

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. 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.

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

CHANGE	PURPOSE
Section B, Hours of Operation Section was changed to “Hours of Operation and/or Availability of Business/Activity (Please provide at least one hour in which you can be contacted by ATF personnel)”. Changed boxes to indicate hours of operations.	Changed to make it easier for user to understand and complete.
Removed check boxes for Collector and Gunsmithing.	Removed because this can be identified by the license type.
Section C Heading changed to “C. Answer questions 1-6 and 8 by checking “yes” or “no” in the boxes to the right of the questions or N/A if applicable.”	Changed to correct instructions for this section.
Section C, Item 4: Chief Law Enforcement Officer’s (CLEO) Name & Title and Date Sent – removed	The requirement asks if a completed application copy has been forwarded to CLEO. CLEO Name & Title and date sent are no longer necessary

<p>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)”</p> <p>Check N/A if you are a Collector of Curios or Relics or a Manufacturer of Ammunition Check box added for these respondents to complete the question.</p>	<p>Subpart references added to 18 U.S.C. 923 to provide the complete legal citation.</p> <p>Collectors of Curios and Relics or Manufacturers of Ammunition are not required to maintain storage and safety devices. These respondents cannot answer yes or no, therefore N/A option added to the form.</p>
<p>Section C, Item 6: Certificate of Compliance – removed from renewal collection</p>	<p>Per Legal Opinion, collection of citizenship certification is <u>no longer</u> necessary during the renewal period</p>
<p>Section C, Item 8 – renumbered as 7</p> <p><i>Removed verbiage: “If you are a firearms dealer, pawnbroker, manufacturer, importer, or collector of curios or relics.”</i></p> <p><i>Revised to read:</i> Section C, 8 a. How many firearms have you bought or acquired with your firearms license over the past 3 years? If none, enter “0” <input type="text"/></p> <p>b. How many firearms have you sold or disposed of with your firearms license over the past 3 years? If none, enter “0” <input type="text"/></p>	<p>All license types receive a renewal every 3 years, therefore naming the different types is redundant.</p>

<p>Section D: The following questions apply to YOU and to any other person who has the power to direct the management and policies of your firearms activities. Answer questions 8-18 by checking “yes” or “no” in the boxes to the right of the questions.</p> <p>Added “responsible” between other and person. Changed 8-18 to 9-19.</p>	<p>Purpose: Updated for consistency - Responsible person is referenced throughout form and instruction sheet.</p> <p>Updated numbering in question to be consistent with Section D of the form.</p>
<p>Instruction Sheet #1: Revised verbiage:</p> <ol style="list-style-type: none"> 1. Type or PRINT with ball-point pen and provide your signature on the back of the form. Any attached sheets must: <ol style="list-style-type: none"> a. Be identified at the top of each page with your license name and number. b. Refer to the question(s) being answered. 	<p>Format changed to bullet format for easier reading and understanding by the respondent.</p>
<p>Instruction Sheet #2: Issuance of your license will be delayed if the fee is not included or incorrect, or if the form is incomplete or otherwise improperly prepared.</p>	

