

ATF EXPLOSIVES Industry Newsletter

Fourth Quarter 2001 (issued February 2002)

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on you and other industry members to be vigilant whenever a special event occurs in your geographical area. Not only should shortages or thefts be reported immediately to your closest ATF office, but you should also report any suspicious activity in and around your business premises and storage locations. By carefully noting physical descriptions of suspicious people as well as any vehicles that might be involved, you will help ATF investigate these activities.

CHANGES IN ARSON & EXPLOSIVES PROGRAMS DIVISION

New Chief of AENRB announced

Bill Spruce, Chief of the Arson & Explosives National Repository Branch is moving on. Bill will be taking the position of Assistant Special Agent in Charge of the Charlotte, North Carolina, Field Division. The Arson & Explosives Programs Division would like to thank Bill Spruce for a job well done, and we wish him well on his new assignment.

The new Chief of AENRB will be John Spurgeon. John has been with ATF for 27 years, most recently serving as the Resident Agent in Charge of ATF's Shreveport, LA, Field Office. John is a decorated combat veteran of the U.S. Army, having served with the 199th Light Infantry Brigade in Viet Nam. Among the awards he received were the Combat Infantry Badge, a Purple Heart, two Bronze Stars, and an Air Medal. He also served as a Drill Instructor at Fort Polk, LA. John has a Masters degree from LSU-Shreveport, and will be bringing his many skills to his challenging new job. The Arson & Explosives Programs Division extends a warm welcome to John Spurgeon upon his assignment to the division.

A MESSAGE FROM THE CHIEF, ARSON & EXPLOSIVES PROGRAMS DIVISION

ATf continues to assist other Federal, State and local public safety agencies in protecting the public from potential criminal acts involving explosives at special events. Special Agent certified explosive specialists (SACES), explosive enforcement officers (EEO) and Special Agent canine handlers (SACH) assisted in preventive sweeps and diagnostics at last fall's World Series, as well as participating at various New Year's celebration events. As this newsletter is being prepared, ATF is gearing up for explosive security details at the Super Bowl in New Orleans and will also be providing a huge commitment of manpower at the Winter Olympic Games in Salt Lake City.

ATF has already purchased and positioned Type II storage bunkers for public safety use around Olympic venues. In connection with our participation in some of these special events, ATF inspectors may visit your businesses prior to these events. Obviously, ATF continues to count



**WORKING FOR A SOUND
AND SAFER AMERICA**

ATF ATTENDS UN MEETING

ATF personnel were selected to be part of a Department of State Delegation that met with a United Nation's group of experts on the illicit manufacturing, trafficking and criminal use of explosives. Explosives experts were selected from 17 member nations of the U.N., and the meeting were held in Vienna, Austria, from December 18 to 21, 2001. The group's findings, research, and recommendations will to be forwarded to the U.N. Commission on Crime Prevention this spring.

ISEE, APA, TO HOST ANNUAL CONFERENCES IN FEBRUARY

ISEE conference to focus on education and training

The International Society of Explosives Engineers (ISEE), with nearly 4,500 members in 90 countries, announces the 28th Annual Conference on Explosives & Blasting Technique to be held in Las Vegas, Nevada at the Riviera Hotel February 9 -13, 2002.

The conference, which is the largest meeting of blasters in the world, attracts as many as 1500 people. Blasters can participate in continuing education, discuss and debate issues, and examine the latest products and technology through technical sessions, workshops, the Blasters Forum, international meetings, the popular Video Roundup, the Blasters Training Seminar, more than 130 trade exhibits, Blasters Library Book Store, drawings, contests and more. To register, check out ISEE's web site.

Papers presented at the conference are included in the Conference Proceedings, which are then included in the **Explosives Reference Database on CD-ROM**. This CD-ROM includes more than 40 volumes covering more than 25 years of presentations, from 1975 to date. Also included are U.S. Bureau of Mine Reports of Investigations and Information Circulars, BAI Conference technical papers, and articles from the Journal of Explosives Engineering.

