



ATF EXPLOSIVES Industry Newsletter

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Updated Safety & Security Publication

ATF has updated its publication, ATF P 5400.15, *Safety and Security Information for Federal Explosives Licensees and Permittees*. This booklet, developed in partnership with the Institute of Makers of Explosives (IME) and the International Society of Explosives Engineers (ISEE), has been updated to include information on incidents taking place outside of the United States; binary explosives; disaster preparedness; chemical security; ATF advisories; and guidelines for reporting the loss of explosive materials. ATF P 5400.15 is only available online at <https://www.atf.gov/file/58701/download>.

Structures Used for Indoor Storage

The explosives regulations at 27 CFR, Part 555 – Commerce in Explosives generally allow for the indoor storage of explosive materials provided certain conditions are met. No indoor magazine containing explosive materials can be stored in a residence or dwelling and the total quantity of explosive materials stored in one building cannot exceed 50 pounds.

Part 555 only makes reference to indoor storage within buildings. Hence, ATF has determined that Federal explosives licensees and permittees (FEL/Ps) are required to obtain a variance if their indoor explosives storage is inside some other conveyance, such as a fishing vessel or mobile vehicle. Conversely, ATF has determined that FEL/Ps storing an indoor magazine inside a portable or permanent building or structure are not required to obtain a variance.

ATF has recently received numerous requests to determine if certain structures are acceptable to house indoor magazines. In evaluating if a structure is acceptable to house an indoor magazine without a variance request, ATF takes the following criteria into consideration:

1. Is it a permanent or immobile structure, other than a residence or dwelling, which has permanent walls and roof?

2. Is the structure's walls and roof constructed of a material that makes it unsusceptible to mobility or intrusion (e.g. metal, wood, brick, cement, or concrete)?
3. Is it suitably constructed to provide protection from the wind and other inclement weather conditions?
4. Can the base or floor of the structure sustain the weight of the magazine?
5. Is the structure secured in such a way that provides additional security and theft-resistance to the magazine?
6. Is the magazine visible from the exterior of the structure?

The aforementioned criteria are not intended as an all-inclusive list that may be considered for the purposes of establishing indoor magazines. FEL/Ps can submit indoor storage determination requests to ATF's Explosives Industry Programs Branch at EIPB@atf.gov.

Firework Processes and Manufacturing

We have recently been asked by fireworks industry members if ATF considers certain processes manufacturing thereby requiring a manufacturer's license. In response, ATF has determined the following fireworks processes are not manufacturing and a manufacturer's license is not required for Federal explosives licensees or permittees (FEL/Ps) engaged in these specific processes:

- Attaching lances (i.e., thin cardboard tubes packed with color-producing pyrotechnic compositions) to fireworks set pieces and fusing them with instantaneous fuse (i.e., quickmatch) or sticky match.
- Attaching igniters to display fireworks aerial shells, cakes, or candles to prepare for fireworks display shows.
- Inserting and securing display fireworks aerial shells into finale chains that are typically pre-made from quickmatch.
- Repair and replacement of lift charges and quickmatch leaders following an aerial shell malfunction or other post-manufacture issue.

Although ATF has determined that these processes are not manufacturing, they are processes subject to the quantity and distance requirements in 27 CFR § 555.221-§ 555.223. FEL/Ps must limit buildings or areas used for the aforementioned processes to a total of 500 pounds of net explosives weight as prescribed in § 555.221. Buildings used for these processes are subject to the distance requirements in § 555.222 (Fireworks Process Buildings to Fireworks Process Buildings and Fireworks Process Buildings to Fireworks Nonprocess Buildings)

and distance requirements in § 555.223 (Fireworks Process Buildings to Other Specified Areas – Passenger Railways, Highways, Fireworks Plant Buildings used to Store Consumer Fireworks and Articles Pyrotechnic, Magazines, Fireworks Shipping Buildings, and Inhabited Buildings).

Distribution Dates

The recordkeeping requirements in 27 CFR 555, Subpart G – Records and Reports, require licensed importers, manufacturers, and dealers (licensees) to maintain a separate record of distribution. The disposition record must include the date of disposition, the name or brand name of manufacturer, the manufacturer's marks of identification, quantity, description and size, and the license or permit number of the licensee or permittee to whom the explosive materials are distributed. Further, licensees must enter this information in a separate record by the close of the next business day. But what is the official date of disposition?

The date of disposition occurs on the day when the explosive materials leave the licensee's custody or possession. The date of disposition for licensees who use a common or contract carrier occurs on the day when the carrier picks up the explosive materials for delivery. The date of disposition for licensees who use their own employees to transport explosives occurs when they relinquish possession of the explosives to their customer. Similarly, the date of acquisition occurs when the licensee or permittee takes possession of the explosive materials.

