Department of Justice

Bureau of Alcohol, Tobacco, Firearms and Explosives

Information Collection Request

Supporting Statement A

OMB 1140-0012

Notice of Firearms Manufactured or Imported

# **Justification**

1. **Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

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 (the 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).

Enacted November 25, 2003, the Act requires 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.”

ATF requests approval to make the following changes to OMB 1140-0070 (Application for Federal Explosives License or Permit (FEL/P) – ATF Form 5400.13/5400.16):

* **Revise the format and layout of the form to improve user experience**
* **Remove Responsible Person List and accompanying sections –** the responsible person list and questions will be made into its own separate form
* **Remove Explosives Storage Magazine Description Worksheet –** adding a condensed version as a question asking for location and numbers of magazines

1. **Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

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).

1. **Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.**

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 fees for processing.

1. **Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item A.2 above.**

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.

1. **If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.**

This collection of information has no significant impact on small businesses.

1. **Describe the consequence to federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

ATF would be unable to ensure that prohibited persons do not obtain FEL/Ps without this information collection (IC).

1. **Explain any special circumstances that would cause an information collection to be conducted in a manner:**

* **requiring respondents to report information to the agency more often than quarterly;**
* **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
* **requiring respondents to submit more than an original and two copies of any document;**
* **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
* **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
* **requiring the use of statistical data classification that has not been reviewed and approved by OMB;**
* **that includes a pledge of confidentially that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
* **requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentially to the extent permitted by law.**

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.

1. **If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

**Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.**

**Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years -- even if the collection-of-information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.**

The 60-Day Notice was published in the Federal Register on [DATE] (XX FR XXXXX).

The comment period ended on [DATE]. No comments were received. No comments were

received during the 60-day Federal Register (FR) notice period.

1. **Explain any decision to provide any payments or gifts to respondents, other than remuneration of contractors or grantees.**

No payment or gift is associated with this collection.

1. **Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.**

Confidentiality is not assured.

1. **Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.**

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.

1. **Provide estimates of the hour burden of the collection of information. The statement should:**

* **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. General, estimates should not include burden hours for customary and usual business practices.**
* **If this request for approval covers more than one form, provide separate hour burden estimates for each form.**
* **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

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.

1. **Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).**

* **The cost estimate should be split into two components: (a) a total capital**

**and start up cost component (annualized over its expected useful life); and (b) a**

**total operation and maintenance and purchase of service component.**

**The estimates should take into account costs associated with generating,**

**maintaining, and disclosing or providing the information. Include descriptions of**

**methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**

* **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
* **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.**

There are no public costs associated with this IC since all applications can be submitted electronically by fax or email to ATF for processing.

1. **Provide estimates of the annualized cost to the Federal Government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), any other expense that would not have been incurred** **without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 into a single table.**

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: | $2,000.00 |
| (Supervisory review, etc.) |  |
| TOTAL: | $4,659.00 |

1. **Explain the reasons for any program changes or adjustments.**

ATF revised the format and layout of the form to improve user experience, removed the Responsible Person List and accompanying sections. The responsible person list and questions will be made into its own separate form, remove Explosives Storage Magazine Description Worksheet – adding a condensed version as a question asking for location and numbers of magazines.

1. **For collections of information whose results will be published, outline plans for tabulations, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions**.

The results of this collection will not be published.

1. **If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

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.

1. **Explain each exception to the certification statement.**

There are no exceptions to the certification statement.

## **Collections of Information Employing Statistical Methods.**

## This collection of information employs no statistical methods.