

Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives
1140-0072
Information Collection Request
Employee Possessor Questionnaire
ATF Form 5400.28

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 legislation, in part, has amended the provisions of 18 U.S.C. 842(d) to expand the list of persons prohibited from receiving explosive materials. The provisions of 18 U.S.C. §843 requires that all applicants submit the names of and appropriate identifying information regarding all employees who will be authorized by the applicant to possess explosive materials. ATF requires all employee possessors in an explosive business complete ATF F 5400.28.

2. Needs and Uses

Persons employed in the explosives business or operations, required to ship, transport, receive, or possess explosive materials, will complete this form. The form will be submitted to ATF to determine whether the person who provided the information is qualified to be an employee possessor in an explosive business. This form (ATF F 5400.28) will be used, in addition to the ATF Form 5400.13/5400.16, for purposes of certification of employee possessors and to verify that such persons are not prohibited from shipping, transporting, receiving, or possessing explosive material.

3. Use of Information Technology

This collection of information can be downloaded from ATF's website but the form cannot be submitted electronically. The collection will not meet the requirements of GPEA with regard to making the form fully electronic because

the respondent must certify under penalties imposed by 18 U.S.C. 844 with an original signature that the responses for the form are true statements.

4. Efforts to Identify Duplication

The Federal Information Locator System (FILS) program has been terminated for agency use. However, an agency subject classification system is used to identify duplication. No similar information is available from other sources.

5. Minimizing Burden on Small Business

This collection of information will have no impact of small businesses.

6. Consequences of Not Conducting or Less Frequent Collection

Failure to collect this information will hinder ATF's ability to carry out its responsibility to ensure that prohibited persons do not possess explosives.

7. Special Circumstances

There are no special circumstances. Respondents are required to complete the information as necessitated by explosive laws.

8. Public Comments and Consultations

ATF consulted with the explosives industry regarding this collection. A 60-day and a 30-day Federal Register notice will be published in order to solicit comments from the general public.

9. Provision of Payments or Gifts to Respondents

No decision of payment or gift is associated with this collection.

10. Assurance of Confidentiality

Responses are kept in a secured location. ATF employees with background checks process the questionnaires.

11. Justification for Sensitive Questions

Questions about an individual's criminal history, immigration status and mental status are asked. The questions are necessary in order to ensure that the provisions of the legislation are effectively enforced.

12. Estimate of Respondent's Burden

ATF estimates that there are a total of 10,000 respondents that will be associated with this information collection request. Each respondent will respond one time. There are 10,000 annual responses. We estimate that each respondent will spend approximately 20 minutes completing this form. The total annual burden hours associated with this request is 3,334.

13. Estimate of Cost Burden

ATF does not project a cost burden to the respondents. The form is submitted by the respondent to the employer.

14. Cost to 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 requests approval to not display the expiration date of OMB approval for this collection. If we print the expiration date on the form, this will result in increased costs to the Government because the need to replace inventories that will become obsolete with the passage of the expiration date each time an OMB approval is renewed. The time period during which the current edition of the 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 explosive 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. STATISTICAL METHODS:

This collection of information employs no statistical methods.