The 17th edition of the ISEE Blasters' Handbook (Formerly ETI & Dumont Blasters' Handbook), revised by nearly 200 industry experts, and includes 14 new chapters. It is an excellent resource for the blaster in the field and a recom-

mended resource for blasting certification. To get a free copy of the Blasters Library Catalog or more information contact:

International Society of Explosives Engineers

Tel: (440) 349-4004 Fax: (440) 349-3788

Email: isee@isee.org

Web Site: <http://www.isee.org>

APA to Focus on Partnering and Industry Relations

The American Pyrotechnics Association (APA) announced that their 53rd Annual Meeting and Convention will be held in Las Vegas. The convention will be held at the Mirage Hotel in Las Vegas, NV, on February 19-24, 2002. The meeting was originally scheduled for September 10-15, 2001 but was cancelled due to the September 11th attacks on America. Presentations will focus on partnering and industry relations, with special emphasis on the consumer fireworks retail segment and the professional display industry. Topics will also include updates on regulatory issues with various government agencies, including the Consumer Product Safety Commission, the Department of Transportation, and ATF. ATF's John Malone, Assistant Director, Firearms, Explosives & Arson, is a featured speaker at the conference.

For more information on the APA Convention, contact the APA at (301) 907-8181, or visit their website at www.americanpyro.com.

CHANGE OF OWNERSHIP LICENSING REQUIREMENTS

Effect of ownership changes on status of explosive licenses

ATF often receives questions on the impact of ownership changes on an existing explosives license or permit. The National Licensing Center frequently deals with instances involving corporate mergers and acquisitions. Occasionally these changes have resulted in voided Federal explosives licenses because licensees have failed to comply with the requirement that new entities must apply for a Federal explosives license. As a result, some businesses have been required to cease operations pending application and issuance of new licenses. Companies can avoid these costly shutdowns by

complying with the Federal Explosive Regulations regarding new licensing requirements triggered by a change of ownership.

Licensing errors often occur when corporations either merge or acquire another company. In such instances, if the entity that has held a Federal explosives license ceases to exist, the license become invalid. The new entity — whether corporation, partnership, or sole proprietor — must apply for and receive new licenses to replace those held by the dissolved corporation or entity, **prior** to engaging in licensed activities.

The licensing provisions related to this situation are set forth at 18 U.S.C. § 843. Persons intending to engage in the business of manufacturing, importing or dealing in explosives must obtain a Federal license to do so before commencing such businesses. Title 18 U.S.C. § 841 defines "person" as "[a]ny individual, corporation, company, association, firm, partnership, society, or joint stock company." Thus, a corporate or other business entity is considered a "person" for purposes of the Federal explosives law and regulations.

Pursuant to 27 CFR § 55.53, licenses are not transferable. In the event of the lease, sale, or other transfer of the business or operations covered by the license, the successor must obtain a new license *before* commencing business or operations. When a corporate entity is merged or acquired and the licensed entity is dissolved, a new entity cannot operate under the defunct entity's license.

Under 18 U.S.C. § 843(c), ATF has 45 days, from the *receipt* of an explosives license application to approve or deny it. Persons or companies planning to acquire an operation requiring new licenses should plan accordingly. Federal law and regulations contain no provisions for allowing continued operations under another entity's license pending application approval.

If you have questions about the information contained in this article or need to request license applications, please contact the National Licensing Center at (404) 417-2750.

MAGAZINE REPORTING REQUIREMENTS

27 CFR § 55.63 of the Federal Explosives Regulations states that any licensee or permittee who adds new magazines or makes construction

changes to existing magazines must notify ATF prior to using the new or reconstructed magazine. Notification may be made by phone or in writing. However, if the notice is in writing it must be made at least 3 business days in advance of making changes in construction to an existing magazine, and at least 5 business days prior to using any reconstructed or new magazine. Once notification is made, the magazine would be deemed acceptable for storage of explosives if the construction requirements outlined in Subpart K of the explosives regulations *and* the applicable table-of-distance standards for separation of magazines are met. These general requirements have been a part of the explosives regulations since their inception in the 1970's.

In addition, a recent change in Section 55.201(f) of the explosives regulations requires that any person storing explosives must notify the appropriate officials having jurisdiction for fire safety in the locality where the explosives are to be stored. The notification of the storage of explosives must be made both orally (within the same day) and in writing within 48 hours such storage commences.

If you have any questions concerning these requirements, please contact your local ATF office of Industry Operations or the Public Safety Branch in ATF Headquarters.

STORAGE REQUIREMENTS FOR DELAYS & DETONATORS

The Public Safety Branch recently has received several requests for opinion on the storage of delay devices with detonators. Section 55.213(b)(2) of the Federal explosives regulations states that detonators may be stored with delay devices (and other items, as noted) in a type 1 or type 2 (high explosive) magazine. As a point of clarification, *if both delays and detonators are non-mass detonating*, that is, they are packaged in such a way that there would be only a minor explosion hazard with any explosion confined to the packaging, they may be stored together in a type 4 (low explosive) magazine. However, please note that these products must be stored in their "as shipped" configuration in order to be stored in a type 4 magazine. If there is any change in the configuration (i.e., loose from the box, or the box is removed from the case), they should be treated as a mass detonating device and stored in a Type 1 or Type 2 magazine. Please contact the Public Safety Branch if you have any further questions on this issue.

