EXPLOSIVES

NEWSLETTER

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



June, 1997

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.
- (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 account for and record all explosive materials returned.

(7) The system must record both the manufacturer and the importer of foreign-made explosives.

(8) 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 Form 5400.4 transaction number may be used to reference additional information, such as the date of birth, the place of birth, the identification used, etc.

(9) The system cannot rely on invoices or other paper/ manual systems to provide any of the required information (must be self-contained).

(10) If the business is discontinued, all records, (including a final printout) must be forwarded to the ATF out-of-Business Records Center, or any ATF office in the District in which the Business was located (27 CFR 55.128).

ATF will consider variance requests for proposed commercial recordkeeping systems that meet the above requirements. Approval of a system does not constitute any ATF endorsement. ATF's name may not be used in conjunction with a commercial product (i.e., "ATF approved"). Any licensee who purchases such an automated data processing system must still apply to ATF requesting approval to use that system.

All requests for recordkeeping variances are to be directed to the District Director (Regulatory Enforcement) for the district in which the license or permit was issued.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS DISTRICT OFFICES

Midwest District

Bureau of Alcohol, Tobacco and Firearms District Director (Regulatory Enforcement) 300 South Riverside Plaza, Room 310 Chicago, IL 60606-6613

North Atlantic District

Bureau of Alcohol, Tobacco and Firearms District Director (Regulatory Enforcement) 6 World Trade Center, 6th Floor New York, NY 10048-0206

Southeast District

Bureau of Alcohol, Tobacco and Firearms District Director (Regulatory Enforcement) 2600 Century Parkway, N.E., Room 300 Atlanta, GA 30345-3104

Southwest District

Bureau of Alcohol, Tobacco and Firearms District Director (Regulatory Enforcement) 1114 Commerce Street, Room 707 Dallas, TX 75242-1001

Western District

Bureau of Alcohol, Tobacco and Firearms District Director (Regulatory Enforcement) 221 Main Street, 11th Floor San Francisco, CA 94105-1906

Letters to the Editor

Q. If I manufacture explosives and use them up the same day, do I need a storage facility?

A. No. The regulations (27 CFR 55.205) provide that explosives that are in the process of manufacture or in use need not be stored in accordance with the regulations.

Q. Is a manufacturing license required for agricultural use of binary explosives?

A. No, as long as the user is not involved in the business of manufacturing explosives. For example, if a farmer buys binary explosives for use in blowing tree stumps, he does not need a manufacturing license. However, if the farmer conducted a business whereby he sold a service, e.g., blowing

stumps/rocks, etc., for other people, he would then be required to possess a manufacturing license.

Q. Can the components of binary explosives be stored together?

A. Yes. The binary components are not considered explosives until mixed.

Q. After conducting an inventory of our explosives on hand, we noticed one case of dynamite missing. After double-checking all Daily Summary of Magazine transactions, invoices, and delivery sheets, the case of dynamite is still unexplained. What do I do now?

A. You must report, within 24 hours of discovery of a theft or loss of explosives, to ATF by telephone (toll free: 800-800-3855). ATF 5400.5 "Report of Theft or Loss-Explosive Materials" must then be completed and forwarded in accordance with the instructions on the form.

Q. Is a manufacturers' license required to manufacture explosives for personal, non-business use?

A. No. A manufacturers license is needed only for persons who manufacture explosives for sale, distribution, or for business use.

Q. I have a small amount of plastic explosives on hand. How will the new Antiterrorism and Effective Death Penalty of 1996 affect me?

A. If the plastic explosives were manufactured before April 24, 1996, you have until April 24, 1999, to use it up, destroy it, or incorporate a detection agent in it. For further information, see section on Antiterrorism and Effective Death Penalty Act of 1996.

Q. How do I calculate the weight of explosives in fireworks cakes and aerial shells?

A. When the actual amount of explosive material in a fireworks cake is unknown, 25% of the total weight of the cake should be used in determining the amount of explosive material. If the actual amount of explosive material in an aerial shell is unknown, 50% of the total weight should be used in determining the amount of explosive material.

ITEMS OF INTEREST

PROPOSED CHANGES TO EXPLOSIVES REGULATIONS:

ATF has proposed to amend the regulations contained in 27 CFR Part 55. A notice of proposed rulemaking was published in the Federal Register on October 15, 1996. The proposed

amendments involve requiring the explosives industry to notify local law enforcement officials and fire departments of sites where explosives are stored or manufactured, increasing the license and permit fees, elimination of the manufacturerlimited license, clarification of definitions, and amendment of the American Table of Distances to conform with the explosives industry's latest revisions. These proposals were introduced for a 90-day comment period which ended on January 13, 1997. During the comment period, ATF received approximately 400 letters, primarily from the model rocket industry. Their comments suggested that ATF create a separate category for rocketry permits with lower fees. ATF is considering the relative merits of such a proposal and will issue a final rule in the near future.