Identification of Explosive Materials

27 CFR § 555.109

Explosive materials, whether manufactured in the United States or imported, must contain certain marks of identification. Licensed manufacturers. Licensed manufacturers who manufacture explosive materials for sale or distribution must place the following marks of identification on explosive materials at the time of manufacture:

- (i) The name of the manufacturer; and

(ii) The location, date, and shift of manufacture. Where a manufacturer operates his plant for only one shift during the day, he does not need to show the shift of manufacture.

(2) Licensed importers.

(i) Licensed importers who import explosive materials for sale or distribution must place the following marks of identification on the explosive materials they import:

(A) The name and address (city and state) of the importer; and

(B) The location (city and country) where the explosive materials were manufactured, date, and shift of manufacture. Where the foreign manufacturer operates his plant for only one shift during the day, he does not need to show the shift of manufacture.

(ii) Licensed importers must place the required marks on all explosive materials imported prior to distribution or shipment for use, and in no event later than 15 days after the date of release from Customs custody.

(c) General requirements.

(1) The required marks prescribed in this section must be permanent and legible.

(2) The required marks prescribed in this section must be in the English language, using Roman letters and Arabic numerals.

(3) Licensed manufacturers and licensed importers must place the required marks on each cartridge, bag, or other immediate container of explosive materials that they manufacture or import, as well as on any outside container used for the packaging of such explosive materials.

(4) Licensed manufacturers and licensed importers may use any method, or combination of methods, to affix the required marks to the immediate container of explosive materials, or outside containers used for the packaging thereof, provided the identifying marks are legible, permanent, show all the required information, and are not rendered unreadable by extended periods of storage.

(5) If licensed manufacturers or licensed importers desire to use a coding system and omit printed markings on the container that show all the required information specified in paragraphs (b)(1) and (2) of this section, they must file with ATF a letterhead application displaying the coding that they plan to use and explaining the manner of its application. The Director must approve the application before the proposed coding can be used.

Additional Guidance

Explosives licensees who manufacture or import detonators (i.e. blasting caps) are only required to affix the marks of identification on the outer packaging. Additionally, persons manufacturing or importing explosive materials for their own commercial or personal use are not required to affix marks of identification on those materials. This includes explosive materials (e.g. explosive components) manufactured or imported for use in the manufacturer's own manufacturing process. However, the finished material, device, or article, intended for sale or distribution that contains the unmarked explosive components must be marked with the prescribed marks of identification.

Licensed manufacturers and importers who want to use an alternate marking or coding system must submit a request and receive approval from ATF's Explosives Industry Programs Branch (EIPB). This includes manufacturers or importers who:

1. Want to mark their explosive materials with serial numbers or unique alphanumeric codes such as those required by the European Commission's Directive 2008/43/EC (amended by Commission Directive 2012/4/EU) on Identification & Traceability of Explosives for Civil Uses.
2. Manufacture and label explosives for another industry member.
3. Want to forgo placing marks of identification on an explosives material, device, or article because of its small size (e.g. igniters).

All inquiries or variance requests can be submitted to EIPB at EIPB@atf.gov or to the Explosives Industry Programs Branch, 99 New York Avenue, NE., Mailstop 6N-518, Washington, D.C. 20226.

Q & A s

Q: Can I store unmixed binary explosives (e.g., separate containers of solid ammonium nitrate and liquid nitromethane) in my explosives storage magazine that contains regulated explosive materials for security purposes?

A: Although the unmixed binary components are not regulated explosive materials until mixed, you are not prohibited from storing them in your explosives storage magazine that contains regulated explosive materials. You must add half the weight of the ammonium nitrate to the net explosives weight of any high explosives or blasting agents stored in the same magazine for table of distance purposes.

Q: Can I use an aluminum type 3 day box for the temporary attended storage of my explosive materials?

A: The regulation at 27 CFR § 555.209 requires type 3 magazines (e.g., day boxes) to be constructed of 12 gauge steel lined with at least ½ inch plywood or ½ inch Masonite-type hardboard. You must submit a variance request to ATF's Explosives Industry Programs Branch (EIPB) and obtain an approved variance prior to storing explosive materials in an aluminum type 3 day box. If your request is approved, you will be required to line the aluminum magazine with a non-sparking material such as plywood.

Q: Can I lock my indoor type 2, 4 or 5 magazine with one unhooded padlock?

