

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:

TOP OF FORM

2nd Block under “For ATF Use Only”: **(Change)** box “**Date Faxed to JSOC & Field Division**” to: “**Date E-Mailed to JSOC & Field Division**”

3rd Block under “For ATF Use Only”: **(Change)** box “**Unique Identifier**” to “**BATS ID**”

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

Purpose of change: This change is important to ATF to ensure the reporting party properly records all necessary details surrounding the event.

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. 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.