

DEPARTMENT OF JUSTICE
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES
INFORMATION COLLECTION REQUEST
SUPPORTING STATEMENT
OMB 1140-0067

Licensed Firearms Manufacturers Records of Production, Disposition, and Supporting
Data

A JUSTIFICATION

1. Necessity of Information Collection

Each licensed importer, licensed manufacturer, and licensed dealer shall maintain such records of importation, production, shipment, receipt, sale, or other disposition of firearms at his place business for such period, and in such form, as the Attorney General may prescribe. These records are required by 18 USC 923(g) (1) (A) and are for the primary purpose of facilitating ATF's authority to inquire into the disposition of any firearm in the course of a criminal investigation (18 U.S.C. 926(a) (2)). The records are established and maintained by the licensee by entering the required information into the proper record books as prescribed by 27 CFR 478.123 which refers to 27 CFR 478.121 through 478.125. Licensed manufactures records of production, disposition, and supporting data provide the tools to begin a weapon trace during criminal investigations. These records, vital to ATF's mission to enforce the law and regulations provide specific information not obtainable elsewhere. The uniformity of the records required by the regulations allows ATF compliance personnel to examine a licensee's records with minimal interference in the licensee's normal business operations. Compliance inspections are conducted under the authority of 18 U.S.C. 923 (g) (1) (A) and (B).

2. Needs and uses

These records are used by the licensee for accounting purposes and by ATF for criminal investigation or regulatory compliance with the Gun Control Act of 1968. The Attorney General may inspect or examine the inventory and records of a licensed importer, licensed manufacturer, or licensed dealer without such reasonable cause or warrant in the course of a reasonable inquiry during the course of a criminal investigation of a person or persons other than the licensee for ensuring compliance with the record keeping requirements of 18 USC 923 (g) (1) (A) and (B). The Attorney General may inspect or examine at any time with respect to records relating to a firearm involved in a criminal investigation that is traced to the licensee or when such inspection or examination may be required for determining the disposition of one or more particular firearms in the course of a bona fide criminal investigation.

3. Use of Information Technology

The use of automated electronic mechanical or other technological collection techniques is not required by this information collection; however, pursuant to ATF Rul. 2008-2, maintaining these records electronically is permissible. The records are kept on the licensee business premise and the licensee has to record specific entries regarding the disposition of firearms.

4. Efforts to Identify Duplication

There is no duplication with respect to the information collection as the ATF officer ensures upon the inspection of records that there is no duplication or false entries regarding these records.

5. Minimizing Burden on Small Businesses

This collection does not have any impact on small business.

6. Consequences of Not Conduction or less frequent Collection

Consequences of not conducting this information collection could result in licensees providing false information with regard to criminal investigations. These records are vital to ATF's mission to enforce the law.

7. Special Circumstances

There are no special circumstances associated with this information collection. This record-keeping requirement is conducted in a manner consistent with 5 CFR 1320.6.

8. Public Comments and Consultations

ATF inspectors consulted with the licensees with regard to the required records. A 60-day and 30-day Federal Register Notice was published in the Federal Register in order to solicit comments from the general public. Two comments were received. One comment was for a copy of the proposed information collection and the other an explanation regarding the burden estimate. The program office supplied both.

9. Provision of Payments or Gifts to Respondents

No decision of payment or gift is associated with this collection.

10. Assurance of confidentiality

These records are maintained at the premises of the licensee in a secured location. Only cleared ATF inspectors have access to this information. Confidentiality is not assured.

11. Justification for Sensitive Questions

Record keepers are not required to maintain records of a sensitive nature.

12. Estimate Respondents Burden

ATF estimates that there are approximately 1,694 firearm manufacturers will respond to this collection regarding approximately 4,304,000 firearms that are produced each year. It is estimated that 7% of the respondents are larger manufacturers that will produce 95% (4,088,800) of the firearms. Due to efficient computer record systems utilized by the larger manufacturers, it is estimated that it will take approximately one minute (.017) hours to record the required data.

4,088,800 times .017 hours equals 69,509 hours.

It is estimated that the remaining 215,200 firearms can be recorded in approximately two minutes (.033 hours).

215,200 times .33 hours equals 7,102.

The total time for the recordation of the required information is:

69,509 hours plus 7,102 hours equals 76,611 hours

The estimated total number of responses is 4,304,000.

The estimated average time it takes to respond is approximately 3 minutes.

The estimated total burden for this collection is 76,611 hours.

13. Estimate of Cost Burden

There is no cost associated with this collection as the respondent records the information on the premises.

14. Costs to Federal Government

There is no cost to the Federal Government.

15. Reason for Change in Burden

There are no program changes or adjustments associated with this collection. The number of responses for this collection has been 4,304,000 which was reflected in the supporting statements for the past 2 renewal cycles. A typographical error was made when entering the number of responses in ROCIS. The error was that 3 zeros were inadvertently left off the end (entered as 4,304 responses instead of 4,304,000 responses). This error has been corrected in ROCIS.

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 for OMB approval of the information for this collection.

18. Exception to the Certification Statement

There are no exceptions to the certification statement.

B. STATISTICAL METHODS

This collection does not employ statistical methods.