes into which shape charges are inserted for use in oil and gas well operations. These assembled guns are often unwieldy, and are therefore not suitable for storage in a typical type 1 or type 2 explosives magazine. In addition, the question has been raised, is the GLF a magazine or a building?

The GLF is generally divided into four primary sections: a loading/processing area for perforating guns; a storage/unloading area; an integrated type 2 magazine for shape charges; and an integrated type 2 magazine for detonating cord. In addition, there may be a small type 2 magazine for detonators placed in the storage/unloading area. The design of the GLF enables workers to load guns with minimal movement of the energetic materials. The guns are easily and safely transferred from storage to transport. The rear pipe handling doors allow loaded guns to be moved directly out of the GLF from the loading tables.

The GLF exterior is constructed of steel plate coated with sprayed foam insulation that is lined with plywood and filled with Cyro Rock (¼″ pebbles) between the exterior and interior walls. The floors, constructed of steel lined with plywood, are mounted on a frame that consists of steel beams and pipes. The roof, constructed of steel lined with plywood, is vented with translucent frangible panes with no mechanical parts and a steel grill mounted from the inside to capture any shrapnel that could be projected if an explosion were to occur within the building.

The 60′ by 16′ self–contained multi–functional building is constructed with a double door entranceway. The outer doors are constructed of steel, sandwiched around plywood, sprayed foam, more plywood, and then secured by a 3–point lock. The inner door is constructed of aluminum, sandwiched around sprayed foam and plywood.

The GLF is equipped with electric lighting, security systems, and other optional features such as air conditioning, which may or may not meet the standards prescribed by the National Electric Code (27 CFR 555.217). The GLF is also equipped with chains and pulleys or pneumatic cranes and may contain tools needed for the processing of the guns. These metal tools may not be stored inside a magazine (27 CFR 555.214(d)). Further, the vents in the roof of the GLF

are not bullet–resistant (27 CFR 555.208). Because of these factors, the GLF building does not qualify as a magazine under 27 CFR, Part 555.

Under the terms of ATF Ruling 2010–7 licensees or permittees may store perforating guns outside of magazines and inside GLFs. However, the explosives stored in indoor magazines and in the assembled guns in the GLF combined may not exceed 50 pounds net explosive weight without a separate variance. Variance requests should be sent to ATF's Explosives Industry Programs Branch.

Horizontally-Mounted Hoods

In September, 2006, ATF published an Explosives Industry Newsletter article addressing "pipe-style" hoods. In that article, we stated that certain hoods made of large diameter pipe are not adequate because they offer easy access to the locks, and do not meet the regulatory standard of preventing prying or lever action on the locks. We further suggested that proprietors using this style of hood may have to make alterations to ensure that the hoods meet these requirements.

We would like to emphasize that the September, 2006 article did not address all horizontally–mounted "pipe-style" hoods. Rather, it was aimed at those that, as a result of particularly large diameter or shallow depth, do not prevent prying or lever action on the locks.

Horizontally-mounted hoods that limit access to the lock, hasp and staple, and therefore prevent prying or lever action on the lock mechanism, meet the regulatory standard, provided that they are ¼″ steel and properly mounted to the magazine.

Shallow depth pipes do not prevent prying or lever action on locks.

Indoor Storage Reminders

Bullet Resistance for Indoor Type 2 Magazines

The regulation at 27 CFR 555.208 prescribes requirements for the storage of high explosives within indoor type 2 explosives storage magazines. This regulation specifies the following exterior construction options: (1) wood magazines having sides, bottoms, and doors constructed of at least two inches of hardwood, well braced corners, covered with at least 26 gauge sheet metal; or (2) metal magazines having sides, bottoms, and doors constructed of not less than 12 gauge metal and lined with a non–sparking material. These options do not afford bullet-resistance by themselves.

