

SUPPORTING STATEMENT FOR IDENTIFICATION OF IMPORTED EXPLOSIVES MATERIALS

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

ATF is charged with enforcing Title XI of the Organized Crime Control Act of 1970 (the Act) and implementing the regulations at 27 CFR Part 555. One purpose of the Act was to reduce the hazards to persons and property, arising from the misuse of explosive materials. Pursuant to 18 U.S.C. § 847, “the Attorney General may prescribe such rules and regulations as he deems reasonably necessary to carry out the provisions of this chapter.”

To protect the public from the hazards resulting from the misuse of explosive materials, ATF generally requires that explosives manufacturers mark all manufactured explosives 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 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 for explosion and bombing investigations and is useful for explosives compliance investigations in verifying inventory and proper conduct of business practices.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

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 the date and shift of manufacture. 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 explosives dealers will be similar to the process described above. However, the importer information will be used to commence the identification process for imported explosives.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.

This information collection, which requires marking explosives imported for sale or distribution, does not involve any use of automated, electronic, mechanical, or other technological collection techniques to collect responses.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item A.2 above.

Licensed manufacturers who make explosive materials in the United States are also required to place identification markings on all explosives. However, this collection is directed at importers who must place markings on explosives they import for sale or distribution. Otherwise, the information sought is unattainable.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

There is no significant impact on small business or other private entities.

6. Describe the consequence to federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

Explosives tracing efforts for criminal enforcement cases would be hindered without this information collection. Additionally, explosives compliance inspection activities, such as inventory verifications for public safety, would also be adversely affected without this collection.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- **requiring respondents to report information to the agency more often than quarterly;**
- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**

- **requiring respondents to submit more than an original and two copies of any document;**
- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **requiring the use of statistical data classification that has not been reviewed and approved by OMB;**
- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

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

8. If applicable, provide a copy and identify the date and page number of publication in the *Federal Register* of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years -- even if the collection-of-information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

Both a 60-day and a 30-day notice will be published in the Federal Register to solicit public comments.

9. Explain any decision to provide any payments or gifts to respondents, other than remuneration of contractors or grantees.

No government funds will be used as payment or for gifts to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

Confidentiality is not required in the processing of this information collection. The information obtained from this collection is only available to ATF's Industry Operation Investigators and Special Agents for explosives inspections, investigations, and traces.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

No questions of a sensitive nature are asked.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. General, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

Estimated Annualized Respondent Cost and Hour Burden

Activity	Number of	Frequenc	Total	Time	Total	Hourly	Monetized
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	Respondents	y	Annual Responses	Per Responses	Annual Burden (Hours)	Rate*	Value of Respondent Time
OMB 1140-0062	17	3	51	1hour	51		
Unduplicated Totals							

Hourly rate source citation or you may enter a footnote:

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

- **The cost estimate should be split into two components: (a) a total capital and start up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of service component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**
- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
- **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.**

There are no start-up costs associated with this collection.

14. Provide estimates of the annualized cost to the Federal Government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 into a single table.

There is no Federal Government cost associated with this information collection.

15. Explain the reasons for any program changes or adjustments.

There is no change in the public burden associated with this collection.

16. For collections of information whose results will be published, outline plans for tabulations, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

The results of this information collection will not be published.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

We are requesting no exemption.

18. Explain each exception to the certification statement.

This collection of information does not include any exceptions to the certificate statement.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS.

This collection does not contain statistical data.