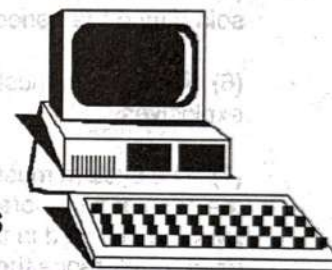




Volume IV, 1991

# EXPLOSIVES NEWSLETTER

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



## COMPUTERIZED RECORDKEEPING SYSTEMS

Explosives licensees/permittees wishing to use an automated data processing system to keep required Federal explosive records must obtain an approved variance (27 CFR 55.22, .122, .123, .124, .125, and/or .127) before relying on such a system.

Licensees/permittees who wish to apply for a variance to use computerized records should make certain that their proposed systems meet the following criteria:

(1) The alternate system must contain the same information as required by the regulations in 27 CFR 55.122, .123, .124, .125, and/or .127.

### (a) ACQUISITION:

- (1) date of importation or other acquisition.
- (2) name or brand name of manufacturer and country of manufacture.
- (3) manufacturer's marks of identification, i.e., date shift code and/or lot number.
- (4) quantity (applicable quantity units, such as pounds of explosives, number of detonators, etc.)
- (5) description (dynamite (dyn), blasting agents (ba), detonators (det), etc.) and size (length and diameter).

### (b) DISPOSITION:

- (1) Date of disposition.
- (2) Name or brand name of manufacturer and country of manufacture.
- (3) Manufacturer's marks of identification, i.e., date shift code and/or lot number.
- (4) Quantity (applicable quantity units such as pounds of explosives, number of detonators, etc.)

- (5) Description (dynamite (dyn), blasting agents (ba), detonators (det), etc.) and size (length and diameter).
  - (6) License or permit number of licensee or permittee to whom the explosive materials are distributed.
- (2) The system must have the ability to be queried by date shift code and/or lot number.
- (3) The system must have an acceptable daily memory backup capability such as disk or tape.
- (4) The system must be capable of providing a printout of all records:
- (a) For purposes of inspection by ATF.
  - (b) When the system memory is purged.
  - (c) When business is discontinued.
- (5) The computer printout must contain explosives in inventory as well as all that were sold during the period covered, sequentially by date of acquisition.
- (6) The system must record both the manufacturer and the importer of foreign-made explosives.
- (7) The system must record the names and addresses of the distributee (buyer) and in the case of a corporation or other business entity its authorized representative or agent must be included in the computer data. An ATF 5400.4 transaction number may be used to reference the additional information such as the date of birth, the place of birth, the identification used, etc.
- (8) The system cannot rely on invoices or other paper/manual systems to provide any of the required information (must be self-contained).
- (9) If the business is discontinued, all records, (including a final printout) must be forwarded to the regional regulatory administrator for the region in which the business was operated (27 CFR 55.128).

ATF will assist those individuals seeking acceptance of a proposed commercial record-keeping system. **"Acceptance" or "approval"** of a system **does not** constitute any endorsement of that system by ATF. The use of ATF's name in conjunction with a commercial product (i.e., "ATF approved") is strictly prohibited. Any licensee who purchases such a "program" must still apply to ATF requesting approval to use that system.

All requests for variances are to be directed to the regional director (compliance) for the region in which the license or permit was issued.

**BUREAU OF ALCOHOL, TOBACCO AND FIREARMS REGIONAL OFFICES**

Bureau of Alcohol, Tobacco and Firearms  
Regional Director (Compliance)  
230 S. Dearborn Street, 15th Floor  
Chicago, IL 60604

Bureau of Alcohol, Tobacco and Firearms  
Regional Director (Compliance)  
2600 Century Parkway  
Atlanta, GA 30345

Bureau of Alcohol, Tobacco and Firearms  
Regional Director (Compliance)  
6 World Trade Center, 6th Floor  
New York, NY 10048

Bureau of Alcohol, Tobacco and Firearms  
Regional Director (Compliance)  
1114 Commerce Street, 7th Floor  
Dallas, TX 75242

Bureau of Alcohol, Tobacco and Firearms  
Regional Director (Compliance)  
221 Main Street, 11th Floor  
San Francisco, CA 94105

# **I**NSTITUTE OF **M**AKERS OF **E**XPLOSIVES

## **A MESSAGE FROM THE INSTITUTE OF MAKERS OF EXPLOSIVES (IME)**

During 1989, IME received reports of five detonator (blasting cap) incidents in which children were involved. The five incidents resulted in a total of six people being injured, all of whom were boys between the ages of 9 and 14.

