

DEPARTMENT OF THE TREASURY

ALCOHOL TOBACCO TAX AND TRADE BUREAU

Supporting Statement - Information Collection Request

OMB Control Number 1513-0031

TTB F 5100.12 Specific Transportation Bond - Distilled Spirits or Wines
Withdrawn for Transportation to Manufacturing Bonded
Warehouse - Class Six

TTB F 5110.67 Continuing Transportation Bond - Distilled Spirits and Wines
Withdrawn for Transportation to Manufacturing Bonded
Warehouse - Class Six

A. JUSTIFICATION

1. What are the circumstances that make this collection of information necessary and what legal or administrative requirements necessitate the collection?

TTB F 5100.12 and TTB F 5110.67 are bonds that protect the revenue on distilled spirits and wine, while they are in transit from one type of bonded facility to another. Specifically, the bonds cover transportation from a distilled spirits plant or winery bonded with the Alcohol and Tobacco Tax and Trade Bureau (TTB) to a manufacturing bonded warehouse with the U.S. Customs and Border Protection (CBP).

The statutory requirement for the bonds is found in 19 U.S.C. 1311, which provides that "materials subject to internal revenue tax" (e.g. distilled spirits or wine) may be conveyed "under the regulations of the Secretary of the Treasury . . . without the payment of revenue tax or duty into any bonded manufacturing warehouse" to be used there in the manufacture of products for export. The same law further provides that "the manufacturer . . . shall first give satisfactory bonds for the faithful observance of all the provisions of law and . . . regulations"

Specific statutory authorization for the transfer of distilled spirits, without payment of tax, from TTB bonded premises to CBP manufacturing bonded warehouses is found in 26 U.S.C. 5214(a)(6). For wine, such authorization is found in 26 U.S.C. 5362(c)(4).

In order to provide proprietors of manufacturing bonded warehouses with a degree of flexibility based on individual need, TTB permits them to file either a specific bond to cover a single shipment, using TTB F 5100.12, or a continuing bond to cover multiple shipments, using TTB F 5110.67. Regulations governing the preparation and filing of a specific transportation bond on TTB F 5100.12 are found in 27 CFR 28.25, 28.51, and

28.63. Regulations governing the preparation and filing of a transportation bond for multiple shipments, TTB F 5110.67, are found in 27 CFR 28.25, 28.51, and 28.64.

2. How, by whom and for what purpose is this information used?

The information on these bonds is examined and retained by TTB's National Revenue Center until the transfer of the distilled spirits and/or wine has been completed and no tax liability remains.

3. To what extent does this collection of information involve the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology? What consideration is given to use information technology to reduce burden?

TTB has approved and will continue to approve on a case-by-case basis, the use of improved technology for the submission of these forms.

4. What efforts are used to identify duplication? Why can't any similar information already available be used or modified for use for the purposes described in Item 2 above?

TTB F 5100.12 and TTB F 5110.67 are requirements with information collected that is pertinent to each respondent and surety and is applicable only to the needs of each. As far as we can determine, similar information is not available any where else.

5. If this collection of information impacts small businesses or other small entities, what methods are used to minimize burden?

These reporting requirements are considered to be the minimum necessary to protect the revenue. The standards cannot be reduced on the basis of the size of respondent.

6. What consequences to Federal program or policy activities and what, if any, technical or legal obstacles to reducing burden will occur if this collection is not conducted or is conducted less frequently?

Respondents are required to complete these bond forms only as often as necessary. Not requiring bond coverage for transportation to a manufacturing bonded warehouse is contrary to regulatory and legal requirements. If TTB were to eliminate entirely the requirement for a bond, the tax liability on spirits and wine in transit to manufacturing bonded warehouses would be unprotected.

7. Are there any special circumstances associated with this information collection?

There are no special circumstances associated with this information collection.

8. What effort was made to notify the general public about this collection of information?

A 60-day Federal Register notice was published for this information collection on Tuesday, September 18, 2009, 74 FR 47990. The notice solicited comments from the general public. TTB received no comments.

9. What decision was made to provide any payment or gift to respondents, other than reenumeration of contractors or grantees?

No payment or gift is associated with this collection.

10. What assurance of confidentiality was provided to respondents and what was the basis for the assurance in statute, regulations, or agency policy?

The confidentiality of the information collected on these forms is protected by 26 U.S.C. 6103.

11. What justification is there for questions of a sensitive nature?

No questions of a sensitive nature are asked.

12. What is the estimated hour burden of this collection of information?

Completion of these forms should take the respondent an average of approximately 1 hour to complete. Prior experience indicates that an estimated 5 respondents should complete each of these forms annually, for a total of 10 respondents for this collection.

TTB F 5100.12, 5 respondents, and TTB F 5110.67, 5 respondents = 10 respondents X 1 (submissions annually) = 10 (responses) X 1 (completion time) = 10 (burden hours).

13. What is the estimated total annual cost burden to respondents or recordkeepers resulting from this collection of information?

There is no cost associated with this collection.

14. What is the annualized cost to the Federal Government?

There is no cost to the Federal Government.

15. What is the reason for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I?

There is an adjustment associated with this collection. The burden hours increased from 1 to 10, as a result of an increase in the number of respondents.

16. Outline plans for tabulation and publication for collections of information whose results will be published.

The results of this collection will not be published.

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

We will display the expiration date of OMB approval for this collection.

18. What are the exceptions to the certification statement?

There are no exceptions to the certification statement.

B. Collections of Information Employing Statistical Methods.

This collection does not employ statistical methods.