VARIANCE REQUESTS NOTICE

Advance notice of temporary storage requested

If you plan to request a variance to temporarily store explosives, particularly for the Fourth of July Holiday, we suggest that you file your request as early as possible. We regularly receive numerous requests to temporarily store display fireworks prior to the Fourth of July, and other important fireworks activity dates. In order that your request may be properly evaluated, we recommend that you file an application for a temporary storage variance at least 30 days in advance of the proposed temporary storage date(s). This would allow the ATF field office that will evaluate the proposed temporary storage adequate time to review the application and consult with local officials as to the advisability of approving such requests. Please keep in mind that you should always check with appropriate state and local officials to determine if the proposed temporary storage will meet state and local requirements. ATF cannot approve any request for a variance that does not comply with state and local requirements.

Advisory on mail disruption problems

Because of the recent problems concerning the disruption of mail services, if you plan to submit a variance request you may wish to send the request to the Public Safety Branch by registered mail, with a return receipt requested. You may also fax a copy to the branch, but must still send the original by mail or other courier service. In this way, you will have confirmation that we received your request. Please contact the Public Safety Branch at (202) 927-7930 for further information regarding the issue of sending variance requests or other requests for opinions on regulatory requirements by mail or other means.

DAILY MAGAZINE TRANSACTION SUMMARY

ATF reminds all persons or companies holding an ATF license or permit that the requirements for keeping magazine transaction records, as specified in Section 55.127 of the Federal Explosives Regulations, pertains to all explosive items received in and

removed from the magazine daily. This includes items that may have been removed in the morning, but returned later in the day. For example, if the magazine keeper removes 20 items from the magazine to use at a job site, and returns 5 unused items at the end of the day, the records should reflect the movement of the product out of the magazine, a portion subsequently returned, and the balance on hand at the conclusion of the day's activities. Please contact the Public Safety Branch in ATF headquarters if you have any further questions regarding this record.

FUGITIVE CORNER

Fugitive wanted by Louisville Office

ATF's Louisville Field Division requests anyone with information on the location or whereabouts of fugitive Stephen Anderson to contact ATF. Anderson is wanted on a variety of charges involving violations of Federal Explosives and Firearms Laws. Anderson was involved in a shootout in October 2001 with the Bell County, Kentucky, Sheriff's Department, after a traffic stop. After a heated exchange with the Sheriff's Deputy, Anderson allegedly fired at the Deputy who made the stop. The firearm used in the incident may have been a machine gun. Anderson's vehicle was later recovered at a remote site in Bell County, and found to contain an assault rifle, 6 pipe bombs, and more than 9,000 rounds of ammunition. A search warrant was subsequently served at Anderson's residence that resulted in the recovery of improvised explosive devices, bomb-making materials, a machine gun, and a large quantity of ammunition.

ATF has obtained a federal arrest warrant for Anderson, charging him with numerous violations of Federal firearms and explosives laws. In addition, the Kentucky State Police have obtained a state arrest warrant for Anderson, charging him with attempted murder of a police officer. A photo and description of Anderson follows.



ATF Most Wanted



STEPHEN HOWARD ANDERSON (AKA STEVE ANDERSON)

Description

Date of Birth:	July 16, 1947
Height:	6' 2"
Weight:	235 pounds
Eyes:	Green
Hair:	Dark, short
Alias:	Steve Anderson

Anderson should be considered armed and dangerous. Persons should not attempt to apprehend Anderson on their own. If you spot Anderson, immediately contact local law enforcement, the Kentucky State Police at (606) 573-3131 or (800) 222-5555, or the Bureau of Alcohol, Tobacco & Firearms at (888) 283-8477.

