

U.S. Department of Justice

Bureau of Alcohol, Tobacco, Firearms, and Explosives

Application for Explosives License or Permit

All responsible persons must complete a Responsible Person Questionnaire, ATF Form— 5400.13A/5400.16 Part B. Issuance of your federal explosives license or permit (FEL/P) will be delayed or denied if Part B is incomplete or missing.

For ATF use only

Please print or type all information.

1. Name of applicant (*list individual, corporation, LLC, or name of each partner*)2. Trade name or business name (*if any*)3. Employer Identification Number (*EIN*) or Social Security Number (*SSN*)(*voluntary*)(*see Privacy Act information*)

4. Name of county in which business is located

5. Premises address (*number, street, city, state, ZIP code*)6. Mailing address (*if different from premises address*)7. Contact information (*10-digit phone number*)(*please use check box to indicate your 24-hour contact number*)☐ Business☐ Mobile☐ Fax☐ Other

8. E-mail address

9. Are you presently engaged in a business and/or operations for which a FEL/P is required under 18 U.S.C., chapter 40, Explosives? (*if yes, provide date business began*) ☐ Yes/date: _____ ☐ No10. Is or will your business and/or operations be: (*check appropriate box*)☐ Sole Proprietor☐ Partnership☐ Corporation☐ Limited Liability Company☐ Other (*specify*) _____

11. Payment

You may only submit payment via www.pay.gov. (For information on pay.gov submission, see instruction #3)

Important: After completing payment process through pay.gov, record information from pay.gov transaction below and print payment confirmation page. You must include a copy of your pay.gov payment confirmation with your application. Your pay.gov transaction is only the payment part of the process. You must still complete the remainder of the application and submit it. Include copy of pay.gov payment confirmation with application.

Note: Payments received by mail will be returned and the application will not be processed.

Pay.gov transaction ID number: _____

Amount paid: _____

Pay.gov date of payment: _____

Complete the remainder of the form and submit to ATF-FELC, 244 Needy Rd, Martinsburg, WV 25405.

12. This application is made for an FEL/P under 18 U.S.C., Chapter 40, as an: (see definitions 4–8)

Explosives license	Fee	Renewal fee	Explosives permit	Fee	Renewal fee
Manufacturer: (check the types of explosives you plan to manufacture) ☐ High explosives ☐ Theatrical flash powder ☐ Blasting agents ☐ Low explosives ☐ Fireworks ☐ Other (specify) _____	\$200	\$100	User of explosives: (check the types of explosives you plan to use) ☐ High explosives ☐ Blasting agents ☐ Low explosives ☐ Fireworks ☐ Other (specify) _____	\$100	\$50
Importer: (check the types of explosives you plan to import) ☐ High explosives ☐ Blasting agents ☐ Low explosives ☐ Fireworks ☐ Other (specify) _____	\$200	\$100	Limited permit: (intrastate only) (check the types of explosives you plan to use) ☐ High explosives ☐ Blasting agents ☐ Low explosives ☐ Fireworks ☐ Other (specify) _____	\$25	\$12
Dealer: (check the types of explosives you plan to deal in) ☐ High explosives ☐ Blasting agents ☐ Black powder ☐ Low explosives ☐ Fireworks ☐ Other (specify) _____	\$200	\$100			
				12a. Total fees	\$

Is a State or local license or permit required for explosive business and/or operations? (if yes, provide license/permit numbers; if applied for license/permit but not yet obtained, provide date of application) ☐ Yes/numbers or date _____ ☐ No

14. The applicant's business and/or operations premises are:
☐ Owned ☐ Leased/rented ☐ Other (specify) _____

15. The applicant's business and/or operation is located in:
☐ A commercial building ☐ A residence ☐ Other (specify) _____

16. Hours of operation and/or availability of business activity (please provide at least one hour in which you may be contacted by ATF personnel)							
Time	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Open							
Closed							

Storage facility/magazine: 18 U.S.C. § 842(j) provides: "It shall be unlawful for any person to store any explosive material in a manner not in conformity with regulations promulgated by the Attorney General." An application for a license/permit can be denied if upon investigation it is found that any storage facilities/magazines do not comply with federal regulations.

17. Please indicate the total number and type of explosives storage magazine(s) you have and the address(es) where they are located: (attach additional sheets if necessary)

Address, including county, state, and zip code	Type 1 permanent	Type 2 mobile/portable	Type 3 portable temporary	Type 4 low explosives	Type 5 blasting agents

18. If the applicant has no storage facilities, list the name and license/permit number of the entity providing contingency storage location in space below and attach contingency storage agreement letter. *(see instruction 11)*
-
19. Does user permit applicant intend to transport explosive materials in interstate or foreign commerce? *(if yes, state where)*
- ☐ N/A ☐ No ☐ Yes _____
-
20. Does user permit applicant intend to purchase explosive materials in interstate or foreign commerce? *(if yes, state where)*
- ☐ N/A ☐ No ☐ Yes _____
-
21. Do you intend to deal in black powder? Do you have a federal firearms license? *(if yes, provide the federal firearms license number)*
- ☐ No ☐ Yes-federal firearms license # _____
-

Certification

22. Under the penalties imposed by 18 U.S.C. § 844, I certify that the answers are true, correct, and complete. I also certify that I am familiar with all published state laws and local ordinances relating to explosive materials for the location in which I intend to do business. In addition, if the application is for a limited permit, I certify that I will not receive explosives materials on more than six separate occasions during the 12-month period for which my limited permit is valid.

