

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 the implementing regulations contained in 27 CFR Part 555. One of the primary intended purposes of the Act was to reduce the hazards to persons and property arising from 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 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 by marking all explosive materials manufactured for sale or distribution. The marks required by this section include the identity of the manufacturer and the location, date, and shift of manufacture. This section also provides that licensed manufacturers must place the required marks on each cartridge, bag, or other immediate container of explosive materials for sale or distribution, as well as on the outside container, if any, used for their packaging.

These requirements help ensure that explosive materials can be effectively traced for criminal enforcement purposes. This process often provides 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

This information is used in the process of tracing recovered explosive materials. ATF requires that persons, who import explosive materials for sale or distribution, or for their own use, mark the explosive materials with marks of identification to include 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 process for imported explosive dealers will be similar to the process described above, but will use the importer as the starting point.

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

The other source that is required to place identification markings on explosives is licensed manufacturers that manufacturer materials in the United States. This collection requires deals with importers who must place markings on explosives they import for sale or distribution. Otherwise, the information sought is not attainable from any other data source.

5. Minimizing Burden on Small Businesses

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

6. Consequences of Not Conducting or less Frequent Collection

Failure to conduct this information 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 specials circumstances. Respondents are required to report information only as often as necessitated by criminal enforcement or regulatory activities.

8. Public Comments and Consultations

The ATF industry liaison consulted with the explosives industry during the creation of 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. Provision of Payments or Gifts to Respondents

No payment or gift is associated with this collection.

10. Assurance of Confidentiality

The information from this collection is only available to ATF compliance inspectors with regard to explosives. Confidentiality is not assured.

11. Justification for Sensitive Questions

No questions of a sensitive nature are asked.

12. Estimates of Respondent's Burden

The ATF industry liaison consulted with the explosives industry on this information collection. There are 15 respondents associated with this information collection and that each of the 15 respondents will import unmarked explosive materials no more than 3 times annually. The total number of responses is 45. Additionally, we estimate that each respondent will spend approximately 1 hour placing marks of identification on imported explosives per occasion. The total number of burden hours for this collection is 45.

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 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

There are no program changes or adjustments associated with this collection.

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