

Department of Justice
Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF)
Information Collection Request (ICR)
OMB Number 1140-0076
Request for Relief from Explosives Disability
(ATF Form 5400.31)

SUPPORTING STATEMENT

A. JUSTIFICATION

1. Explain the circumstances that make the information collection necessary.

ATF is charged with the responsibility for enforcing Title XI of the Organized Crime Control Act (the act) of 1970, as amended, and the implementing regulations contained at 27 CFR part 555. The act includes a list of categories of persons prohibited from shipping or transporting explosives in or affecting interstate or foreign commerce or from receiving or possessing any explosive that was. *See* 18 U.S.C. 842(i). This is often referred to as a ‘disability’ rather than a prohibition. The act also gives the Director authority to grant any person who has an explosives disability/prohibition relief from that disability/prohibition. *See* 18 U.S.C. 845(b). The regulations at 27 CFR 555.142 state that the Director may grant relief to an applicant if (1) the applicant establishes to the Director’s satisfaction 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; and (2) that granting relief is not contrary to public interest. *See* § 555.142(c)(1)-(2).

ATF’s regulations at § 555.142 also require that the applicant use the form included in this information collection to apply for relief, and include all the information specified in the regulation and on the form. ATF developed the form to aid applicants in ensuring they provide all the required information.

As part of this renewal, ATF is changing the form number from ATF Form 5400.29 to ATF Form 5400.31 to align with changes to ATF’s numbering structure, and is revising the title of the ICR and the form for plain writing purposes, from “Relief of Disabilities and Application for Restoration of Explosives Privileges” to “Request for Relief from Explosives Disability.”

2. Indicate how, by whom, and for what purpose the information will be used.

Persons who wish to ship, transport, receive, or possess explosive materials, but are prohibited from doing so, provide the information covered by this ICR to request that ATF restore their ability to do business with explosive materials. They submit the form to ATF as their request for relief from disability/prohibition.

ATF uses this information collection to conduct background investigations on persons who apply to have their explosives privileges restored, which includes determining whether they are still

prohibited. ATF also uses this information to verify that an applicant has a record and reputation confirming that they are unlikely to endanger public safety, and to ensure that granting relief would not be contrary to public interest.

3. Describe whether, and to what extent, the information collection involves using 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 to adopt this means of collecting.

The form is 508-compliant and fillable, so any person can complete it, and can do so electronically. Respondents download the form from the internet, completing, signing, and submitting it electronically by email to the Explosives Relief of Disabilities Program at erod@atf.gov. They no longer must submit by mail and ATF no longer generates a stock of paper forms.

Additionally, it is likely that submissions will contain certified copies of court documents and fingerprint cards. These may now also be submitted electronically.

4. Describe efforts to identify duplication.

This information is not duplicative and requires respondents to submit information necessary for ATF to determine whether it is appropriate to relieve them from being prohibited to possess or work with explosives. This information is case-specific, so is unique for each request and is not duplicated elsewhere. ATF uses a uniform subject classification system for forms to identify duplication and to ensure that any similar information already available cannot be used or modified to use in this information collection.

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

This collection does not have a significant impact on small entities.

6. Describe the consequences to federal programs 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.

The consequences of not collecting this information, or collecting it less often, would be that persons who have been prohibited for certain reasons from possessing or doing business involving explosives would not have the opportunity to apply for relief once the situation has changed, or if they were prohibited in error. This would also mean that ATF would not be able to comply with the statute allowing people to request restoring their explosives privileges.

7. Explain any special circumstances that would cause the information collection to be conducted in a manner inconsistent with 5 CFR 1320.6.

There are no special circumstances associated with this information collection, which is conducted in a manner consistent with 5 CFR 1320.6.

8. If applicable, provide a copy, and identify the date and page number, of the agency's notice published in the *Federal Register*, as required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submitting to OMB.

