



ATF Update

ISEE Best in the West Spearfish, South Dakota April 2012

NOTE: This outline was developed as a guideline for presentation by an ATF regulatory official. For regulatory requirements and guidelines, you should consult <http://www.atf.gov/publications/download/p/atf-p-5400-7.pdf> or contact your local ATF office: <http://www.atf.gov/field/>



ATF Rulings

<http://www.atf.gov/regulations-rulings/rulings/>

Do not need to obtain a separate variance





ATF Ruling 2010-7

Perforating Gun Storage

- Allows loaded guns to be stored outside of magazines under specified conditions (e.g. detonator interrupter device, weight limitations, security)
- Separate provisions for indoor and outdoor storage of guns
- Must notify local ATF office prior to storing loaded guns outside a magazine
- 2500 lbs. or 200 gun maximum storage (whichever is the lesser amount)





ATF Ruling 2011-2

Type 5 Bin/Silo Locks

- Type 5 bins typically do not meet hooded lock requirement
- Allows access points to be secured with one unhooded padlock
- Additional security measures required
 - Locked gates
 - Security guards
 - Fences
 - Combination





ATF Ruling 2011-3

Alternate Locks

Approves the use of additional locks under certain conditions.

- Puck locks (Die-cast bodies not allowed—only hardened steel)
- Padlocks with boron-alloy shackles
- Recessed locks (Jobsite boxes must have two recessed padlocks)





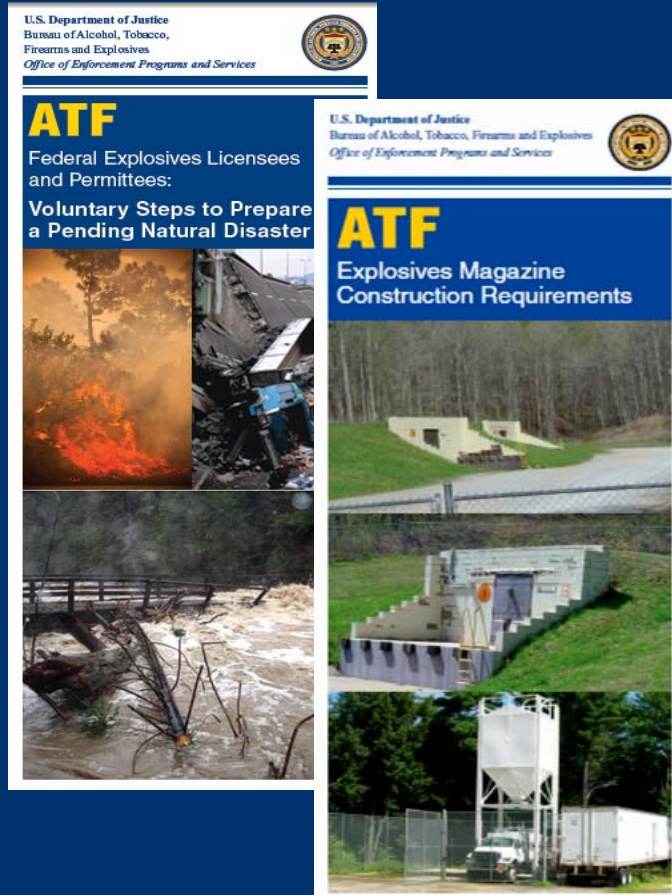
Exemption

Indian Agencies and Tribes

- Tribal Law and Order Act of 2010
- Authorized employees acting on behalf of agency or tribe
- Display Fireworks Materials only
- Does not exempt the manufacturing of fireworks
- Must still comply with storage requirements
- Must report theft or loss of explosives

ATF open letter detailing this exemption can be found at:

<http://www.atf.gov/press/releases/2011/04/040411-open-letter-exemption-of-tribal-display-materials.pdf>



Pamphlets

Hot off the press:

- Recordkeeping
- Storage
- Daily Summary
- Disaster Preparedness
- Self-Audit Guide

