

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

OMB # 1140-0008

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

A. JUSTIFICATION:

1. The registration of National Firearms Act (NFA) firearms is required by 26 U.S.C. 5841 and 27 CFR 479.101. An NFA firearm may not be transferred (which includes an exportation) without the approval of ATF and, with certain exceptions, the payment of transfer tax (§ 5812 and Part 479, Subpart F). An NFA firearm may be exported without payment of the transfer tax (§ 5854 and §§ 479.114 -.118). The use of this form is required of any person desiring to export an NFA firearm (§479.114) and to establish such exportation to relieve the exporter from payment of the transfer tax (§479.118).

Title 22, United States Code, section 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 (5320.9).

The following changes were made to the form.

- a. Realign the order of Boxes 5-9 (Name of Exporter, Address, FFL, EIN, and Export License Number) so that they are Boxes 4-8; move the box 4 (Description of Firearm(s)) to box 9.
  - b. In the Instructions 1.c. BOLD “The signature in line 10 must be entered in ink on all four copies. Photostatic, facsimile or carbon copy signatures are not acceptable.”
2. ATF Form 9 (5320.9) 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 retained by ATF and the remaining copies returned to the exporter to establish that the exportation took place and claim 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 and it is fillable version. Also, the form may be filed electronically via ATF's eForms system at [www.atfonline.gov](http://www.atfonline.gov) and is available in a fillable version on the ATF website ([www.atf.gov](http://www.atf.gov)).
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. A 60-day Federal Register notice was published to solicit public comments. All public comments received a response. Any additional public comments received during the upcoming 30-day notice period will also receive a response.
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 section 6103).
11. No questions of a sensitive nature are asked.
12. Each filing is a new request for a different firearm or firearms to the same country of export or to another country. The number of respondents is 1,339. Each respondent responds one time for a total of 1,339 responses. It is estimated to take 18 minutes per respondent to respond. The total annual burden for this information collection is 401 hours.
13. There is no startup cost or annual cost to the respondent.

14. Estimates of annual costs to the Federal Government are:

Printing \$415.09

15. Due to the volume of industry submissions, an increase is depicted.

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.