

Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives
Information Collection Request
Supporting Statement
1140-0062
Identification of Imported Explosives Materials

A. JUSTIFICATION

1. Necessity of Information Collection

ATF is charged with the responsibility for enforcing Title XI of the Organized Crime Control Act of 1970, and also implementing the regulations contained in 27 CFR Part 555. One of the intended purposes of the Act was to reduce the hazards to persons and property, arising from the misuse of explosive materials. 18 U.S.C., Section 847 states, “the Attorney General may prescribe such rules and regulations as he deems reasonably necessary to carry out the provisions of this chapter.”

In an effort to protect the public from the hazards resulting from the misuse of explosive materials, ATF generally requires that explosives manufacturers mark all explosives manufactured with specific information. ATF published a final rule on May 27, 2005 for 27 CFR Part 555, which requires licensed importers to identify by marking all explosive materials they import for sale or distribution. Specifically, section 555.109, requires licensed manufacturers of explosive materials to legibly identify all explosive materials manufactured for sale or distribution by marking them. The markings required by this section include the identity of the manufacturer and the location, date, and shift code of manufacture. This section also mandates that licensed manufacturers must place the required marks on each cartridge, bag, or other immediate container of any explosive materials for sale or distribution, as well as on the outside container, if any, that is used for their packaging.

These requirements help ensure that explosive materials can be effectively traced for criminal enforcement purposes. Explosives markings often provide valuable information in explosion and bombing investigations, and is useful for explosives compliance investigations in verifying inventory and proper conduct of business practices.

2. Needs and Uses

Explosives markings enable the tracing of recovered explosive materials. ATF requires that persons who import explosive materials for sale or distribution, or for their own use, mark these explosive materials with relevant identification information including the country of manufacture, importer name and location, and date/shift code. The required records of licensees and permittees must accurately reflect the marks of identification. In furtherance of criminal investigations, the ATF U.S. Bomb Data Center conducts explosives traces by contacting the manufacturer of the materials and “tracing” them through successive dealers. The marking process for

imported explosive dealers will be similar to the process described above, but will use the importer information as the starting point for the identification process.

3. Use of Information Technology

The use of information technology does not apply to this collection because the importer must physically mark the explosives.

4. Efforts to Identify Duplication

Licensed manufacturers that manufacture explosive materials in the United States, are also required to place identification markings on explosives. However, this collection specifically deals with importers who must place markings on explosives they import for sale or distribution. Otherwise, the information sought is not attainable.

5. Minimizing Burden on Small Businesses

Since importers would already have the explosive materials marked by the foreign manufacturer, the collection of this information has no significant impact on small businesses.

6. Consequences of Not Conducting or less Frequent Collection

Failure to conduct this information collection would hinder explosives tracing efforts for criminal enforcement cases. Additionally, explosives compliance inspection activities, such as inventory verifications for public safety, would be adversely affected.

7. Special Circumstances

There are no special circumstances associated with this Information Collection. Respondents are required to report information only as often as necessitated by criminal enforcement or regulatory activities.

8. Public Comments and Consultations

A response was provided for the public comment were received during the 60-day Federal Register Notice period. However, no public comments were received during the 30-day Federal Register Notice period.

9. Provision of Payments or Gifts to Respondents

No payment or gift is associated with this collection.

10. Assurance of Confidentiality

The information obtained from this collection is only available to ATF's industry operation investigators for explosives inspections and traces. Confidentiality is not assured.

11. Justification for Sensitive Questions

No questions of a sensitive nature are asked.

12. Estimates of Respondent's Burden

There are 17 respondents associated with this information collection, and each respondent will import unmarked explosive materials no more than 3 times annually. Therefore, the total number of responses is 51. Additionally, we estimate that each respondent will spend approximately 1 hour placing marks of identification on imported explosives per occasion. As such, the total number of burden hours for this collection is 51.

13. Estimate of Cost Burden

There is no cost burden associated with this collection. The program office responsible for this collection reports that the requirements for this information collection are usual and customary. The manufacturers mark the explosives for their own business purposes, and their markings are the same markings that ATF requires. The program office also states that the total amount of explosive items that are marked are unknown.

14. Cost to the Federal Government

There is no cost to the Federal Government.

15. Reason for Change in Burden

The number of respondents, responses, and burden hours associated with this collection have been adjusted by 2, 6 and 6 respectively, to reflect an increase in the number of federally licensed explosive material importers.

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 for this collection.

18. Exception to the Certification Statement

There are no exceptions to the Certification Statement.

B. STATISTICAL METHODS:

None