Broken down by geographic location, two of the incidents occurred in Kentucky, and one incident occurred in each of the States of Colorado, Pennsylvania, and South Dakota.

### **ALL OF THE INJURIES WERE APPARENTLY THE RESULT OF IMPROPER AND/OR ILLEGAL STORAGE OF THE DETONATORS BY ADULTS.**

Assuming there are about 70 million detonators used in the United States each year, five incidents spread over such a large consumption number may seem to be too insignificant for consideration. **NO WAY!** A single incident that can blind, maim or disfigure a child is one incident too many!

The responsibility of preventing that single detonator incident rests with every adult who manufactures, sells, transports, stores, or uses explosive materials. All detonators — fuse caps, electric blasting caps, shock tube, gas system, and miniaturized detonating cord detonators—are small, interesting, attractive, and intriguing items. Their bright colors, clips, snaps and closures can arouse the curiosity of any 9- to 14-year-old child, especially a boy. Aren't wires made to carry electricity to a battery or a wall outlet? Aren't open-ended tubes to be explored and probed by a nail, a punch, a paper clip? Aren't sealed capsules with tubes or cords running out of them to be opened with a hammer, pliers, a vise, a knife, a rock?

The surest way to thwart these natural curiosities and positively prevent incidents, accidents, and injuries to youngsters is to make certain that they just can't get their hands on detonators. How? For starters, let's suggest that you:

- (1) Make sure that all deliveries of detonators go directly to the storage magazine and are taken into inventory. (Record quantity, type, length, manufacturer, and date shift codes).
- (2) Keep magazines locked at all times. Restrict magazine keys, know who has keys, keep keys secure (not in glove compartment of vehicle, on a ledge over magazine door, under a rock, etc.)
- (3) Check your detonator requirements against the blast plan. Know how many detonators you need for the blast. Note any extra or insurance detonators that you take.
- (4) For transport to the blast site or attended storage, keep the detonators in a locked compartment, IME-22 container, "day box" or magazine.
- (5) Check number of detonators used in the blast against the number shown on the blast record, i.e., extras, overages, shortages.
- (6) Take any extra, unused detonators back to the permanent storage magazine as soon as possible after blast is loaded.

- (7) Reconcile inventory i.e., the number of detonators taken out; the number used in blast; the number returned; the inventory balance.
- (8) Note any apparent losses or shortages. Were some detonators not picked up, or still left in the day box, the IME container, or the powder truck? Resolve any question of apparent shortages of detonators **PRONTO**.
- (9) Report any losses, shortages, or thefts to your local ATF office immediately or by phoning ATF's toll free number (1-800-424-9555).
- (10) If a job is completed or shut down make sure that the detonator storage magazines are secured and that any surplus detonators are disposed of safely and legally. **NEVER** abandon or discard any types of detonators.

So far in 1990, only one accident involving a detonator has been reported to IME. Let's make that the grand total for 1990.

**"BLASTING CAPS ARE EXPLOSIVES, NOT TOYS. LOCK 'EM UP SO CHILDREN CAN'T GET HURT."**

To explosives manufacturers, distributors, and users, the IME would like to reiterate three safety positions relative to the storage of explosive materials that you should be aware of. They are:

- (1) Whenever a new explosives storage or manufacturing location, including a temporary job site, is established, local authorities such as law enforcement agencies, fire departments, and local emergency planning committees should be notified immediately of the type, quantity, and location of explosive materials at the site.