DISTRICT EXPLOSIVE OFFICERS

ESTABLISHMENT OF DISTRICT EXPLOSIVE OFFICERS

In an effort to maintain an open line of communication between ATF and the explosives industry, ATF has designated District Explosive Officers (DEO). In each of the five ATF districts, DEOs can serve as a valuable source of information to the explosives industry. These individuals will concentrate on explosives issues and provide the most up-to-date and complete ATF information available to the industry. Listed below are the DEO's and Bureau personnel primarily involved in explosives issues:

North Atlantic District

Connie Benson 22 South Howard Street, 3rd Fl. Baltimore, MD 21201 Phone # 410-962-3200

Southeast District

Jeanette Compton 2600 Century Parkway, N.E., Room 300 Atlanta, GA 30345 Phone # 404-679-5001

Midwest District

Eugene Baker 801-B West Eighth Street, Room 301 Cincinnati, OH 45203 Phone # 513-684-3351

Southwest District

Laurie Galuardi 1100 Commerce Street, Room 7E7 Dallas, TX 75242 Phone # 214-767-9461

Western District

Salli Sammut 221 Main Street, 11th Fl. San Francisco, CA 94105 Phone # 415-744-7013

HEADQUARTERS PERSONNEL

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Gail Hosey-Davis

Firearms and Explosives Operations Branch 650 Mass. Ave. N.W. Room 5100 Washington, DC 20226 Phone # 202-927-8310

Mark Waller

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Please feel free to contact any of these individuals for assistance.

ANTITERRORISM AND EFFECTIVE DEATH PENALTY ACT OF 1996

On July 23, 1996, the Federal Register published the final rule titled: Commerce in Explosives; Implementation of Provisions of Public Law 104-132, the Antiterrorism and Effective Death Penalty Act of 1996, Relating to Plastic Explosives. This final rule required all individuals, other than an agency of the United States (including any military reserve component) or National Guard of any State, to report to the Secretary by August 22, 1996, all plastic explosives in inventory on April 24, 1996. The report had to contain the quantity of explosive(s), name of manufacturer or importer, marks of identification, name and address of possessor, and location of storage. There are four specifically named substances which, when introduced into the plastic explosives during the manufacturing process, achieve a homogeneous distribution in the finished product:

1) Ethylene glycol dinitrate (EGDN), $C_2H_4(NO_3)_2$, molecular weight 152, when the minimum concentration in the finished explosive is 0.2 percent by mass;

2) 2,3-Dimethyl-2, 3-dinitrobutane (DMNB), $C_6H_{12}(NO_2)_2$, molecular weight 176, when the minimum concentration in the finished explosive is 0.1 percent by mass;

3) Para-Mononitrotoluene (p-MNT), $C_7H_7NO_2$, molecular weight 137, when the minimum concentration in the

finished explosive is 0.5 percent by mass; 4) Ortho-Mononitrotoluene (o-MNT), $C_7H_7NO_2$ molecular weight 137, when the minimum concentration in the finished explosive is 0.5 percent by mass;

5) Any other substance in the concentration specified by the Secretary, after consultation with the Secretary of State and the Secretary of Defense, that has been added to the table in part 2 of the Technical Annex to the Convention on the Marking of Plastic Explosives.

The only plastic explosive materials which would qualify for exemption from the detection agent requirements are:

1) those consisting of a small amount intended and used solely in lawful-

a) research, development, or testing of new or modified explosive materials;

b) training in explosives detection or development or testing of explosives detection equipment; or

c) forensic science purposes; or

2) was plastic explosive that, within 3 years of the date of enactment of the Antiterrorism and Effective Death Penalty Act of 1996, will be or is incorporated in a military device within the territory of the United States and remains an integral part of such military device, or is intended to be, or is incorporated in, and remains an integral part of a military device that is intended to become, or has become, the property of any agency of the United States performing military or police functions...or the National Guard of any State, wherever such device is located.

The following chart may be used as a guide for determining legal possession of plastic explosives:

If manufactured or imported before 4/24/96	Legal to possess unmarked until 4/24/99.
If manufactured or imported <u>on or after</u> 4/24/96	Must be used-up, destroyed, or marked on or before 4/24/97.
If manufactured or imported <u>on or after</u> 4/24/97	Illegal to possess if <u>not</u> marked.

