

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. Explain the circumstances that make the information collection necessary.

Under 18 U.S.C. § 842 (j), the Attorney General (AG) has the authority to issue regulations governing the storage of explosive materials. This same section further provides that in promulgating such regulations, the AG shall take into consideration the standards of safety and security recognized in the explosives industry. Another statutory section, 18 U.S.C. § 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 in the future. This provision gives the AG the authority to issue regulations that are intended to prevent accidents involving explosives. ATF is concerned with the safety of emergency response personnel responding to fires on sites where explosives are stored. Consequently, 27 CFR § 555.201 requires that any person who stores explosive materials must notify the authority having jurisdiction for fire safety (in the locality in which the explosive materials are being stored) when the person begins storing explosives at a particular location, annually thereafter, and when they cease storing the explosives at that location. They must do this for each location at which they store explosives pursuant to 27 CFR part 555. The notification must include the type of explosives, magazine capacity, and location of the site where explosive materials are stored.

2. Indicate how, by whom, and for what purpose the information is to be used.

This information collection is necessary to ensure the safety of emergency response personnel responding to fires at sites where explosives are stored and to ensure the safety of the public around such sites. Firefighters and other fire safety officials generally do not attempt to fight a fire that involves a container of explosive materials because of the potential for an explosion that could harm first responders and the public. Knowledge of explosives in close proximity to a fire would typically prompt an evacuation of the facility and the surrounding area to ensure safety to first responders and the public. The required information is provided, both orally and in writing, to local fire safety authorities for the jurisdiction where explosives materials are stored. Specifically, persons must provide oral notice before the end of the day on which they commence storing explosive materials at that location, and in writing within 48 hours from the time they commence storing. After the initial notification,

the person must provide written notice to the local authority once every 12 months thereafter, until they cease storing explosive materials at that location. At that point, the person must provide written notice to the authority that they are no longer storing explosive materials at that location within 48 hours of when they discontinue storing explosive materials there. Each written notice must be dated and contain the name, title, and agency of the fire authority official that was notified, as well the magazine capacity, type of explosive materials, and location where they are being stored. Each written notice must be maintained by the person submitting it for five years from the date of the notice. In addition, each written notice must be made available for an ATF officer to examine and inspect upon request, at reasonable times.

3. Describe whether, and to what extent, the information collection 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.

ATF requires this information be provided orally and in writing rather than by means of more advanced technology, since some affected small businesses and fire authorities do not have access to electronic means of communication or online tools to fulfill this reporting requirement otherwise. Small businesses that have access to electronic means are allowed to submit written notification by email if the fire authority can receive email.

4. Describe efforts to identify duplication.

This information is not duplicative since the information sought is not attainable from any other source. Prior to 27 CFR 555.201, there was no other consistent means to collect the required information.

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

This information collection does not significantly impact small businesses.

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.

Prior to 27 CFR 555.201, there was no other consistent means to collect this information. The absence of notifications to local fire authorities had deleterious consequences for emergency response personnel responding to fires where explosives were stored. The explosives industry and first responders requested this information be provided to local fire authorities, and then requested that the frequency of notices be increased from initial notice to annual notice. The safety of such emergency response personnel would be severely jeopardized if the collection is not conducted, or is conducted less frequently.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with 5 CFR 1320.6.

There are no special circumstances associated with this information collection, which is conducted in a manner consistent with 5 CFR 1320.6.

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.

The 60-Day Notice was published in the *Federal Register* on [xx/xx/xx] (XX FR XXXXX). The comment period ended on [xx/xx/xx]. ATF received no comments.

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

No payment or gift is associated with this information collection.

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

This information collection does not collect protected information and ATF has not assured respondents of confidentiality. The notices will be retained by the person storing explosive materials and not provided to ATF.

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 information collection does not ask questions or require information of a sensitive nature.

12. Provide estimates of the hour burden of the information collection.

As the ATF regulations require any person who stores explosive materials to notify the authority having jurisdiction for fire safety in the locality in which explosive materials are being stored, ATF estimates this to be an annual notification incumbent on all existing explosives licensees, permittees, and non-licensed individuals who store explosive materials covered by ATF regulations. The number of respondents associated with this collection is rounded up to 10,000. Each respondent will respond one time. The total number of responses is 10,000. It takes an estimated 30 minutes to generate the notice.

ATF bases the cost of time in these economic cost estimates on data for Explosives Workers, Ordnance Handling Experts, and Blasters for May 2023, as determined by

the U.S. Department of Labor, Bureau of Labor Statistics.¹ The Bureau of Labor Statistics determined the average hourly employer costs for employee compensation for civilian workers to be \$31.54. A load rate of 1.42 was also applied to account for benefits, making the loaded wage rate \$44.79 (=31.54 * 1.42). Half an hour of labor (\$44.79/hour x 0.5 hours)² results in an estimate of approximately \$22.39 per respondent for completing and emailing the notification.

Therefore, the total annual monetized value of the time burden associated with this collection is \$223,950 (10,000 total responses * \$22.395 cost per response). Over the three-year renewal period for this ICR, the monetized value of the time burden (due to annual notices) would be \$671,850.

Table. Estimated annualized respondent hour burden and monetized value

Activity	Total annual responses	Total responses 3-year renewal period	Time per response	Total annual burden (hours)	Hourly rate*	Monetized annual value of respondent time	Monetized 3-year value of respondent time
Notice to fire safety authority re: storing explosive materials	10,000	30,000	30	5,000	\$44.79	\$ 223,950	\$ 671,850

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

The only cost to respondents is postage for those who submit the required information by mail. ATF estimates that approximately 75 percent of respondents will submit by email, resulting in 25 percent incurring a postage cost. ATF estimates this cost based on the current postage rate increase to 73 cents. Therefore, the total cost has been rounded to \$1,825 (10,000 annual responses/4 = 2,500 mailed responses * .73 postage = \$1,825).

14. Provide estimates of the annualized cost to the federal government.

There is no cost to the federal government.

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

¹ <https://www.bls.gov/oes/2023/may/oes475032.htm>.

² <https://data.bls.gov/pdq/SurveyOutputServlet> using codes: total compensation code CMU2010000000000D and wages and salaries code CMU2020000000000D. Load rate of 1.42 = \$41.62 average total compensation / \$29.35 wages and salaries.

This renewal updates the annual number of respondents, resulting in an increase from 975 to 10,000. This increase is due a rise in the number of licensees/permittees over time. In addition, this renewal includes the monetized value of the hour burden per response, which was not previously included. And finally, the cost of postage for mailed responses has increased from 49 cents to 73 cents. Together, these changes resulted in an increase in annual burden hours from 488 to 5,000, an annual monetized value of the hour burden increase to \$223,950, and an annual increase in postage costs from \$359 to \$1,825.

16. For information collections whose results will be published, outline plans for tabulations and publication.

The results of this 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.

ATF intends to display the OMB expiration date for this information collection.

18. Explain each exception to the certification statement.

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

B. STATISTICAL METHODS

This collection does not employ statistical methods.