

DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
EXPLOSIVES TRANSACTION RECORD
(NONLICENSEE OR NONPERMITEE)

(Type or print in ink)

INSTRUCTIONS

1. This form must be prepared for each transaction involving the distribution of explosive materials to persons who have not been issued a Federal explosives license or permit.
2. The distributor (*seller*) of explosive materials will, in every instance, require the distributee (*buyer*) to complete all items except 15-16 and sign Section A.
3. If the distributee (*buyer*) is a corporation or other business entity, its authorized representative or agent will complete Items 1, 9 through 16, 17a-h, and sign Section A.
4. The seller will complete Section B, enter a transaction serial number, and retain the form as a record of disposition for the required record retention period at 27 CFR 55.121.
5. All signatures on this form must be in ink and all other entries must be in ink or typewritten.

IMPORTANT NOTICE

1. **Federal explosives law (18 U.S.C. 842(j)) requires all persons to store explosive materials in conformity with regulations. Any person intending to store explosive materials must meet the storage requirements of Subpart K of Part 55, Title 27, Code of Federal Regulations.**
2. **The explosives law (18 U.S.C. 842(k)) requires any person having a stock of explosive materials, and having knowledge of a theft or loss therefrom, to report the fact to Federal and local authorities within 24 hours of discovery. Telephone the Bureau of Alcohol, Tobacco and Firearms toll-free 888-ATF-2662 to report the theft or loss. A written report is to be forwarded to the nearest ATF office; Federal licensees and permittees shall use ATF F 5400.5 (formerly Form 4712).**
3. (a) A licensee who sells or otherwise distributes explosive materials to an unlicensed business must first verify the identity of the representative who is authorized to order explosive materials on behalf of that business. Under 27 CFR 55.105, each business that orders explosive materials must furnish the licensed distributor a current, certified list of the names of representatives or agents authorized to purchase explosives on its behalf. Explosive materials must not be sold or distributed to that business unless the order is placed by a person whose name appears on the list.

(b) Where the actual distribution of the explosive materials takes place at the seller's premises, the seller must also verify the identity of the person who accepts possession of the explosives on behalf of the purchasing business before transferring possession. The person accepting possession of explosive materials may be an employee of a carrier who transports the explosive materials from seller to buyer. To properly verify identification, the person accepting possession of the explosives may present a **current** driver's license, or an identification card issued by a State in lieu of a driver's license. The identification should establish the person's name, residence, date of birth, signature, and photograph.
4. **The seller must also obtain a completed ATF F 5400.8, Explosives Delivery Record, when an employee of the buyer takes possession at the seller's premises, or when an employee of a carrier hired by the buyer takes possession at the seller's premises.**
5. **It is unlawful for a buyer to ship, transport, receive, or possess explosives if the buyer answers "yes" to questions 17a-h.**

- 18 U.S.C. 842(i).** In addition, it is unlawful for a seller to distribute explosives to a person answering "yes" to questions 17a-h.
- 18 U.S.C. 842(d).** See Exception 2. For example, an individual who is a convicted felon as described herein must answer "yes" to question 17a and cannot purchase explosives. Likewise, a seller cannot distribute explosives to that individual.
6. As per Important Notice 1, all persons storing explosive materials are required to do so in compliance with Federal law. For purposes of *unattended* storage, there are four types of magazines suitable for storing explosive materials: **type-1 magazines** are permanent magazines for the storage of high explosives and other classes of explosive materials, **type-2 magazines** are mobile or portable indoor or outdoor magazines for the storage of high explosives and other classes of explosive materials, **type-4 magazines** are magazines for the storage of low explosives, blasting agents, and detonators that will not mass-detonate (*detonators and other explosives may not be stored together in the same magazine*), and **type-5 magazines** are magazines for the storage of blasting agents only. For purposes of *attended* storage, high explosives and other classes of explosive materials may be temporarily stored in a **type-3 magazine**.

If you have any questions concerning the construction of your explosives storage magazine, please contact your local ATF office.

EXCEPTIONS

Exception 1: A person who has been convicted of a felony, or any other crime, for which the judge could have imprisoned the person for more than one year is not prohibited from shipping, transporting, possessing, or receiving explosives if: (1) the conviction was properly invalidated by a court on the basis that the conviction was unconstitutional; (2) in the case of a Federal conviction, there was a Presidential pardon, or (3) ATF granted relief from Federal explosives disabilities under 18 U.S.C. 845(b), 27 CFR 55.142.

