

Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

Supporting Statement
Information Collection Request
OMB 1140-0018

Application for Federal Firearms License - ATF Form 7(5310.12)/ 7CR (5310.16)

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 activities cease to be unlawful when persons are licensed under the provisions of Section 923. Some examples of unlawful acts legitimized by licensing are: engaging in the business of selling, shipping, receiving, and transporting firearms in interstate or foreign commerce, as well as acquiring firearms classified as curios and relics for personal collections. This collection of information is necessary to ensure that anyone who wishes to be licensed as required by Section 923 meets the requirements to obtain the desired license.

ATF requests approval to make the following changes to OMB 1140-0018 (Federal Firearms License - ATF Form 7(5310.12)/ 7CR (5310.16):

- **Changes to Part B**

- I. **Part B**, Question 13 - added a check box for “Non-Binary” as a third option for a Responsible Person’s Sex
- II. **Part B**, Question 26 - added verbiage “or are you a current member of the military who has been charged with violation(s) of the Uniform Code of Military Justice and whose charge(s) have been referred to a general court-martial?”
- III. **Part B**, Question 27- added verbiage “including a military court”
- IV. **Part B**, Question 38b - changed the beginning verbiage to read, “If you are such an alien, do you...” Also deleted the N/A checkbox and instead added the verbiage “(U.S. citizens/nationals leave 38b blank)”

- **Changes to the Instructions/Definitions**

- V. Definition #7- added verbiage “including a general court-martial”
 - VI. Definition #9 (5) - added verbiage “is an official representative of a foreign government who is en route...”
 - VII. Definition #10- slightly changed wording around and added verbiage in both the definition of “Prohibited Person” and the “EXCEPTION,” so that it matches exactly what is on ATF Form 4473 (OMB No. 1140-0020)
2. The information collection requirement is satisfied by the submission of a completed

application for a Federal Firearms License - ATF Form 7(5310.12)/ 7CR (5310.16) to ATF. ATF personnel will analyze the submitted application to determine the applicant's eligibility to receive the requested license. With payment of the required fee under 18 U.S.C. Section 923(a) (1), the application will be approved, and the license issued, if the applicant meets the provisions of 923(d) (1).

ATF personnel will conduct a detailed analysis of the responses on all submitted applications, to ensure that the applicant has not willfully failed to disclose any material information, or made any false statements regarding any material fact. Additionally, a review of a completed application ensures that the person seeking a license to conduct business (All FFL types except for Type 03), has suitable premises where business operations will be conducted. All business premises must have hours of operations, during which ATF personnel can meet with the licensee, to conduct compliance inspections and trace firearms which may have been used in criminal activities.

ATF Form 7(5310.12)/ 7CR (5310.16) will be necessary as long as 18 U.S.C. Section 923 requires that a person wishing to transport, ship, or receive firearms, including curios and relics firearms in interstate or foreign commerce, must pay a fee and file an application to obtain a license.

3. ATF Form 7(5310.12)/ 7CR (5310.16) and fingerprint cards can be ordered online from the ATF Distribution Center at <https://www.atf.gov/content/distribution-center-order-form> or by phone at 240-828-5316. Application packages can also be requested from ATF Federal Firearms Licensing Center via email at FFLC@atf.gov, or by phone at 1- 866- 662-2750. The application package contains all documentation needed to apply for a license, including the form, instructions, and fingerprint cards. Additional fingerprint cards FD258 may also be obtained from local law enforcement agencies.

Electronic fillable (e-fillable) copies of ATF Form 7(5310.12)/ 7CR (5310.16) are available online via the ATF public portal. The form and instructions can be downloaded from ATF's website, and the form can be electronically completed. However, the form cannot be submitted electronically, because the signature card requires an original wet signature. An effort is currently being made to obtain the appropriate funding to incorporate Federal Firearms Licensing forms such as ATF Form 7(5310.12)/ 7CR (5310.16), within ATF's electronic forms (Eforms) platform. Use of this platform would enable electronic submission of completed applications, thereby reducing the public cost burden associated with this IC.

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 no significant impact on small businesses or other entities.

6. Less frequent collection of this information would pose a threat to public safety. Without this information collection, ATF might issue FFL licenses to persons prohibited by law from engaging in the business of interstate or foreign commerce, or obtaining curios and relics firearms.
7. This information collection is conducted in a manner consistent with 5 C.F.R. § 1320.6.
8. No comments were received during the 60-day notice period. However, a 30-day notice will be published in the Federal Register to solicit public comments.
9. No decision of payment or gift is associated with this collection.
10. In accordance with the System of Records Notice (SORN) Justice/ATF-008 Regulatory Enforcement Record System FR Vol. 68 No. 16 3558, dated January 24, 2003, physical records for this IC are filed and stored in cabinets located in rooms that are locked during non-duty hours. Records are also stored in electronic format and are password protected. Direct access to these records is limited to specific Department of Justice personnel during the performance of official duties. Records may also be transmitted to routine users and others on a need-to-know basis and upon validation of the nature of their request. Disclosure of ATF Form 7(5310.12)/ 7CR (5310.16) is governed by 26 U.S.C. § 6103, for the period the applicant does not have a license, as well as the Privacy Act of 1974, 5 U.S.C. 552a, and the Freedom of Information Act, 5 U.S.C. § 552. Any personally identifiable information (PII) collected for the purposes of this IC, will not be disclosed, except as provided by the Privacy and Freedom of Information Acts.
11. Questions of a sensitive nature are grouped together in Part B of the form, which must be completed by each responsible person (RP). Specifically, each RP must provide their personal information, respond to mandatory qualification questions, and certify the authenticity of their responses. This ensures that RPs are accountable for the information they provide.
12. The number of respondents associated with this collection is estimated at 13,000. Each respondent will complete the form one time. As such, the total number of responses is 13,000. It takes about one (1) hour to complete the form. Therefore, the total annual burden hours for this IC is 13,000.
13. No new cost is associated with this collection. However, the annual cost has increased due to a change in the postal rate from \$0.47 during the last renewal in 2017, to \$0.55 in 2020. Consequently, the new public cost burden will be reported as \$7,150.00, which is equal to .55 (mailing cost per respondent) * 13,000 (# of respondents).
14. Annual cost to ATF is estimated as follows:

Printing	\$ 3,554
Distribution	\$ 21,000

Postal Costs	\$7,150
Total	\$31,704

15. The adjustments associated with this information collection include a decrease in the total respondents and responses by 2000, since the last renewal in 2017. However, due to an increase in the postal rate, the total mailing costs for this IC has increased by \$100 since 2017.
16. The results of this collection will not be published.
17. ATF requests authorization to exclude the IC expiration date from the printed ATF Form 7(5310.12)/ 7CR (5310.16). This is due to the fact that printing the expiration date on the form will incur higher printing costs to replace inventories that become obsolete when this IC is issued a new expiration date. Public use of this form is unpredictable, so ATF must maintain a substantial inventory of this IC instrument. Therefore, omitting the expiration date will ensure that inventories can be quickly replenished and forms can be made available for public use, as often as needed.
18. There are no exceptions to the certification statement.

B. Collections of Information Employing Statistical Methods

This collection does not involve statistical methods.