The type 2 regulations also require indoor magazines to be bullet-resistant if the buildings in which they are housed do not provide protection from bullet penetration. ATF Ruling 76–18 specifies alternate bullet–resistant construction standards for type 1 and type 2 explosives magazines. Therefore, licensees or permittees storing explosives within indoor type 2 magazines can: (1) use indoor magazines—built to the aforementioned exterior indoor type 2 construction standards—provided they are housed inside buildings that meet ATF's bullet–resistant standards; (2) use indoor magazines that are built to ATF's bullet–resistant standards; or (3) use indoor magazines inside buildings meeting ATF's bullet–resistant standards through a combination of the magazines' and buildings' construction.

Locking Options for Indoor Magazines

The storage regulations in 27 CFR 555, Subpart K—Storage require the doors on each indoor magazine (types 2, 4, 5) to be secured with: (1) two mortise locks; (2) two padlocks fastened in separate hasps and staples; (3) a combination of a mortise lock and a padlock; (4) a mortise lock that requires two keys to open; or (5) a three–point lock. Padlocks must have at least five tumblers and a casehardened or boron alloy shackle of at least ⅜″ diameter (boron alloy is acceptable under ATF Ruling 2011–3). Padlocks must also be protected with not less than ¼″ thick steel hoods constructed so as to prevent sawing or lever action on the locks, hasps, and staples.

However, the regulations also allow licensees and permittees to secure doors on their indoor magazines with one unhooded steel padlock having at least five tumblers and a casehardened or boron alloy shackle of at least ⅜″ diameter if the magazine is located in a secure room. The regulations require licensees and permittees to lock "secure rooms" in accordance with

one of the aforementioned five locking options for magazines. Only then can licensees or permittees lock their indoor magazines with one unhooded padlock.

Recordkeeping Reminders

Commercial Records

The regulation at 27 CFR 555.121(a)(1), states "Licensees and permittees shall keep records pertaining to explosive materials in permanent form (i.e., commercial invoices, record books) and in the manner required in this subpart." ATF has determined the recordkeeping regulations permit all explosives licensees and permittees the use of record books or commercial invoices to record their explosives acquisitions and dispositions. However, records must contain the required information set forth for each type of license or permit (e.g. manufacturers, importers, etc). Explosives licensees or permittees using invoices or other commercial records—containing the required information—to fulfill their explosives acquisition and disposition requirements are not required to submit a request for alternate method or procedure.

Location of Explosives Records

The regulation at 27 CFR 555.121(a)(2), states, in part "Licensees and permittees shall keep records required by this part on the business premises for five years from the date a transaction occurs…" ATF's definition of "business premises" includes locations where licensees and permittees maintain records if the location is different than the premises where explosives materials are manufactured, imported, stored, distributed, or received.

While many licensees and permittees maintain their explosives records where their business operations occur, the explosives records—prescribed in 27 CFR Part 555, Subpart G—are not required to be stored on the licensed premises listed on the original or renewal explosives applications. However, locations where licensees and permittees maintain explosives records are part of the business premises and subject to inspections by ATF officers as designated in 27 CFR 555.24. Keep in mind that the regulation at 27 CFR 555.41(b)(2)(i) does not require licensees to obtain a separate license for locations solely used for maintaining explosives records.

Accessibility to Explosives Records

ATF Ruling 2007–1 allows licensees and permittees to create and maintain the required explosives records on computers provided, in part, they enter the information into a database. The ruling does not require licensees or permittees to maintain physical copies of the explosives records but rather they must have a daily memory backup capability to protect the data.

ATF has recently encountered situations during inspections where licensees or permittees could not produce the required explosives records in a reasonable time. Many of these delays were the result of licensees and permittees maintaining computerized explosives records that could not be accessed directly by employees assisting ATF with the explosives inspections.

The required explosives records are vital to ATF's ability to timely trace explosive materials. Delays in obtaining the information contained within these records could impede ATF's investigative abilities if a trace of the explosive materials is necessary. Delays in providing the required records to ATF officers during inspections often impede the inspection process and increase the time ATF must spend at the business premises.

