

Department of Justice
Alcohol, Tobacco, Firearms and Explosives
Supporting Statement
Information Collection Request 1140-0019
Federal Firearms License (FFL) RENEWAL Application
ATF F 8 (5310.11) Part II

A. Justification

1. Title 18 of the United States Code, Chapter 44 (18 U.S.C. Chapter 44) provides that no person may engage in the business of importing, manufacturing, or dealing in firearms, or importing or manufacturing ammunition without first obtaining a license to do so. The benefit of a collector's license is also provided for in the statute. These activities are licensed for a specific period of time. In order to continue uninterruptedly in these activities, licenses can be renewed by filling out a renewal application prior to its expiration.

This form has been revised and will now be accompanied by an instruction sheet. When submitting their renewal application, applicants will no longer be required to include a completed ATF Form 5330.20, CERTIFICATION OF COMPLIANCE WITH 18 U.S.C. 922(g)(5)(B), for each responsible person. Only responsible persons who are nonimmigrant aliens will have to complete ATF Form 5330.20 and submit it with renewal applications.

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

CHANGE	PURPOSE
Out-of-Business Records Center telephone number extension	The extension on the existing renewal form is not current.
Top back of form: Changed "FFL License Name" to "FFL Name"	Eliminate redundant use of "License."
Section C, Item 1: Changed the last six words in the question from " <u>prohibited</u> by State <u>or</u> local law" to "permitted by State and local law"	To provide clarity and streamline the application process.
Section C, Item 4: Bolded the words "Date sent" and "CLEO's Name & Title" and created boxes for the applicant's answers.	To make this required information more visible to licensees, as they frequently do not fill out this information.
Section C, Item 5: Changed from "As required by 18 U.S.C. 923" to "As required by 18 U.S.C. 923(d)(1)(G)"	Subpart references added to 18 U.S.C. 923 to provide the complete legal citation.

Section C, Item 6: Changed wording to emphasize that ATF Form 5330.20 only needs to be collected for RPs who are nonimmigrant aliens.	Per the June 22, 2009 Legal Opinion, citizenship certification is only needed for nonimmigrant aliens; certification is no longer needed for United States citizens.
Section C, Item 7: New question pertaining to changes of RPs on licenses has been added.	As an effective internal control, this question will require the licensee to inform us of changes to RPs on the license at the renewal point.
Section D, Item 9: Same question, but wording changed slightly	Wording changed to reflect the verbiage used on the ATF Form 7 (5310.12), question 25A.
Section D, Item 10: Same question, but wording changed slightly	Wording changed to reflect the verbiage used on the ATF Form 7 (5310.12), question 26A.
Section D, Item 14: Same question, but wording changed slightly	Wording changed to reflect the verbiage used on the ATF Form 7 (5310.12), question 26C.
Section D, Item 16: Same question, but wording changed slightly	Wording changed to reflect the verbiage used on the ATF Form 7 (5310.12), question 25C.
Section D, Item 18: Same question, but wording changed slightly	Wording changed to reflect the verbiage used on the ATF Form 7 (5310.12), question 25F.
Added an application status section at the bottom of the back of the form.	To document the final status of the application.
Instruction Sheet will be included with the renewal application.	Suggested by local ATF Counsel to provide instructions and information to applicants.

2. The information on this renewal application form is used by ATF application examiners to identify the applicant for a renewed firearms license and to determine that the applicant remains eligible to retain the license. The form is filed by the licensee desiring to renew their Federal firearms license. As stated, it is used to identify the applicant, locate the business/collection premises, identify the type of business/collection activity, and determine the eligibility of the applicant. The renewal application for a Federal Firearms license (also known as FFL) is used by the public to retain a license to engage in Firearms activities; i.e. deal, collect, manufacture, and import firearms

As long as 18 U.S.C. 923 requires a person wishing to ‘engage in business’ to pay a fee, to file an application, and to obtain a license before

engaging in business or collection activity of curio and relics, this form or one like it will be necessary.

Without the information supplied by the applicant on the renewal form, ATF might issue a renewal to a person prohibited by law from engaging in the business or collecting.

3. ATF F 8 (5310.11) Part II is generated out of the ATF Federal Firearms Licensing Center in Martinsburg, West Virginia. The form is not available on the ATF website because it is electronically generated by the ATF database automatically 90 days prior to the expiration of a license. The database also pre-fills or populates numerous data fields related to the existing license(s) to be renewed. These pre-filled data fields are associated with renewal fees according to specific license types. The renewal fee is calculated and pre-filled on the form based on the license type that is being renewed. This reduces the burden on the respondent, increases accuracy rate on the form, and decreases delays in processing the application due to incorrect fee calculations. The partially completed form is then sent to the respondent for completion of the remaining applicable fields, signature, and submission with payment. The form must be submitted/mailed with the payment in order for the financial institution to process it. The respondent has the option to pay via check, money order, or credit/debit card which the financial institution requires an original signature be provided. The current contract ATF has with the financial institution does not permit electronic or online payment processing. ATF's planning goal is to make this collection fully electronic by October 2015.
4. ATF uses a uniform subject classification system to identify duplication and to ensure that similar information already available cannot be used or modified for use for the purpose of this information collection.
5. The collection of information has no impact on small businesses or other small entities.
6. Less frequent collection of this information collection would pose a threat to public safety. The information supplied by the applicant helps ATF to determine that the applicant remains eligible to retain the license.
7. There are no special circumstances regarding this collection. The collection is conducted in a manner consistent with 5 CFR 1320.6.
8. The ATF industry liaison was involved with the creation of this information collection. A 60-day and 30-day Federal Register Notice was published in order to solicit comments from the public. One comment was

received. The comment referenced the State of California firearms procedures. The program office has responded.

9. No payment or gift is associated with this collection.
10. In accordance with System of records notice (SORN) Justice/ATF-008 Regulatory Enforcement Record System FR Vol. 68 No. 16 3558 dated January 24, 2003, records are stored in file folders in file cabinets and in electronic media. Direct access is restricted to personnel in the Department of Justice in the performance of their duty. Records are transmitted to routine users on a need to know basis and others upon verification of the substance and propriety of the request. Records are stored in file cabinets in rooms locked during non-duty hours. The records stored in electronic media are password protected.
11. Questions of a sensitive nature are asked on the renewal application in order to determine the eligibility of the applicant.
12. There are 35,000 respondents for this collection. Each respondent responds 1 time. Total annual responses are 35,000. Total time to complete the form is 25 minutes. Total annual burden hours are 14,700.
13. The cost to the respondent is the mailing of the form. There is no capital/startup cost. The total annualized cost for this information collection is \$15,750.00 (35,000 respondents x .45 postage). The difference from previous collections is the increase in postal rates.
14. The estimated annual cost to the Federal Government of collecting and processing the information collected through the use of this information collection request is as follows:

Printing	\$1,000
Distribution	\$1,000
Clerical cost	\$35,750
Postal cost	<u>\$15,750</u>
	\$53,500
15. The cost adjustments to this collection are due to the postal rate increases over the years from \$.37 to \$.45.
16. The results of this 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. Collections of Information Employing Statistical Methods.

None