

SUPPORTING STATEMENT FOR Application for an Amended Federal Firearms License

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

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. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

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. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.

An electronic fillable (e-fillable) version of ATF Form 5300.38 is available on the ATF website (www.atf.gov). 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. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item A.2 above.

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. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

There is no significant impact on small business or other private entities.

6. Describe the consequence to federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

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. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- **requiring respondents to report information to the agency more often than quarterly;**
- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **requiring respondents to submit more than an original and two copies of any document;**

- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **requiring the use of statistical data classification that has not been reviewed and approved by OMB;**
- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

There are no special circumstances.

8. If applicable, provide a copy and identify the date and page number of publication in the *Federal Register* of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years -- even if the collection-of-information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

The 60-Day Notice was published in the Federal Register on April 17, 2023 (88 FR 23470). The comment period ended on June 16, 2023. No comments were received.

9. Explain any decision to provide any payments or gifts to respondents, other than remuneration of contractors or grantees.

No government funds will be used as payment or for gifts to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

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. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

This collection of information does not ask questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. General, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

Estimated Annualized Respondent Cost and Hour Burden

Activity	Number of Respondents	Frequency	Total Annual Responses	Time Per Response	Total Annual Burden (Hours)
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ATF Form 5300.38 (Private Sector)	7,000	1	7,000	.5	3,500
ATF Form 5300.38 (Individuals/households)	3,000	1	3,000	.5	1,500
Unduplicated Totals	10,000		10,000		5,000hrs.

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

- **The cost estimate should be split into two components: (a) a total capital and start up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of service component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**
- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
- **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.**

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 \$6,3.00 (10,000 x .63) 2023 postage rate.

14. Provide estimates of the annualized cost to the Federal Government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 into a single table.

Printing	\$2,300
Distribution	\$700
Clerical	\$500
Postal Cost	<u>\$6,300</u>
	\$9,800

15. Explain the reasons for any program changes or adjustments.

The adjustments associated with this information collection includes no change based on data pulled from the Licensing Center's database. However, the collection's annual cost burden increased due an increase in postage costs.

16. For collections of information whose results will be published, outline plans for tabulations, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

The results of this information collection will not be published.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

ATF does not request approval to not display the expiration date of OMB approval for this collection.

18. Explain each exception to the certification statement.

This collection of information does not include any exceptions to the certificate statement.

B. COLLECTIONS OF INFORMATON EMPLOYING STATISTICAL METHODS.

This collection does/does not contain statistical data.