National Repository of Arson and Explosive Incidents

The Omnibus Consolidated Appropriations Act of 1997 (Lautenburg) amended 18 U.S.C. Section 846, by authorizing ATF to establish a national repository of information on incidents involving arson and the suspected criminal misuse of explosives. All Federal agencies are required to report to ATF any information concerning such incidents. ATF will also maintain information voluntarily submitted by State and local authorities. Regulations detailing the types of information, time frame, and manner in which to report the information will be forthcoming.

ATF and the INTERNET

ATF's internet address has changed to *www.atf.treas.gov*. The explosives information page is currently being developed to provide access to the most current and accurate information available. On this homepage, you will be able to find information on newly enacted laws and regulations, profiles of ATF's Most Wanted, Arson and Explosives, important telephone numbers, as well as information concerning the alcohol, tobacco and firearms industries. Please continue to visit our web site to see what new information is available.

EXPLOSIVES SECURITY

In today's society, it is imperative that the security of explosive materials be given a high priority. Although ATF Inspectors check the explosive magazines for compliance with the security provisions, only the manufacturer, importer, user, and/or dealer can ensure the highest level of security. Please emphasize to all employees the need for security awareness. Some suggestions for heightened awareness are:

1) Ensure tight controls over keys to magazines (during 1991-1995 there were 21 reported incidents where thefts from explosives magazines occurred through the use of a key).

2) Increase the frequency of checks on magazines; make sure the "dark side" of the magazines are checked as well (during 1991-1995, there were 20 reported incidents where thefts from magazines occurred by doors pried or blown open).

3) Maintain accurate records detailing the acquisition and removal of explosives. Pay attention to explosive materials being returned as "unused" from various job sites.

4) Ensure locks on magazines meet the standards outlined in 27 CFR Part 55. (1991-1995 statistics show 24% of all reported thefts of explosive materials were as a result of the thief prying and cutting locks).

If you notice a loss or theft of explosives, you are required to report it to ATF within 24 hours of discovery by telephone (800) 800-3855. Follow this telephone call with the completion of ATF Form 5400.5, "Report of Theft or Loss-Explosive Materials", and submit in accordance with the instructions on the form. Below is a table detailing the quantity of explosives stolen by category, **1991 - 1995.**

Please make a conscious effort to keep explosive materials in the channels of the lawful commercial market. No one can afford the consequences resulting from criminal misuse of explosives.

	1991	1992	1993	1994	1995	5 Year Total
		High (Ir	n Explosi n pounds	ives s)		
Dynamite	6,023	7,983	4,409	5,320	3,234	26,969
TNT, C. Military	85	2	74	22	16	199
Primers	0	89	25	0	78	192
Boosters	487	531	127	2,593	76	3,814
TOTAL	6,595	8,605	4,635	7,935	3,404	31,174
		Low (Ir	Explosi pounds	ives s)		
Black Powder	158	0	303	100	25	586
Smokeless Powder	30	20	24	0	0	74
TOTAL	188	20	327	100	25	660
Blasting Agents (In pounds)	9,576	1,063	4,022	6,905	5,300	26,866
D.t. Cord/Ignitor Cord/Safety Fuse (In feet)	60,397	29,640	28,534	83,771	19,267	221,609
Detonators (By quantity)	11,527	11,067	7,075	5,226	7,818	42,713
Grenades (By quantity)	6	0	224	69	58	357

ATTENTION! Fireworks Distributors

This is to alert you that there are specific requirements and special precautions when you make sales to holders of user-limited permits - Type 37

1. The limited user permit is only valid for a <u>single</u> purchase of low explosives (fireworks).

2. At the time of sale, you must write the transaction date, your signature and your license number on the front of the **original** user-limited permit prior to returning the permit to the permit holder.

3. Require identification of all persons using a userlimited permit to purchase fireworks!

4. All Type 37 user-limited permits are valid for only one year. Be sure the permit is not expired before accepting an order for fireworks.

5. Report all attempts to make multiple use of the userlimited permits to your nearest ATF office.

6. Only **original** Type 37 permits can be accepted for fireworks sales.

7. Be alert for any explosives permits or licenses which appear to be altered in any way. Your local ATF Regulatory Enforcement office can resolve any issues with questionable licenses or permits.

8. If you are uncertain about making any fireworks transactions, contact an ATF Regulatory Enforcement office first!!

AIRBAGS

Several questions have arisen regarding the manufacture, distribution, and possession of airbag initiators.