**This position is intended to supplement any notifications required by Federal, State and local regulations.**

- (2) All normal access routes to explosives manufacturing and storage facilities should be posted with the following warning sign:

**DANGER**  
**NEVER FIGHT EXPLOSIVES FIRES**  
**EXPLOSIVES ARE STORED ON THIS SITE**  
**CALL: \_\_\_\_\_**

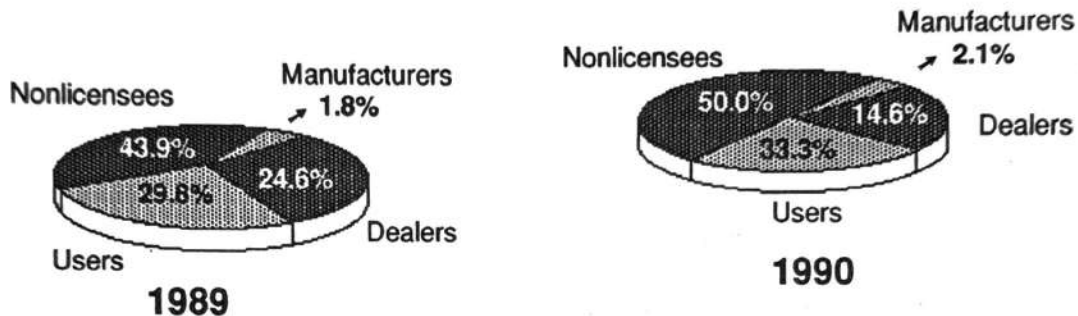
The sign should be weather-resistant with a reflective surface, and the lettering should be at least 2 inches high. It is suggested the first two lines be in red lettering and the remaining printing in black lettering.■

## ACCIDENTAL EXPLOSION OF DETONATORS REPORTED TO ATF

In the first half of 1990, ATF investigated five incidents that involved the accidental explosion of electric detonators. One incident involved severe injuries to a juvenile.

The graphs below represent stolen detonators compiled by ATF for the years 1989 and the first 9 months of 1990.

### Stolen Detonators By Type of Licensee or Permittee



## QUANTITY AND STORAGE RESTRICTIONS

(a) The explosives regulations in 27 CFR 55.213 require that explosive materials in excess of 300,000 pounds or detonators in excess of 20 million not be stored in one magazine unless approved by the Director.

(b) Detonators not be stored in the same magazine with other explosive materials, except under the following conditions:

(1) In a type 4 magazine, detonators that will not mass detonate may be stored with electric squibs, safety fuse, igniters, and igniter cord.

(2) In a type 1 or 2 magazine, detonators may be stored with delay devices and any of the items listed in paragraph (b)(1). ■

## 27 CFR 55.63 - EXPLOSIVES MAGAZINE CHANGES

All licensees/permittees are reminded that before adding or changing existing magazines you must notify either by telephone and/or letter (within three business days) the regional director (compliance). The only exception would be mobile or portable type 5 magazines, as long as the following are met:

(1) A magazine is considered suitable for the storage of explosives if the construction requirements of this part are met during the time explosives are stored in the magazine.

(2) A magazine is considered suitable for the storage of explosives if positioned in accordance with the applicable table of distances during the time explosives are stored in the magazine. ■

## STORAGE OF EXPLOSIVES/EXPLOSIVE MATERIALS

As a result of ATF's "Explosives Forward Trace Program," inspectors are contacting many nonlicensees/nonpermittees and are assisting them in the proper method of storing explosives. Inspectors are finding these nonlicensees storing explosives in places such as refrigerators, barns, and other such locations.

Earlier this year, an inspector conducted an inspection of two nonlicensees. The first incident involved a wastewater treatment plant, where it was discovered that the city was storing 11 pounds of high explosives and 5 electric detonators in a building where pumping operations were conducted. The explosives were still in the cardboard cartons in which they had been received and were not in any type of magazine. The second incident involved a local drilling company located. Approximately 122 pounds of high explosives were discovered in a building where drilling equipment and supplies were being maintained. Also, stored inside the trunk of a car were 75 electric detonators.

Incidents such as those cited are a small sample of what we are finding to be a growing concern. Therefore, ATF is asking all licensees who sell explosive, to remind all purchasers that explosives must be stored in accordance with 27 CFR Part 55, Subpart K - Storage. ■

## 5-YEAR RECORD RETENTION

Licensees/permittees shall keep the required records on the business premises for five years from the date a transaction occurs or until discontinuance of business or operations by the licensee or permittee (27 CFR 55.121(a)(2)). ■

## MULTI STATE EXPLOSIVE LICENSING

Recent inspections are uncovering situations where licensees are distributing explosives to nonlicensees outside of their State. We are concerned that such operations may be widespread.

