

Department of Justice  
Bureau of Alcohol, Tobacco, Firearms and Explosives  
Information Collection Request  
Supporting Statement  
1140-0026  
Report of Theft or Loss of Explosives  
ATF F 5400.5

A. JUSTIFICATION

1. Necessity of Information Collection

In response to the heightened level of domestically committed criminal or terrorist acts involving explosives, the Organized Crime Control Act of 1970 added Chapter 40 to Title 18 of the United States Code. Section 842 (k) of Chapter 40 makes it unlawful for any person who has knowledge of the theft or loss of any explosive materials from his inventory, to fail to report such theft or loss to ATF and to appropriate local authorities within 24 hours of the discovery of the theft or loss. According to 27 CFR 555.30 (a) Any licensee or permittee who has knowledge of the theft or loss of any explosive materials from his stock shall, within 24 hours of discovery, report the theft or loss by telephoning 1-800-800-3855 (nationwide toll free number) and on ATF F 5400.5, Report of Theft or Loss of Explosives in accordance with the instructions on the form.

The following changes were made to ATF F 5400.5:

Block 2. **(ADD)** check box “**Attempted Theft / Suspicious Activity**” (after Loss, before Supplement)

Block 4. **(CHANGE)** ”Corporate or Business Name (If applicable)” to “**4a. Licensee or Permittee Name**”

**(ADD)** Block 4b. **Federal Explosives License or Permit Number**

**(ADD)** Block 5c. **E-mail Address**

**(ADD)** Block 7b. **When Was the Magazine Last Checked**

**(CHANGE)** Blocks 7b thru 7d . to **7c, 7d and 7e**

Block 12a. **(CHANGE)** “Manufacturer” to “**Manufacturer and/or Importer**”

Block 12d. **(ADD)** “**(Length & Diameter)**” after “Size”

Block 13. **(CHANGE)** (Check Applicable Box) to (Check applicable box on each row) and after (Check applicable box on each row), **ADD** a check box for the following:

**a. Magazine Type:** ( \_\_\_ = small check box)

\_\_\_ **1** \_\_\_ **2** \_\_\_ **2 Det. Box** \_\_\_ **3 Day Box** \_\_\_ **4** \_\_\_ **5**

\_\_\_ **Outdoor** \_\_\_ **Indoor**

\_\_\_ **Permanent** \_\_\_ **Portable** \_\_\_ **Mobile Truck** \_\_\_ **Mobile Trailer**

\_\_\_ **Overnight Storage** \_\_\_ **Day Storage**

Purpose of change: Magazines are the storage containers for explosives. Explosive materials come in various sizes and types (which are now listed on the form) and they have a need to be transported, stored on job sites, stored as stock on the license premises, and under various circumstances. Storage and transportation of explosive materials is regulated and each magazine type is designed to meet those regulations. This information is important to ATF to ensure compliance and in the event of theft, to determine or identify design enhancements for improvement.

**b. Types of Locks: (Check All That Apply)**

Padlock  Mortise  3-Point  Puck Lock  
 Other (Explain) \_\_\_\_\_

Purpose of change: We are listing the lock types that can be used on explosives magazines. This information is important to ATF to ensure compliance and, in the event of theft, to determine if a particular type of lock is found to be easily compromised. This information will assist ATF with making better determinations and recommendations for improvements.

**c. Location Description/Type:**

Licensed/Permitted Premises  Remote Storage  Work Site  
 In Transit  During Operations

Purpose of change: We are listing the various locations, circumstances, or conditions where explosives are being stored. Explosives must be transported and secured while being transported, ATF needs to be able to assess the compliance with this requirement and assess if this was a factor when there is a theft of explosives.

**Block 14. (CHANGE) to the following:**

**Method of Entry:**

Door

Was a Key Used?  YES  NO

Suspected Employee-Involved Theft?  YES  NO

Wall(s)  Roof  Floor/Bottom

Lock(s) Defeated?  YES  NO (If Yes, Check Additional Appropriate Boxes)

Lock Shackle Cut

(How?) \_\_\_\_\_

Lock Pried, Twisted or Levered  Lock Left Unlocked

Lock Picked or Shimmed  Keyway Drilled Out

Lock Body Drilled out or Cut

Other (Explain)  
\_\_\_\_\_

**Manufacturer and Model of Lock:**  
\_\_\_\_\_

Location of Magazine Keys:  Office  Employee

\_\_\_ Other (Address)

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**Are All Keys Accounted For?** \_\_\_ YES \_\_\_ NO

Purpose of changes: The storage and transportation of explosive materials is regulated and each magazine type and the locking mechanisms are designed to meet those regulations. In the event of theft this information is important to ATF to ensure compliance and determine or identify any design flaws and design enhancements for future improvements.