If licensees or permittees maintain their explosives records at remote locations (away from the licensed premises) or on computer databases, those licensees or permittees should implement procedures to assure these records can be made available to ATF officers upon request and within a reasonable time. Licensees and permittees should ensure these procedures include training employees on what records are required, where these records are located, and how to produce them for inspection by ATF.

Permittee Disposal of Surplus Stock

Explosives permittees are not authorized to engage in the business of sale or distribution of explosive materials. However, the regulation at 27 CFR 555.102
(b)(2) authorizes explosives permittees to dispose of surplus stocks of explosive materials to other licensees or permittees.

Prior to transferring surplus stocks of explosive materials, permittees must: (1) Obtain a certified copy of the distributee's license or permit; (2) Obtain a current list of individuals authorized to accept delivery of explosive materials on behalf of the distributee; and (3) Obtain a current, certified statement of the intended use of the explosive materials from the distributee. Explosives permittees are also authorized to transfer surplus stocks of explosives materials to holders of limited permits (limited permittees) provided the limited permittee

maintains residence in the same State where the distributing permittee maintains their premises. Permittees returning surplus stocks of explosive materials to the licensed manufacturer need not obtain a certified copy of the manufacturer's license.

The regulations authorize limited permittees to transfer surplus stocks of explosive materials to licensees or permittees provided the disposition occurs in the limited permittee's State of residence. Limited permittees may also transfer surplus stocks of explosive materials to other limited permittees provided both limited permittees maintain premises in the same State.

These requirements are vital to ensuring explosives are transferred only to individuals and companies authorized to acquire and possess explosives. We encourage you to contact your local ATF office or ATF's Explosives Industry Programs Branch if you have questions regarding explosives transfers.

Questions and Answers

Question: If a fireworks company picks up a load of display fireworks in their vehicle, takes it to the shoot site, unloads the fireworks and sets up the show, do they need a Daily Summary of Magazine Transactions (DSMT)?

Answer: Under 27 CFR§ 555.205, all explosive materials must be kept in locked magazines unless they are in the process of manufacture; being physically handled in the operating process of a licensee or user; being used; or being transported to a place of storage or use by a licensee or permittee or by a person who has lawfully acquired the explosive materials. If the display fireworks are being unloaded directly after transporting to the shot site, i.e., being handled in the operating process, then no DSMT would be required. However, if the fireworks are stored on the truck overnight, then a DSMT would be required.

Question: We want to connect igniters to the quick match leaders (equipped with an igniter connector), also known as "squibbing", on display shells at our fireworks plant prior to transporting the product to the display site. Is this area where squibbing is done subject to table of distances requirements?

Answer: Yes, attaching igniters to fireworks is considered a process subject to the distance requirements in 27 CFR §§ 555.222 and 555.223. If you are conducting this process inside a building, then, that building is considered a Fireworks Process Building subject to the weight/distance requirements. However, if you conduct this process at an outdoor location, then, you are not subject to the weight/distance requirements.

Question: How should I calculate the net explosives weight of display fireworks, such as display shells, cakes, and roman candles that are stored in the same magazine?

Answer: If there are no net weights listed on the product by the manufacturer, ATF generally uses 50% of the net weight (per case) for display shells and 25% of the net weight (per case) for display cakes and candles. We also use ½ lb. (low explosives) per 2,000 igniters.

Question: Are buildings used to mix binary pyrotechnics/explosives and to assemble small special effects considered fireworks mixing building or are they fireworks process buildings?

Answer: The mixing of the binary explosives would typically require the use of a Fireworks Mixing Building or a Fireworks Process Building when manufacturing at a plant. However, you could also mix the binaries at an outdoor location on the plant property. But, regardless of whether it's done in the buildings or outside, the mixing of the pyrotechnic compositions would be subject to 27 CFR §§ 555.222 and 555.223. Please note that DOT may not allow for the transport of mixed flash powder. ATF recommends that you consult DOT prior to transporting flash powder.

