

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

A. Justification

1. Federal Firearms Licensees (FFL) are required to keep records of acquisition and disposition. These records remain with the licensee as long as he/she is in business. The records are of critical importance in the tracing of firearms suspected of being used in crimes. Per Federal law 18 U.S.C. 923(g)(4) implemented in 27 CFR 478.127, if the licensee goes out of business, they are required to send their records to the ATF Out of Business Records Center so they are available for firearms traces when necessary. If a successor takes over the business, the successor has the option of maintaining the records from the previous FFL or sending those records to the ATF Out of Business Records Center.
2. The ATF F 5300.3A, FFL Out-of-Business Records Request is used by ATF to notify licensees who go out of business to send their firearms related business records to the ATF, if the business discontinuance is absolute, or to allow the licensee to notify ATF of the successor who will be maintaining control of their firearms related records. 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 25405 or to the nearest ATF Field Office where the FFL's 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. Again, 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.
3. This form is computer-generated from the ATF Firearms Licensing System (FLS) in Martinsburg, West Virginia. The form is not available on the ATF website because it is automatically generated by the firearms licensing database when a license(s) is placed in an "Expired (Computer Generated)" status. Licenses are changed to an "Expired (Computer Generated)" status automatically by FLS if a license renewal is not received within 30 days after the expiration date of the license. ATF will work toward allowing respondents to electronically send the form via fax and/or email. FFLs who maintained

electronic records in accordance with an approved variance or pursuant to ATF Ruling 2008-2, ATF does permit submission of these electronic records to ATF's Out of Business Records Center upon discontinuance of the business.

4. 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. The collection of information has no significant impact on small businesses or other small entities, as it only takes approximately 5 minutes to complete.
6. The consequence of not conducting this information collection would result in ATF not having access to critical information regarding the tracing of firearms suspected of being used in crimes.
7. There are no special circumstances. The data will be collected in a manner consistent with the guidelines in 5 CFR 1320.6.
8. 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. No payment or gift is associated with this collection.
10. 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. No questions of a sensitive nature are asked.
12. There were 2,745 respondents in FY 2015 (2,422 respondents submitting paper records and (323) respondents submitting electronic records) associated with this collection. Each respondent responds 1 time. It is estimated that it takes 5 minutes per respondent to complete the form. The number of burden hours for completing the form is 228.75.

When respondents' businesses are discontinued it is estimated that an average of 2– 25 pound boxes of firearms records will be shipped or delivered to ATF. It is estimated to take each respondent 3 hours to package and ship/deliver the paper firearms records to ATF. The estimated burden hours to ship/deliver the paper firearms records are 7,266 (2,422 respondents x 3 hours). The estimated burden hours to ship/deliver electronic firearms records are 323 hours (323 respondents x 1 hour). The total number of burden hours associated with this collection is

7,817.75 hours (228.75 for the form + 7,266 packaging and ship/deliver paper records + 323 packaging and ship/deliver electronic records).

13. The cost to the respondent is mailing the form, and packaging and shipping/delivering the firearms records. There is no capital/startup cost. The estimated cost for mailing the form is \$1,345.05 (2,745 respondents x .49 postage). The estimated cost for the 2,422 respondents shipping/delivering paper firearms records is \$217,737.78 (2 boxes per respondent – 4,844 boxes x \$44.95 large flat rate shipping box). The estimated cost for the 323 respondents that submit electronic records is storage media \$9,690 (323 respondents x \$30) and postage \$329.59 (323 respondents x \$0.98). The total annual cost of this collection is \$229,102.42 (\$1,345.05 + \$217,737.78 + \$9,690 + \$329.59).

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

Printing	\$2,300
Distribution	700
Clerical cost	500
Postal cost	<u>1,750</u>
Total	\$5,250

15. The number of respondents increased from 1,924 in 2013 to 2,745 in 2015. The cost to mail the form per respondent increased from \$.46 to \$.49 due to postal rate increases. The burden hours increased from 5,692.3 to 7817.75 due to increased respondents and this includes the time it takes to package firearms records and ship/deliver the firearms records to ATF. The annual cost increased from \$126,185.04 to \$229,102.42 due to the increased number of respondents who will potentially be shipping firearms records, postage and shipping rate increases.

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. This collection does not employ statistical methods.