

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

OMB Number 1140-0076

Relief of Disabilities and Application for Restoration of Explosives Privileges

**A. Justification**

1. Necessity of Information Collection

ATF is charged with the responsibility for enforcing Title XI of the Organized Crime Control Act (the Act) of 1970 and the implementing regulations contained at 27 CFR, Part 555. Subtitle C of Public Law No. 107-296, the Safe Explosives Act, enacted November 25, 2003, amended the Act to give the Director authority to grant relief from disability for any person who is prohibited from shipping, transporting, receiving, or possessing an explosive under section 842(i) of the Act. The regulations at 27 CFR, Section 555.142 state that the Director may grant relief to an applicant if it is established to the satisfaction of the Director that the circumstances regarding the disability and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety.

The ATF Form 5400.29, Application for Restoration of Explosives Privileges, 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 Form 5400.29.

Change to Collection:

ATF is consolidating collections 1140-0064 and 1140-0076 into one collection under 1140-0076.

2. Needs and Uses

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. Use of Information Technology

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 cannot 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. Additionally, it is likely that submissions will contain certified copies of court documents and fingerprint cards. Therefore, it is impractical to use automated, electronic, or other mechanical collection techniques.

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 will not affect small businesses.

6. Consequences of Not Conducting or Less Frequent Collection

The consequences of not conducting this collection would result in persons not having the opportunity to apply for relief of disability.

7. Special Circumstances

There are no special circumstances associated with this collection.

8. Public Comments and Consultations

ATF consulted with the explosives industry. A 60-day and 30-day Federal Register notice was published in order to solicit comments from the general public. No comments were received.

9. Provision of Payments or Gifts to Respondents

No payment or gift is associated with this collection.

10. Assurance of Confidentiality

Responses are kept in a secured location. ATF staff that review and process the form have "special government clearances". Confidentiality is not assured.

11. Justification for Sensitive Questions

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. Estimate of Respondent's Burden

We estimated that there are a total of 231 respondents associated with this information collection request. The total number of responses is 231. We estimate that each respondent will spend approximately 30 minutes completing this form. The total annual burden hours associated with this request is 115.5 hours.

13. Estimate of Cost Burden

ATF in-person interview of applicant's previous explosives supervisor— $231 \times 0.5$  (hour)  $\times$  \$42 (hourly wage for technical specialist/responsible person) = \$4,851. ATF in-person interview of applicant's previous explosives co-worker— $231 \times 0.5$  (hour)  $\times$  \$22 (hourly wage for employee possessor) = \$2,541.

The respondent must mail the application to ATF. Therefore the cost of postage is estimated at  $231 \text{ respondents} \times .49 = \$113.00$ .

14. Cost to Federal Government

The cost to the Federal government is estimated at \$325.00 for the printing of the form.

15. Reason for Change in Burden

There are adjustments associated with this collection. The number of respondents, burden hours, and cost burden has all increased due to consolidating collections 1140-0064 and 1140-0076 into one collection as 1140-0076.

16. Anticipated Publication Plan and Schedule

The results of this collection will not be published.

17. Display of Expiration Date

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. 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.