Signature	Title	Date

For Bureau of Alcohol, Tobacco, Firearms, and Explosives use only

23. Application is	Reason for disapproval/termination
☐ Approved ☐ Withdrawn*	
☐ Disapproved* <i>*(fee will be refunded)</i>	

Signature of licensing official	Date

All applications are to be submitted to:
Bureau of Alcohol, Tobacco, Firearms, and Explosives
National Services Center
Federal Explosives Licensing Center
244 Needy Road
Martinsburg, WV 25405

Instructions

1. Issuance of your FEL/P under 18 U.S.C., Chapter 40, will be delayed if the fee is omitted or incorrect, or if the application is incomplete or otherwise improperly prepared. You should submit this application at least 90 days prior to the time the license or permit is required.
2. Submit the original of this form either typewritten or printed legibly (blue or black ink) and a copy of the receipt from pay.gov to the Bureau of Alcohol, Tobacco, Firearms, and Explosives to the address listed above.
Caution: Submitting this application does not authorize you to engage in any of the activities covered by the requested license or permit. The license or permit must be received before operations commence.
3. Total application fees must be made via *www.pay.gov*. You must record the pay.gov payment transaction number in item 11 on the front of this application and include a copy of the receipt from pay.gov with your application. Please keep a copy of the pay.gov payment confirmation that you receive from pay.gov for your records. Applications mailed with other forms of payment will be returned without processing. License and permits are issued for a period of three years, no refund of any part of a license or permit fee will be made where the operations of the license or permit are, for any reason, discontinued for that period.
4. If separate sheets are needed to respond to the questions, they must be identified with your name and address at the top of the page and reference the question number being explained.
5. A separate or additional license is not required for storage facilities operated by the applicant as an integral part of one's business premises, or to cover a location used by the applicant solely for maintaining required records.
6. Only one user permit per person is required under this part, irrespective of the number of locations relating to explosive materials operated by the holder of the user permit.
7. A separate application and **license** fee are required for each premises at which a person engages in the business of manufacturing, importing, or dealing in explosives materials.
8. It is not necessary for a licensed manufacturer or importer to also obtain a dealer's license to engage in business as an explosives material dealer, on their licensed premises. In the case of a licensed manufacturer, a separate license is not required with respect to onsite manufacturing.
9. All responsible persons must complete a Responsible Person Questionnaire—ATF Form 5400.13A/5400.16 Part B, which is to accompany this application. Issuance of your license or permit will be delayed or denied if Part B is incomplete or missing.
10. All employee possessors must complete an Employee Possessor Questionnaire, ATF Form 5400.28 which must accompany this application.
11. For item 18, a "contingency storage agreement" is required for explosive materials that cannot be used within the same day of receipt. For example, a sufficient "contingency storage agreement" would include a letter from an explosives licensee or permittee having approved storage facilities available for use by the applicant as needed.
12. The certification in item 22 must be signed by someone who will be a Responsible Person of the business, such as the owner, a partner, or in the case of a corporation, association, etc., by an officer duly authorized to sign for the applicant.
13. **If you have any questions relating to this application, please contact the ATF National Services Center, Federal Explosives Licensing Center, 244 Needy Road, Martinsburg, WV 25405, (877) 283-3352, or review information online at www.atf.gov.**
14. If the application is approved, you will receive an FEL/P issued by the Federal Explosives Licensing Center. If the application is denied, you will be advised in writing of the reason(s) for the denial. If the application is abandoned, denied, or withdrawn, your application fee will be refunded. However, a social security number or employer identification number is required to process a refund request.

Definitions

(for additional definitions, please see 27 C.F.R. § 555.11)

1. **Alien.** An alien means any person who is not a citizen or national of the United States.
2. **Responsible person.** An individual who has the power to direct the management and policies of the applicant pertinent to explosive materials. For example, responsible persons generally include sole proprietors and explosives facility site managers. In the case of a corporation, association, or similar organization, responsible persons generally include corporate directors and officers, as well as stockholders who have managerial powers and enforce policies.
3. **Employee possessor.** An employee possessor is an individual who has **actual or constructive possession** of explosive materials during the course of their employment.
Actual possession exists when a person is in immediate possession or control of explosive materials (*e.g., an employee who physically handles explosive materials as part of the production process; an employee who handles explosive materials in order to ship, transport, or sell them; or an employee, such as a blaster, who actually uses explosive materials*).
Constructive possession exists when an employee lacks direct physical control over explosive materials, but knowingly has the power and intention to exercise dominion and control over the explosive materials, either directly or indirectly through others (*e.g., an employee at construction site who keeps keys for magazines in which explosive materials are stored or who directs the use of explosive materials by other employees*).