<p>Instruction Sheet #3 :</p> <p>If you need to add or remove a Responsible Person (RP), send a letter with your renewal indicating the appropriate RP(s) to be added or removed. Please include in your letter the following identification information for each individual to be added as a RP: Full Name, Position, Social Security Number, Home Address, Telephone Number, Date of Birth, Place of Birth, Country/Countries of Citizenship, Sex, Race and Ethnicity (American Indian or Alaskan Native, Asian, Black or African American, Hispanic or Latino, Native Hawaiian or Other Pacific Islander, White)</p> <p>IMPORTANT! All <u>new</u> responsible persons must submit a properly prepared FD-258 (Fingerprint Card) with this application. Fingerprints must be taken by appropriate law enforcement authorities. The pre-printed FD-258 should include “WVATF1100 ATF-FFLC, MARTINSBURG, WV” to facilitate processing of fingerprints. A 2”x2” photograph taken in full face view within the last 6 months without a hat or head covering that obscures the hair or hairline must also accompany this application. Please ensure that each photograph is clearly identified on the reverse with the full name of the responsible person to whom the photograph applies, and attach the photograph to a separate sheet of paper with the persons’ full name under the picture. You may affix multiple photographs to one sheet of paper ensuring that the responsible person’s full name is written under each picture.</p>	<p>Purpose:</p> <p>In accordance with § 478.44 (a) (1) – Any person who intends to engage in business as a firearms or ammunition importer, or manufacturer, or firearms dealer, or who has not previously been licensed under the provisions of this part to so engage in business, must file an application for license ATF Form 7 (Firearms), in duplicate, with ATF in accordance with the instructions of this form. The application must: (i) Be executed under the penalties of perjury and penalties imposed by 18 U.S.C.924; (iii) Include a photograph and fingerprints as required in the instructions on the form.</p> <p>Submission of fingerprints and photographs with a renewal only pertain to any individual who has not previously been associated with any other license.</p>
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<p>Instruction Sheet #4: A license issued under 18 U.S.C Chapter 44:</p> <ol style="list-style-type: none"> a. Is NOT a license to carry, use, or possess a firearm. b. Is NOT a license to sell ammunition only. c. Is NOT a license to buy or sell firearms at gun shows only. <p>Confers NO right or privilege to conduct business or activity contrary to State or other law.</p>	<p>Purpose: Verbiage revised and reformatted for easier reading and understanding by the respondent and includes verbiage regarding ammunition and gun shows.</p>
<p>Instruction Sheet #5 In most cases, ATF will contact you prior to issuance of a license. If you do not qualify for renewal, you will be advised in writing of the reasons for denial and your renewal application will be refunded.</p>	<p>Purpose: Address denial & refund procedures.</p>
<p>Instruction Sheet #6: Applicants must submit a copy of the completed renewal application to the Chief Law Enforcement Officer (CLEO) of the locality in which the proposed premises is located.</p>	<p>Purpose: In accordance with § 478.47 (b) (6) (iv) The applicant has completed and sent or delivered notice of intent to apply or renew a Federal Firearms License to the chief law enforcement officer of the locality in which the premises are located.</p> <p>Applicant answers Yes or No – ATF no longer requests date sent or Cleo Name & Title.</p>
<p>Instruction sheet #7 Added the word “collector” between “the” and “owner” & renumbered.</p>	<p>Purpose: Reformatting of the instruction sheet requires changing of the numbering to incorporate all pertinent content.</p>

<p>Instruction Sheet #8</p> <p>Applicants intending to import firearms and/or ammunition may need to register with the ATF under the provisions of the Arms Export Control Act (AECA). Contact the Firearms and Explosives Imports Branch at (304)616-4550 for further information on registration.</p> <p>http://www.atf.gov/firearms/faq/imports</p>	<p>Purpose:</p> <p>Verbiage expanded to include the different types of licenses and the specialized points of contact to obtain detailed information. Telephone numbers and website addresses included.</p>
<p>Instruction Sheet #9</p> <p>Applicants intending to deal in, import, or manufacture weapons subject to the National Firearms Act (NFA) (e.g. machineguns, short-barreled shotguns, destructive devices, etc...) are required to pay a special occupational tax. Contact the National Firearms Act at (304)616-4500.</p> <p>http://www.atf.gov/firearms/faq/national-firearms-act-firearms</p>	<p>Purpose:</p> <p>Verbiage expanded to include the different types of licenses and the specialized points of contact to obtain detailed information. Telephone numbers and website addresses included.</p>

<p>Instruction Sheet # 10</p> <p>If this is a renewal application for a collector of curios and relics license, upon approval, the license will entitle you to acquire firearms classified as curios or relics, in interstate or foreign commerce. You may dispose of curios and relics to any person not otherwise prohibited by the Gun Control Act of 1968, residing within your state, and to any other Federal Firearms licensee in any state. It must be emphasized that the collector's license pertains exclusively to firearms classified as curios or relics, and its purpose is to facilitate a personal collection. You may NOT engage in the business of buying and selling curios and relics under this license. Applicants intending to engage in the firearms business are required to be licensed under 18 U.S.C. 923. Such persons need to complete ATF Form 7. Contact the Federal Firearms Licensing Center at (866)662-2750 for further information.</p>	<p>Purpose:</p> <p>Further clarify the definition of a collector of curios and relics.</p>
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<p>Instruction Sheet: Added Definitions 1-8 Definitions:</p> <ol style="list-style-type: none"> 1. Restraining Order – Under 18 U.S.C. 922(g)(8) , firearms may not be possessed or received by persons subject to a court order that: (A) was issued after a hearing of which the person received actual notice and had an opportunity to participate in: (B) restrains such person from harassing, stalking, or threatening an intimate partner or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and (C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child, or (iii) by its terms explicitly prohibits the use, attempted use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury. 2. Intimate Partner – With respect to a person, the spouse of the person, a former, spouse of the person, an individual who is a parent of a child of the person, or an individual who cohabitated with the person. 3. Misdemeanor Crime of Domestic Violence – A Federal, State, or local offense that is a misdemeanor under Federal, State law and has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, parent or guardian, or by a person similarly situated to a spouse, parent or guardian of the victim. The term 	<p>Suggested by local ATF Counsel to provide instructions and information to all applicants to include definitions of key terms listed throughout the form.</p>
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Instruction Sheet

