

Department of Justice  
Bureau of Alcohol, Tobacco, Firearms and Explosives  
Information Collection Request  
Supporting Statement  
1140-0104

ATF Form 3311.4 Application for Alternate Means of Identification of Firearm(s) (Marking Variance)

A. Justification

1. Necessity of Information Collection

The requested information fulfills the requirements of 18 U.S.C. § 923(i), 26 U.S.C. § 5842, and 27 CFR §§ 478.92 and 479.102. Licensed manufacturers and importers must mark firearms manufactured or imported with specific identifying information (approved under OMB #1140-0050). However, ATF may authorize other means of identification (“marking variance”), upon receipt of a letter application from a licensed manufacturer or importer showing that such other identification is reasonable, and will not hinder the effective administration of the law.

The following changes were made to the form:

Instructions

- The submission address for the ATF F 3311.4 was revised as follows: 244 Needy Road, Suite 1600, Martinsburg, WV 25405 Attn: Firearms Technology Industry Services Branch.
- The fax number was amended to 304 616 4301.
- The questions submission address and telephone number were changed to the Firearms Technology Industry Services Branch and 304 616 4300, respectively.

2. Needs and Uses

Identification marks placed on firearms provide law enforcement personnel the opportunity to better trace firearms used in crimes, and allow Federal Firearms Licensees the ability to track their firearm inventories and maintain accurate required records. Federal regulations at 27 CFR §§ 478.92(a) and 479.102(a) prescribe the requirements for serialization and other identification marks that must appear on firearms. These regulations also provide that the Director may authorize other means of identification, upon receipt of a letter application showing that such other identification is reasonable and will not hinder the effective administration of the firearms regulations. The ATF F. 3311.4 will satisfy the requirement of a “letter application,” which will allow Industry members with a valid Federal importer or manufacturer license to seek approval to use an alternate means for identifying firearms. Marking Variances are required for licensed

manufacturers of firearms who intend to manufacture and mark firearms on behalf of another licensed manufacturer. In such instances, the contracted manufacturer places the required identifying markings on the frames or receivers for the manufacturer of record.

3. Use of Information Technology

ATF encourages applicants to submit ATF Form 3311.4 electronically by emailing signed, scanned, documents to [Marking\\_Variations@atf.gov](mailto:Marking_Variations@atf.gov). Respondents will receive an automated email confirmation that documents have been received by ATF. This form will be available for download on [www.ATF.gov](http://www.ATF.gov) and is e-fillable. Collecting this information electronically, will reduce postage and printing costs, as well as the amount of time ATF needs to receive and process marking variance requests, resulting in more productivity.

4. Efforts to Identify Duplication

ATF uses a uniform subject classification code on all forms 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. Minimizing Burden on Small Business

Burdens minimized will equally affect both small and large businesses. Time burdens will decrease for respondents preparing and submitting marking variance requests from 1 hour to 30 minutes. If the respondent elects to submit a printed form via mail service to the ATF for processing, cost burdens for the respondent will remain the same. Cost burdens can be reduced if the form is submitted electronically.

6. Consequences of Not Conducting or Less Frequent Collection

The lack of specific minimum standards causes problems for licensees in properly submitting marking variances, 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. Additionally, there will be longer processing time for marking variances that are submitted without all required information as requested on the form.

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

A revision was proposed with the ATF F 3311.4. The responsibility for processing marking variances has been moved from the Firearms Industry Programs Branch to the Firearms Technology Industry Services Branch. As a result, the form submission address as well as the phone and fax number printed in the submission section of the form's instructions were incorrect. The proposed revision will correct these deficiencies, and as a result, decrease processing time due to the form being sent to the correct location.

All comments provided during the 60-day Federal Register notice received a response. The public will be afforded an additional opportunity to provide comments during the 30-day FR period; which will be recorded and answered.

A. Language will remain the same.

1. The program office serves as the authority for Marking Variances, and Subject Matter Experts (SMEs) have convened and found that this language is adequate in conveying its purpose.
2. The stated language has been the same language that has been used historically on all of the guidance ATF has issued on the submission of marking variances.
3. To change the language at this point would not be cohesive with other ATF issued guidance, which may result in confusion for applicants.
4. The program office has provided applicants with various methods of contact should any questions arise during the Marking Variance process.

9. Provision of Payments or Gifts to Respondents

No payments or gifts will be provided to respondents.

10. Assurance of Confidentiality

Confidentiality is not assured. Personal identifying information reported on the ATF Form 3311.4 is prohibited from disclosure by Federal law. The information may only be disclosed in accordance with the Privacy Act and the Freedom of Information Act, granting Federal, State and local law enforcement officials with a bona fide law enforcement need access to the information (e.g., in relation to an ongoing criminal investigation).

11. Justification for Sensitive Questions

Form questions posed of a sensitive nature, are required to identify the Industry member requesting the marking variance (i.e., FFL Number, address, and phone number).

12. Estimate of Respondent's Burden

There are approximately 12,278 small manufacturers and firearms importers. There are approximately 2,064 respondents (1032 requests multiplied by 2 respondents per request) for ATF Form 3311.4. Of the 2,064 respondents, 1520 are repeat respondents. There are approximately 1,032 responses annually. It will take approximately 30 minutes to complete the form. The number of burden hours for this portion of the collection is 1,032 hours (2,064 respondents x 1 hour divided by 2 (represents ½ hour)).

13. Estimate of Cost Burden

The cost burden per response for submitting ATF Form 3311.4 by mail is \$0.47 (rate for postage). The cost burden for this portion of the collection is \$485 (1,032 x \$0.47). However, if respondents choose to submit ATF Form 3311.4 by email or fax the cost will be reduced.

14. Cost to the Federal Government

There is no cost burden to the Federal Government.

15. Reason for Change in Burden

The demand for marking variances has increased over the previous reporting period. The previous reporting period showed 641 requests. For fiscal year 2016, 1,032 request for variance were processed. ATF is providing the firearms industry with a uniform method to request marking variances. Open interpretation of which information is required from Industry members to submit marking variance requests, results in incomplete requests. Incomplete requests require increased efforts to obtain information required for processing requests, further delaying ATF's response time. Use of a universal form ATF Form 3311.4 for variance requests has proven to reduce such occurrences and streamline the application process.

16. Anticipated Publication Plan and Schedule

ATF does not plan to publish information collected.

17. Display of Expiration Date

ATF does not request authorization to omit printing the expiration date on the ATF form 3311.4.

18. Exception to the Certification Statement

There are no exceptions to the certification statement.