

Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives
Information Collection Request
Supporting Statement
1140-0071

Notification to Fire Safety Authority of Storage of Explosive Materials

A. JUSTIFICATION

1. Necessity of Information Collection

Under Title 18 U.S.C. Section 842 (j), the Attorney General has the authority to issue regulations governing the storage of explosive materials. Title 18 U.S.C. Section 842 (j) further provides that in promulgating such regulations, the standards of safety and security recognized in the explosives industry shall be taken into consideration. Title 18 U.S.C. Section 846 gives the AG the authority to inspect the site of any accident or fire in which there is reason to believe that explosive materials were involved so that precautions may be taken to prevent similar accidents from occurring. This provision gives the Attorney General the authority to issue regulations intended to help prevent accidents involving explosives. ATF is concerned with the safety of emergency response personnel responding to fires on sites where explosives are stored. 27 CFR Part 555.201 (f) requires that any person who stores explosive materials shall notify the authority having jurisdiction for fire safety in the locality in which the explosive materials are being stored of the type, magazine capacity, and location of each site where such explosive materials are stored. The requirement does not apply to persons who merely lawfully use explosive materials but are not subject to the storage requirements of the explosives regulations.

2. Needs and Uses

The information is necessary for the safety of emergency response personnel responding to fires at sites where explosives are stored. The information is provided both orally and in writing to the authority having jurisdiction for fire safety in the locality in which explosives are stored.

The title of this information collection has been changed from Notification to Fire Marshall and Chief, Law Enforcement Officer of Storage of Explosive Materials to Notification to Fire Safety Authority of Storage of Explosive Materials. The new title matches the designee in the regulation.(27 CFR 555.201 (f)).

3. Use of Information Technology

ATF requires that the information be given both orally and in writing rather by means of more advanced technology since the collection of information affects mainly small businesses who may not have access to electronic means of communication.

4. Efforts to Identify Duplication

There is no duplication of this information collection. The information sought is not attainable from any other source. Prior to 27 CFR 555.201 (f) there was no other consistent means for its collection. The absence of such requirement has had deleterious consequences for emergency response personnel responding to fires where explosives were stored.

5. Minimizing Burden on Small Businesses

The collection of information will not have an impact on small businesses.

6. Consequences of Not Conducting or less Frequent Collection

The safety of emergency response personnel responding to fires on sites where explosives are stored would be severely jeopardized if the collection is not conducted or is conducted less frequently.

7. Special Circumstances

This information will be collected in a manner consistent with the guidelines in 5 CFR 1320.6

8. Public Comments and Consultations

The collection of this information was proposed by the Institute of Makers of Explosives (IME), an industry organization concerned with safety, in response to a 1988 fire in which 6 firefighters were killed as a result of attempting to fight a fire at a construction site where explosives were stored. ATF consulted with the IME regarding the implementation of this 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. Provision of Payments or Gifts to Respondents

No payment or gift is associated with this collection.

10. Assurance of Confidentiality

Written notification regarding the explosives is kept on the premises in a secured location of the authority having jurisdiction for fire safety in the locality in which the explosive materials are being stored. Confidentiality is not assured.

11. Justification for Sensitive Questions

No questions of a sensitive nature are being asked.

12. Estimate of Respondent's Burden

The number of respondents associated with this collection is 5,000. Each respondent will respond one time. The total number of responses is 5,000. The time it takes for notification is 30 minutes. The total number of burden hours associated with this information collection is 2,500.

13. Estimate of Cost Burden

The cost to the respondent is postage for submitting the information in the form of a letter to the authority having jurisdiction and the appropriate Fire Marshall. ATF estimates this cost based on the new postage increase from 39 cents to 44 cents. The total cost is estimated as \$ 2,200.00

14. Costs to the Federal Government

There is no cost to the Federal government.

15. Reason for Change in Burden

The previous submission reported the cost of postage for 2 responses which was rounded up as \$4,000.00. The number of responses per respondent is 1 not 2. The cost per respondent with the increase of postage to 44 cents per respondent is \$2,200.00

16. Anticipated Publication Plan and Schedule

The results of this collection will not be published.

17. Display of Expiration Date

ATF does not request approval to not display the expiration date of OMB approval.

18. Exception to the Certification Statement.

There are no exceptions to the certification statement.

B. STATISTICAL METHODS

None