The 60-day notice was published in the *Federal Register* on 07/17/26 (91 FR 44875). The comment period ended on [09/15/26]. ATF received no comments. The 30-Day notice was published in the *Federal Register* on 9/22/26 (91 FR 60151) and will be available for public comment until 10/22/26.

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

ATF does not provide payments or gifts in connection with this information collection.

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

ATF has not assured respondents of confidentiality. However, the information being collected includes PII and other private information, and is thus protected by the Privacy Act. The information is maintained by ATF in a system of records, Justice/ATF-008, Regulatory Enforcement Records System. The form that accompanies this ICR includes a Privacy Act statement that covers this information and informs respondents of the system of records, routine uses, etc.

11. 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 information collection asks questions of a sensitive nature about such things as an individual's criminal history, immigration status, and adjudications on mental health. These questions align with the prohibitions in 18 U.S.C. 842(i) and respondents must provide this information to certify that they meet the threshold requirements in section 845(c) for consideration. ATF would not be able to restore explosives privileges or assess whether doing so would be contrary to public safety and public interest without collecting this information.

12. Provide estimates of the information collection's hour burden.

ATF estimates that there are 250 applicants associated with this information collection request per year. They each submit one time, so the total number of responses is 250 annually. We estimate that each applicant spends approximately 30 minutes completing the form. For 250 applicants at 30 minutes (0.5 hours) each, the time burden for this information collection is 125 hours.

In addition, as part of ATF's investigation into the applicant's record and reputation, additional persons must respond to questions about each applicant. To check the background of an applicant, an investigator interviews the applicant's previous explosives supervisor and a previous explosives coworker (or equivalents), who are indirect respondents. The applicant's former explosives supervisor and co-worker (or equivalents) are involved during the investigative stage, after ATF has received and processed the request for relief and determined that it meets the criteria to continue investigating. On average, 125 requests proceed to investigations annually, and these indirect respondents each also spend approximately 30 minutes responding to interview questions for those 125 cases. There are therefore 250 indirect respondents (two persons per case * 125 cases investigated), at 0.5 hours each, resulting in an additional time burden of 125 hours.

The combined annual total for both sets of burden hours would be 250 hours.

Because applicants under this ICR do not provide the requested information as part of their employment, the time they spend to complete this request is considered leisure time. To calculate the monetized value of the applicant's hourly burden under this ICR, ATF used an estimated leisure wage rate based on methodology from Health and Human Services ("HHS"), updated to account for the latest available data.¹ Based on the median weekly household wage rate for the U.S., ATF estimates that the hourly leisure wage rate for applicants under this ICR is \$25.64.² As a result, the aggregate monetized hourly burden for applicants is \$3,205 (125 total hours for applicants * \$25.64 hourly leisure wage rate).

The indirect respondents (supervisor and coworker) provide information as part of their employment. As a result, ATF used an hourly wage particular to their career field. According to the U.S. Bureau of Labor Statistics ("BLS"), the wage for Industrial Production Managers (11-3051)³ is an average of \$60.53.¹ According to the BLS, the wage for Explosives Workers, Ordinance Handling Experts, and Blasters (47-5032)⁵ is an average of \$31.54.²

To account for fringe employment benefits such as insurance, ATF determined an average load rate based on BLS's calculated national hourly compensation (salaries/wages plus paid benefits) for all private-sector occupations (an average of \$44.20 for 2024)³ divided by the national average hourly wages and salaries without benefits (an average of \$31.10 for 2024),⁴ making a load rate of 1.42.⁵

Applying the load rate to the supervisor wage rate above brings the \$60.53 wage to a loaded wage rate of \$85.95, and an aggregate hourly monetized burden for supervisor interviews of \$5,372 (rounded) (125 interviews * 0.5 hourly burden * \$85.95). Applying the 1.42 load rate to

¹ <https://www.bls.gov/oes/2023/may/oes113051.htm>

² <https://www.bls.gov/oes/2023/may/oes475032.htm>

³ U.S. Bureau of Labor Statistics, *Total compensation cost per hour worked for private industry workers (2023–2025)*, <https://data.bls.gov/dataViewer/view/timeseries/CMU2010000000000D> [<https://perma.cc/T2ZL-2UUB>].

