

Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

Information Collection Supporting Statement

OMB Control Number 1140-0025
Limited Permittee Transaction Report
ATF F 5400.4

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 regulation 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 Safe Explosives Act of 2002, in part, has amended 18 U.S.C. Chapter 40, to require that all persons receiving explosives on and after May 24, 2003, obtain a Federal permit.

The Act created an additional type of permit, the “limited permit,” which is valid for one year and authorizes the holder to receive explosive materials only within his State of residence on a maximum six (6) separate occasions. The interim implementing regulations amended 27 CFR 555.105 and 27 CFR 555.126, also provide for explosive transactions involving holders of limited permits. The amended regulations, in part, require that a limited permittee complete the appropriate section of the Limited Permittee Transaction Report (ATF F 5400.4), and affix to the form one of his six original Intrastate Purchase of Explosives Coupons (IPECs), prior to delivery of explosive materials. The Limited Permittee Transaction Report also verifies that all persons who are purchasing explosive materials have the proper Federal permit, and requires certification that such persons have appropriate storage facilities for explosive materials.

2. Needs and Uses

Limited permittees are required to complete the Limited Permittee Transaction Report (ATF F 5400.4), prior to receiving explosive materials. This form requires those persons to provide an IPEC and information about the intended use of the explosive materials. It also requires that distributors of explosive materials to limited permittees, provide information about the type and amount of explosive materials received, and the type of identification used to verify the limited permittee’s (or their agent’s) identity. One copy of the completed form is to be submitted to ATF, and one copy is to be kept on the premises of the licensed dealer or permittee (in the case of disposition of surplus stocks), in chronological order by date of disposition, or in alphabetical order by name of licensed permittee, for a period of 5 years.

This information is maintained by licensed dealers and certain permittees and provides ATF with valuable information in cases where explosive materials are traced. This information may also be useful for ATF investigators responsible for verifying inventory and validating proper conduct of business activities during explosives compliance inspections.

3. Use of Information Technology

The Limited Permittee Transaction Report (ATF F 5400.4) is available on the internet. However, the form cannot be completed or submitted electronically to ATF, because the form requires an original Intrastate Purchase of Explosives Coupon (IPEC) be affixed to the form and an original signature. The respondent can electronically sign the form, if they possess this capability. Individuals with disabilities (508 Compliant) can access this form.

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 of information has no significant impact on small businesses.

6. Consequences of Not Conducting or Less Frequent Collection

Failure to collect this information would hinder ATF's ability to carry out its responsibility to ensure that limited permittees do not exceed the six (6) transactions authorized by the permit, and that the identity of the permit holder (or his agent) is appropriately verified.

7. Special Circumstances

There are no special circumstances associated with this collection. Dealers are required to report information only as often as necessitated by criminal enforcement and regulatory activities. Dealers are required to maintain the information on their business premises, in chronological order by date of disposition, or in alphabetical order by name of licensed permittee, for a period of 5 years.

8. Public Comments and Consultations

No comments were received during either the 60-day or 30-day Federal Register notice periods.

9. Provision of Payments or Gifts to Respondents

No payment or gift is associated with this collection.

10. Assurance of Confidentiality

Documentation regarding this information is kept in a secured location. Confidentiality is not assured.

11. Justification for Service Questions

Questions of a sensitive nature do not apply to this collection.

12. Estimate of Respondent's Burden

ATF estimates that 125 respondents will take 20 minutes to complete the form annually. Each respondent may complete this form no more than 6 times annually as follows: (125 respondents x 6 submissions annually = 750 total responses. The total burden hours for this information collection is 250 which is equal to $125 (\# \text{ of respondents}) * 6 (\# \text{ of responses per respondents}) * .333333 (20 \text{ mins})$.

13. Estimate of Cost Burden

The cost to the respondent is postage to mail one copy of the form to ATF. This cost is estimated to be \$413 (750 responses x \$0.55 postage) annually.

14. Cost of Federal Government

There is no cost to the Federal government. The form is available online and may be printed or downloaded from www.atf.gov.

15. Reason for Change in Burden

There is an adjustment associated with this collection. There was a postage rate increase from 45 cents to 55 cents in January 2019. This adjustment caused an increase in the public cost burden by a total \$68 from \$345 in 2016, to \$413 in 2019.

16. Anticipated Publication Plan and Schedule

The results of this collection will not be published.

17. Display of Expiration Date

The time during which the current edition of this 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 explosives 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. Collections of Information Employing Statistical Methods.

This collection of information employs no statistical methods.