One of such incidents occurred with an explosive dealer who acquired licenses to deal at two sites. The first site is in Pennsylvania, and the second site is located in New Jersey. The New Jersey address is an empty trailer on a construction site with a telephone. The telephone is a roll over to the Pennsylvania office. No orders for explosives are received at the New Jersey licensed premises and no sales are consummated at this location. The licensed premises located in Pennsylvania makes sales into New Jersey to nonlicensees/permittees and generates invoices showing both licensed premises as the seller. All records are maintained in Pennsylvania.

Section 842(b) Title 18, U.S.C., states, "It shall be unlawful for any licensee knowingly to distribute any explosive materials to any person except - (1) a licensee; (2) a permittee; or; (3) a resident of the State where distribution is made and in which the licensee is licensed to do business."

In the situation described above, the distributions made from the Pennsylvania premises to nonlicensees/nonpermittees in New Jersey violate section 842(b). ■

## NOTICE! NOTICE!

Effective immediately, all licensees and permittees should notify the Chief of the Firearms and Explosives Licensing Center, not their regional director, of all changes to their licenses or permits. These amendments include correction of errors, change of address, change in class of explosive material, change in trade name, change in control, certain rights of

succession and discontinuance of business or operations. (27 CFR 55.50, .51, .53, .54, .55, .56, .57, .58, .59, .60, and/or .61).

The address of the Firearms and Explosives Licensing Center is PO Box 2994, Atlanta, GA 30301-2994.

If you have any questions relating to licensing matters, you may telephone the Licensing Center toll free at 1-800-366-5423. ■

## Letters to the Editor

**Q** From time to time my company has a need to import signal flares and hand flares which are sometimes held up in Customs. Is an import license needed to import items such as these?

**A** Signal flares and hand flares are not regulated as explosives; therefore, no license is required to import these items.

**Q** When will there be a new version of ATF: Explosives Law and Regulations that reflects rulemaking since 1982?

**A** All revisions to the explosives regulations including additions relating to fireworks and their tables of distances should be available for distribution by January 1991.

**Q** What agency has enforcement authority for 18 U.S.C. Chapter 39, Explosives and Other Dangerous Articles, specifically section 836 which prohibits the transportation of fireworks into a State prohibiting the sale or use of such fireworks?

**A** The Federal Bureau of Investigation (FBI) has authority to enforce 18 U.S.C. Chapter 39.

**Q** Has this law been referred to as the "Church Act"?

**A** This law is also known as the "Church Act" named after Senator Frank Church who introduced this act in Congress. ■



## Law Enforcement Corner

### A MESSAGE FROM THE NATIONAL EXPLOSIVES TRACING CENTER

Explosives tracing is a capability unique to ATF. This function established ATF as the national clearinghouse for all information regarding explosives thefts, losses, and recoveries. In an effort to reaffirm its long-standing relationship with the industry, ATF has undertaken the initiative to conduct regular visits to explosives manufacturers. Through these visits it is hoped that ATF will be recognized as the clearinghouse for all law enforcement traces. This will eliminate the duplication of effort and time now being wasted by redundant efforts. Thus far, ATF's representative has visited manufacturers in Pennsylvania, New York, Texas, Missouri, Kansas, Delaware, and Connecticut. Trips to Illinois, Utah, and Nevada are pending, as are visits to manufacturers of military ordnance. Not only does ATF endeavor to foster a relationship with these manufacturers through these visits, it also hopes to solidify an understanding with the Department of Defense relative to a reciprocal exchange of information regarding recoveries and thefts of military ordnance.

Through these interpersonal contacts, ATF seeks not only to preserve but strengthen its role in combatting the criminal and illegal use of explosives. ATF has had unquestioned support from the explosives industry in this regard, and is confident that this cooperative atmosphere will continue.