ATF INVITES QUESTIONS ON EXPLOSIVES TOPICS

We welcome any questions or topics regarding ATF and the explosives industry that you would like to have presented. You may contact the Public Safety Branch in Washington, DC, by mail, phone, or fax, as follows:

Bureau of Alcohol, Tobacco & Firearms
Public Safety Branch
800 K Street, NW, Room 710
Washington, DC 20001
Phone: (202) 927-7930
Fax: (202) 927-8887

NEWSLETTER DISTRIBUTION

Have you recently changed your address, or do you know someone in the industry not currently on the distribution list that may wish to receive the ATF Explosives Newsletter? If so, please notify the Public Safety Branch by phone or Fax us the following information and we will change your address or add their names to the distribution list. All we need is the following information:

Name:

Company:

Address:

City/State

Zip code

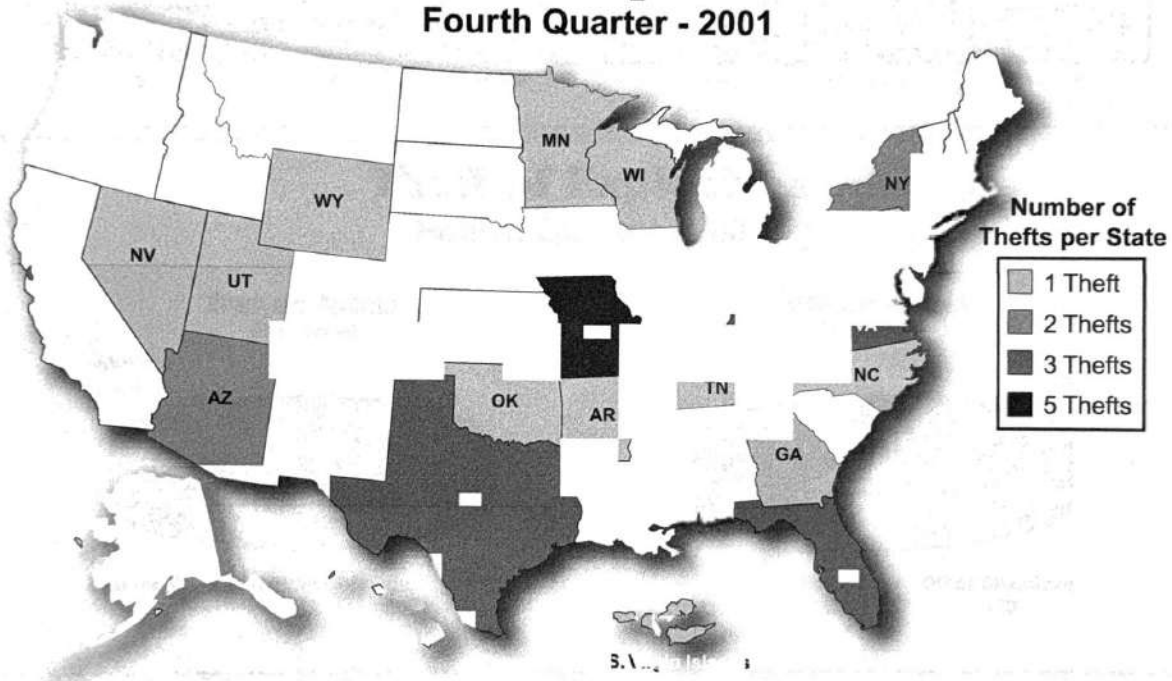
Phone No. (optional)

e-mail: (Optional)

FOURTH QUARTER 2001 EXPLOSIVE THEFTS

The problem of explosives thefts remains serious, and in light of the events of September 11th, the need for prompt reporting lost or stolen explosive materials to ATF and state and local authorities has assumed even greater importance. Specialist Jim Oliver of the Arson and Explosives National Repository Branch compiled the following data on thefts during the 4th quarter of 2001.

Theft of Explosives Fourth Quarter - 2001



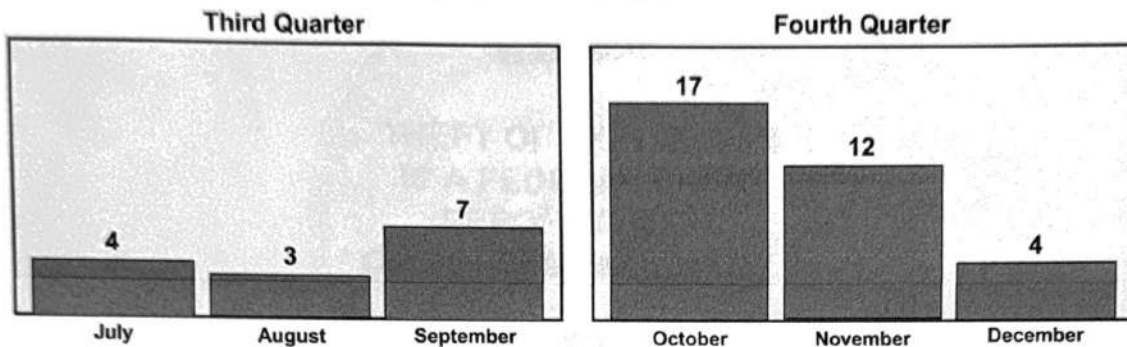
10/01/2001 - Moscow, PA
 10/04/2001 - Spanish Fork, UT
 10/04/2001 - Wamsutter, WY
 10/06/2001 - West, TX
 10/10/2001 - Lindale, GA
 10/11/2001 - Alva, FL
 10/11/2001 - Lexington, KY
 10/12/2001 - Alice, TX
 10/15/2001 - Lexington, KY
 10/17/2001 - Kansas City, MO
 10/18/2001 - Waxshaw, NC
 10/18/2001 - Fulks Run, VA
 10/19/2001 - Kaukauna, WI
 10/21/2001 - Alvin, TX
 10/22/2001 - Mt Sterling, KY
 10/29/2001 - Milan, TN
 10/31/2001 - Valley Falls, NY

