

Supporting Statement for Paperwork Reduction Act Submissions

DEA Form 486 Import/Export Declaration for List I and List II Chemicals [OMB 1117-0023]

Part A. Justification

1. Necessity of Information: The Chemical Diversion and Trafficking Act of 1988 levies reporting requirements on those who import, export, or conduct international transactions involving, list I and list II chemicals. The chemicals subject to control are used in the clandestine manufacture of controlled substances. Part 1313, Title 21, Code of Federal Regulations establishes the import and export controls. These regulations require importers, exporters, brokers and traders of listed chemicals to furnish the Drug Enforcement Administration with a DEA Form 486 Import/Export Declaration not later than 15 days prior to the proposed transaction. The DEA Form 486 includes information regarding the person(s) to whom the listed chemical is proposed to be transferred and the name and quantity of the chemical proposed to be transferred.

If, after submission of the initial DEA Form 486, Import/Export Declaration, the importer, exporter, broker, or trader will not be transferring the listed chemical to the person initially named on the DEA Form 486, or if the importer or exporter will be transferring a greater quantity than originally indicated on the DEA Form 486, then the importer, exporter, broker, or trader must file an amended DEA Form 486 reporting the change. This amendment must provide the name of the new prospective customer and/or the greater quantity of the listed chemical to be transferred. The requirement to notify DEA of a change in the transferee or an increase in the quantity of the chemical to be transferred applies to amended DEA Forms 486 in the same manner that it applies to original submissions.

The Attorney General, by law, has the authority to suspend the import/export of a listed chemical if evidence reveals the chemical may be diverted to the clandestine manufacture of a controlled substance.

Finally, within 30 days after the importation, exportation, or international transaction is completed, the importer, exporter, broker, or trader must send DEA a return declaration containing information regarding the transaction. For importers, a single return declaration may include the information for both the importation and distribution. If the importer has not distributed all chemicals imported by the end of the initial 30-day period, the importer must file supplemental return declarations no later than 30 days from the date of any further distribution, until the distribution or other disposition of all chemicals imported under the import notification or any update are accounted for. In addition, if an importer, exporter, broker, or trader files a Form 486, but the transfer

covered fails to take place (e.g., the import or export is canceled prior to shipment), the person must file an amended Form 486 to notify DEA of the cancellation.

DEA may waive this reporting requirement for a specific listed chemical for which the Administrator of DEA has determined reporting is not necessary for effective chemical diversion control. DEA has waived the reporting requirements for imports of three List II chemicals: acetone, 2-Butanone, and toluene. Persons importing these three List II chemicals must provide DEA with quarterly reports regarding those importations.

2. Needs and Uses: The DEA Form 486 provides the Drug Enforcement Administration with control measures over the importation, exportation, and international transactions of list I and list II chemicals. Analysis of these documents provides DEA with important intelligence regarding the international commerce in chemicals. This information assists DEA in the identification of suspected traffickers and trafficking routes. The additional requirements imposed by the Combat Methamphetamine Epidemic Act of 2005 will ensure that DEA has an accurate record of importations, exportations, and international transactions.

3. Use of Technology: Currently, approximately 99% of all submissions are sent to DEA via facsimile. The DEA Form 486 is available on the Diversion Control Program web site, <http://www.deadiversion.usdoj.gov>, as a partially interactive form. Registrants may complete the form online, print it, sign it, and send or fax it to DEA. DEA anticipates making this form fully interactive within the next year.

4. Efforts to Identify Duplication: The import/export control function for these listed chemicals is unique to DEA. There is no other source of information.

5. Methods to Minimize Burden on Small Businesses: The collection of information does not impact small businesses or other small entities.

6. Consequences of Less Frequent Collection: The law requires the information to be collected on an as needed basis (which is frequently more often than quarterly), and cannot, therefore, be collected less frequently. Businesses and other for-profit entities participating in this information collection maintain the requested data as part of usual and customary business practice.

7. Special Circumstances Influencing Collection: This collection is required every time a listed chemical is imported or exported from the United States, or every time an international transaction is conducted involving a United States broker or trader.

Therefore, forms are collected as needed, often more than quarterly. There are no other special circumstances in item 7 of the supporting statement applicable to this information collection.