Exception 2: For the purposes of this form, an alien in the United States is not prohibited from shipping, transporting, receiving, or possessing explosive materials if the alien is a lawful permanent resident as defined under section 842(d)(7); (i)(5). Persons subject to this exception should answer "yes" to question 18 and complete question 19.

DEFINITIONS

1. **Under Indictment or Information or Convicted In Any Court:** An indictment, information, or conviction in any Federal, State, local, or foreign court.
2. **Alien:** An alien means any person who is not a citizen or national of the United States, but see Exception 2.

If you have any questions concerning the content of this form, please contact your local ATF office. **For current information, contact: www.atf.treas.gov.**

PRIVACY ACT INFORMATION

The following information is provided pursuant to Section 3 of the Privacy Act of 1974 (5 U.S.C. Section 552a(3)):

1. **AUTHORITY.** Solicitation of this information is made pursuant to 18 U.S.C. Sections 842 and 843. Disclosure of this information is mandatory.
2. **PURPOSE.** To enable ATF to identify the buyer and his place of residence, and to determine his eligibility to purchase explosives.
3. **ROUTINE USES.** The information will be used by ATF to make determinations set forth in paragraph 2. In addition, the information may be disclosed to other Federal, State, foreign and local law enforcement

and regulatory agency personnel to verify information on the form and to aid in the performance of their duties with respect to the regulation of explosives, unless such disclosure is prohibited by law. The information may further be disclosed to the Justice Department if it appears that the furnishing of false information may constitute a violation of Federal law. Finally, the information may be disclosed to members of the public in order to verify the information on the form where such disclosure is not prohibited by law.

4. EFFECTS OF NOT SUPPLYING INFORMATION REQUESTED.

Failure to supply complete information will preclude effectuation of the transaction.

The following information is provided pursuant to Section 7(b) of the Privacy Act of 1974:

Disclosure of the individual's social security number is mandatory. Under 18 U.S.C. Section 842(f), and E.O. 9397, Nov. 22, 1943. ATF has authority to solicit an individual's social security number. The number may be used to verify the individual's identity.

PAPERWORK REDUCTION ACT NOTICE

This request is in accordance with the Paperwork Reduction Act of 1995. The purpose of this information collection is to determine whether the person receiving explosives is eligible to do so under federal law. The information is subject to inspection by ATF officials. This information request is mandatory by statute. (18 U.S.C. Sections 842, 843)

The estimated average burden associated with this collection is 20 minutes per respondent or recordkeeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be addressed to Reports Management Officer, Document Services Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

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(Type or print in ink)

**NOTE:
Please
follow the
instructions**

TRANSACTION SERIAL NO.
(Number sequentially)

