

Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives
Information Collection Request

Transactions Among Licensees/Permittees and Transactions
Among Licensees and Holders of User Permits
OMB Number 1140-0079

A. Justification

1. Necessity of Information Collection

ATF is charged with the responsibility of enforcing Title XI of the Organized Crime Control Act (the Act) of 1970 and the implementing regulations contained at 27 CFR, Part 555. Subtitle C of Public Law No. 107-296, the Safe Explosives Act, enacted November 25, 2002, amended Chapter 40 by requiring all individuals purchasing explosive materials intrastate, to obtain a federal permit. This amendment affected regulations under 27 CFR 555.103(b). According to 27 CFR 555.103(b), an explosives distributor must verify the identity of the purchaser; an explosives purchaser must provide a copy of the license/permit to the distributor prior to purchase of explosives materials; purchasers of explosive materials must provide a list of representatives authorized to accept delivery on behalf of the distributee; an explosive purchaser must provide a statement of intended use for the explosives; a distributor of explosive materials must complete ATF Form 5400.4 (approved by OMB under 1140-0025) provided by the purchaser, retain one copy and forward the second copy to ATF.

2. Needs and Uses

This information will be used by ATF to implement the provisions of the Safe Explosives Act. The information is to ensure that licensees and permittees distribute explosives only to persons authorized by a purchaser holding a license or permit and to require verification of those persons' identities prior to relinquishing possession of the explosive materials. These requirements are outlined in 27 CFR 555.103 (b) in order to comply with the Safe Explosives Act. The respondent (industry member) collects and maintains the records for a period of five years or until they discontinue business.

3. Use of Information Technology

The requirement for this information collection is for the industry member to maintain records. The use of automated collection techniques does not apply to this information collection. ATF Ruling 2007-1 allows for the use of computerized recordkeeping; as long as the documents are not capable of being edited and that respondents have a reliable daily memory backup.

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 will not substantially affect small businesses.

6. Consequences of not conducting or less frequent Collection

The consequences of not conducting this information collection would result in persons having access to explosives for possible use in criminal or terrorist acts.

7. Special Circumstances

There are no special circumstances with regard to this information collection. The requirements are conducted in a manner consistent with 5 CFR 1320.6.

8. Public Comments and Consultations

ATF consulted with the explosives industry regarding this collection. 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 from the 60-day notice or the 30-day notice.

9. Provision of Payments or Gifts to Respondents

No payments or gift is associated with this collection.

10. Assurance of Confidentiality

Information regarding this collection will be kept in a secured location on the licensees premises. For this submission respondents must comply with 27 CFR 555.103 (b) Transactions among licensees/permittees on and after May 24, 2003. No reporting is associated with this collection. The transactions are between the licensees and the permittees of explosives. ATF investigators check to ensure that the transactions are being kept on the premises of the licensees. Confidentiality is not assured.

11. Justification for Sensitive Questions

No questions of a sensitive nature are asked.

12. Estimate of Respondent's Burden

We estimate that there are a total of 50,000 respondents that are associated with this collection of information. Each respondent will respond 1 time. The total number of respondents is 50,000. We estimate that each respondent will spend approximately 30 minutes on the information. The total annual burden hours associated with this request is 25,000. There is no change in burden from the previous submission.

13. Estimate of Cost Burden

There is no cost burden to the respondent.

14. Cost to Federal Government

ATF explosive investigators go to the premises to ensure that records are being kept. The annual cost to the Federal government is \$240,000.

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 of OBM approval for this collection.

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.