

Department of Justice

Bureau of Alcohol, Tobacco, Firearms and Explosives

Information Collection Supporting Statement

OMB Control Number 1140-0025
Limited Permittee Transaction Report
ATF F 5400.4

A. Justification

1. Necessity of Information Collection

The Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) is charged with enforcing the provisions of Title XI of the Organized Crime Control Act of 1970 and its implementing regulations of 27 CFR Part 555. One of the primary purposes of the Act is to protect interstate and foreign commerce against interference and interruption by reducing the hazard to persons and property arising from the misuse of explosive materials.

This responsibility has been expanded by the recent enactment of legislation, to combat terrorism and defend the Nation against terrorist acts, among other purposes. The Safe Explosives Act of 2002, in part, has amended 18 U.S.C. Chapter 40 to require that all persons receiving explosives on and after May 24, 2003, obtain a Federal permit. The Act created an additional type of permit, the "limited permit," that will authorize the holder to receive explosive materials only within his State of residence on no more than 6 separate occasions during the one-year period of the permit. The interim implementing regulations amended 27 CFR 555.105 and .126, which provide for explosive transactions involving holders of limited permits. The amended regulations, in part, require that prior to taking distribution of explosive materials, a limited permittee must complete the appropriate section on ATF F 5400.4, Limited Permittee Transaction Report, and affix to the form one of his six original Intrastate Purchase of Explosives Coupons (IPECs).

ATF F 5400.4 verifies that all persons who are purchasing explosive materials have the proper Federal permit and to ensure that such person have appropriate facilities for storage of the explosive materials

2. Needs and Uses

Limited permittees will be required to complete ATF F 5400.4, Limited Permittee Transaction Report, prior to receiving explosive materials. This

form requires those persons to provide an IPEC and information on the intended use of the explosive materials. It requires the distributors of explosive materials to limited permittees to provide information on the type and amount of explosive materials received and the type of identification used to verify the limited permittee's (or their agent's) identity.

One copy of the completed form is to be submitted to ATF and one copy is to be kept by the licensed dealer or permittee (dealer) (in the case of disposition of surplus stocks), on his premises, in chronological order by date of disposition, or in alphabetical order by name of licensed permittee, for a period of 5 years.

This information, maintained by licensed dealers and certain permittees, provides ATF with valuable information in cases where explosive materials are traced. This information is also useful for ATF inspectors in verifying inventory and proper conduct of business activities in the course of explosives compliance inspections.

3. Use of Information Technology

This form is available on the internet. Individuals with disabilities (508 Compliant) can access this form. However, the form cannot be completed or submitted electronically to ATF due to the fact that the form requires an original signature. The respondent would have to have the capability to sign the form. ATF would also have to have the capability to accept the electronic signature.

4. Efforts to Identify Duplication

ATF uses a uniform subject classification system to identify duplication and to ensure that any similar information already available cannot be used or modified for use for the purpose of this information collection.

5. Minimizing Burden on Small Businesses

This collection of information has no significant impact on small businesses.

6. Consequences of Not Conducting or less frequent Collection

Failure to collect this information would hinder ATF's ability to carry out its responsibility to ensure that limited permittees do not exceed the 6 transactions authorized by the permit and that the identity of the permit holder (or his agent) is appropriately verified.

7. Special Circumstances

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

Dealers are required to maintain the information on their business premises, in chronological order by date of disposition, or in alphabetical order by name of licensed permittee, for a period of 5 years.

8. Public Comments and Consultations

ATF consulted with the explosives industry. A 60-day and 30-day Federal Register notice was published in order to solicit comments from the general public. ATF did not receive any comments regarding the 60-day or 30-day FR notice.

9. Provision of Payments or Gifts to Respondents

No payment or gift is associated with this collection.

10. Assurance of Confidentiality

Documentation regarding this information is kept in a secured location. Confidentiality is not assured.

11. Justification for Service Questions

Questions of a sensitive nature do not apply to this collection.

12. Estimate of Respondent's Burden

ATF estimates that 400 respondents annually will complete the 20 minute form. Each respondent may complete this form no more than 6 times. (400 respondents x 6 submissions annually = 2,400. Total annual responses is 2,400. 20 minutes to complete the form x 2,400 = 800.). The total burden for this information collection is 800.

13. Estimate of Cost Burden

The cost to the respondent is postage to mail one copy of the form to ATF. This cost is estimated to be \$1,056.00 annually.

14. Cost of Federal Government

The estimated cost to the Federal government is \$14,000 to print the form.

15. Reason for Change in Burden

There are no burden changes for this information collection.

16. Anticipated Publication Plan and Schedule

The results of this collection will not be published.

17. Display of Expiration Date

The time period during which the current edition of this form in this package will continue to be utilized cannot be predicted. It could very easily span the several cycles of review and OMB clearance renewal. Additionally, a substantive inventory of forms in the supply line is necessary to meet the demand of the explosives industry. For these reasons, we request authorization to omit printing of the expiration date on the form in this package.

18. Exception to the Certification Statement

There are no exceptions to the certification statement.

B. Collections of Information Employing Statistical Methods.

This collection of information employs no statistical methods.