You must immediately contact ATF to report lost or stolen explosives
Call toll free: 1-888-ATF-BOMB

Privacy Act Information

4. **User permit.** A user permit authorizes the holder, on a continuing basis, to acquire for his own use and not for resale, explosive materials from an explosives licensee in interstate or foreign commerce, and to transport explosive materials so acquired in interstate or foreign commerce. A user permit is issued for three years and is renewable.
5. **Limited permit.** A limited permit authorizes the holder to receive for his use explosive materials from a licensee or permittee in his State of residence on no more than six occasions during the 12-month period in which the permit is valid. A limited permit does not authorize the receipt or transportation of explosive materials in interstate or foreign commerce.
6. **Manufacturer.** Any person engaged in the business of manufacturing explosive materials for purposes of sale or distribution or for his own use.
7. **Importer.** Any person engaged in the business of importing or bringing explosive materials into the United States for purposes of sale or distribution.
8. **Dealer.** Any person engaged in the business of distributing explosive materials at wholesale or retail.
9. **High explosives.** Explosive materials which can be caused to detonate by means of a blasting cap when unconfined (*for example, dynamite*).
10. **Low explosives.** Explosive materials that can be caused to deflagrate when confined (*for example, black powder*).
11. **Blasting agents.** Any material or mixture, consisting of fuel and oxidizer, intended for blasting, not otherwise defined as an explosive; if the finished product, as mixed for use or shipment, cannot be detonated by means of a number 8 test blasting cap when unconfined (*for example, ammonium nitrate fuel oil*).

Note: There are five broad categories of explosives licenses and permits that will determine the type of business each licensee or permittee is engaged in: manufacturer of explosives, dealer of explosives, importer of explosives, user of explosives, and limited permit (*intrastate only*).

Exceptions

1. A person who has been convicted of a felony, or any other crime, for which the judge could have imprisoned the person for more than one year, is not prohibited from shipping, transporting, possessing, or receiving explosives if: (1) the conviction was properly invalidated by a court on the basis that the conviction was unconstitutional; (2) in the case of a Federal conviction, the person received a Presidential pardon; or (3) ATF granted relief from federal explosives disabilities under 18 U.S.C. § 845(b).
2. For purposes of this form, aliens can be responsible persons if they are lawful permanent residents, lawful non-immigrants, or refugees/asylees. 18 U.S.C. §§ 842(d)(7) and 842(i)(5).

The following information is provided pursuant to Sections 3 and 7(b) of the Privacy Act of 1974 (5 U.S.C. § 552a(e)(3));

1. **Authority.** Solicitation of this information is made pursuant to 18 U.S.C. §§ 842 and 843, *and implemented through Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) regulations at 27 CFR part 555*. Disclosure of this information by the applicant is mandatory if the applicant wishes to obtain a federal explosives license or permit.
2. **Purpose.** The information collected on ATF Form 5400.13/5400.16 is used to identify the applicant; to identify the location of the premises; to determine the eligibility of the applicant to obtain such license or permit; to determine the ownership of the business or operations; and to identify responsible persons in the business or operations.
3. **Routine uses.** The information collected may be disclosed as permitted by the Privacy Act of 1974 (5 U.S.C. § 552a) and in accordance with System of Records Notice (SORN) JUSTICA/ATF-008, Regulatory Enforcement Record System. It may be shared with federal, state, local, tribal, and foreign law enforcement and regulatory agencies for purposes including criminal investigations, inspections, compliance monitoring, and national security, to the extent such disclosure is authorized by law. Finally, the information may be disclosed to members of the public in order to verify the information on the application where such disclosure is not prohibited by law.
4. **Effects not supplying the requested information.** Failure to supply complete information will delay processing and may cause denial of the application.
5. **Disclosure of Social Security Number (SSN).** Disclosure of the individual's SSN is voluntary. Under 18 U.S.C. §§ 842(f) and 843; and Executive Order 9397, November 22, 1943, ATF has the authority to solicit an individual's SSN. The number may be used to verify the individual's identity.

Paperwork Reduction Act Notice

This request is in accordance with the Paperwork Reduction Act of 1995. The information collection is used to determine the eligibility of the applicant to engage in certain operations, to determine the location and extent of operations, and to determine whether the operations will be in conformity with Federal laws and regulations. The information requested is required to obtain or retain a benefit and is mandatory by statute (18 U.S.C. § 843).

The estimated average burden associated with this collection is 1 hour and 30 minutes per respondent or recordkeeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to Reports Management Officer, Resource Management Staff, Contract and Forms Section, Bureau of Alcohol, Tobacco, Firearms, and Explosives, 99 New York Avenue, NE, Washington, DC 20226.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid Office of Management Budget control number.