



U.S. Department of Justice

Bureau of Alcohol, Tobacco,  
Firearms and Explosives

JUL 18 2006

Washington, DC 20226  
www.atf.gov

902030:PSP  
06-0491  
555.63; 555.201  
5400

Mr. David W. Boston  
Owen Compliance Services, Inc.  
P. O. Box 765  
Godley, Texas 76044-0765

Dear Mr. Boston:

This is in response your letter to Explosives Industry Programs Branch (EIPB) Chief Gary Bangs on May 25, 2006. You requested that we clarify the requirements under 18 U.S.C., Chapter 40, and the implementing regulations at 27 CFR, Parts 555.63(a)(4), 555.63(c), and 555.201(c), for explosives storage magazine changes. You also asked what changes to existing magazines would need to be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

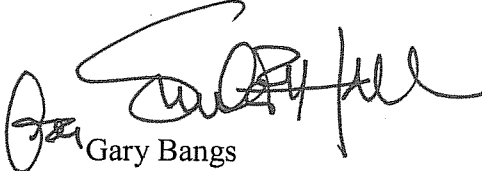
A May 26, 2006, telephone conversation with Specialist Penny Patterson of EIPB further clarified your concerns and the reasoning in your letter. You state that your understanding of the regulations at 555.201(c) does not include changes such as relocation of the existing magazines, repairing magazines (so long as the repairs do not require a change in construction of the magazine), and painting the magazine exteriors. You also state that the regulations at 555.201(c) declare that notification is to be provided as required by 555.63.

The regulations at 27 CFR 555.201(c) states "A licensee or permittee who intends to make changes in his magazines, or who intends to construct or acquire additional magazines shall comply with §555.63." The regulations at 555.63 for explosives storage magazine changes are concerning changes to the construction of new explosives storage magazines and construction changes to existing explosives storage magazines, particularly 555.63(c). The definition of construct or construction is to "put together by assembling parts," otherwise to build or create something, in this case the explosives storage magazine. Therefore, the relocation of explosives storage magazines, repair to existing magazines, or the painting of magazine exteriors does not fall into the definition of changes of construction and does not require the explosives licensee or permittee to notify ATF of these activities.

Mr. David W. Boston

We trust the foregoing has been responsive to your inquiry. Please feel free to contact the EIPB at (202) 927-2310 or visit our website at [www.atf.gov](http://www.atf.gov) if you have any additional questions or need further assistance.

Sincerely yours,



Gary Bangs  
Chief, Explosives Industry  
Programs Branch



May 25, 2006

H:\Data\ATF\O.O.T\Interpretations\0400.621, Magazine Changes\Bangs, 2006.05.25, Clarification request.doc

Gary Bangs  
Chief, Explosives Industry Programs Branch  
Arson and Explosives Division  
Bureau of Alcohol, Tobacco, Firearms, and Explosives  
650 Massachusetts Avenue; Room 5100  
Washington, DC 20226

Client: Owen Oil Tools LP  
Subject: Magazine Changes  
Your Ref: 27 CFR 555.63(a)(4), 27 CFR 555.63(c), and  
27 CFR 555.201(c)  
File No: 0400.621

Dear Mr. Bangs:

Owen Oil Tools is seeking clarification on the following issue:

1. 27 CFR 555.63(a)(4) and 27 CFR 555.63(c) address the provision of notification to ATF prior to and upon completion of making any “changes in construction” to existing magazines.
2. 27 CFR 555.201(c) states that notification is to be provided in accordance with §555.63 in the event of “magazine changes”.

It is our understanding that:

1. the “magazine changes” addressed in § 555.201(c) are limited to the “changes in construction” addressed in § 555.63(a)(4) and § 555.63(c) and
2. the “magazine changes” addressed in § 555.201(c) do not include events that are not changes in magazine construction such as:
  - a. relocation of existing magazines<sup>1</sup>,
  - b. repairing magazines, so long as the repairs do not require a change in construction of the magazine, and
  - c. painting magazine exteriors.

---

<sup>1</sup> Newly acquired and/or newly constructed magazines are subject to the reporting requirements of § 555.63(a)(4) and § 555.63(d)

Gary Bangs, ATF

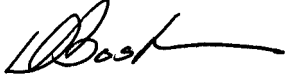
May 25, 2006

H:\Data\ATF\O.O.T\Interpretations\0400.621, Magazine Changes\Bangs, 2006.05.25, Clarification request.doc

Page - 2

Please advise if our understanding is correct. Thank you for your assistance.

Sincerely,



David W. Boston  
President

cc: OOT Godley Responsible Persons  
OCS Compliance Manager