Available at

<http://www.atf.gov/publications/explosives-arson/>



Fillable Forms

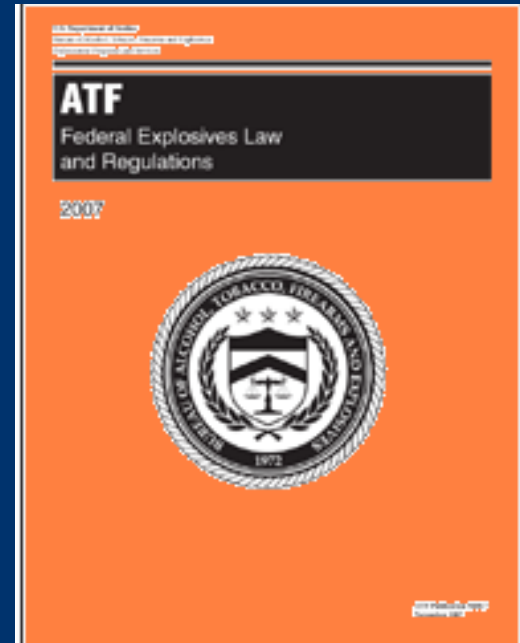
<http://www.atf.gov/forms/explosives/>

- Employee Possessor Questionnaire
- Theft or Loss Report
- Restoration of Explosives Privileges
- Application for License
 - *** Please include your email address!!!
- Renewal of License or Permit (down the road)
- Can't be submitted online
- Only Employee Possessor Questionnaire can be saved with data



Federal Explosives Law and Regulations

(4) Locks. Each door is to be equipped with (i) two mortise locks; (ii) two padlocks fastened in separate hasps and staples; (iii) a combination of a mortise lock and a padlock; (iv) a mortise lock that requires two keys to open; or (v) a three-point lock. Padlocks must have at least five tumblers and a case-hardened shackle of at least $\frac{3}{8}$ -inch diameter. Padlocks must be protected with not less than $\frac{1}{4}$ -inch steel hoods constructed so as to prevent sawing or lever action on the locks, hasps, and staples. Indoor magazines located in secure rooms that are locked as provided in this subparagraph may have each door locked with one steel padlock (which need not be protected by a steel hood) having at least five tumblers and a case-hardened shackle of at least $\frac{3}{8}$ -inch diameter, if the door hinges and lock hasp are securely fastened to



Misprints

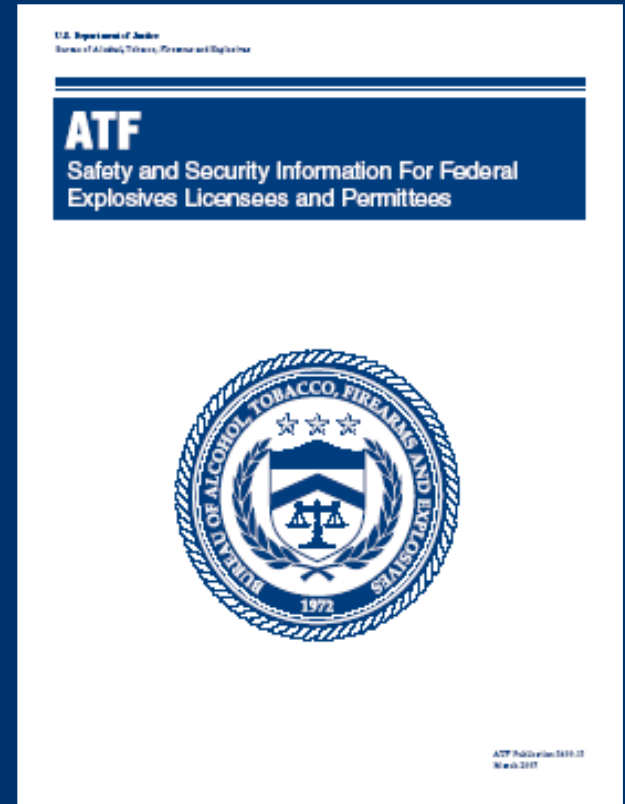
Recent printings of the explosives regulations (Orange book) has an error to the shackle thickness requirements. The misprints indicate that the shackle must be an inch in diameter. However, the regulations only require the shackles to be 3/8-inch thick.



