

Application for Permit, User Limited Display Fireworks

NOTE: Submit this form in duplicate (*either typewritten or printed legibly*) and the application fee of \$75.00 payable by check or money order to the Bureau of Alcohol, Tobacco, Firearms, and Explosives. (*Please read instructions on the back of this form.*)

Section A (<i>Must be completed by all applicants.</i>) <i>Please print all information in block letters.</i>		FOR ATF USE ONLY	
1. Name of Applicant (<i>If partnership, include name of each partner</i>)		Attach 2" x 2" Photograph Here (<i>See Instruction 4</i>)	
2. Trade Name or Business Name, if any	3. Employer Identification Number (<i>EIN</i>) or Social Security Number (<i>SSN</i>) (<i>Voluntary-see Privacy Act Information</i>)		
4a. Premises Address (<i>No., Street, City, State, Zip Code</i>)	4b. Name of County in Which Business is Located		
4c. Mailing Address (<i>If different from address in Item 4a.</i>)			
5. Location (<i>If no street address listed in Item 4a, provide directions and distance from nearest post office or city limits</i>)		6. Telephone Number (<i>Include Area Code</i>)	
6. Business () _____ Residence () _____ Emergency () _____ Fax () _____ E-Mail Address _____		7. Fireworks Will Be Purchased From Name: _____ Address: _____ _____ Telephone No.: _____ Federal Explosives License Number: _____	
8. Date and Location of Public Display			
9. Is the applicant or any person named in item 11: (<i>ALL questions must be answered by checking the "YES" or "NO" box.</i>) (<i>Give full details on a separate sheet for all "yes" answers in item 9.</i>)		Yes	No
a. A fugitive from justice?			
b. An unlawful user of, or addicted to, marijuana or any depressant, stimulant, or narcotic drug, or any other controlled substance?			
c. Under indictment or information in any court for a felony , or any crime, for which the judge could imprison that person for more than one year? (<i>An information is a formal accusation of a crime by a prosecutor.</i>) (<i>See Definition 1.</i>)			
d. An alien in the United States? (<i>If "yes," attach an explanatory statement showing that the person is a lawful permanent resident or a lawful nonimmigrant or refugee/asylee.</i>) (<i>See Definition 2 and Exception 2.</i>) <input type="checkbox"/> Statement attached. If the individual is an alien, provide the U.S. Immigration and Naturalization Service (INS)-issued alien number or admission number in item 11.			
e. Presently appealing a conviction of a crime punishable by imprisonment for a term exceeding one year? (<i>If "yes," attach an explanatory statement showing date of conviction, court in which convicted, and court in which appeal is pending.</i>) <input type="checkbox"/> Statement attached.			
10. Has the applicant or any person named in item 11 EVER: (<i>Give full details on a separate sheet for all "yes" answers in item 10.</i>)		Yes	No
a. Been convicted in any court of a felony , or any other crime, for which the judge could have imprisoned that person for more than one year, even if he or she received a shorter sentence, including probation? (<i>See Definition 1 and Exception 1.</i>)			
b. Been adjudicated mentally defective (<i>which includes having been adjudicated incompetent to manage his or her own affairs</i>) or been committed to a mental institution?			
c. Been discharged from the Armed Forces under dishonorable conditions?			
d. Renounced his or her United States citizenship?			

Section B (Must be completed)

Section 842(j), 18 U.S.C., 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." Before applying for a permit, the applicant must read and be familiar with the requirements as set forth in 27 CFR, Part 555, Subpart K - STORAGE. **An application for a permit will be denied if upon an investigation it is found that storage facilities are inadequate.**

12a. All of the applicant's storage facilities are listed on the attached Explosives Storage Magazine Description Worksheet(s) and meet the minimum requirements as set forth in 27 CFR, Part 555, Subpart K - Storage. If "no" (i.e., storage facilities do not meet minimum requirements) explain on separate sheet. (See Instruction 6.) Yes No

12b. Please indicate the total number of explosives storage magazine(s). _____

12c. If the applicant has no storage facilities, provide contingency plan for unexpected surplus explosive materials (i.e., should fireworks be received earlier or later than expected or not used within 24 hours after receipt) by completing Explosives Storage Magazine Description Worksheet Item J. (See Instruction 6.)

13. Is State or local license or permit required for fireworks? (If yes, provide license/permit numbers; if applied for permit but not yet obtained, provide date of application.)

Yes/Numbers or Date _____

No

Section C - Certification (Must be completed by all applicants)

14. 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. I also certify that if I reuse this permit beyond the one transaction which it authorizes, I subject myself to criminal penalties.

