

DEPARTMENT OF JUSTICE
Bureau of Alcohol, Tobacco, Firearms and Explosives
Information Collection Request, 1140-0040
Supporting Statement
APPLICATION FOR AN AMENDED FEDERAL FIREARMS LICENSE
ATF F 5300.38

Justification

1. Section 922 of Chapter 44 of Title 18, United States Code, specifies a number of unlawful activities involving firearms in interstate and foreign commerce. Many of these unlawful activities cease to be unlawful when persons are licensed under the provisions of section 923. Examples of unlawful activities legitimized by licensing are engaging in the business of selling firearms and shipping, receiving, and transporting firearms in interstate and foreign commerce. This collection of information is necessary to ensure that the person who wishes to be licensed under a new address meets the requirements of the section for the license. Approval to change the licensed address is contingent upon receipt of this form by the ATF Federal Firearms Licensing Center (FFLC).

On September 13, 1994, Public Law Number 103-322 was enacted, amending the Gun Control Act of 1968 (GCA), 18 U.S.C. Chapter 44. Subtitle C of Title XI cited as Licensure provides, in part, for compliance with State and local law as a condition to licensing. The Act requires that each person applying for a Federal Firearms License (FFL) change of address must certify that 1) the business to be conducted under the new address is not prohibited by State or local law in the place where the licensed premise is located; 2) within 30 days after the application is approved the business will comply with the requirements of State and local law applicable to the conduct of business; 3) the business will not be conducted under the license until the requirements of State and local law applicable to the business have been met; and 4) that the applicant has sent or delivered a form to be prescribed by the Attorney General, to the Chief, Law Enforcement Officer (CLEO) of the locality in which the premises is located, which indicated that the applicant intends to apply for a FFL. ATF F 5300.38 is the application method used by the licensee to change the business address of a license and certify compliance with the provisions of the law for the new address.

In December 2011, this form and instruction sheet were revised to include verbiage modifications from legal counsel and a few formatting changes that will be beneficial to the applicant.

The changes to the form and the purpose of the changes are as follows:

CHANGE	PURPOSE
--------	---------

Added Question #4 – Is the address change due to a change required by the Postal Service or 9-1-1	Indicates the physical location of the premises has not changed; the address was changed for 9-1-1 or Postal Service purposes.
Added Question #10 – Fax number	Value added
Added Question #11 – Any changes in business structure	Indicator that a new ATF Form 7, Application for Federal Firearms License, may be necessary.
Added Question #12 – Change in trade/business name	Value added
Added Question #17 – New fax number	Value added
Added Question #18 – New e-mail address	Value added
Added Question #19 – New alternate 24 hour contact telephone number	Value added
Question #22 – Added “If yes, state type of business.”	
Added items 1-4 in Section 5, and item 5 intro	Local ATF counsel recommended changes
Re-worded #29 Certification Statement	Local ATF counsel recommended changes
#29 - Added Address of the RP signing the form	Provides information for contacting applicant
Eliminated old question #3 – date of birth	Not relevant
Eliminated old question #8 – current mailing address	Not relevant
Eliminated old question #10 – current home address	Not relevant
Eliminated old question #11 – new home address	Not relevant
Eliminated old questions 14 & 15	This information will now be captured in question #11
Eliminated old item #25	Not necessary- redundant signature line
Separated “Business Only” questions	To make form more user friendly
Added an application status section at the bottom of the back of the form.	To allow ATF to document the final status of the application.
Minor edits to Instruction Sheet	Local ATF counsel recommended changes

2. A detailed analysis of the responses to the application is made by ATF personnel to make sure that: 1) the licensee(s) seeking approval to change the address of the

- Federal firearms business has premises from which operations will be conducted and hours of operation allowing for contact for compliance inspections and the tracing of firearms suspected by law enforcement authorities of being used in criminal activities; and 2) the licensee has not willfully failed to disclose any material information or has not made any false statements as to any material fact.
3. An electronic fillable version of ATF F 5300.38 is available on the ATF website. This form requires an original signature from the respondent. The form is mailed or faxed to the ATF Federal Firearms Licensing Center, or scanned and emailed to the appropriate FFLC Examiner.
 4. ATF uses a uniform subject classification system 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. This collection of information has minimal impact on small businesses and other small entities, as it takes only 30 minutes or less to complete and can be faxed or emailed to ATF (no cost for postage). There is no way to further minimize the burden, as this form serves the purpose of making changes at the licensee's request.
 6. Respondents complete this information in conjunction with making application to change the address and certify that the proposed new premises will be in compliance with State and local law. Less frequent collection of this information would pose a threat to public safety.
 7. There are no special circumstances associated with this collection.
 8. The ATF industry liaison was consulted during the creation of this form. A 60-day and 30-day notice was published in the Federal Register in order to solicit comments from the public. No comments were received.
 9. No decision of payment or gift is associated with this collection.
 10. In accordance with System of records notice Justice/ATF-008 Regulatory Enforcement Record System FR Vol. 68 No. 16 Page 3558 dated January 24, 2003, the forms are kept in a secured location at the ATF Federal Firearms Licensing Center. The ATF staff that process these forms have special security clearances. Confidentiality is not assured.
 11. The collection of information does not ask questions of a sensitive nature.
 12. The estimated number of respondents is 18,000. The frequency of response is determined by the applicant, however notification is required not less than 30 days prior to the actual premises relocation. Respondents may use this form to report changes in hours of operation, telephone number, and home address. The

estimated time to complete the form is 30 minutes. The decrease in time from previous collections is the result of an in-house test that was conducted to determine how long it actually takes to complete the form. The total annual burden hours associated with this collection is 9,000.

13. There is no annualized capital/startup cost associated with this collection. It is estimated that half of the respondents submit the form to the Federal Firearms Licensing Center by mail. Therefore, the annual cost is \$4,050.00 (9,000 x .45). The difference from previous collections is the increase in the postal rate.

14. Estimates of annual cost to the Federal Government are as follows:

Printing	\$2,300
Distribution	700
Clerical cost	500
Postal cost	<u>4,050</u>
Total	\$7,550

15. The adjustment in the estimated burden hours decreased from 22,500 to 9,000 due to ATF conducting an in-house testing to determine how long it takes to complete the form. The annual cost increased due to postal rate increases from \$.42 to \$.45.

16. The results of this information collection will not be published.

17. ATF does not request approval to not display the expiration date of OMB approval for this collection.

18. There are no exceptions to the certification statement.

B. This collection does not employ statistical methods.