A: The type 2, type 4, and type 5 requirements authorize explosives licensees and permittees to lock their indoor magazines with one unhooded steel padlock only if they are housed in "secure rooms" that are locked as required for explosives storage magazines. Hence, you may lock your indoor magazine with one unhooded padlock if each door into the room housing the magazine is secured with: 1) Two mortise locks; 2) Two padlocks in separate hasps and staples; 3) A combination of one mortise lock and one padlock; 4) A mortise lock that requires two keys to open; or 5) a three-point lock. Doors that are adequately secured on the inside by a bolt, lock, or bar that cannot be actuated from the outside are not subject to these requirements.



1- Southeast

Virginia, District of Columbia, North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Mississippi, Virgin Islands, Puerto Rico

3- Midwest

Illinois, Wisconsin, Minnesota, North Dakota, South Dakota

4- Central

Ohio, Indiana, Michigan, West Virginia, Kentucky

5- Southwest

Iowa, Missouri, Nebraska, Kansas, Arkansas, Louisiana, Oklahoma, Texas, Wyoming, Colorado, New Mexico

6- North Atlantic

Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York

8- Mid Atlantic

New Jersey, Pennsylvania, Delaware, Maryland

9- Western

California, Montana, Idaho, Arizona, Utah, Nevada, Washington, Alaska, Oregon, Guam, Northern Mariana Islands, Hawaii

The State abbreviation follows the region code, except for the type 19 (manufacturer of theatrical flash powder) license, which uses "BL."

County Code

The third number is the county code. These are unique 3-digit codes assigned to each county within a state by the United States Census Bureau. These Federal Information Processing Standard (FIPS) codes can be downloaded from the Census Bureau website at <http://www.census.gov/geo/reference/codes/cou.html>.

*The type 19 license does not have county codes because as it was designed for on-site manufacturing by industry members whose manufacturing activities

How to Read an Explosives License or Permit Number

Have you ever looked at your license or permit and wondered what the numbers mean? You can tell a lot about a dealer, manufacturer, or importer based on their FEL number. Here is an example:

4-WV-001-20-2H-00000

August 1, 2012

Regions, States, and Counties

The first number is the region. There are seven regions.

typically take place at various locations away from the licensed premises, e.g., pyrotechnicians.

List of License or Permit Types

The next set of characters is the 2-digit number indicating the type of license or permit, i.e., manufacturer, importer, dealer, or user.

Note: Although ATF explosives licenses and permits still show numbers representing distinct explosive types, e.g., 20 for blasting agents or 50 for fireworks, this distinction is for statistical purposes and does not indicate that the licensee or permittee is restricted to a specific type of explosive material.

Licenses

- 19 – Manufacturer of Theatrical Flash Powder
- 20 – Manufacturer of High Explosives
- 21 – Manufacturer of Low Explosives
- 22 – Manufacturer of Blasting Agents
- 23 – Importer of High Explosives
- 24 – Importer of Low Explosives
- 25 – Importer of Blasting Agents
- 26 – Dealer of High Explosives
- 27 – Dealer of Low Explosives
- 28 – Dealer of Blasting Agents
- 29 – Dealer of Black Powder
- 50 – Manufacturer of Fireworks
- 51 – Importer of Fireworks
- 53 – Dealer of Fireworks

Permits

- 33 – User of High Explosives
- 34 – User of Low Explosives
- 35 – User of Blasting Agents
- 36 – User (Limited) of High Explosives
- 37 – User (Limited) of Low Explosives
- 38 – User (Limited) of Blasting Agents
- 54 – User of Fireworks
- 55 – User (Limited) of Display Fireworks
- 60 – Limited Permittee

Expiration Code

The fifth set of characters, a number and a letter, refer to the expiration date of the license or permit. The number refers to the year that it expires, and the letter refers to the month in which it expires, correlating from A–M (without using 'I'). For example, a current license/permit with 8H code expires August 1, 2018.

- A – January
- B – February
- C – March
- D – April
- E – May
- F – June
- G – July
- H – August
- J – September

- K – October
- L – November
- M – December

Sequence Number

The final sequence numbers are generated by ATF, and combined with the other characters make up the unique Federal explosives license or permit number. When preparing to distribute explosive materials, it is important to verify the distributee's license or permit information, especially the expiration date.

4-WV-001-20~~2H~~-00000

August 1, ~~2016~~

If you are presented with a license or permit that has an expiration date that does not match the expiration code, contact your local ATF office before completing the transaction.

List of Active Explosives Rulings

Note: rulings marked with an asterisk are law enforcement sensitive and may be requested via email from EIPB@atf.gov.