⁴ U.S. Bureau of Labor Statistics, *Employer cost for employee compensation, (2023–2025)*, <https://data.bls.gov/dataViewer/view/timeseries/CMU2020000000000D> [<https://perma.cc/8WEJ-2TRW>].

⁵ 1.42 load rate = \$44.20 total hourly compensation / 31.10 hourly wages and salaries.

the explosives coworker wage rate above brings the \$31.54 wage to a loaded wage rate of \$44.79, and an aggregate hourly monetized burden for co-worker interviews of \$2,799 (rounded) (125 interviews * 0.5 hours * \$44.79).

Table 1. Estimated annualized respondent cost and hour burden

Activity	Number of respondents	Frequency	Total annual responses	Time per response (hours)	Total annual burden (hours)	Hourly rate	Monetized value of respondent time
Direct respondent application	250	1 time annually	250	0.5	125	\$25.64	\$3,205.00
Indirect respondent time on 125 of above responses: previous supervisor interview	125	1 time annually	125 of the 250 above (not additional responses)	0.5	62.5	\$85.95	\$5,372
Indirect respondent time on 125 of above responses: previous coworker interview	125	1 time annually		0.5	62.5	\$44.79	\$2,799
Unduplicated totals			250		250	\$45.50 (average of above rates)	\$11,375

13. Provide an estimate of the total annual cost burden to respondents or record-keepers resulting from the information collection. (Do not include the cost of any hour burden shown in items 12 and 14).

There are no capital costs for this ICR as these responses are emailed to ATF.

14. Provide estimates of the annualized cost to the federal government.

The federal government incurs the costs of paying contractors to perform field investigative work on applicants, which includes interviewing previous supervisors and previous coworkers in cases that proceed to the investigative stage. While the total number of applicants is an annual average of 250 for this ICR, approximately half are abandoned or withdrawn, or otherwise ineligible (for example, the person isn't actually prohibited), and thus do not undergo the investigative work performed by contractors. An annual average of 125 applications proceed to the investigative stage out of 250 total applications.

The contracting cost for the federal government is \$1,417.98 per case, plus \$881 per case for per diem and travel costs to perform this investigative work, making the total investigative cost per case \$2,298.98. At an average of 125 cases the federal government cost for this ICR is \$287,372.50.

There are no other federal costs to the federal government due to the current staffing and administrative capacity already in place to complete any marginal processing required under this information collection, with long-term staffing capacity serving as a sunk cost. Previously, there were \$420 of printing costs associated with this collection, but ATF is no longer printing this form and those costs therefore no longer exist.

15. Explain the reasons for any program changes or adjustments.

The total time burden has increased since the last renewal in 2023, from 150 hours to 250. This is a net increase resulting from a combined decrease in the number of annual respondents (from 300 in 2023 to 250 now, causing a corresponding decrease in direct respondent hours from 150 to 125 hours) and an increase in the time burden from including the time indirect respondents expend (an additional 125 hours). Although the indirect respondents were previously included in the monetized value calculations, they were inadvertently not included in the hourly burden calculations. This renewal corrects that error. The monetized value of the hourly burden has also increased due to increased wages over time and the correction above, from \$9,600 to \$11,375.

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16. For information collections whose results will be published, outline plans for tabulations and publication.

ATF does publish the results of this collection.

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

ATF intends to display the OMB expiration date for this information collection.

18. Explain each exception to the certification statement.

This information collection does not include any exceptions to the certification statement.

B. INFORMATION COLLECTIONS EMPLOYING STATISTICAL METHODS.

This collection does not employ statistical methods.