

Department of Justice  
Bureau of Alcohol, Tobacco, Firearms and Explosives  
Information Collection Request  
Supporting Statement  
1140-0036  
FFL Out of Business Records Request  
ATF F 5300.3A

A. JUSTIFICATION

1. Necessity of Information Collection

Federal Firearms Licensees (FFL) are required to keep records of acquisition and disposition. These records remain with the licensee as long as he is in business. The records are of critical importance in the tracing of firearms suspected of being used in crimes. If the licensee goes out of business and the business is taken over by another, the records are transferred to a new owner. If the business is transferred to a new owner, the records are sent to ATF to be used, when necessary, in the tracing function. The Federal law, in 18 U.S.C. 923 (g) (4), requires this procedure. This section of the Federal law is implemented in 27 CFR 478.127.

2. Needs and Uses

The ATF F 5300.3A, FFL Out-of-Business Records Request is used by ATF to notify licensees who go out of business. When the discontinuance of the business is absolute, the records shall be delivered within 30 days following the business discontinuance to the ATF Out-of-Business Records Center, 244 Needy Road, Martinsburg, West Virginia 25401 or to any ATF office in the division in which the business was located: Provided, however, where State law or local ordinance requires the delivery of records to other responsible authority, the Chief, Federal Firearms Licensing Center may arrange for the delivery of the records to such authority. When a licensed business is discontinued and succeeded by a new licensee, the records may be delivered within 30 days following the business discontinuance to the ATF Out-of-Business Records Center or to any ATF office in the division in which the business was located.

The title of the information collection has been changed from Request for Information Regarding Federal Firearms Dealer's Records (Records of Acquisition and Disposition) to match the title of the form (ATF F 5300.3A) FFL Out-of-Business Records Request. The decision to change the title of the collection is based on, the top half of the form discusses information regarding the licensee's records and what is required regarding those records if the licensee's business is discontinued. Also, the title of 27 CFR 478.127 is titled Discontinuance of business.

### 3. Use of Information Technology

The form is available to download and print from ATF's website. Because ATF requests an original signature the respondent must mail the form.

### 4. Efforts to identify Duplication

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 for use for the purpose of this information collection.

### 5. Minimizing Burden on Small Businesses

The collection of information has no impact on small businesses.

### 6. Consequences of Not Conducting or Less Frequent Collection

The consequence of not conducting this information would result in ATF not having access to critical information regarding the tracing of firearms suspected of being used in crimes.

### 7. Special Circumstances

There are no special circumstances. The data will be collected in a manner consistent with the guidelines in 5 CFR 1320.6.

### 8. Public Comments and Consultations

The ATF firearms liaison consulted with the industry during the creation of this form. A 60-day and 30-day Federal Register notice was published in order to solicit comments from the general public. No comments were received.

### 9. Provision of Payments or Gifts to Respondents

No payment or gift is associated with this collection.

### 10. Assurance of Confidentiality

Records that are sent to ATF division offices or to the ATF Out-of-Business Records Center are kept in a secured location. These records are viewed by ATF personnel only. Confidentiality is not assured.

### 11. Justification for Sensitive Questions

No questions of a sensitive nature are asked.

12. Estimate of Respondent's Burden

There are 28,000 respondents associated with this collection. Each respondent responds 1 time. It is estimated that it takes 5 minutes per respondent to complete the form. The total number of burden hours associated with this collection is 2,333.

13. Estimate of Cost Burden

The cost burden to the respondent is postage. As a result of an increase in postage, the cost has increased from \$10,920 to \$11,760.

14. Cost to Federal Government

The cost to the Federal government is estimated to be \$4,000 for printing and distribution to explosive licensees and permittees.

15. Reason for Change in Burden

There is an adjustment due to an agency action (Federal /postage) with regard to the cost burden. The cost has increased from \$10,920 to 11,760 a difference of 840. The change in time burden is due to a type made on the previous collection.

16. Anticipated Publication Plan and Schedule

The results of this collection will not be published.

17. Display of Expiration Date

ATF does not request approval to not display the expiration date.

18. Exception to the Certification Statement

There are no exceptions to the certification statement.

B. STATISTICAL METHODS

This collection does not employ statistical methods.