Applicant's Signature	Title	Date
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For Bureau of Alcohol, Tobacco, Firearms, and Explosives Use Only

15. Application is <input type="checkbox"/> Approved <input type="checkbox"/> Withdrawn* <input type="checkbox"/> Disapproved* *(Fee will be refunded)	Reason for Disapproval/Termination
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Signature of Licensing Official	Date
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Explosives Storage Magazine Description Worksheet
(Submit one for each magazine; you may photocopy for additional magazines)

For ATF Use Only

Global Positioning System (GPS)
Coordinates

Applicant name: _____

Magazine ID. no.: _____

State/local explosives magazine certificate number, if any: _____

Storage magazine address: _____

A. Type of magazine (e.g., permanent, mobile/portable, indoor/outdoor, building, igloo, tunnel, dugout, box, trailer, semitrailer, or other mobile magazine): _____

ATF Type: (Check one) I II III IV V

B. Location of magazine and distance from licensed place of business and other magazines: _____

C. Distance to nearest storage magazine, regardless of ownership: _____

D. Describe terrain features, roads, structures, buildings, utilities, etc., that could be damaged if the contents of the magazine exploded: _____

E. Distance(s) between the magazine and the feature(s):

Indicate if magazine is: Barricaded Unbarricaded

Show distance in feet to: Closest highway: _____ Closest inhabited bldg.: _____

Closest passenger railway: _____

F. Materials, including thicknesses, used in construction of magazine:

Roof: _____ Top: _____ Walls: _____ Bottom: _____

Doors: _____ Floor: _____

G.

1. Security, physical safeguards, safety equipment, and anti-theft measures: _____

2. Locks (Check all that apply): Three-point Lock _____ Mortise Locks _____ Padlocks _____

3. If Padlocks: Shackle Diameter: _____ No. of Tumblers: _____ Steel Hoods: Yes _____ No _____ Case-hardened: Yes _____ No _____

H. Dimensions and capacity of magazine:

Capacity: _____ Height: _____ Length: _____ Width: _____
(In pounds or number of detonators)

I. Explosives to be stored: Quantity or Weight _____

Class: High _____ Low _____ Blasting Agents _____ Detonators _____

J.

1. Magazine is (Check one): Owned Borrowed Leased Rented Contingency Plan

2. Owner of magazine if borrowed, leased, rented, or on contingency: _____

3. Address and phone number of owner: _____

K. Names and telephone numbers of persons who can open magazine for inspection: _____

L. Special conditions, such as difficulty accessing in winter, etc.: _____

M. A plat plan must be furnished, not necessarily to scale, which will indicate, at a minimum, (1) all buildings on the premises, and (2) all magazines identified, with distances between the magazines, as well as the distances between magazines and inhabited buildings, public highways, and passenger railways.

Prepared by: _____

(Name and Title)

Date: _____

All Applications are to be Submitted with Fees to:
Bureau of Alcohol, Tobacco, Firearms, and Explosives
P.O. Box 845219
Dallas, Texas 75284-5219

Instructions

1. Issuance of your permit 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. This application should be submitted 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*) and total fees payable by check or money order to the Bureau of Alcohol, Tobacco, Firearms, and Explosives to the post office box listed above. (*CAUTION: Submission of this application does NOT authorize you to engage in any of the activities covered by the requested permit. The permit must be received before operations commence.*) Inclusion of your social security or employee identification number on your check or money order will expedite the processing of your application.
3. 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.
4. A photograph of each responsible person listed in item 11 MUST accompany this application. The photograph must be 2 x 2 inches in size, clearly showing a full frontal view of the features of the responsible person with head bare, with the distance from the top of the head to the point of the chin approximately 1 1/4 inches, and which shall have been taken within the last 6 months prior to the date of application.

A completed FD-258 (*Fingerprint Identification Card*), in duplicate, for each responsible person, including sole proprietors, MUST also accompany this application. The fingerprints must be clear for accurate classification and must be taken at a local law enforcement agency. In addition, if you are an alien, you must place your U.S. Immigration and Naturalization Service (INS)-issued alien number or admission number in the miscellaneous block of the FD-258.