SECTION A - STATEMENT OF DISTRIBUTE OR BUYER

1. DISTRIBUTE (Buyer)	2. HEIGHT	5. RACE (Check one) <input type="checkbox"/> AMERICAN INDIAN OR ALASKAN NATIVE <input type="checkbox"/> ASIAN OR PACIFIC ISLANDER <input type="checkbox"/> BLACK, NOT OF HISPANIC ORIGIN <input type="checkbox"/> HISPANIC <input type="checkbox"/> WHITE, NOT OF HISPANIC ORIGIN	
	3. WEIGHT	6. DATE OF BIRTH	
	4. SOCIAL SECURITY NUMBER (Mandatory)	7. PLACE OF BIRTH	
8. ADDRESS (No., Street, City, County, State, & Zip Code)	9. DESCRIBE INTENDED USE OF THE EXPLOSIVE MATERIALS		
10. EXPLOSIVE MATERIALS WILL BE USED AT (Show complete address, including county)	11. DATE OF INTENDED USE	13. EXPLOSIVE MATERIALS WILL BE STORED AT (Show complete address, including county)	
	12. WILL THESE EXPLOSIVES BE STORED PRIOR TO USE? If yes, complete questions 13-14. <input type="checkbox"/> YES <input type="checkbox"/> NO		
14. TYPE OF STORAGE MAGAZINE(S). (Answer both a and b)	a. <input type="checkbox"/> INDOOR <input type="checkbox"/> OUTDOOR b. <input type="checkbox"/> I <input type="checkbox"/> II <input type="checkbox"/> IV <input type="checkbox"/> V		
15. DATA OF CORPORATION OR OTHER BUSINESS ENTITY	16. DATA OF AGENT OF CORPORATION OR OTHER BUSINESS ENTITY		
a. PRINCIPAL PLACE OR BUSINESS (Address)	a. NAME AND RESIDENT ADDRESS		
b. LOCAL PLACE OF BUSINESS (Address)			
c. EMPLOYER IDENTIFICATION NO.	b. PLACE OF BIRTH	c. DATE OF BIRTH	
17. CERTIFICATION OF DISTRIBUTE (Buyer) - An untruthful answer may subject you to criminal prosecution. Each question must be answered with a "yes" or a "no."			
a. Are you a fugitive from justice?			
b. Are you an unlawful user of, or are you addicted to, marijuana or any depressant, stimulant or narcotic drug, or any other controlled substance?			
c. Have you or the business entity ever been convicted in any court of a felony , or any other crime, for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation? (See Definition 1, Exception 1.)			
d. Are you or the business entity under indictment or information in any court for a felony , or any other crime, for which the judge could imprison you for more than one year? (An information is a formal accusation of a crime by a prosecutor. See Definition 1.)			
e. Have you ever been adjudicated mentally defective (which includes having been adjudicated incompetent to manage your own affairs) or have you ever been committed to a mental institution?			
f. Have you ever been discharged from the Armed Forces under dishonorable conditions?			
g. Have you ever renounced your United States citizenship?			
h. Are you an alien in the United States? (See Definition 2 and Exception 2.)			
18. If you are an alien in the United States, do you fall within the exception set forth in Exception 2? Yes <input type="checkbox"/> No <input type="checkbox"/> (If "yes," the licensee must complete question 19.)			
19. If you are not a citizen of the United States, what is your INS-issued alien number or admission number?			

I hereby certify that the answers to the above are true and correct. I understand that a person who answers any of the questions in 17a-g in the affirmative is prohibited by Federal law from shipping or transporting any explosive in interstate or foreign commerce or from receiving or possessing any explosive which has been shipped or transported in interstate or foreign commerce. I understand that a person who answers "yes" to question 17h is prohibited from shipping, transporting, receiving, or possessing explosive materials, unless the person also answers "yes" to question 18 and completes question 19. I also understand that the making of any false oral or written statement or the exhibiting of any false or misrepresented identification with respect to this transaction is a crime punishable as a felony. I also certify that I have legitimate use for the explosive materials for the purpose stated in item 9 above and that the explosive materials hereby obtained will be used in such lawful activity at the location stated in item 10 and will be stored at the location specified in item 13, and that I am familiar with all published Federal and State laws and local ordinances related to explosive materials for the location in which I reside and in which I intend to use these explosives.

DISTRIBUTEES (Buyer's or agent's) SIGNATURE	TITLE	DATE
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SECTION B - STATEMENT OF DISTRIBUTOR OR SELLER

20. The Person Whose Signature Appears in Section A Is (Check One)

a. The distributee shown in Item 1, Section A.
b. Listed as a representative or an agent authorized to acquire explosive materials for distributee shown in Item 1, Section A.

21. TYPE OF IDENTIFICATION (Driver's license, etc. Positive identification is required. A Social Security card is not positive identification.)	22. NUMBER ON IDENTIFICATION AND DATE OF EXPIRATION NUMBER: _____ DATE: _____
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On the basis of: (1) the statements in Section A; (2) the verification of identity noted in Section B; and (3) my knowledge of Federal and State laws and local ordinances relating to explosive materials, it is my belief that it is not unlawful for me to sell, deliver, or otherwise dispose of the explosive materials described in Item 21, or on the attached list, to the person identified in Section A.

23. IDENTIFY QUANTITY, SIZE AND TYPE OF EXPLOSIVE MATERIALS INCLUDING NAME OF MANUFACTURER AND ALL MANUFACTURER'S MARKS OF IDENTIFICATION. (If more space is required, attach a list identified by the Transaction Serial Number.)

24. (Check appropriate boxes)

- THE EXPLOSIVE MATERIALS WERE DELIVERED AT BUYER'S PREMISES.
 THE EXPLOSIVE MATERIALS WERE DELIVERED AT SELLER'S PREMISES.
 ATF F 5400.8 WAS WAS NOT COMPLETED

25. SELLER'S BUSINESS NAME AND ADDRESS	26. SELLER'S LICENSE OR PERMIT NO.
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27. SELLER'S SIGNATURE	28. TITLE	29. TRANSACTION DATE
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