1975-20 - Meaning of Terms "Inhabited Building"

An office or repair shop used in connection with the manufacture, etc., of explosive materials are not "inhabited buildings."

1975-21 - Construction of Storage Facilities by the Department of Defense - Concrete Floors

Certain explosives storage facilities meeting standards of construction prescribed by the Department of Defense Explosives Safety Board for such storage are approved by the Bureau.

1975-31 - Meaning of the Terms "Engaged in the Business"

Certain companies that manufacture explosive materials for use in their own operations are required to obtain licenses as manufacturers of explosive materials.

1976-18 - Alternate Bullet-Resistant Construction Standards for Explosives Magazines

ATF prescribes alternate bullet resistance construction standards for explosives storage facilities.

1977-24 - Storage Compartments on Vehicles

Alternate magazine construction standards for storage of electric blasting caps with other explosive materials are prescribed.

2002-3 - Indoor Storage of Explosives in a Residence or Dwelling

ATF will approve variances to store explosives in a residence or dwelling upon certain conditions including, but not limited to, receipt of a certification of compliance with State and local law, and documentation that local fire safety officials have received a copy of the certification.

2002-4 - Indoor Storage of Explosives in Business Premises Directly Adjacent to a Residence or Dwelling
ATF requires approval of variances for indoor storage of explosives in business premises directly adjacent to a residence or dwelling.

2003-5 - Distribution of Explosives to Limited Permittees
Distributors distributing explosive materials via common or contract carrier to limited permittees may verify receipt of the materials by telephone, facsimile, e-mail, or other means within three business days of shipment. ATF Form 5400.4 notation requirements.

2004-3 - Locking Requirements for Indoor Type 4 Storage Magazines

Under certain conditions, flush-mounted bolt-type locks will be considered adequate for locking type 4 indoor magazines.

2005-2 - Meaning of Term Highway

ATF provides guidance on three different private roads and whether they are "highways" as defined in 27 CFR § 555.11.

2005-3 - Meaning of Term Inhabited Building

ATF provides guidance on two situations involving structures and whether they are "inhabited buildings" as defined in 27 CFR Part 555.

2007-1 - Maintaining Required Explosives Records in Computerized Form

Under specified conditions, approval is granted to utilize computerized records for records required under 27 CFR 555, Subpart G.

2007-2 - Temporary Storage of Display Fireworks

Under specified conditions, display fireworks may be temporarily stored in locked, attended motor vehicles at explosives magazine site(s) and fireworks display site(s) without meeting 27 CFR § 555.210 locking requirements provided certain additional security measures are in place.

2007-3 - Preloading and Temporary Storage of Blasting Agents on Bulk Delivery Vehicles

Under specified conditions, blasting agents may be stored in mobile type 5 magazines (bulk delivery trucks) without meeting the prescribed immobilization requirements of 27 CFR 555.211.

2009-3 - Storage of Explosives in Law Enforcement Explosives Response Vehicles*

This ruling is law enforcement sensitive. Please contact EIPB@atf.gov for additional information.

2010-2 - Visibility of Marks on Explosives Containers Stored in Magazines

ATF authorizes Federal explosives licensees and permittees to store in magazines containers of explosive materials so that marks are not visible provided all of the requirements stated in this ruling are met.

2010-7 - Perforating Gun Storage

ATF authorizes explosives licensees and permittees to store loaded perforating guns outside of a locked magazine provided all of the requirements stated in this ruling are met.

2011-2 - Locking Requirements for Outdoor Type 5 Bin and Silo Magazines

ATF authorizes explosives licensees and permittees to store bulk blasting agents in outdoor type 5 bin or silo magazines without the specified locks provided all of the requirements stated in this ruling are met.

2011-3 - Alternate Locks Authorized for Explosives Magazines

ATF authorizes explosives licensees and permittees to secure explosives magazines with hidden-shackle "hockey puck" locks, recessed padlocks, and padlocks with boron alloy shackles provided all of the requirements stated of this ruling are met.

2012-2 - Storage of Display Fireworks in Picking Bins

ATF authorizes Federal explosives licensees and permittees to store display fireworks in fixed, unmarked, and uncovered bins inside explosive materials storage magazines provided all of the requirements stated in this ruling are met.

2012-4 - Storage of Explosives in Law Enforcement Explosives Response Vehicles*

This ruling is law enforcement sensitive. Please contact EIPB@atf.gov for additional information.

2012-5 - Type 4 Magazine Construction

ATF authorizes Federal explosives licensees and permittees to store explosive materials in outdoor type 4 magazines with wood-only floors, provided all of the requirements in this ruling are met.