



DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
WASHINGTON, D.C. 20226

JAN 22 1996

Mr. John C. Bergman
5438 East Rotamer Road
Milton, Wisconsin 53563

Dear Mr. Bergman:

Thank you for your letter of August 15, 1995, sent as a follow-up to an issue raised during the Pyrotechnics Guild II (PGII) Convention. You sought clarification of the term "engaged in the business" as it applies to amateur pyrotechnists who make fireworks solely for personal use. You asked whether such persons are subject to the license/permit requirements of the Federal explosives regulations.

You referenced a May 27, 1983, letter signed by Mr. William T. Drake, then Assistant Director of Regulatory Enforcement, Bureau of Alcohol, Tobacco and Firearms (ATF), which addressed this question. In that letter, ATF ruled that an individual making explosive materials solely for his or her noncommercial use need not obtain a license to manufacture explosives.

Although ATF continues to hold that the occasional noncommercial manufacture of explosives does not require a manufacturers license, we would caution that Federal explosives law requires that individuals who purchase explosive materials in any quantity outside of their state of residence must obtain a user or user-limited permit. We are in concurrence with your statement that the safe and proper storage of explosives is a major issue. Amateurs mixing even small quantities of compositions are still required to store such materials in conformity with 27 CFR Part 55, Subpart K.

It was a pleasure meeting you at the PGII Convention. We look forward to continuing dialogue with you and to receiving your suggestions regarding improving regulation of the fireworks industry. If you should need any assistance, please do not hesitate to contact us at (202) 927-8310.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Robert P. Mosley", is positioned above the typed name.

Robert P. Mosley
Chief, Firearms and Explosives
Operations Branch