A narrative highlighting ATF's efforts is provided below:

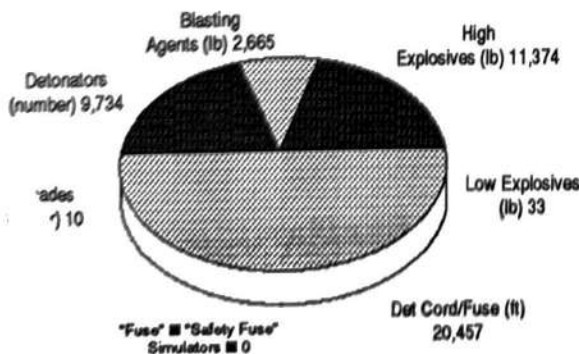
In April 1990, ATF recovered approximately 1,100 pounds of high explosives during undercover purchases. Probable cause developed as a result of these purchases enabled investigators to obtain a search warrant for the suspect's residence. There, investigators found approximately 260 pounds of badly deteriorated dynamite in a 55-gallon polyurethane barrel. A subsequent trace of these explosives revealed that they were part of a 4,000-pound explosives theft that occurred in 1984. Explosives from this same theft were also found in a device that was recovered following an attempted bombing of a county health building in 1989. Consequently, the investigators arrested the suspect on charges of unlawfully storing explosives and possessing stolen explosives. Interviews conducted with the arrestee led investigators to a remote area where they recovered an additional 2,000 pounds of explosives from the theft. Judicial action is pending.

The following graphs represent explosives thefts and recoveries that were reported to ATF during the first 8 months of 1990.

#### Stolen Explosives Incidents

■ 96 Reported ■

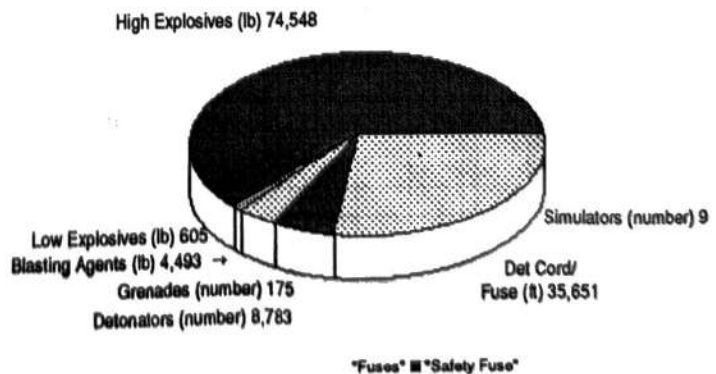
(First 8 Months of 1990)



#### Recovered Explosives Incidents

■ 589 Reported ■

(First 8 Months of 1990)



## ILLEGAL STORAGE LED TO TRAGEDY

On June 14, 1989, in Kansas City, Missouri, an indictment was filed against the foreman and the president and owner of the construction company that was at the site of the November 28, 1989, explosion that killed six Kansas City firefighters. The indictment charged them with failing to adhere to the table of distances for storage of explosive materials, storing high explosives in a magazine with metal tools, and acquiring explosives storage magazines without notifying ATF. On January 18, 1990, after a 2-week trial, the defendants were found guilty of the charges. The Kansas City Police Department and ATF investigated the incident. ■

## "FELONS" NEVER LEARN

On March 3, 1989, ATF received information that an individual, a convicted felon, had high explosives and detonating cord for sale. The person relaying this information told the agents that the explosives had been stolen from a storage trailer belonging to an explosives company in Nashville, Tennessee. This same person also informed the agents that he had participated in the theft. He subsequently led the agents to the location where he had hidden the explosives. Further investigation led to the indictment of the two individuals on charges of receiving, concealing, transporting, and storing stolen explosive materials. The one individual was also charged with the unlawful receipt of explosive materials by a convicted felon. He was later convicted and sentenced to 27 months' imprisonment. His partner was later sentenced to 2 years' probation. ■

## JUVENILE GETTING INTO THE ACT

On January 9, 1989, three individuals, one a juvenile, drilled a hole into the roof of a permanent explosives magazine and removed 430 pounds of explosives and seven rolls of detonating cord. On January 10, during the execution of a State search warrant for stolen property, the Benton, Arkansas, police found explosives in both the attic and a closet of a residence belonging to one of the individuals. ATF and an Army explosives ordnance disposal unit responded to the scene. On July 27, 1989, one individual pled guilty to conspiring to transport/conceal stolen explosives, for which he was sentenced to 6 months' imprisonment and 2 years' supervised probation. The second individual pled guilty to the same charges on September 14, 1989. His sentence is pending.