Safety and Security Booklet

ATF P 5400.15

- Developed with ISEE and IME
- Tips, techniques, and tools for properly securing explosive materials
- Contact information
- Sample explosive records
- Available at:
<http://www.atf.gov/publications/download/p/atf-p-5400-15.pdf>





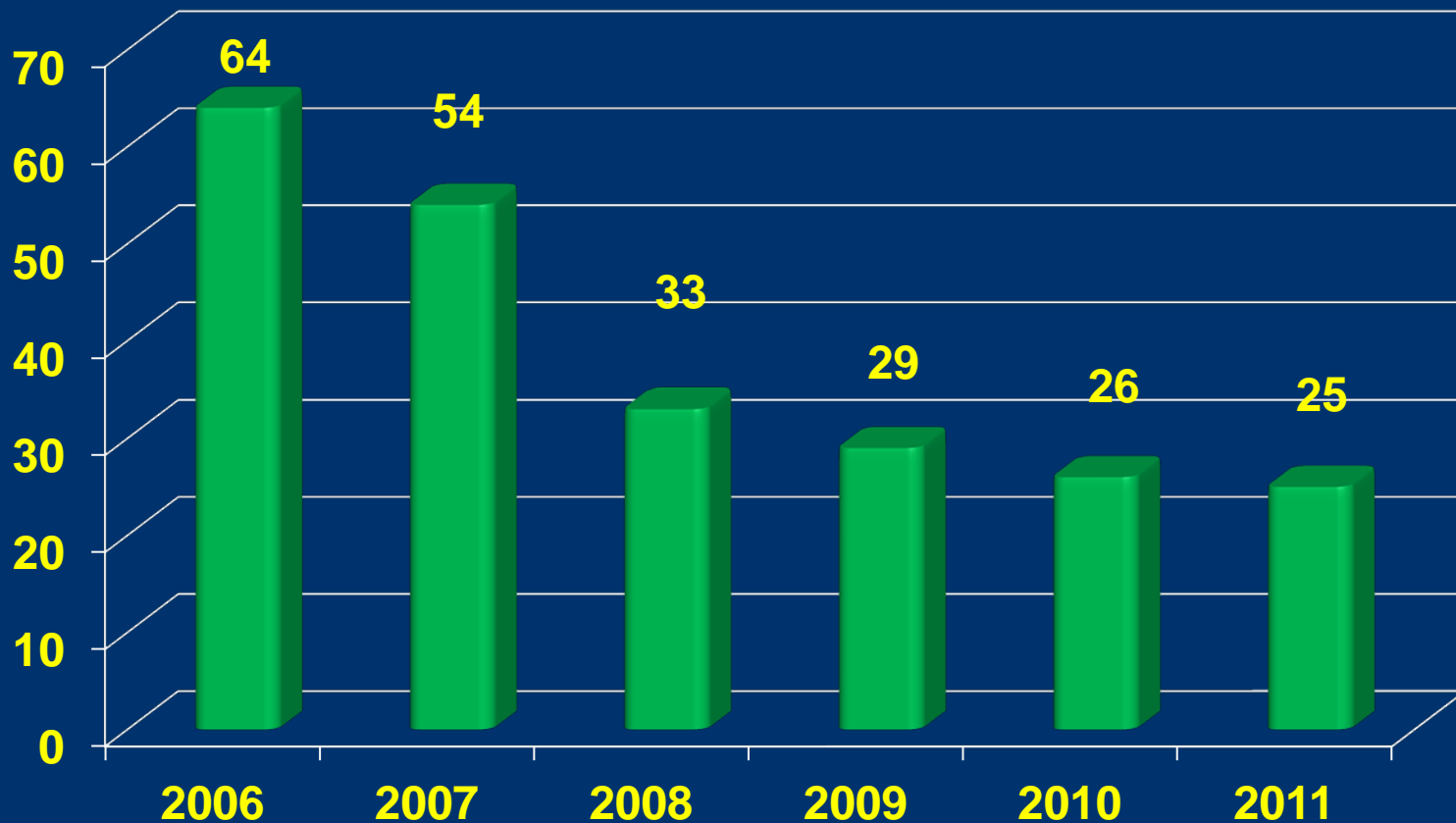
Violations

MOST FREQUENTLY CITED EXPLOSIVES VIOLATIONS		YEAR					
		FY 2011		FY 2010		FY 2009	
Citation	Violation Description	No.	RANKING	No.	RANKING	No.	RANKING
27 CFR 555.127	Daily Summary of Magazine Transactions	351	1	365	1	517	1
27 CFR 555.125	House Keeping Guidelines	142	2	125	2	135	2
27 CFR 555.215	Records Maintained by Permittees	76	3	86	3	124	3



Thefts of Explosives

ATF U.S. Bomb Data Center





ATF Form 5400.5, Report of Theft or Loss - Explosive Materials

Contact ATF explosives theft hotline at 1-800-461-8841 or ATF 24-hour hotline: 1-800-800-3855.

- Must report **theft or loss** within 24 hours of discovery
- Complete and submit ATF Form 5400.5
- Contact local authorities
- Penalties for failure to report theft include \$10,000 fine and up to 5 years in prison

Sex	Race	Age	Height	Weight	Weapon Type
Hair					Clothing Worn
Eyes					Hat (color, type)
Glasses Type					Shirt
Complexion					Coat
Facial Hair					Pants
Scars/Marks					Shoes
Tattoos					Jewelry
Auto License, Make, Color					Direction of Travel
Additional Information					

For theft/loss reporting assistance, contact the U.S. Bomb Data Center at 1-800-461-8841 or USBDC@atf.gov



Report Suspicious Activity

- ATF encourages industry members to report suspicious activity, e.g. delivery vehicles being followed (voluntary—not a requirement)
- Notify ATF of attempted/actual magazine break-ins
- Call 1-888-ATF-BOMB