11/05/2001 - St. Thomas, VI
 11/06/2001 - Crosett, AR
 11/06/2001 - St. Cloud, MN
 11/15/2001 - Phoenix, AZ
 11/15/2001 - St. Petersburg, FL
 11/15/2001 - Pulaski County, MO
 11/15/2001 - Pulaski County, MO
 11/16/2001 - Hannibal, MO
 11/19/2001 - Las Vegas, NV
 11/21/2001 - Oklahoma City, OK
 11/24/2001 - Superior, AZ
 11/28/2001 - Newark, NJ
 12/05/2001 - Benton County, MO
 12/05/2001 - Concord, NY
 12/05/2001 - Stafford, VA
 12/19/2001 - Potomac Falls, VA

Theft of Explosives

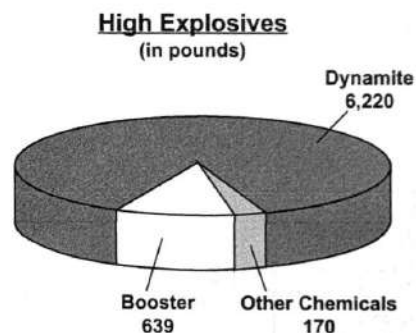
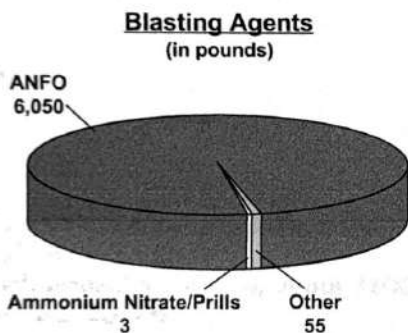
Third and Fourth Quarter - 2001

Number of Incidents



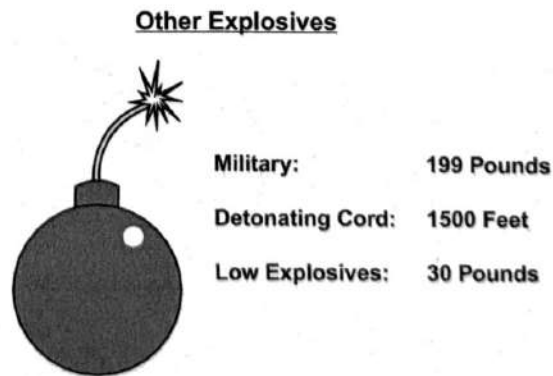
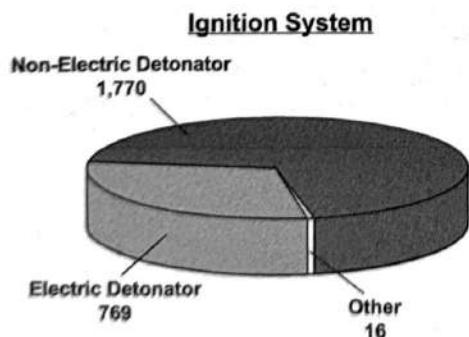
Theft of Explosives

Fourth Quarter - 2001



Theft of Explosives

Fourth Quarter - 2001



WARNING

**THEFT OF EXPLOSIVES
IS A FEDERAL CRIME
REPORT THEFTS
OR LOSSES IMMEDIATELY**

**TO
1-888-ATF-2662**

**Bureau of Alcohol, Tobacco and Firearms
ATTN: Explosives Newsletter
650 Massachusetts Avenue, NW, Room 7100
Washington, DC 20226**

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