

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

Supporting Statement
Information Collection Requirement 1140-0018
Application for Federal Firearms License
ATF F 7 (5310.12)

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. Examples of unlawful acts legitimized by licensing are engaging in the business of selling firearms and shipping, receiving, and transporting firearms in interstate or foreign commerce. This collection of information is necessary to insure that the person who wishes to be licensed as required by Section 923 meets the requirements of the section for the license.

2. The information collection requirement is satisfied by submission of an application for a Federal Firearms License to ATF. ATF personnel analyze this 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 must be approved, and the license issued if the applicant meets the provisions of 923(d)(1).

A detailed analysis of responses to the application is made by ATF personnel to make sure that: 1) the person (or persons) seeking the license has a premises from which operations will be conducted and hours of operations allowing for contact for compliance inspections and the tracing of firearms suspected by law enforcement authorities of being used in criminal activities; 2) all responsible persons are not under the disabilities of 922(g) and (h); and, 3) the applicant has not willfully failed to disclose any material information or has not made any false statements as to any material fact.

From the material supplied on Form 7, a criminal record check is made by ATF personnel on all responsible persons to confirm their certification that they are not under the disabilities of 922(g) and (h).

As long as 18 U.S.C. Section 923 requires a person wishing to transport, ship, or receive firearms in interstate or foreign commerce to pay a fee, to file an application and to obtain a license before engaging in business, this form or one like it will be necessary.

3. ATF Form 7 is available on the ATF website as an electronic fillable form. This collection of information can be downloaded from ATF's website, but the form cannot be submitted electronically. The collection will not meet the requirements of GPEA with regard to making the form fully electronic, because the respondent must certify the form (which includes declaring its accuracy under penalties imposed by 18 U.S.C. 924, and giving consent for the release of certain records), with an original signature. The ATF Distribution Center is located in Herndon, Virginia. The Form 7 and fingerprint cards can be ordered on-line thru the ATF Distribution Center at <https://www.atf.gov/content/distribution-center-order-form> or by phone at 703-870-7526 or (703) 870-7528. Application packages have all of the documents needed to apply for a license to include the form, instructions, and fingerprint cards, which makes the process very user friendly. The applicant may also request the package from the ATF Federal Firearms Licensing Center via email at FFLC@atf.gov, or by phone at 1-866-662-2750. Applicants can also obtain FD258 fingerprint cards from any other available source; many local law enforcement agencies have them. The Federal Firearms Licensing Center is working toward making this form electronically fileable. A working group is being established to research options for submitting electronic photographs, electronic fingerprint cards, and electronic payments. The working group is also researching electronic signature options, the capabilities and limits of our current infrastructure, and changes that would have to be made to the existing infrastructure. The barriers that ATF faces with this effort are resources, funding, and current infrastructure capabilities. ATF will continue its efforts to provide an option for electronic submission.

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. The collection of information has no significant impact on small businesses or other small entities.

6. Less frequent collection of this information would pose a threat to public safety. Without the information required by statute and the background information necessary to verify certain elements, ATF might issue licenses to persons prohibited by law from engaging in the business.

7. The information collection is conducted in a manner consistent with 5 CFR 1320.6.

8. The ATF Chief Counsel was consulted to ensure that the requirements of the law were addressed for this information collection. The ATF industry liaison was involved with the creation of this information collection. A 60-day and 30-day Federal Register Notice was published in order to solicit comments from the public. Two comments were received regarding the proposed revision of the form. ATF was planning to revise the form to consolidate it with another form. Comments that were received asked that ATF consider the possible changes the revised form may cause. At this time ATF has decided to continue with the existing unchanged form and evaluate how we consolidate the revised version for the next submission.

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 3558 dated January 24, 2003, records are stored in file folders in file cabinets and in electronic media. Direct access is restricted to personnel in the Department of Justice in the performance of their duty. Records are transmitted to routine users on a need to know basis and others upon verification of the substance and propriety of the request. Records are stored in file cabinets in rooms that are locked during non-duty hours. The records stored in electronic media are password protected.

11. Questions of a sensitive nature are asked to assist in determining if the applicant is prohibited from possessing firearms.

12. The number of respondents associated with this collection is 11,000 in FY2014. Each respondent will complete the form one time. The total number of responses is 11,000. It takes 1 hour and 15 minutes to complete the form. Total annual burden hours are 13,750.

13. No new cost is associated with this collection. The annual cost has increased due to a postage increase to \$0.49. The new postage cost will be reported as \$5,390.00.

14. Annual cost to ATF is estimated as follows:

Printing	\$1,000
Distribution	500
Postal Costs	<u>\$5,390</u>
Total	\$6,890

15. There are no program changes associated with this information collection. However, there was a decrease in the number of respondents based on FY 2014 and an adjustment to annual costs due to a postal rate increase to \$0.49.

16. The results of this collection will not be published.

17. ATF requests authorization to omit printing the expiration date for ATF Form 7, Application for Federal Firearm License. Printing the expiration date on the form will result in increased cost because of the need to replace inventories that become obsolete by passage of the expiration date each time OMB approval is renewed. The time period during which the current edition of the form in this package will continue to be usable cannot be predicted. It could easily span several cycles of review and OMB clearance renewal. In addition, usage fluctuates unpredictably. This makes it necessary to maintain a substantial inventory of the form in the supply line at all times. For these reasons, we request authorization to omit printing the expiration date on the form.

18. There are no exceptions to the certification statement.

B. Collections of Information Employing Statistical Methods

This collection does not involve statistical methods.