



April 2, 2003

Mr. James P. Ficaretta, Program Manager  
Bureau of Alcohol, Tobacco, Firearms & Explosives  
650 Massachusetts Avenue, N.W.  
Washington, DC 20226

Subject: Request For Extension of Time and to Conduct Hearings, NPRM #968

Dear Mr. Ficaretta:

By this letter, the International Society of Explosives Engineers (ISEE) requests an extension of time of at least 90 days to submit comments regarding the Notice of Proposed Rulemaking, Number 968, published by ATF in the *Federal Register* on January 29, 2003. In addition, ISEE requests that hearings be scheduled during that 90-day extension period at regional locations across the country to include all segments of the industry to discuss the proposed rulemaking.

ISEE is a technical society and the largest association of commercial explosives users in the United States. Our mission is to promote the safe and controlled use of explosives materials for the public good and to promote the standardization of methods, terminology, and regulations throughout the industry.

ISEE represents more than 4500 members engaged in the manufacture, transportation, storage, handling, use and disposal of commercial explosives and related activities. The Society makes every effort to communicate to the entire industry and understands that the ability to use these products safely, securely, and economically is of utmost importance to this industry and to the general public. The public relies heavily on the many goods and services that result from the use of commercial explosives in mining, quarrying, construction, agriculture, forestry, avalanche control, automobiles, aerospace, manufacturing, geophysical exploration, law enforcement, and more.

ISEE requests the extension of time of at least 90 days and the scheduling of hearings for the following reasons:

- 1) With these changes, ATF is proposing an enormous revision to the Orange Book that has taken at least five years to develop and which will have a far-reaching effect on the industry and the public - with enormous safety, security, and economic implications.

2) The complexity, breadth and potential impact of the proposed rule to the commercial explosives industry demands thorough analysis and careful evaluation, not just on the part of the associations that represent the industry, but by every individual and/or company that manufactures, transports, stores, handles, or uses the product. This process will necessarily take a significant amount of time to complete.

3) The time it will take to conduct this analysis and evaluation is compounded by the fact that everyone involved in the industry is simultaneously undergoing dramatic changes in licensing procedures as a result of the Safe Explosives Act and reviewing another complete set of rule changes (27 pages), the Interim Final Rule, as published in the Federal Register at 27 CFR 555, on March 20, 2003.

4) In that all segments of the commercial explosives industry are already subject to an existing comprehensive set of workable regulations, neither safety nor security will be compromised by allowing the industry an extension of time to submit comments.

ISEE places great importance on the cooperative working relationship it has established with ATF in recent years, especially with the Explosives Safety Branch, for example, in hosting ATF officials including the ATF Director at our annual conferences, inviting participation in our Government Regulators Conferences for state officials, involving ATF officials on our Explosives Security Committee, and including ATF officials as speakers at our Chapter meetings.

In keeping with that working relationship, the Society would be happy to host the hearings that we believe are necessary to allow for a complete discussion of these rules with industry. ATF has held such industry meetings in the past to discuss licensing issues. Such hearings, for example, could be held in Washington, St. Louis, and Denver.

We continue to work with our members and others in the industry to encourage the careful review of the NPRM and proper submission of comments and ask for the extension of time and public hearings to allow for sufficient time to complete that process.

I would appreciate it if you could respond to this request by April 15 so that we can make appropriate plans. If you have any questions regarding this request, please contact me at (440) 349-4400.

Sincerely,

Jeffrey L. Dean, CAE  
Executive Director and General Counsel  
International Society of Explosives Engineers