

Hardwood. Any close-grained wood such as oak, maple, ash, or hickory that is free from loose knots, spaces, wind shakes, or similar defects.

Highway. Any street, alley, or road, including a privately financed, constructed, or maintained road, that is regularly and openly traveled by any member of the general public. For purposes of this definition, the term "general public" includes any and all individuals whose travel on a highway is not directly in connection with activities being undertaken at a particular facility at which explosives are manufactured, assembled, or stored. Individuals employed by or otherwise associated with one explosives facility will generally constitute members of the "general public" with respect to any other explosives facility.

Inhabited building. Any building regularly occupied in whole or in part as a habitation for human beings, or any house of worship, schoolhouse, railroad station, store, or other structure where people are accustomed to assemble or to be present for any purpose, except any building occupied in connection with the manufacture, transportation, storage, or use of explosive materials. For purposes of this definition, a building occupied by a person will be considered to be "occupied in connection with the manufacture, transportation, storage, or use of explosive materials" only with respect to the explosives operations conducted by the same person.

Manufacturer. (a) Any person engaged in the business of manufacturing explosive materials for purposes of sale or distribution or for his own use; or

(b) Any person engaged in the business of assembling explosive materials from explosive and/or non-explosive materials for purposes of sale or distribution or for his own use.

Softwood. Any coarse-grained wood such as fir, hemlock, pine, or spruce that is free from loose knots, spaces, wind shakes, or similar defects.

Par. 3. Section 55.22(c) is revised to read as follows:

§ 55.22 Alternate methods or procedures; emergency variations from requirements.

(c) *Retention of approved variations.* The licensee or permittee will retain, as part of his records available for examination by ATF officers, any variance approved by the Director under this section. Upon request by the Director, previously approved variance

requests must be resubmitted for a new determination.

Par. 4. Section 55.46(a) is amended by adding a new sentence after the first sentence to read as follows:

§ 55.46 Renewal of license or permit.

(a) * * * The Chief, Firearms and Explosives Licensing Center, by written notification may require the applicant for license or permit renewal to also file completed form ATF F 5400.13/5400.16 or ATF F 5400.21 in the manner required by § 55.45. * * *

Par. 5. Section 55.63 is revised to read as follows:

§ 55.63 Notification of magazine changes.

(a) *General.* Except as provided in paragraph (f) of this section, the requirements of this section are applicable to all magazines used for storage of explosives. Magazines used for temporary storage of explosives are subject to the table of distances and magazine construction requirements prescribed in §§ 55.206—55.211.

(b) *Changes in magazine construction.* A licensee or permittee who intends to make changes in construction of an existing magazine will notify the regional director (compliance) in accordance with paragraph (e) of this section, describing the proposed changes prior to making any changes. Unless otherwise advised by the regional director (compliance), changes in construction may commence.

(c) *Magazines acquired or constructed after permit or license is issued.* A licensee or permittee who intends to construct or acquire additional magazines will notify the regional director (compliance) in accordance with paragraph (e) of this section describing the additional magazines, the proposed location of the magazines, and the class and quantity of explosives to be stored in the magazine. Unless otherwise advised by the regional director (compliance), additional magazines may be constructed, or acquired magazines may be used for the storage of explosives.

(d) *Relocation of magazines.* A licensee or permittee who intends to change the location of an existing magazine will notify the regional director (compliance) in accordance with paragraph (e) of this section describing the proposed changes in location prior to making any changes. Unless otherwise advised by the regional director (compliance), magazines may be relocated after explosives are removed from the magazine. (See also subpart K of this part for storage requirements.)

(e) *Notification of regional director (compliance).* For the purposes of this section, notification of the regional director (compliance) may be by telephone or in writing. However, if notification of the regional director (compliance) is in writing it must be received at least three business days in advance of making changes in construction to an existing magazine or constructing a new magazine, and at least five business days in advance of using any reconstructed magazine or added magazine for the storage of explosives.

(f) *Exception.* Type 3 magazines and mobile or portable type 5 magazines are exempt from the requirements of paragraphs (b), (c), and (d) of this section.

§ 55.105(g) [Removed]

Par. 6. Section 55.105(g) is removed.

§ 55.106(d) [Removed]

Par. 7. Section 55.106(d) is removed.

§ 55.108 [Amended]

Par. 8. Section 55.108 is amended by removing paragraph (b) and by redesignating paragraphs (c) and (d) as paragraphs (b) and (c).

Par. 9. Section 55.121 is amended by revising paragraph (a)(1) and by adding the word "business" before "premises" in the first sentence of paragraph (b) to read as follows:

§ 55.121 General.

(a)(1) Licensees and permittees will keep records pertaining to explosive materials in permanent form (*i.e.*, commercial invoices, record books) and in the manner required in this subpart. Computer recordkeeping systems may be used to keep records pertaining to explosive materials, provided the following conditions are met:

(i) The system contains all the information required in this subpart;

(ii) The system can be queried by date code or date shift code and/or lot number;

(iii) The system has a daily memory backup capability acceptable to ATF, such as disk or tape;

(iv) The system is capable of providing a printout of all records for purposes of inspection by ATF, when the system memory is purged, or if business is discontinued;

(v) The computer printout contains a record of explosives in inventory, as well as all that were sold during the period covered, sequentially, by date of acquisition;

(vi) The system accounts for and records all explosive materials returned;