

**SUPPORTING STATEMENT FOR
[FFL Out of Business Records Request - ATF Form 5300.3A]**

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.

Federal firearms licensees (FFLs) are required to keep records of the acquisition and disposition of firearms. The primary required records are Acquisition and Disposition (A&D) Records and ATF Form 4473s. These records remain with the licensee as long as the business is operational and are vital for tracing firearms suspected of being used in crimes. Per 18 U.S.C. § 923(g)(4), as implemented by 27 CFR § 478.127, when an FFL's business is discontinued, they are required to send their firearms records to the ATF Out-of-Business Records Center (OOBRC), so they are available to ATF for firearms tracing when necessary. If the business is succeeded by a new licensee, the successor has the option to maintain the previous FFL's records on site or send them to the OOBRC.

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.

Under Federal law, an FFL has 30 days from the date it discontinues its firearms business to surrender its firearms records to the ATF OOBRC. If this deadline has passed and the records have not been submitted, ATF Form 5300.3A is generated. ATF Form 5300.3A notifies the FFL of its obligation to surrender their firearms records to ATF, if discontinuance of the business is absolute. If discontinuance of the business is not absolute, the FFL can use ATF Form 5300.3A to notify ATF of a successor business that will maintain control of the firearms records, which facilitates firearms tracing continuity by law enforcement.

The ATF National Tracing Center (NTC) utilizes the out-of-business records to trace firearms recovered by law enforcement during the course of a criminal investigation. The out-of-business records can provide vital lead information to Federal, State, and local law enforcement personnel when investigating crimes involving firearms.

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.

ATF Form 5300.3A is electronically generated by the ATF Firearms Licensing System in Martinsburg, West Virginia, when a license is designated as "expired." The form is unavailable to the public on the ATF website. A license is automatically designated as expired if an FFL has not renewed the license within 30 days of expiration, and/or the required firearms records have

not been submitted to ATF following discontinuance of the business, as required by Federal law. Respondents can submit their completed ATF Form 5300.3A by US mail, email, or fax.

Regarding out-of-business records submissions, an FFL that maintained electronic firearms records pursuant to ATF rulings or in accordance with an approved variance may also submit records via an electronic storage device (e.g., USB flash drive, DVD, CD). Finally, if the file size is not too large, records can be emailed to the OOBRC at NTC-OBRRReceivingSection@atf.gov.

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 ensure that any similar information already available cannot be used or modified for use 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.

This collection of information has no significant impact on small businesses.

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.

ATF would be unable to fulfill its law enforcement mission of tracing firearms and providing critical data/leads to Federal, State, and Local law enforcement conducting criminal investigations without this information collection.

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;** The ATF Form 5300.3A is generated and issued to out-of-business FFLs who have not submitted their required records within 30 days of expiration of their FFL.
- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;** Per 27 CFR § 478.127, Respondents who cease operating under their Federal Firearms License (FFL) must submit their required records to the ATF Out-of-Business Records Center, or a Federally licensed successor, within 30 days of discontinuance of business.
- **requiring respondents to submit more than an original and two copies of any document;** Respondents must only submit one copy of the A&D Record Book and one copy of each completed, or partially completed, ATF Form 4473 to the ATF Out-of-Business Records Center, or Federally licensed successor, within 30 days of discontinuance of business.

- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;** Per Final Rule 2021R-05F, respondents (OOB FFLs) must retain all required records for the life of their FFL. When business under the FFL is discontinued, they are required to submit all required records to the ATF OOBRC, or a licensed successor, within 30 days.
- **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;** No connections to statistical surveys
- **requiring the use of statistical data classification that has not been reviewed and approved by OMB;** No requirements for use of statistical data classification
- **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.

Records that are sent to an ATF field office or to the ATF

Out-of-Business Records Center are kept in a secured location and viewed by ATF personnel only. Confidentiality is not assured.

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. No comments were received during the 60-day Federal Register notice period. However, a 30-day FR notice will be published to solicit public comments.

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. No efforts to consult with persons outside of the agency.

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.

Consultation included only internal, ATF employees (economist, Out-of-Business Records Center personnel)

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.

Confidentiality is not required in the processing of this information collection.

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.

No questions of a sensitive nature are asked.

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.** The ATF Form 5300.3A is issued to those FFLs who do not submit their required records within 30 days of closure as required per the Federal firearms regulations. The hour burden associated with completion of the ATF Form 5300.3A paired with collection and submission of Out-of-Business Records varies with the size of each FFL's records submission. Records submissions can vary from one box or one envelope of records per FFL to hundreds of boxes per FFL.

On average, Out-of-Business FFLs submit 5 boxes of records to the ATF Out-of-Business Records Center which equates to, roughly, 10 hours burden to fulfill their obligation (approximately 2 hours per box).

- **If this request for approval covers more than one form, provide separate hour burden estimates for each form.** This request for approval covers only one (1) form, the ATF Form 5300.3A.

- **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.** In CY 2023, 3,030 Out-of-business FFLs were issued ATF Form 5300.3A due to non-submission of OOB Records within the required 30-day period. On average, Out-of-Business FFLs submit five (5) boxes of records to the ATF OOBRC which take, approximately, 10 hours to prepare and submit (2 Hours/Box).

Estimated Annualized Respondent Cost and Hour Burden

Activity	Number of Respondents	Frequency	Total Annual Responses	Time Per Response	Total Annual Burden (Hours)	Hourly Rate*	Monetized Value of Respondent Time
ATF Form 5300.3A	3,030	1	3,030	10	30,300	\$0	\$0
Unduplicated Totals			3,030		30,300		\$0

Hourly rate source citation or you may enter a footnote:

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. No start-up or capital costs.

- **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. No costs were calculated.**
- **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 are/are no start-up costs associated with this collection.

The annual IC cost burden for this collection is \$0.00.

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.

Based upon the ATF OOBRC's shipping and receiving records, in CY2023, ATF spent approximately \$210,000 shipping out-of-business records from either FFL premises or ATF Field Offices to the ATF Out-of-Business Records Center in Martinsburg, WV.

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

An adjustment in hourly burden and an adjustment in respondents were calculated based upon Calendar Year 2023 shipping and receiving statistics provided by ATF Out-of-Business Records Center personnel. In CY-2023, a total of 3,030 ATF Form 5300.3A's were issued to Out-of-Business FFLs. It was further determined that, on average, Out-of-Business FFLs submit five (5) boxes of records which require, approximately, 2 hours/box to prepare and submit.

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.

No analytical techniques were used.

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.

We are not requesting any exemptions.

18. Explain each exception to the certification statement.

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

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS.

This collection does/does not contain statistical data.