

Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives
Supporting Statement
1140-0030

ATF REC 5400/3, Records and Supporting Data: Importation, Receipt, Storage, and Disposition by Explosives Importers, Manufacturers, Dealers, and Users Licensed Under Title 18 U.S.C. Chapter 40 Explosives

A. Justification

1. Chapter 40 of Title 18, United States Code, Importation, Manufacture, Distribution and Storage of Explosive Materials was added to Title XI of the Organized Crime Control Act of 1970 in reaction to the highest level of domestically perpetrated criminal acts involving explosives. Today, the greatest concerns are the possibility of terrorism both domestic and foreign in origin. These record keeping requirements are required under 18 USC 842 (f), (g), (j), (k), 843 (f) and 847, and are established in the manner set forth in 27 CFR 555.121, .122, and .124 through.129.

Section 842 (f) states that it will be unlawful for any licensee or permittee willfully to manufacture, import, purchase, distribute, or receive explosive materials without making such records as the Secretary may by regulation require, including, but not limited to, a statement of intended use, the name, date, place of birth, social security number or taxpayer identification number, and place of residence of any natural person to whom explosive materials are distributed. If explosive materials are distributed to a corporation or other business entity, such records shall include the identity and principal and local places of business and the name, date, place of birth, and place of residence of the natural person acting as agent of the corporation or other business entity in arranging the distribution.

Each licensee and permittee shall maintain all records of importation, production, shipment, receipt, sale or other disposition, whether temporary or permanent, of explosive materials.

2. These records show daily activities in the importation, manufacture, receipt, storage, and disposition of all explosive materials covered under 18 USC Chapter 40. The records are used to show where and to whom explosive materials are sent, thereby ensuring that any diversion will be readily apparent and, if lost or stolen, ATF will be immediately notified on discovery of the loss or theft. ATF requires these records to ensure compliance with the explosives law and regulations to assist in tracing lost or stolen explosives, as part of ATF's mission to keep explosives out of criminal commerce. Licensees and permittee shall keep records on the business premises for 5 years from the date a transaction occurs or until discontinuance of business or operations by the licensee or permittee. ATF officers may enter the premises of any licensee or holder of a user permit for the purpose of examining or inspecting any record or document.

3. This information collection does not involve any use of automated, electronic, mechanical, or other technological collection techniques to collect responses. Licensees and permittees shall keep records pertaining to explosive materials in permanent form using commercial invoices and record books. Each licensed importer shall take true and accurate physical inventories which will include all explosive materials on hand.
4. This information collection does not involve any duplication. ATF uses a uniform subject classification system in order to prevent duplication. No similar information is available for any other sources.
5. The collection of information does not impact small businesses.
6. Less frequent or non collection of this information would pose a threat to public safety and negatively impact upon the accountability of explosive materials.
7. The recordkeeping requirements are conducted in a manner consistent with 5 CFR 1320.6. There are no special circumstances regarding this information collection.
8. The ATF industry liaison was involved with the explosives industry regarding this information collection. A 60-day and 30-day Federal Register notice was published in order to solicit comments from the general public. No comments were received.
9. No decision of payment or gift is associated with this information collection.
10. These records are maintained at the premises of the licensee or permittee in a secure location and are not available to members of the general public. Confidentiality is not assured by statute or regulation.
11. No questions of a sensitive nature are asked.
12. The total number of respondents is 50,519. The number of responses is 637,570. It is estimated that it takes 1 hour per response to maintain the records. The total burden associated with this information collection is 637,570 hours.
13. There is no cost to the respondent regarding this information collection.
14. There is no cost to the government regarding this information collection.
15. There are no program changes or adjustments associated with this information collection.
16. The results of this information collection will not be published.
17. ATF does not request approval to not display the expiration date of OMB approval for this information collection.

18. There are no exceptions to the certification statement.

B. Collections of Information Employing Statistical Methods

None