

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

Information Collection Request
Supporting Statement

OMB 1140-0011 ATF Form 1 (5320.1)
Application to Make and Register a Firearm

A. JUSTIFICATION

1. The ATF Form 1 (5320.1) is required to affect the registration of a National Firearms Act (NFA) firearm by any person, other than a qualified manufacturer, who wishes to make and register and NFA firearm. 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 (delegated to ATF). Subject to certain exceptions, the making of an NFA firearm is subject to a tax of \$200. Unless the making is exempt from tax, applicants are required to submit their tax payment with the Form 1. Section 5822 also requires that the application form identify the firearm and the maker, and that if the maker is an individual, his or her fingerprints and photographs must accompany the application. Finally, § 5822 provides that applications to make NFA firearms shall be denied if the making or possession of the NFA firearm would place the maker in violation of law. The form is filed by government agencies, members of the firearms industry, and the general public.
2. The information on this form is used by the NFA Branch personnel to determine the legality of the application under Federal, State and local law. Section 5822 provides that an application shall not be approved if the making or possession would place the person making the firearm in violation of law. The applicant is asked to respond, under penalties of perjury, to questions to determine whether he or she is prohibited by Federal law from possessing firearms. The requirement for fingerprints allows ATF to determine, based on criminal history checks,

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whether the applicant would be prohibited by Federal law from possessing a firearm. The law enforcement certification required of the applicant and included in the application allows ATF to make a determination that the making or possession is in violation of State or local law.

The application is submitted in duplicate. The approval of the application effectuates the registration of the firearm to the maker. Both copies of the application are noted to reflect the approval - one copy is returned to the applicant as his/her proof of registration and the other is retained by ATF as part of the National Firearms Registration and Transfer Record. 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. The form is available on the ATF website as a fillable form. Currently, ATF reports that the form is mailed back to ATF headquarters because the form must be submitted in duplicate with original signatures, a check or money order to pay for taxes (if it applies), a recent photo (the photo must be attached to the form, and finger print cards.
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 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. If this collection was not conducted or conducted less frequently ATF would be in violation of the National Firearms Act. Respondents submit the form only as often as is necessary to comply with statutory and regulatory requirements.

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7. There are no special circumstances associated with this collection and the collection is conducted in a manner consistent with the requirement in 5 CFR 1320.6.
8. Within ATF, there are industry analysts who work with the industry and are aware of the industries needs and concerns. These concerns were taken into consideration when developing the form. A 60-day and 30-day Federal Register notice was published in order to solicit comments from the public. No comments were received.
9. No payment or gift is associated with this collection.
10. The ATF staff that process these forms have special government clearances and the forms are kept in a secured location.
11. This collection of information does include questions of a sensitive nature. These relate to the qualifications of the applicant, such as whether the applicant has been convicted of any crime, is a fugitive from justice, is a drug user, is an illegal alien, etc. This information is needed to determine whether the applicant is prohibited by Federal law from possessing firearms.
12. The number of respondents is 1,071 and the total number of annual responses is 1,071. It is estimated that it takes 4 hours per respondent to complete the form. The total number of annual hours associate with this information collection is 4,271.
13. No new cost is associated with this collection. The annual cost associated with this information collection is postage to mail the form to ATF. The postage cost is \$439 and it is not reported on #14. of the 83-I because it is less than one thousand dollars.

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14. The estimate of annual cost to the Federal Government is as follows:

Printing	\$1065
Distribution	<u>800</u>
Total	\$1865

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.
- B. Collections of Information Employing Statistical Methods
- No statistical methods are associated with this collection.