

DEPARTMENT OF JUSTICE
Bureau of Alcohol, Tobacco, Firearms and Explosives
Information Collection Request Supporting Statement
OMB 1140-0040
Application for an Amended Federal Firearms
License - ATF Form 5300.38

A. 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 an individual 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 on the submission of a completed Application for an Amended Federal Firearms License (ATF Form 5300.38), to 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 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 intended FLL premises is located. ATF Form 5300.38 is the application 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.

2. A detailed analysis of the responses to the application is made by ATF personnel to ensure 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. The licensee must allow access to these premises 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 about any material fact.

3. An electronic fillable (e-fillable) version of ATF Form 5300.38 is available on the ATF website. The completed form can be signed either with a wet signature or electronically, if the respondent possesses this capability, and then 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 the purpose of this information collection.
5. This collection of information has minimal impact on small businesses and other small entities.
6. Respondents complete ATF Form 5300.38 in order to change their business address, and to 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. No comments were received during either the 60-day or the 30-day Federal Register Notice periods.
9. No decision of 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*, Page 3558 dated January 24, 2003, completed forms for this information collection are kept in a secured location at the ATF Federal Firearms Licensing Center. ATF staff who process these forms have special security clearances. Confidentiality is not assured.
11. This collection of information does not ask questions of a sensitive nature.
12. The estimated number of respondents is 10,000 per year. 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 total annual burden hours associated with this collection is 5,000.
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 \$2,500.00 (5,000 x .50) 2019 postage rate.

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

Printing	\$2,300
Distribution	\$700
Clerical	\$500
Postal Cost	<u>\$4,230</u>
	\$7,730

15. The adjustments associated with this information collection includes a reduction in the number of submissions from 18,000 in 2016, to 10,000 currently, based on data pulled from the Licensing Center's database. Consequently, the total hourly burden has reduced from 9,000 to 5,000 hours. Previous estimates may have been over stated due to inability to track specific application statuses.

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.