Definitions continued –

includes all misdemeanors that have as an element the use or attempted use of physical force or the threatened use of a deadly weapon (e.g. assault and battery) , if the offense is committed by one of the defined parties.

4. Secure Gun Storage or Safety Device – (A) a device that, when installed on a firearm, is designed to prevent the firearm from being operated without first deactivating the device; (B) a device incorporated into the design of the firearm that is designed to prevent the operation of the firearm by anyone not having access to the device; or (C) a safe, gun safe, gun case, lock box, or other device that is designed to be or can be used to store a firearm and this is designed to be unlocked only by means of a key, a combination, or other similar means.
5. Nonimmigrant Alien – An alien in the United States in a nonimmigrant classification. The definition includes, in large part, persons traveling temporarily in the United States for business or pleasure, persons studying in the United States who maintain a residence abroad, and certain foreign workers. The definition does NOT include permanent resident aliens.
6. Nonimmigrant Alien Exceptions – An alien admitted to the United States under a nonimmigrant visa is not prohibited from purchasing, receiving, or possessing a firearm if the alien: (1) is in possession of a hunting license or permit lawfully issued by the Federal Government, a State, or local government, or an Indian tribe federally recognized by

Suggested by local ATF Counsel to provide instructions and information to all applicants to include definitions of key terms listed throughout the form.

2. The information on this renewal application form is used by ATF application examiners to identify the applicant for a renewed firearms license, locate the business/collection premises, identify the type of business/collection activity, 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. 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) that is 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.
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 significant 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. No comments were received.
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.

Respondents that are updating responsible person information on a license should send in a letter with the renewal application indicating the appropriate RP(s) to be added or removed. Please include in your letter the following identification information for each individual to be added as a RP: Full Name, Position, Social Security Number, Home Address, Telephone Number, Date of Birth, Place of Birth, Country/Countries of Citizenship, Sex, Race and Ethnicity – (American Indian or Alaska Native, Asian, Black or African American, Hispanic or Latino, Native Hawaiian or Other Pacific Islander, White).

In accordance with § 478.44 (a) (1):

All new responsible persons must submit a properly prepared FD-258 (Fingerprint Card) with this application. Fingerprints must be taken by appropriate law enforcement authorities. The pre-printed FD-258 should include “WVATF1100 ATF-FFLC, MARTINSBURG, WV” to facilitate processing of fingerprints. A 2” x 2” photograph, taken in full face view within the last 6 months without a hat or head covering that obscures the

hair or hairline, must also accompany this application. Please ensure that each photograph is clearly identified on the reverse with the full name of the responsible person to whom the photograph applies, and attach the photograph to a separate sheet of paper with person's full name under the picture. You may affix multiple photographs to one sheet of paper ensuring that the responsible person's full name is written under each picture."

**Fingerprint card and photo submission apply to new RPs who have never been associated with a Federal Firearms license in the past.

12. There are 30,000 respondents for this collection. Each respondent responds once per license. Total annual responses are 30,000. Total time to complete the form is 30 minutes. Total annual burden hours are 15,000.

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 \$14,700.00 (30,000 respondents x .49 postage). January, 2014 postage rate increase.

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>\$14,700</u>
	\$52,450

15. The adjustment to the burden hours increased by 300 hours because we estimate that it will now take respondents 30 minutes to complete the form instead of 25 minutes. Also, the number of respondents decreased by 5,000.

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