Department of Justice
Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF)
Information Collection Request (ICR)
OMB 1140-0072
Explosives Employee Possessor Questionnaire (EPQ)
(ATF Form 5400.28)

SUPPORTING STATEMENT

A. JUSTIFICATION

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

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) is charged with enforcing Title XI of the Organized Crime Control Act of 1970 (the Act) and its implementing regulations at 27 CFR part 555. The Act requires that certain persons who want to engage in the business of manufacturing, importing, or dealing in explosives, or using them, must file an application with ATF for an explosives license/permit. This requirement also mandates that the applicant include specific information about responsible persons (RPs) and other employees who are authorized to handle explosives in the course of their duties (employee possessors, EPs). Further, 18 U.S.C. 843(h) requires ATF to conduct background checks on the applicant and any RPs and EPs. These requirements help ensure compliance with the provisions of 18 U.S.C 842(i), which prohibits certain persons from possessing explosive materials.

This information collection covers the requirement to submit information on EPs and aligns with the above requirements to ensure that prospective EPs newly hired by, or otherwise added to explosives operations, are not prohibited under 18 U.S.C. 842(i) from possessing explosive materials. 27 CFR § 555.57 requires that all persons holding ATF explosives licenses/permits must report to ATF identifying information about their EPs. The licensees must also report any subsequent changes to their EPs. Further, § 555.57 requires that copies of these reports be retained in the licensees'/permittees' required records, for the period specified in § 555.121.

ATF's regulations establish that applicants must use ATF Form 5400.28, Explosives Employee Possessor Questionnaire (EPQ) for this purpose. Doing so helps ensure that respondents provide all the necessary information to conduct the necessary EP background checks and ensure they are not prohibited from operations involving explosives.

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

EPs must complete ATF Form 5400.28, Explosives Employee Possessor Questionnaire, and the applicant or licensee employing them must submit the form to ATF for a background check and approval before the EP may begin working with explosives. ATF personnel review the completed form to validate the EP's identity and verify that the EP

is not prohibited from shipping, transporting, receiving, or possessing explosive materials. ATF uses the information in the form to determine if the person who provided the information is qualified to be an EP in an explosives business.

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 electronically submitting responses, and the basis for the decision to adopt this means of collecting.

ATF Form 5400.28 is available on ATF's website for respondents to download, complete, and sign electronically. The form can be submitted electronically via email to FELC@atf.gov or by fax (304-616-4401). Using electronic signatures and the new email submission capability eliminates the need for mail-in notification. The form must have the applicant's signature when submitted for processing.

4. Describe efforts to identify duplication.

This information is not duplicative as it's not collected anywhere else in the government or by other entities within ATF. Individuals' information also changes over time, so EPs need to submit updated information, or verify that it remains the same, each time the licensee/permittee renews its license. As a result, each individual's submitted information is unique each time they must submit it. 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 information collection does not have a significant impact on small entities.

6. Describe the consequences to federal programs or policy activities if the information is not collected or is collected less frequently, as well as any technical or legal obstacles to reducing burden.

ATF must collect this information to ensure that prohibited persons do not have access to explosives and to comply with 18 U.S.C. § 843(h). Conducting this information less frequently would result in not conducting it, and without a background check mechanism, prohibited persons may be able to obtain explosives and use them in acts of terrorism or use them in another manner that could affect public safety.

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 10/28/2026 (91 FR 67859). The comment period will end on 12/28/2026. ATF has not yet published the 30-day notice for this information collection. ATF anticipates publishing the 30-day notice as usual once the 60-day comment period has concluded and ATF has addressed any comments received during that time. ATF is requesting an emergency extension of the existing OMB approval to ensure the information collection's continuity while it completes the regular renewal and notice process.

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 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 ATF is collecting includes PII and is thus protected by the Privacy Act. ATF maintains the information in a system of records, Justice/ATF-008, Regulatory Enforcement Record 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 does ask questions of a sensitive nature. It asks questions about an individual's criminal history, immigration status, and mental state. These questions align with categories of prohibitions that could prevent a person from being lawfully permitted to take actions with regard to explosive materials on behalf of the licensee/permittee. These questions are necessary to ensure that the provisions of existing explosives laws are effectively enforced, persons who are prohibited do not work with explosives, and to protect public safety.

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

ATF estimates that 80,661 respondents submit an EPQ annually. This estimate is based on the average number of respondents during the past three years. Respondents submit only one time in a given year, so the number of annual responses is also 80,661. Respondents may submit again when the license/permit comes up for renewal every three years thereafter, but these renewal responses are included in the annual number above. We estimate that it takes respondents approximately 20 minutes (0.33 hours) to complete

the form. Therefore, the total annual burden associated with this ICR is 26,860 hours (80,661 responses * 0.33 hours).

To calculate the hourly burden's monetized value, ATF estimates that an individual completing this form would be an explosives worker. According to the U.S. Bureau of Labor Statistics ("BLS"), the wage for Explosives Workers, Ordinance Handling Experts, and Blasters (47-5032)[5] is an average of $31.54.[1] 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)[2] divided by the national average hourly wages and salaries without benefits (an average of $31.10 for 2024),[3] making a load rate of 1.42.[4] Applying the load rate to the $31.54 wage brings it to a loaded wage of $44.79. Therefore, the monetized value of the hourly burden from this ICR is $1,203,059 ($44.79 * 26,860 total hourly burden).

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
Employee Possessor Questionnaire	80,661	1	80,661	0.33	26,860	$44.79	$1,203,059

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 start-up or other costs associated with this information collection. All applications can be submitted electronically by fax or email to ATF for processing.

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

ATF estimates no additional costs to the federal government associated with this collection. This is 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.

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

[1] https://www.bls.gov/oes/2023/may/oes475032.htm

[2] 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].

[3] 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].

[4] 1.42 load rate = $44.20 total hourly compensation / 31.10 hourly wages and salaries.

ATF is making a minor change to the title of the IC to align with the way ATF and industry have been referring to it, from “List of Responsible Persons” to “Explosives Responsible Person Questionnaire (RPQ).” ATF has also updated the digitally fillable and signable form to include an email address and instructions for submitting electronically, and made minor plain writing edits throughout. Finally, the number of respondents has decreased during the past three years, from 83,125 in 2023 to 80,661 now, a decrease of 2,464 respondents. The decrease in respondents resulted in a corresponding decrease in the total annual burden hours, from 27,708 to 26,860, a decrease of 848 hours.

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

ATF does not 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 employs statistical methods.