

DEPARTMENT OF JUSTICE
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

Information Collection Request
Supporting Statement

OMB 1140-0012 ATF Form 2 (5320.2)
Notice of Firearms Manufactured or Imported

A. JUSTIFICATION

1. The ATF Form 2 (5320.2) is required of (1) a person who is qualified to manufacture National Firearms Act (NFA) firearms or (2) a person who is qualified to import NFA firearms to register an NFA firearm manufactured or imported. In general, under the provisions of 26 U.S.C. § 5822, no person can make an NFA firearm until he or she has applied for and received approval from the Attorney General of the United States (delegated to ATF). Subject to certain exceptions, the making of an NFA firearm is subject to a tax of \$200.

Section 5841(b) provides that each manufacturer and importer shall register each firearm manufactured or imported. Section 5841(c) provides that each manufacturer shall notify the Attorney General of the manufacture of a firearm as provided by the regulations and that each importer, prior to importing a firearm, obtain authorization as required by regulations. Section 5852(c) exempts a qualified manufacturer from payment of the making tax for firearms manufactured.

These statutory requirements are implemented by §§ 479.101, 479.103, 479.111, and 479.112, Title 27, Code of Federal Regulations. Section 479.101 provides that each manufacturer and importer shall register each firearm manufactured or imported as required by Part 479. Section 479.103 provides the requirements for a manufacturer for the completion and filing of the Form 2 notice to register firearms manufactured. Section 479.111 provides that no firearm shall be imported unless the importer establishes that the importation is for certain purposes. Section 479.112 provides the requirements for an importer for the completion and

filing of the Form 2 notice to register firearms imported.

This form is filed by Federally licensed firearms manufacturers or importers (under Part 478, Title 27, Code of Federal Regulations) who have paid the special (occupational) tax to manufacture or import NFA firearms. It is occasionally filed by a government agency when the agency directly imports the NFA firearm.

2. The notice is prepared in duplicate. One copy is retained by the manufacturer or importer as proof of registration. The other copy is sent to ATF and the receipt of the notice effectuates the registration of the firearm in the National Firearms Registration and Transfer Record to the manufacturer or importer. The information is used to verify any subsequent transfer and registration of the firearm. In addition, registration information used to determine the non-registration of a firearm, a violation as specified in § 5861.
3. ATF F 2 (5320.2) is available on the ATF website to download and print. Currently the form must be submitted in duplicate, signatures must be original and in ink, and mailed or faxed to ATF.
4. ATF uses a subject classification code on all ATF forms. This code ensures that there is no duplication within ATF. Guidelines for the development and management of all ATF forms are contained in ATF O 1322.1B, Forms Management Program.
5. The information on this form is unique to the person supplying it and would have minimal or no impact on small businesses or other small entities.
6. The consequence of not conducting this information collection would result in manufacturers or importers not registering their firearms that have been manufactured or imported. Respondents submit the form only as often as is necessary to comply with statutory and regulatory requirements.

7. This collection is conducted in a manner consistent with the requirement in 5 CFR 1320.6.
8. This information collection is mandatory (26 U.S.C. 5841 c). ATF's Chief Counsel was consulted during the creation of the form to ensure compliance with statutory requirements. A 60-day and 30-day notice was published in the Federal Register in order to solicit comments from the public. No comments were received.
9. No payment or gift is associated with this collection.
10. The forms are kept in a secured location and ATF staff that processes the information have special government clearances. Respondents' confidentiality is assured by 26 U.S.C. §§ 5848 and 6103 and 5 U.S.C. §§ 552 and 552a, and as indicated by the Privacy Act Notice contained on the form.
11. No questions of a sensitive nature are asked.
12. There are 816 respondents associated with this information collection. Each respondent will respond approximately 6 times. Total annual responses is 5000 ($816 \times 6 = 4896$ rounded off to 5000). Each form takes 45 minutes (.75) to complete. The total burden associated with this collection is 3,750 ($.75 \times 5000 = 3,750$).
13. No new cost is associated with this collection. Half of the respondents mail this application to ATF. The current cost of postage is 41 cents per application. The total mailing cost is less than one thousand therefore is listed as 0.
14. The estimate of annual cost to the Federal Government is as follows:

| | |
|--------------|------------|
| Printing | \$750 |
| Distribution | <u>400</u> |
| Total | \$1165 |

15. There are no program changes or adjustments associated with this collection.
16. The results of this collection will not be published.
17. ATF does not request approval to not display the expiration date of the OMB approval for this collection.
18. There are no exceptions to the certification statement.