Question: I store fireworks in a shipping container that I use as a type 4 portable magazine. Am I required to secure each magazine door with two padlocks if one door cannot be opened until I open the other door?

Answer: If one door is secured by locking and closing the other door (typically found on shipping containers), then only the "securing" door needs to be secured with the locks/hoods as specified in 27 CFR 555.211.

Question: Do the Federal explosives regulations allow a type 4 indoor magazine to have a completely removable lid? Or are hinges required?

Answer: The regulations for a type 4 magazine do not require that a magazine door or lid have hinges. However, if the magazine has hinges, they must be attached by welding, riveting, or bolting so that the hinges cannot be removed when the doors are closed and locked.

Question: I have been keeping computer records under the terms of ATF Ruling 2007-1 but I have decided to retire and will be going out of business. Do I still need to send my records to the Out-of-Business Records Center?

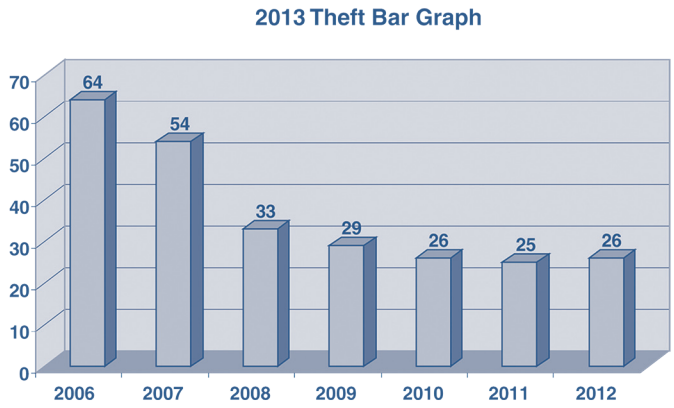
Answer: Yes, ATF Ruling 2007–1 authorized the use of a computer to create and maintain the records required by 27 CFR Part 555, Subpart G—Records and Reports.

The explosive regulations contained in 27 CFR 555. 121(a)(2) require all ATF explosives licensees and permittees to keep records required under Subpart G, for a minimum period of 5 years or until discontinuance of business or operations. Furthermore, section 555.128 requires that the records (including bound record books, computer printouts, theft/loss reports, etc.) must be delivered within 30 days following the discontinuance of business or operations to the local ATF office or to the Out-of-Business (OOB) Records Center at the following address:

National Tracing Center
ATF/Out–of–Business Records Center
244 Need Road
Martinsburg, WV 25405
Voice: 1–800–788–7133 ext. 1590

The OOB Records Center accepts automated records only when there is a legible printout of all the required information. Computer storage tapes or data punch cards are not acceptable. The licensee or permittee must provide a complete printout, along with an American Standard Code for Information Interchange (ASCII) text file (conforming to common industry standards), and a file description. The ASCII text file must contain all the required information.

Explosives Thefts Reported to the United States Bomb Data Center from 2006 thru 2012



Newsletter Distribution

The Explosives Industry Newsletter is now available online and is no longer distributed to licensees and permittees in "hard copy" format unless specifically requested. Current and previous issues of the newsletter are available on-line at http://www.atf.gov/publications/newsletters/index.html. Licensees and permittees are encouraged to use ATF's new email update subscription service to receive notice whenever a new newsletter is posted to the ATF site at www.atf.gov.

To receive email notices whenever new Explosives Industry Newsletters are posted to the ATF website, licensees and permittees should go to http://www.atf.gov/publications/newsletters/index.html, click on the Receive FEL Newsletter Updates link and complete the requested e-mail and preference information.

Licensees and permittees who do not have Internet access, or who otherwise wish to continue receiving the newsletter by mail, must write to the ATF Distribution Center, 1519 Cabin Branch Dr., Cheverly, MD 20785 and ask to be placed on the mailing list for the ATF M 5400.3, *ATF Explosives Industry Newsletter*.

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