

**DEPARTMENT OF THE TREASURY**  
**BUREAU OF ALCOHOL, TOBACCO AND FIREARMS**  
**EXPLOSIVES DELIVERY RECORD**

**SECTION A - STATEMENT OF EMPLOYEE OF BUYER OR EMPLOYEE OF CARRIER HIRED BY THE BUYER TO TRANSPORT  
EXPLOSIVE MATERIALS TO THE BUYER**

1. NAME (Last, First, Middle)		2. HEIGHT	3. WEIGHT	4. 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
5. SOCIAL SECURITY NUMBER (Mandatory)*	6. DATE OF BIRTH	7. PLACE OF BIRTH		
8. RESIDENT ADDRESS (Number, Street, City, State, Zip Code)			9. EMPLOYER'S NAME AND ADDRESS (Distributee (buyer) or Carrier)	

10. CERTIFICATION OF POSSESSOR - 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 <b>felony</b> , 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 <b>felony</b> , 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 <b>dishonorable</b> 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.)	

11. If you are an alien in the United States, do you fall within any of the exceptions set forth in Exception 2?

Yes  No  (If "yes," the licensee must complete question 12.)

12. 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 10a-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 10h is prohibited from shipping, transporting, receiving, or possessing explosive materials, unless the person also answers "yes" to question 11 and completes question 12. 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.

13. SIGNATURE	14. DATE
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**SECTION B - STATEMENT OF DISTRIBUTOR (SELLER)**

15a. TYPE OF IDENTIFICATION (Driver's license, etc. Positive identification is required - a social security card is not positive identification)	15b. HAZARDOUS MATERIALS ENDORSEMENT NUMBER	
TYPE: _____ NUMBER: _____ DATE: _____		
THE EXPLOSIVE MATERIALS DELIVERED TO THE ABOVE PERSON ARE FOR DISTRIBUTION TO THE FOLLOWING BUYER:		
16. NAME AND ADDRESS OF BUYER	17. LICENSE NO., PERMIT NO., OR ATF F 5400.4 TRANSACTION SERIAL NUMBER	
	18. TRANSACTION DATE	
19. SELLER'S BUSINESS NAME AND ADDRESS	20. SELLER'S LICENSE OR PERMIT NO.	
21. SELLER'S SIGNATURE	22. TITLE	23. TRANSACTION DATE

## INSTRUCTIONS

1. When a person accepts explosive materials at a distributor's premises on behalf of the buyer, the distributor must identify the person before releasing the explosive materials.
2. Employees of licensees, permittees, nonlicensees, nonpermittees, and employees of carriers who wish to transport explosive materials to the buyer must complete this form before each transaction at a distributor's premises.
3. The receiver of explosive materials completes Section A.
4. The distributor (seller) completes Section B.
5. Sellers are required to maintain this record with their disposition records.
6. Sellers are required to document identification of all employees of licensees, permittees, nonlicensees, nonpermittees, and employees of carriers taking delivery of explosives at the distributor's premises.

## 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. **It is unlawful for a buyer to ship, transport, receive, or possess explosives if the buyer answers "yes" to questions 10a-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 10a-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 10a and cannot purchase explosives. Likewise, a seller cannot distribute explosives to that individual.**
5. **Each person who offers for transportation or transports explosives must comply with the applicable U.S. Department of Transportation placarding requirements under 49 CFR, Part 172, Subpart F.**

## 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 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, or a lawful nonimmigrant alien (or refugee or asylee) and a responsible person, as defined under section 842(d)(7); (i)(5); & (q)(2)(A), (2)(B)(ii). Persons subject to one of these exceptions should answer "yes" to question 11 and complete question 12.

## 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 in the United States means any person who is not a citizen or national of the United States, but see Exception 2.

## 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 persons taking possession of explosive materials on behalf of a buyer when possession of explosive materials is taken at a seller's premises and to determine the possessor's eligibility to possess explosive materials.
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. The information request is mandatory by statute 18 U.S.C. 843.

The estimated average burden associated with this collection of information is 18 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 directed 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.