

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

Information Collection Request  
Supporting Statement  
1140-0008

ATF F 9 (5320.9), Application and Permit for Permanent Exportation of  
Firearms

A. JUSTIFICATION:

1. The registration of National Firearms Act (NFA) firearms is required by 26 U.S.C. 5841 and 27 CFR 179.101. An NFA firearm may not be transferred without the approval of ATF and, with certain exceptions, the payment of transfer tax (sec 5812 and Part 179, Subpart F). An NF A firearm may be exported without payment of the transfer (sec 5854 and sec 179.114 -.118). The use of this form is required of any person desiring to export an NFA firearm without payment of transfer tax (179.114) and to establish such exportation to relieve the exporter from payment of the transfer tax (179.118).

Title 22, United States Code, sec 2778 (the Arms Export Control Act), requires that a license be obtained from the Department of State by any person wishing to export munitions. The State Department license number must be shown on the ATF Form 9.

2. ATF Form 9 is typically used by a Federal firearms licensee who has paid the special (occupational) tax to deal, manufacture or import NFA firearms. The form must be filed (in quadruplicate) for approval to permanently export NFA firearms registered in the National Firearms Registration and Transfer Record. Once authorization has been granted, one copy is returned to ATF by the exporter to establish that the exportation took place and for relief from liability for the transfer tax.

The information on the form is verified by ATF personnel during the processing of the application to ensure that a properly registered firearm is being exported, that the foreign consignee has been approved by the State Department, and that there is no liability for transfer tax. This information is also used by ATF to determine the lawful registration of an NFA firearm and/or to pursue the criminal investigation into an unregistered NFA firearm.

3. The form is available on the ATF website to down load and print however, due to the fact that an original signature is required, respondents can not respond electronically.
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. Collection has no impact on small business. The recordkeeping/reporting requirement is considered to be the minimum necessary to insure compliance with existing regulations.

6. The consequences of not conducting this collection would result in unlawful exportation of a firearm. The information provided is used to verify exportation of a firearm and justify removal of the firearm from the National Firearms Registration and Transfer Record.
7. This collection is consistent with the provisions of 5 CFR 1320.6. There are no special circumstances.
8. The ATF liaison consulted with the firearms industry during the creation of this form. The 60-day and 30-day public comment notices were published in the Federal Register in order to solicit comments from the general public. No comments were received.
9. No payment or gift is associated with this collection.
10. In addition to the requirements for confidentiality contained in the Privacy Act, this information is classified as "tax information" or "tax return information" and any release is severely restricted by the Tax Reform Act (26 USC sec 6103). Confidentiality is not assured.
11. No questions of a sensitive nature are asked.
12. The number of respondents associated with this collection is 70. Each respondent will respond 5 times. The total number of responses is 350. The record retention requirement for this information collection is indefinite. ATF has instituted a new Imaging Business Software (IBS) that will allow retrieval of the application at any given time. It is estimated that the respondents will complete the form in 18 minutes. The total annual burden for this information collection is 11 hours.
13. There is no startup cost or annual cost to the respondent.
14. Estimates of annual costs to the Federal Government are:

Printing	\$230.00
Distribution	40.00
Salary	2,230.00
Overhead	<u>900.00</u>
Total	\$3,400.00
15. There are no program changes or adjustments associated with this information collection.
16. The results of this collection will not be published.
17. ATF does not request approval to not display the expiration date of OMB approval for this collection.
18. There are no exceptions to the certification statement.

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS.**

Not applicable.