In order to obtain the explosive material used in the airbag initiators and produce the initiator for installation into an airbag unit, a license as a manufacturer of low explosives is needed. If

manufactured initiators are purchased from an out-of-state source for installation into an airbag device, a Federal user of low explosive permit is required. Once the explosive material has been incorporated into the airbag device, it may be exempted from regulation. In other words, manufacturers of these complete [airbag] devices, must apply for exemption status under 27 CFR 55.32 prior to the interstate distribution to non-licensees/non-permittees. Once the device has been exempted under 27 CFR 55.32, the subsequent sale of these airbags, containing the initiator, does not require an ATF license or permit. However, if the initiator is later removed from the device, it once again becomes a regulated item. Thus, individuals and/or corporations receiving these airbag devices for destruction or for the extraction of the initiators from the unit would need a Federal users permit to acquire them in interstate commerce.

NOTICE

Effective October 1, 1991, many of the Department of Transportation's (DOT) shipping names and classifications were changed for domestic transportation. The following two charts provide (1) a comparison of the old and new DOT classifications for explosives, and (2) an aide for clarification of the classification of explosive materials by ATF as high, low, and blasting agents, from those classified by DOT as 1.1, 1.2, etc.

Explosives	Classifications
Class A Explosives	Division 1.1 or 1.2
Class B Explosives	Division 1.2 or 1.3
Class C Explosives	Division 1.4
Blasting Agents	Division 1.5
(No Applicable Class)	Division 1.6 (Mostly Military)

Explosive	Old DOT Class	New DOT Class	BATF Class
Dynamite, cast boosters, cap sensitive emulsions, water gels and slurries.	Class A	1.1D	High Explosive
Black Powder	Class B	1.1D	Low Explosive
Detonators	Class A	1.1B & 1.4B	High Explosive
Safety fuse, electric squibs, igniters and igniter cord	Class C	1.4S & 1.4G	Low Explosive

Keep in mind that the DOT classification is primarily focused on the safe transportation of the various explosive materials. ATF's classification concerns the safe storage of explosives and reflects the type of license and/or permit required for the

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importation, manufacture, distribution, and possession of explosive materials. Further information can be found under 49 CFR Parts 172 & 173.

THEATRICAL FLASH POWDER

On September 27, 1991, ATF relaxed the licensing requirements for on-site manufacturers of small quantities of theatrical flash powder. A new license type was created (Type 19, Manufacturer of Binary Explosives), which allows on-site manufacturers to operate nationally on one license issued to their principal place of business. Small quantities of theatrical flash powder is defined as premeasured kits not exceeding one (1) ounce and mixed immediately prior to use and intended for use in theatrical shows, stage plays, band concerts, magic acts, thrill shows, and clown acts in circuses. Pursuant to 18 U.S.C 843(g), on-site manufacturers of theatrical flash powder are required to post their license on the premises covered by the license. Since this rule will allow on-site manufacturers to operate on one license in any State, this license must be posted at each site where the theatrical flash powder is mixed and used. Individuals who manufacture flash powder from larger quantities of base chemicals are required to obtain a license in each region in which activity is conducted. Please remember that a Federal explosive license does not convey any rights or privileges to operate in violation of any State law or local ordinances. Prior to conducting any activity involving the use of explosives, it is suggested that you contact your State and/or local Fire Marshals' office for license and permit requirements.

BE AWARE AMERICA!

ATF has developed many partnerships to prevent the criminal misuse of explosives. Those partnerships include the Fertilizer Institute, the Agricultural Retailers Association, and the Association of American Plant Food Control Officials. By working with these organizations, ATF hopes to heighten awareness surrounding the uncontrolled purchase of ammonium nitrate-based fertilizers and other commonly available materials easily rendered into explosives. Let's work together to prevent such tragedies as the bombing of the Oklahoma City Federal Building, bombing of the World Trade Center, and others. Please report any suspicious purchases or attempted purchases of any explosive compounds or materials. You may report these purchasers by contacting the nearest ATF Office (phone numbers and addresses located in this publication), or call the toll free number 1-800-800-3855, extension 8030.

Help prevent the criminal misuse of explosive materials!