Block 15. (CHANGE)

**Hood Defeated?** \_\_\_ YES \_\_\_ NO (If Yes, Check All Applicable)

\_\_\_ Hood Cut \_\_\_ Hood Removed \_\_\_ Hood Broken

\_\_\_ Other (Explain)

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**Hood Width (Inches)** \_\_\_\_\_ **Hood Length (Inches)** \_\_\_\_\_

**Hood Depth (Inches)** \_\_\_\_\_ **Hood Thickness (Inches)** \_\_\_\_\_

Purpose of changes: The hood is an integral part of the magazine. It covers most of the lock but allows the users to insert the key for entry. This is an additional level of security to the lock of the magazine. When the hood is defeated, it exposes the lock which allows the thief to use various tools to more easily cut off the lock and gain access into the magazine. This is important information that allows the regulators to identify any deficiencies in hood design(s), and identify and design future improvements.

Block 16. (CHANGE) “Other information Pertinent to the Theft or Loss” to “Other Information Pertinent to the Theft, Loss or Suspicious Activity (Any details you can provide)”

(ADD) Block 16a. Was Theft or Loss Disclosed During an ATF Inspection or Being Reported as a Result of Inspection? \_\_\_ YES \_\_\_ NO

(ADD) Block 16b. Additional Security Measures in Place?

\_\_\_ Alarm \_\_\_ Security System/Service \_\_\_ Fencing \_\_\_ Lighting

\_\_\_ Other (Explain) \_\_\_\_\_

Purpose of change: This information is important to ATF to ensure compliance with regulations and to assist in investigating the theft.

## 2. Needs and Uses

The purpose for the collection of this information is to give ATF notice of the theft or loss of explosive materials, and to furnish ATF with the pertinent facts surrounding such theft or loss. The information requested on the form is the minimum necessary to enable ATF to initiate a criminal investigation of the incident. As of 1976, the information gathered from these forms has been entered into a computerized national clearinghouse

for all such information regarding thefts, losses and recoveries of explosive materials. This program is known as PROJECT SEAR (STOLEN EXPLOSIVES AND RECOVERIES) under the ARSON AND EXPLOSIVES INCIDENT SYSTEM (AEXIS). This information also will be used by ATF to aid in the administration of laws within its jurisdiction concerning the regulation of explosive materials and other related areas and to confirm and verify prior notification of this theft or loss of explosive materials.

### 3. Use of Information Technology

Currently, ATF F 5400.5 is received by electronic mail (email), mail and fax. The fillable form is available on the ATF website to download and print. When the fillable form is completed and signed it may be emailed to ATF at [USBDC@atf.gov](mailto:USBDC@atf.gov). However, the smaller licensees who do not have internet access could continue to mail or fax the form.

### 4. Efforts to Identify Duplication

ATF uses a uniform subject classification system for forms 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

The collection of information reporting requirement is the same for all users of explosives. All explosives users and businesses are required to report the theft or loss of explosives regardless of their size. We have provided various options to submit the reports such as email, fax, and regular postal service mail. If a small business does not have internet capabilities to electronically send a report, they can submit it via mail or fax.

### 6. Consequences of Not Conducting or Less Frequent Collection

The consequences of not conducting this information collection would result in critical information not being available for investigative and recovery purposes. 18 U.S.C. 842 (k) makes it unlawful for any person, who has knowledge of the theft or loss of explosive materials from his stock, to fail to report such theft or loss within 24 hours of discovery. Without a form to report theft or loss of explosive materials, we run the risk of inaccurate or incomplete reporting which could hinder our public safety efforts and result in additional administrative costs spent on attempts to obtain the required information via subsequent interviews. The penalty for violation of this section is a fine of not more than \$1,000 or imprisonment for not more than one year, or both.

#### 7. Special Circumstances

This information will be collected in a manner consistent with the guidelines in 5 CFR 1320.6.

#### 8. Public Comments and Consultations

The ATF industry liaison consulted with the explosives industry during the creation of this form. 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

ATF will not provide any payment or gift of any type to respondents.

#### 10. Assurance of Confidentiality

In accordance with System of records notice (SORN) Justice/ATF-008 Regulatory Enforcement Record System FR Vol. 68 No. 16 Page 3558 dated January 24, 2003, the information on the form is reviewed by ATF officials and kept in a secured location. The computerized national clearinghouse is a secured data base. Confidentiality is not assured.

#### 11. Justification for Sensitive Questions

No questions of a sensitive nature are asked.

#### 12. Estimate of Respondent's Burden

There are 300 respondents associated with this collection. Each respondent will respond one time. It is estimated that it takes 1 hour and 48 minutes to complete the form. This includes the time it takes to accomplish a physical inventory, to identify the stolen or lost explosives by type, date shift code, size, percentage and other particulars relating to the explosives, site and situation. The total annual burden is 540 hours.

#### 13. Estimate of Cost Burden

It is estimated that half of the respondents mail the form and the other half fax the form to ATF. Due to the fact that the postage cost is less than one thousand dollars, number 14 on the 83-I will be reported as 0.

#### 14. Cost to the Federal Government

Cost to the Federal Government is estimated to be \$265 for printing and distribution to explosives licensees and permittees.

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.

18. Exception to the Certification Statement

There are no exceptions to the certification statement.

B. STATISTICAL METHODS

This collection does not employ statistical methods.