- Link to Theft Advisory Checklist in Open Letter at <http://www.atf.gov/press/releases/2011/04/041911-open-letter-to-all-explosive-industry-members.html>
- Immediately notify local authorities if witnessing criminal activity



Be Prepared for Inspection

- Ensure records are available for examination
- Expect that inventory and records examinations will be time-consuming and thorough
- Ensure that a knowledgeable (responsible) person is available to answer questions and provide assistance, if necessary
- If you have any questions on what to expect, ASK!



Suggestions

- Establish a contact within local ATF office
 - Call ATF before you have a problem
 - Invite ATF to conduct training
- Frequent inventory verifications
- Educate your employees about the regulations and rulings
- Organize records in separate files
- Review security at premises
 - Consider upgrading padlocks



Reminders...

You are required to:

- Conduct yearly physical inventory of all explosives on-hand (*record must be on file for inspection)
- Visually inspect locks and magazines at least every seven days
- Notify the authority having jurisdiction for fire safety in the locality in which explosives are stored



Feedback

- Tell us what you'd like to hear about
 - Updates
 - Regulatory requirements
 - Records
 - Storage
 - Licensing process
- Have a question or topic you would like to see addressed in the newsletter? Email us at EIPB@atf.gov



Industry Resources

- Local ATF field offices www.atf.gov/field/index.htm
- Explosives Industry Programs Branch (EIPB)
EIPB e-mail address: EIPB@atf.gov
EIPB phone number: (202) 648-7120
- Federal Explosives Licensing Center (FELC)
FELC e-mail address: FELC@atf.gov
FELC phone number: (877) 283-3352
- ATF Twitter www.twitter.com/ATFHQ