

Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives
Information Collection Request
Supporting Statement
OMB 1140-0070

Application for Federal Explosives License or Permit (FEL/P) – ATF Form 5400.13/5400.16

A. Justification

1. Chapter 40 of Title 18 of the United States Code (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. Subtitle C of Title XI 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 increase 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 explosives license or permit (FEL/P). 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 the Application for Federal Explosives License or Permit – ATF Form 5400.13/5400.16 (ATF Form 5400.13/5400.16).

The Safe Explosives Act, enacted November 25, 2003, amended the Act to require that persons wishing to acquire explosives from a licensee or permittee within their state of residence on no more than 6 occasions per year, must obtain a limited permit from ATF.

The provisions of 27 CFR §§ 555.41 and 555.45 state that “a license will, subject to law, entitle the licensee to transport, ship, and receive explosive materials in interstate or foreign commerce, and to engage in the business specified by the license, at the location described on the license. A separate license must be obtained for each business premises at which the applicant is to manufacture, import, or distribute explosive materials.”

2. Each person (individual, partnership, corporation, or association) applying for a FEL/P must submit ATF Form 5400.13/5400.16. The information collected on the application is used to determine if the applicant is qualified to be an explosives 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 FEL/P in an explosive business.

Persons wishing to acquire explosives from a licensee or permittee within their state of residence on no more than 6 occasions per year, must obtain a limited permit from ATF. A limited permit will, subject to law, entitle the holder of such permit to receive for his use, explosive materials from a licensee or permittee in his state of residence

on no more than six separate occasions during the 12-month period in which the permit is valid. This collection information is required by 27 CFR § 555.41(b)(1).

3. ATF Form 5400.13/5400.16 is available on the ATF website and the respondent can download and print the form for completion. The form can be submitted via mail, or electronically by fax (304-616-4401) or email (FELCFAX@atf.gov) to the Federal Explosives Licensing Center (FELC) for processing. The wet signature requirement remains in place primarily because the FELC accepts signed forms. However, in addition to mailing a written and signed form to the FELC, responsible persons (RP) also have the option of completing, scanning, and electronically/ digitally signing (if they possess the capability) their application. Once signed, these notices can be printed and faxed or emailed to the FELC for processing. The use of electronic /digital signature and the implementation of e-submission capability eliminates the need for mail-in notification. The form must have the applicant's signature and must be submitted with a photograph, fingerprint card, and fees for processing.

While ATF does not currently accept electronic fingerprint cards directly from explosives applicants, ATF does scan and transmit fingerprint cards electronically to the FBI for processing. While ATF has no policy prohibiting electronic submission of fingerprint cards or its other industry forms, technical and funding barriers currently limit the Bureau's capacity to implement a fully electronic filing option for more than just a handful of industry forms. ATF has prioritized those applications with the broadest usage for full electronic conversion. The fingerprint card is used on a limited basis in comparison to other industry forms being embedded with full electronic signature and submission capability. ATF will research options and feasibility of other electronic submission capabilities for this collection, pending funding availability.

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 this collection.
5. This collection of information has no significant impact on small businesses.
6. ATF would be unable to ensure that prohibited persons do not obtain FEL/Ps without this information collection (IC).
7. This collection and the implementing regulations are necessary in order to effectively comply with the requirements of 18 U.S.C. § 843(a), which limits the number of times that a limited permit holder may acquire explosives during the term of their permit.
8. Respondents are required to report information requested on a new FEL/P application.
9. No comments were received during the 60-day Federal Register (FR) notice period. However, a 30-day FR notice will be published to solicit public comments.

10. No payment or gift is associated with this collection.
11. Confidentiality is not assured.
12. Questions about an individual's criminal history, immigration status, and mental health are asked, and are necessary to ensure that the provisions of the Safe Explosives Act of 2002 are properly enforced.
13. There are an estimated 10,200 respondents (200 limited permits + 10,000 other licenses/permits) associated with this collection. The total number of responses is 10,200. Each respondent will take approximately 1.5 hours to complete ATF Form 5400.13/5400.16. The total burden hours associated with this request is 15,300.
14. The cost associated with this IC is \$4.50 for a photograph and \$1.00 for postage, which is equal to \$5.50 per respondent. Therefore, the total cost for this collection is \$56,100 (\$5.50 x 10,200 respondents).
15. Estimates of annual cost to the Federal Government are as follows:

Printing:	\$1,250.00
Distribution:	\$ 400.00
Clerical Costs:	\$1,000.00
Other Salary:	<u>\$2,000.00</u>
(Supervisory review, etc.)	
TOTAL:	\$4,659.00

16. There are no program changes or adjustments associated with this collection.
17. The results of this collection will not be published.
18. ATF requests approval to omit the Office of Management and Budget expiration date from the header for ATF Form 5400.13/5400.16. Printing the expiration date on the form will increase Government costs to replace inventories that become obsolete when a new expiration date is issued for this IC. The same form could easily be used for several renewal cycles without any changes. Public use of this form is unpredictable. Omitting the expiration date will also ensure that inventories can be quickly replenished and that forms are available for public use as often as needed.
19. There are no exceptions to the certification statement.

B. Collections of Information Employing Statistical Methods.

1. This collection of information employs no statistical methods.