

Supporting Statement

OMB# 1140-0064

ATF Form 5400.29, Application for Restoration of Explosives Privileges

A. Justification

1. 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 regulations of 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 legislation, in part, has amended the provisions of 18 U.S.C. 845(b) to expand the list of persons who may apply for relief from their prohibition. Additionally, the provisions of 18 U.S.C. §842 have expanded the list of persons prohibited from receiving explosive materials.

The enactment of The Safe Explosives Act, in part, expanded the categories of persons prohibited from shipping, transporting, receiving, or possessing explosive materials. These additional prohibited person categories became effective on January 24, 2003.

The Safe Explosives Act also, in part, also expanded the categories of persons who may apply for restoration of explosives privileges. Previously, only persons who had been indicted for or convicted of a crime punishable by imprisonment for a term exceeding one year were able to apply for relief from disabilities under 18 U.S.C. 845(b). The Act changed this by allowing all seven categories of prohibited persons to apply for relief from disabilities. A new form was created to comply with the requirements of the Safe Explosives Act. The information is used by ATF to conduct background investigations on all applicants for restoration of explosives privileges. In an effort to ensure that any person applying for restoration of explosives privileges has a record and reputation such that the applicant will not be likely to act in a manner dangerous to public safety and that the granting of such relief would not be contrary to the public interest, ATF proposes that all applicants complete ATF F 5400.29.

2. Persons who wish to ship, transport, receive, or possess explosive materials, but are prohibited from doing so, will complete this form. The form will be submitted to ATF to determine whether the person who provided the

information is likely to act in a manner dangerous to public safety and that the granting of relief is not contrary to the public interest.

3. Individuals with disabilities (508 Compliant) can access this form. Respondents have the option of downloading the form to print from the internet but the form can not be submitted electronically. This information collection will not meet the requirements of GPEA with regard to making this form fully electronic because an original signature is needed from the respondent in order to meet the requirements for restoration of explosive privileges. ATF does not have the capability to accept electronic signatures.
4. 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. This collection of information will have no impact of small businesses.
6. Failure to collect this information will hinder ATF's ability to carry out its responsibility to conduct relief investigations.
7. There are no special circumstances. Respondents are required to complete the information as necessitated by explosive laws.
8. ATF consulted with the explosives industry. The 60-day and 30-day notice was published in the Federal Register to solicit comments from the public. No comments were received from the 60-day or the 30-day FR notice..
9. No payment or gift is associated with this collection.
10. Responses are kept in a secured location. ATF staff that review and process the form have "special government clearances".
11. Questions about an individual's criminal history, immigration status and mental status are asked. The question, "Are you a fugitive from justice"? is a prohibited category (Title XI of the Organized Crime Control Act of 1970) and must be asked in order to ensure that those persons certify that they are not prohibited. The questions are necessary in order to ensure that the restoration of explosives privileges would not be contrary to public safety and public interest.
12. We estimated that there are a total of 500 respondents that will be associated with this information collection request. The total number of responses is 500. We estimate that each respondent will spend approximately 30 minutes completing this form. The total annual burden hours associated with this request is 250.
13. The respondent must mail the application to ATF. Therefore the cost of postage is estimated at 500 respondents x .39 = \$195.00.

14. The cost to the Federal government is estimated at \$325.00 for the printing of the form.
15. There are no program changes or adjustment associated with this submission
16. The results of this collection will not be published.
17. ATF requests approval to not display the expiration date of OMB approval for this collection. If we print the expiration date on the form, this will result in increased costs to the Government because the need to replace inventories that will become obsolete with the passage of the expiration date each time an OMB approval is renewed. The time period during which the current edition of the 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 explosive industry. For these reasons, we request authorization to omit printing of the expiration date on the form in this package.
18. There are no exceptions to the certification statement.

B. Collections of Information Employing Statistical Methods.

This collection of information employs no statistical methods.