**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. ■**

**QUESTIONS/SUGGESTIONS TO EDITOR: EXPLOSIVES NEWSLETTER**

**NAME AND ADDRESS**

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**QUESTION**

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**SUGGESTION FOR IMPROVEMENT OF EXPLOSIVES NEWSLETTER**

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**PLEASE USE THIS FORM IF YOU WOULD LIKE TO EXPRESS AN IDEA OR  
GET AN ANSWER TO A QUESTION. MAIL TO BUREAU OF ATF, ATTN:  
EXPLOSIVES NEWSLETTER, P.O. BOX 189, WASHINGTON, DC 20044-0189.**

## ATF'S MOST WANTED / HAVE YOU SEEN THIS PERSON ?



White Male  
25 - 30 Years Old  
5' 10" - 6' Tall  
165 pounds  
Slender Build  
Blond Hair (reddish tint)  
Light Mustache  
Ruddy Complexion  
Wearing Blue Denim Jeans, Gray Hooded Sweatshirt  
Teardrop Sunglasses (smoked lenses)

Since 1978, this bomber has constructed a series of destructive devices that have either been placed or mailed to the victims. One person has been killed and at least 20 injured in the 12 known bombings. On seven occasions, the devices were sent to or placed at university campuses. Other targets have included a commercial airliner bound for Washington, D.C., from Chicago, a former airlines president, and an aircraft manufacturing plant.

The lone fatality occurred as a result of the 11th bombing, which took place on December 11, 1985. The owner of a computer rental store in Sacramento, California, was exiting his business when he observed a package on the ground. This package exploded when disturbed by the victim, killing him instantly. The other bombing incidents occurred in Illinois, Tennessee, Utah, California, Washington, and Michigan.

The U.S. Postal Service has offered a reward of \$50,000 for information leading to the arrest and conviction of any person or persons responsible for these serial bombings. In addition, the University of California at Berkeley is offering a reward of \$10,000 for information. Information can be directed to the ATF office in your area which is in your local directory. You may also call ATF Headquarters toll free, 24 hours a day, at 1-800-424-9555.

Department of the Treasury  
Bureau of Alcohol, Tobacco and  
Firearms  
Firearms & Explosives Licensing Center  
P. O. Box 2994  
Atlanta, GA 30301

Official Business  
Penalty for Private Use, \$300

BULK RATE  
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ALCOHOL, TOBACCO  
AND FIREARMS  
Permit No. G-86

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San Jose, CA 95113  
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707-576-0184

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312-353-3797

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502-223-3350

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502-582-5217

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301-962-3200

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10 Causeway St., Rm. 795  
Boston, MA 02222-1079  
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Farmington Hills, MI 48331  
313-226-4735

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St. Paul, MN 55101  
612-290-3496

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Kansas City, MO 64106  
816-426-2464

815 Olive St., Rm. 310  
St. Louis, MO 63101  
314-539-2251

### NEW JERSEY

120 Littleton Rd., Rm. 305  
Parsippany, NJ 07054  
201-334-7058

### NEW YORK

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716-846-4048

POB 3539, Church St. Sta.  
New York, NY 10008  
212-264-4650

### NORTH CAROLINA

4530 Park Road, Ste. 441  
Charlotte, NC 28209  
704-371-6127

### OHIO

Holiday Office Park  
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Cincinnati, OH 45203  
513-684-3351

Plaza S. 1, Rm. 300

7251 Engle Rd.  
Middleburg Hghts., OH 44130  
216-522-3374

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503-231-2331

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215-248-5252

Fed. Bldg., 1000 Liberty Ave.  
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Pittsburgh, PA 15222  
412-644-2919

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Federico Degetau Fed. Bldg.  
Rm. 659  
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Hato Rey, PR 00918  
809-753-4082

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Dallas, TX 75242  
214-767-9461

333 W. Loop N., Ste. 111  
Houston, TX 77024  
713-220-2157

727 E. Durango, Rm. A-427  
San Antonio, TX 78206  
512-229-6168

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Richmond, VA 23240  
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Milwaukee, WI 53202  
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