8. Reasons for Inconsistencies with 5 CFR 1320.6: There are no circumstances that require the collection of data that would be inconsistent with the guidelines set for in 5 CFR 1320.6. DEA meets regularly with the affected industry to discuss policies, programs and regulations.

DEA did not receive any comments concerning this collection.

9. Payment or Gift to Claimants: There are no payments or gifts to respondents.

10. Assurance of Confidentiality: Confidential business information is protected under Department of Justice regulations, 28 CFR 16.8 and 16.9. This information is also governed pursuant to 21 U.S.C. 830.

11. Justification for Sensitive Questions: Questions of a sensitive nature are not included in this information collection.

12. Estimate of Hour Burden:

Respondents report imports, exports, and international transactions of listed chemicals using DEA Form 486:

The below table presents information regarding the number of respondents, responses, and associated burden hours.

	Number of Respondents	Number of Responses	Average time per Response	Total
Form 486 (export)	239	7,995	0.2 hour (12 minutes)	1,599 hours
Form 486 (Export Return Declaration)	239	7,995	0.08 hour (5 minutes)	666.25 hours
Form 486 (import)	230	2,398	0.25 hour (15 minutes)	599.5 hours
Form 486 (import return declaration)*	230	2,638	0.08 hour (5 minutes)	219.8 hours
Form 486 (international transaction)	9	111	0.2 hour (12 minutes)	22.2 hours
Form 486 (international transaction return declaration)	9	111	0.08 hour (5 minutes)	9.25 hours
Quarterly reports for imports of acetone, 2-butanone, and toluene	110	440	0.5 hour (30 minutes)	220 hours
Total	239			3,555.8

* DEA assumes 10% of all imports will not be transferred in the first thirty days and will necessitate submission of a subsequent return declaration.

Cost to Respondents:

3,555.8 hours x \$10 hour = \$35,558

This \$10 hourly charge is a usual charge for this hour burden.

13. Estimate of Cost Burden: There are no cost burdens beyond those acknowledged in item 12 of the supporting statement.

There is no other cost associated with this collection as the vast majority of forms are sent to DEA via facsimile.

14. Estimated Annualized Cost to Federal Government:
Cost to Federal Government:

Personnel Costs:

1 GS-6 (5% of time): \$2,393.56
1 GS-8 (30% of time): \$17,673.99
2 GS-9 (100% of time): \$130,147.84
1 GS-13 (15% of time): \$16,831.49
2 GS-13 (25% of time): \$56,104.96
2 GS-14 (20% of time): \$53,040.13

Total personnel costs: \$276,191.97

15. Reasons for Change in Burden: These changes were made as part of the implementation of the DEA Final Rule “Changes in the Regulation of Iodine Crystals and Chemical Mixtures Containing Over 2.2 Percent Iodine” [Docket No. DEA-257, RIN 1117-AA93].

During the Notice of Proposed Rulemaking DEA solicited comment regarding the impacts of this rule, including the impacts associated with the information collections. However, at that time, as DEA could not accurately predict the number of persons specifically affected by these collections, DEA did not propose the change in burden regarding either of these collections. DEA did, however, conduct an economic analysis in which it estimated the overall potential impacts on the regulated community.

DEA notes that it did not receive any comments to the NPRM specific to the information collection-related aspects of this rulemaking. Nor did DEA receive any comment regarding the number of persons who might be required to comply with these collections.

To finalize this rule, DEA wishes to amend the information collections referenced above based on estimates from its economic impact analysis, as no comments were received which could provide further information to the agency. To provide a second opportunity for comment specific to the information collections, DEA will publish emergency notices in the Federal Register soliciting comment regarding both of these collections. Once these notices are published, and their comment periods have closed, DEA is seeking emergency processing of the collections so that the rule may be finalized as drafted.

16. Plans for Publication: There are no plans to publish this information.

17. Expiration Date Approval: It would be an administrative burden to replace existing forms in all field locations when nothing of substance changed except the Date of Expiration; therefore, approval is requested not to list the Date of Expiration.

18. Exceptions to the Certification Statement: There are no exceptions to the certification requirement.

Part B. Statistical Methods

The Drug Enforcement Administration will not be employing statistical methods in this information collection.