5. This application must include the names and identifying information of EACH employee authorized to possess explosive materials in the course of his/her employment with the applicant. This information MUST be submitted on ATF F 5400.28, Employee Possessor Questionnaire, and included with the submission of this application. (See Definition 4.)
6. For item 12 use the attached Explosives Storage Magazine Description Worksheet to describe each storage facility (*magazine*). You may photocopy the worksheet if you have more than one magazine. For the purpose of this worksheet, "**barricade**" is defined as the effective screening of a magazine containing explosive materials from another magazine, a building, a railway, or a highway, either by a natural barricade or by an artificial barricade. To be properly barricaded, a straight line from the top of any sidewall of the magazine containing explosive materials to the eave line of any other magazine or building, or to a point 12 feet above the center of a railway or highway, will pass through the natural or artificial barricade. A "**contingency plan**" is required in the event the explosive materials cannot be used within the same day of purchase. For example, a sufficient "contingency plan" would include a letter or statement from someone having approved storage facilities allowing the applicant use of his facilities should the need arise.
7. The certification in item 14 must be signed (*executed*) by the owner, a partner, or in the case of a corporation, association, etc., by an officer duly authorized to sign for the applicant.
8. **If you have any questions relating to this application, please contact the ATF National Licensing Center, 2600 Century Parkway NE, Suite 400, Atlanta, GA 30345, (404) 417-2750, or review information online at www.atf.treas.gov.**
9. If the application is approved, the ATF National Licensing Center will forward the user limited permit to you. If the application is denied, you will be advised in writing of the reasons for the denial, and your application fee will be refunded.
10. Additional forms can be downloaded from ATF's website in Adobe PDF format at www.atf.treas.gov/forms/index.htm. The form can be ordered using ATF's Online Distribution Center Order Form at www.atf.treas.gov/dcof/index.htm, or by calling ATF's Distribution Center at (703) 455-7801.

Definitions

1. **Under Indictment or Information or Convicted in Any Court.** An indictment, information, or conviction in any Federal, State, local, or foreign court.
2. **Alien.** An alien in the United States means any person who is not a citizen or national of the United States.

3. **Responsible Person.** An individual who has the power to direct the management and policies of the applicant pertaining 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/officers and stockholders who have the power to direct management and policies pertaining to explosive materials.
4. **Employee Possessor.** An employee possessor is an individual who has **actual or constructive possession** of explosive materials during the course of his 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 a construction site who keeps keys for magazines in which explosive materials are stored, or who directs the use of explosive materials by other employees; or an employee transporting explosive materials from a licensee to a purchaser*).
5. **Display Fireworks** - Large fireworks designed primarily to produce visible or audible effects by combustion, deflagration, or detonation. This term includes, but is not limited to, salutes containing more than 40 grams of pyrotechnic compositions, and other display pieces which exceed the limits of explosive materials for classification as "*consumer fireworks*." Display fireworks are classified as fireworks UN0333, UN0334, or UN0335 by the U.S. Department of Transportation at 49 CFR 172.101. This term also includes fused set pieces containing components which together exceed 50 mg of salute powder.
6. **User Limited Display Fireworks.** A user permit is valid only for a single purchase transaction. It is issued to authorize a person to acquire, for his own use, display fireworks in a State other than the State in which he resides or from a foreign country and to transport display fireworks in interstate or foreign commerce. **The application should be submitted at least 90 days prior to date of intended use.**

Notes

A Federal permit confers no right to conduct business or operations, including storage, contrary to State or other law. Applicants are required to notify the appropriate chief law enforcement officer (CLEO) and the fire marshal having jurisdiction over the fireworks display site. These officials must also be notified of sites where explosives will be stored or manufactured. The provisions for these requirements are found at 27 CFR, section 555.201(f).

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), 27 CFR 555.142.
2. For purposes of this form, aliens can be responsible persons if they are lawful permanent residents or lawful nonimmigrants (*or refugees/asylees*). 18 U.S.C. 842(d)(7); (i)(5).

Privacy Act Information

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. 843(a). Disclosure of this information by the applicant is mandatory if the applicant wishes to obtain a Federal explosives license or permit.
2. **Purpose.** 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 and employees in the business or operations.
3. **Routine uses.** The information will be used by ATF to make a determination as set forth in paragraph 2. In addition, information may be directly disclosed to other Federal, State, foreign and local law enforcement and regulatory agency personnel to verify information on the application and to aid in the performance of their duties with respect to the regulation of explosives unless such disclosure is prohibited 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 of 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.** Disclosure of the individual's social security number is voluntary. Under 18 U.S.C. 842(f), 843, and Executive Order 9397, November 22, 1943, ATF has the authority to solicit an individual's social security number. 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, Document Services Branch, Bureau of Alcohol, Tobacco, Firearms, and Explosives, 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 OMB control number.