

Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives
Information Collection Request
1140-0050 Supporting Statement

Identification Markings Placed on Firearms

A. Justification

1. Necessity of Information Collection

Section 923(i) of the Gun Control Act of 1968 (GCA), as amended, (18 U.S.C. Chapter 44) requires licensed importers and licensed manufacturers to identify, by means of a serial number, each firearm imported or manufactured. The serial number must be engraved, cast or stamped on the receiver or frame of the weapon in such manner as the Attorney General prescribes by regulation. With respect to certain firearms subject to the National Firearms Act (e.g. machineguns), 26 U.S.C. 5842 requires each manufacturer and importer and any anyone making a firearm to identify each firearm by a serial number. The serial number may not be readily removed, obliterated, or altered. Section 5842 also requires the firearm to be identified by the name of the manufacturer, importer, or maker, and such other identification as the Attorney General may prescribe by regulation.

Regulations that implement the above provisions of the law are set forth in 27 CFR 478.92 for Title I firearms (e.g., pistol, revolver, rifle shotgun) and 27 CFR 479.102 for NFA firearms (e.g., machine guns, silencers etc.).

In general, these sections require each licensed manufacturer, or licensed importer of firearms to legibly identify each firearm by engraving, casting, stamping (impressing), or otherwise conspicuously placing on the frame or receiver an individual serial number. The serial number must be placed in a manner not susceptible of being readily obliterated, altered or removed.

To reduce the problem of incorrect record entries by licensees and to make identification marking less susceptible to being readily obliterated, altered, or removed, ATF amended the regulations to prescribe minimum height and depth requirements for identification markings placed on firearms.

Specifically, manufacturers and licensed importers must cast, stamp (impress) or engrave serial numbers to a depth of at least .003 inch and in a print size no smaller than 1/16 inch. All other required markings, including the special markings for semiautomatic assault weapons must be cast, stamped (impressed) or engraved to a depth of at least .003 inch. A minimum height requirement of 1/16 inch for all identification markings is not required since such a requirement would be impractical. ATF believes that minimum

standards ensure that firearms are properly identified in accordance with the law. In addition, minimum standards will facilitate ATF's ability to trace firearms used in crimes.

2. Needs and Uses

The requested information is used to facilitate the tracing of firearms used in crime to provide support to Federal, State, and local law enforcement officials in their fight against crime and violence. This is accomplished due to the serial number, along with other required markings such as caliber, model, name and manufacturer, and city and State of the manufacturer or importer make any given firearm uniquely identifiable and traceable. Thus, firearms tracing is an integral part of any investigation involving the criminal use of firearms. The systematic tracking of firearms from the manufacturer or U.S. importer to the retail purchaser enables law enforcement agencies to identify suspects involved in criminal violations, determine if the firearm is stolen, and provide other information relevant to an investigation.

3. Use of Information Technology

The use of information technology does not apply to this information collection because the manufacturer making the firearm must physically place the required marking on the firearm.

4. Efforts to Identify Duplication

There is no duplication of this information collection. The prescribed minimum height and depth requirements for identification markings place on firearms are not available elsewhere and are in accordance with the law.

5. Minimizing Burden on Small Businesses

This information has no specific impact on small businesses other than that required of all size businesses in completing this application to gain access to the electronic filing system.

6. Consequences of Not Conducting or Less Frequent Collection

The lack of specific minimum standards causes problems for licensees in properly recording identifying information in their required records, particularly with respect to serial numbers that are very small or are not applied to a uniform depth. In addition, serial numbers that are stamped very lightly on the frame or receiver of the firearms are more susceptible to being easily obliterated, altered or removed. Without this information collection these types of problems would hinder ATF's efforts to trace firearms.

7. Special Circumstances

This data will be collected in a manner consistent with the guidelines in 5 CFR 1320.6.

8. Public Comments and Consultations

ATF consulted with industry members during the creation of this information collection. A 60-day and 30-day Federal Register Notice was published in order to solicit comments from the general public. One comment was received. The comment agrees with ATF's estimate of 5 seconds to mark the firearm. However, it was suggested ATF consider the additional time it takes to transport firearms to machinery, load machinery, and unload machinery in the burden estimate. The program office has adopted this request and responded.

9. Provision of Payments or Gifts to Respondents

No payments or gifts are provided to respondents.

10. Assurance of Confidentiality

Confidentiality is not assured. This information collection only requires licensed importers and licensed manufacturers to place minimum height and depth requirements on firearms for identification purposes.

11. Justification for Sensitive Questions

No questions of a sensitive nature are associated with this information collection.

12. Estimate of Respondent's Burden

Under the definition of "burden" in 5 CFR 1320.3, the regulations state that "The time, effort, and financial resources necessary to comply with a collection of information that would be incurred by persons in the normal course of their activities (e.g., in compiling and maintaining business records) will be excluded from the 'burden' if the agency demonstrates that the reporting, recordkeeping, or disclosure activities needed to comply are usual and customary." (5 CFR 1320.3 (b) (2))

ATF believes that stamping firearms with serial numbers, make, model, manufacturer, etc. is usual and customary" for domestic manufacturers. However, ATF believes that the requirements of 478.92 and 479.102 are not usual and customary for importers of firearms. For this reason, burden hours will only be calculated for importers of firearms. However, both importers and manufacturers will be counted as respondents.

Currently there are 10,085 licensed manufacturers of firearms and 1,129 licensed importers. The total number of respondents for this collection is 11,214. Currently, the total number of firearms imported into the United States is 5,539,539 all of which must be marked (stamped). Therefore, the total number of responses is 5,539,539. The time it takes to mark the firearm is 5 seconds and an additional 55 seconds to transport firearm to

machinery, load machinery, and unload machinery. The total time it takes to transport, load, mark, then unload the machinery is 1 minute. The total number of burden hours for this information collection is 30,000 hours. The formula used is as follows: $5,539,539 \times 1 \text{ minute} = 5,539,539 \text{ minutes}$. $5,539,539 \text{ minutes} \div 60 = 92,326 \text{ hours}$.

13. Estimate of Cost Burden

Manufacturers of firearms have to mark firearms in accordance with the Gun Control Act of 1968. These licensed manufacturers are required by regulation to mark a firearm with a unique serial number, make, model, caliber/gauge and city and state of manufacturer. ATF uses this information to facilitate the tracing of firearms used in crimes. This information is also used by law enforcement, the industry and the public to assist with accounting for and identify firearms that have been lost, stolen or involved in a crime. The cost burden to the manufacturer is not the same between all manufacturers. The average direct and overhead cost to mark a firearm in accordance with the regulation is approximately .92 cents per firearm. The information used to develop this cost average was obtained from various firearm manufactures in the United States. For this information collection, the cost to the respondent is $5,539,539 \times .92 = \$5,096,376$

14. Cost to the Federal Government

There is no cost to the Federal Government.

15. Reason for Change in Burden

The number of respondents increased to 11,214. The number of responses increased due to the increase of respondents and increase in the number of firearms imported. The total burden hours have increased from 30,000 hours to 92,326 hours due to the increase in the number of firearms imported.

16. Anticipated Publication Plan and Schedule

ATF does not plan to publish this information collection.

17. Display of Expiration Date

ATF does not request approval to not display the expiration date of OMB approval for this information collection.

18. Exception to the Certification Statement

There are no exceptions to the certification statement.

B. Statistical Methods

This information collection does not employ statistical methods.