

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 and/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 is 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 and it is fillable. Additionally, ATF implemented an electronic submission option on August 6, 2013, via ATF's eForms System (www.atfonline.gov) for registered users. Unregistered users have the option of ordering a paper copy from the ATF Distribution Center or downloading the fillable form from ATF's website (www.atf.gov) and submitting it via mail.
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. The consequence of not conducting this information collection would result in manufacturers or importers not registering their firearms that have been manufactured or imported as required by law. 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 information from this application may be only disclosed to Federal authorities for purposes of prosecution for violation of the National Firearms Act. The respondent's information is kept in a secured location. Confidentiality is not assured.
11. No questions of a sensitive nature are asked.

12. In FY 2012, 9,554 Form 2 notices were processed. The number of respondents associated with this collection is 2,991, with each respondent responding approximately 3 times. The total number of responses is 8,973. Each form takes 30 minutes per respondent. Accordingly, the total burden associated with this collection is 4,487 hours (8,973 responses x 30 minutes). The increase is due to number of respondents and responses.
13. No new cost is associated with this collection. The forms are either submitted by mail or fax. We do not have a breakdown of percentage submitted by either method, so we will use mailing costs. We estimate the mailing cost to be \$.60 (postage and envelope) per submission. The total cost is \$5,384.
14. The estimated annual cost to the Federal Government is as follows:
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|--------------|------------|
| Printing | \$1500 |
| Distribution | <u>400</u> |
| Total | \$1900 |
15. The adjustments associated with this collection are increases in the number of respondents by 2175, number of responses by 3973, burden hours by 737, and cost estimate for public by \$5384 and for Federal Government by \$735. ATF has evaluated the estimate of the time it takes to complete the form and determined that it takes 30 minutes not 45 minutes as previously reported. The cost estimate for the public has increased because most respondents mail their forms.
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.