	Questions/Suggestions to Editor: Explosives Newsletter
Name and Address	S
Questions you wo	uld like to see addressed in next newsletter:
Suggestions for in	nprovement of newsletter:
Suggestions for im	nprovement of newsletter:
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Suggestions for im	nprovement of newsletter:
Suggestions for im	nprovement of newsletter:

Bureau of Alcohol, Tobacco and Firearms ATTN: Explosives Newsletter 650 Massachusettes Avenue, N.W., Suite 5100 Washington, D.C. 20226



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St. Louis Area Office 815 Olive St., Room 310 St. Louis, MO 63101-1559 (314) 539-2251

Puerto Rico Federico Degetau Fed. Bldg., Room 659 Avenida Carios Chardon Hato Rey, PR 00918 (809) 753-4082

California San Jose Area Office 55 South Market St., Room 440 San Jose, CA 95113-2325 (408) 291-7464

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Chicago Area Office One South 450 Summit Ave., Room 225 Oakbrook Terrace, IL 60181-3990 (630) 268-1282

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San Francisco Area Office 221 Main St., Room. 1340 San Francisco, CA 94105-1992 (415) 744-9458

Kentucky Louisville Area Office 600 Martin L. King Jr. Place, Room 354 Louisville, KY 40202-2285 (502) 582-5216 *New York* New York Area Office 6 World Trade Center 6th Floor, Room 626 New York, NY 10048-0206 (212) 264-4650

Houston Area Office 515 N. Sam Houston Pkwy. East, Room 400 Houston, TX 77060-4034 (713) 931-0291

Sacramento Area Office 801 K Street, Room 291 Sacramento, CA 95814-3518 (916) 498-5095

Frankfort Area Office 330 West Broadway, Room 124 Frankfort, KY 40601-1922 (502) 223-3350

Buffalo Area Office 111 West Huron St., Room 219 Buffalo, NY 14202-2301 (716) 551-4048

San Antonio Area Office 8610 Broadway, Room 410 San Antonio, TX 78217-6355 (210) 805-2777

Los Angeles Area Office 350 S. Figueroa St., 8th Fl Los Angeles, CA 90071-1102 (213) 894-4815

Louisiana New Orleans Area Office 111 Veterans Blvd., Room 1216 Metairie, LA 70005-0001 (504) 589-7113

North Carolina Charlotte Area Office 4530 Park Road, Suite 441 Charlotte, NC 28209 (704) 344-6127

Virginia Richmond Area Office 804 Moorefield Park Drive, Room 201 Richmond, VA 23236-3670 (804) 560-0157

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Washington Seattle Area Office 915 Second Ave., Room 842 Seattle, WA 98174-1001 (206) 220-6456

Colorado Denver Area Office P.O. Box 2437 Denver, CO 80161-2437 (303) 843-4144

Massachusetts

Boston Area Office Boston Federal Office Building 10 Causeway St., Room 795 Boston, MA 02222-1079 (617) 565-7073

Cleveland Area Office 6745 Engle Road, Room 210 Middleburg Heights, OH 44130-7907 (216) 522-3374

Wisconsin Milwaukee Area Office 1000 N. Water St., Room 1710 Milwaukee, WI 53202-3197 (414) 297-3991

Connecticut Hartford Area Office A.A. Ribicoff Fed. Bldg. 450 Main Street, Room 610 Hartford, CT 06103 (860) 240-3400

Michigan Detroit Area Office 1155 Brewery Park Blvd., Room 300 Detroit, MI 48207-2602 (313) 393-0078

Oregon Portland Area Office 9828 East Burnside St., Room 210 Portland, OR 97216-2330 (503) 231-2331

Florida

Miami Area Office 5205 NW 84th Ave., Suite 3166 Miami, FL 33166 (305) 597-4771

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Pennsylvania

Lansdale Area Office 100 West Main St., Room 300-B Lansdale, PA 1944-2022 (215) 362-1840

Tampa Area Office 550 Reo Street, Suite 301 Tampa, FL 33609 (813) 288-1252

Missouri

Kansas City Area Office 2600 Grand Ave., Room 280 Kansas City, MO 64108-4600 (816) 221-4036

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ATF Criminal Enforcement Division Offices

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Miami Field Division 8420 NW 52nd St., Room 120 Miami, FL 33166-5310 (305) 597-4800 Florida, Puerto Rico and Virgin Islands

Nashville Field Division 215 Centerview Dr., Room 215 A Brentwood, TN 37027-5246 (615) 781-5364

Tennessee

New York Field Division 6 World Trade Center, Room 238 New York, NY 10048 (212) 466-5150

New York, New Jersey

Philadelphia Field Division 2nd and Chestnut Streets, Room 607 Philadelphia, PA 19106-2989 (215) 597-7266 Pennsylvania, New Jersey

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Washington Field Division 607 14th St, NW. Room 620 Washington, DC 20005-2000 (202) 219-7751 Virginia, Washington DC

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