

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

Supporting Statement

OMB Control Number 1140-0070  
Application for Explosives License or Permit  
ATF F 5400.13/5400.16

A. Justification

1. Chapter 40, Title 18, U.S.C., provides that any person engaged in the business of explosive materials as a dealer, manufacturer, or importer shall be licensed (18 U.S.C. 842 (a) (1)). In addition, provisions are made for the issuance of permits for those who wish to use explosive materials that are shipped in interstate or foreign commerce. Title XI, Subtitle C of Public Law 107-296, the Safe Explosives Act, amended the Federal explosives laws in 18 U.S.C. Chapter 40. The primary purpose of the Act is to provide tighter security for explosive materials and increased security measures for purchasers and possessors of explosives by requiring all persons who wish to obtain explosives, even for limited use, to obtain a Federal license or permit. The Act also, expanded the provisions of 18 U.S.C. 843 to require that all persons who wish to ship, transport, receive or possess explosive materials have a license or permit. These persons must complete ATF Form 5400.13/5400.16, Application for Explosives License or Permit.

The form has been revised to include the new classes (types) of explosives for manufacturers, dealers, importers and users of explosives. The current type codes are obsolete. ATF will now categorize explosives licenses and permits by six major classes. The classes are: Manufacturer, Dealer, Importer, User, User-Limited and Type 60. The form will still capture the types of explosives materials being manufactured, imported, acquired and used by explosives licensees and permittees, however, they will no longer be classified by type code. This change is reflected in number 12 on the form.

Other changes include:

The Method of Payment (#10.) has been changed to include ability to pay for fees by credit card.

The definition (instruction page) of User-Limited Permit has been deleted because this class no longer applies.

The address to submit the application has been changed.

2. Each person (individual, partnership, corporation, or association) applying for a Federal explosives license or permit must submit this form. The information collected on the application is used to determine if the applicant is qualified to be a licensee or permittee under the provisions of the statute. The form will be submitted to ATF to determine whether the person who provided the information is qualified to be issued a license or permit in an explosive business.
3. This collection of information is available on internet and the respondent can down load the form for printing. However, the form cannot be completed or submitted electronically as the form must have the respondent's original signature. Individuals with disabilities (508 Compliant) can access this form..
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.
5. This collection of information will have no significant impact on small businesses.
6. Failure to collect this information would hinder ATF's responsibility under the Act to ensure that prohibited persons are not licensed under 18 U.S.C., Chapter 40.
7. Respondents are required to report information as necessitated by new application and renewals for license or permits.
8. The ATF industry liaison consulted with the explosives industry during the creation of this collection. A 60-day and 30-day notice was published in the Federal Register to solicit comments from the general public. No comments were received.
9. No decision of payment or gift is associated with this collection.
10. Confidentiality is not assured.

11. Questions about an individual's criminal history, immigration status and mental status are asked. The questions are necessary in order to ensure that the provisions of the Safe Explosives Act of 2002 are properly enforced.
12. It is estimated that there will be a total of 10,000 respondents that will be associated with this information collection request. The total number of responses is 10,000. We estimate that each respondent will spend approximately 1 hour and 30 minutes completing this form. The annual burden hours associated with this request is 15,000.
13. There is no annualized capital/startup cost associated with this information collection.
14. Estimates of annual cost to the Federal Government are as follows:
 

Printing:	\$ 1250.00
Distribution:	400.00
Clerical Costs:	1000.00
Other Salary:	<u>2000.00</u>
	(supervisory review, etc.)
TOTAL:	\$ 4659.00
15. The changes to the form have not changed the time it takes to complete the form. There is no change in burden from the previous 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.

