

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

A. JUSTIFICATION

1. Explain the circumstances that make the information collection necessary.

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 imported or manufactured firearm. 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.*, machine guns), 26 U.S.C. § 5842 requires each manufacturer, importer, and anyone making a firearm, to identify each firearm by a serial number. The serial number must not be readily removable, obliterated, or alterable. Section 5842 also requires the firearm to be identified by the name of the manufacturer, importer, or maker, and other such 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). 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 or causing to be engraved, cast, stamped (impressed) or otherwise placed on the frame or receiver, an individual serial number, in a manner not susceptible of being readily obliterated, altered, or removed. The serial number must not duplicate any serial number placed by the licensee on any other firearm. The frame or receiver must also be marked with either: the licensee's name (or recognized abbreviation), and city and State (or recognized abbreviation) where they maintain their place of business; or their name (or recognized abbreviation) and the serial number beginning with their abbreviated Federal firearms license number.

To reduce incorrect record entries by licensees and to make identification marking less susceptible to being readily obliterated, altered, or removed, ATF amended the regulations in 2022 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, any associated license number, and all other additional information, to a depth of at least .003 inch and in a print size no smaller than 1/16 inch.

2. Indicate how, by whom, and for what purpose the information is to be used.

The required firearms identification markings support Federal, State, and local law enforcement officials in crime fighting by facilitating tracing of firearms used in criminal activities. Specifically, the requirement for a serial number, along with other required markings such as caliber, model, name and manufacturer, and city and state of the manufacturer or importer, makes any firearm uniquely identifiable and traceable. When requested by law enforcement, ATF can use the serial number law enforcement provides from a given case to trace that firearm from the manufacturer or U.S. importer to the retail purchaser. This enables law enforcement personnel to identify suspects involved in criminal violations, determine if a firearm is stolen, and provide other relevant information to assist a criminal investigation.

- 3. Describe whether, and to what extent, the information collection involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.**

Information technology does not apply to this information collection, which requires manufacturers to physically mark all manufactured and imported firearms.

- 4. Describe efforts to identify duplication.**

The information collected in this ICR is not duplicated elsewhere. The prescribed minimum height and depth requirements for firearms identification markings are unavailable elsewhere, although they are in accordance with the law.

- 5. If the information collection impacts small businesses or other small entities, describe any methods used to minimize burden.**

This information collection may have an impact on small businesses for start-up costs only. The start-up capital costs are estimated to cost \$14,531. Based on publicly available database, a micro-small business may have a median revenue of \$583,500.¹ Based on this information, a \$14,531 start-up cost may have an impact of 2.5% on small businesses (\$14,531 start-up capital costs / \$583,500 revenue of a small business).

- 6. Describe the consequence to federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

ATF's firearms tracing effort would be hindered without this information collection. Establishing specific standards for marking and identifying firearms also ensures that licensees maintain accurate records containing firearms identification information, and that firearm serial numbers are not easily obliterated, altered, or removed. If this

¹ Based on a sample size revenue of FFLs considered small by the Small Business Administration. Revenue information is gleaned from Dunn and Bradstreet.

information was not collected, firearms used in crimes would be untraceable and law enforcement would be significantly hampered in identifying suspects and reducing crime.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with 5 CFR 1320.6.

There are no special circumstances associated with this information collection requirement, which is conducted in a manner consistent with 5 CFR § 1320.6.

8. If applicable, provide a copy and identify the date and page number of publication in the *Federal Register* of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments.

The 60-Day Notice was published in the *Federal Register* (FR) on [DATE] (XX FR XXXXX). The comment period ended on [DATE]. No comments were received during the 60-day FR notice period. However, an additional 30-day FR notice will be published to solicit public comments.

9. Explain any decision to provide any payments or gifts to respondents, other than remuneration of contractors or grantees.

No payments or gifts are provided to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

The agency has made no assurance of confidentiality to respondents. This information collection requires licensed firearms manufacturers and importers to place markings on firearms for identification purposes, which means they will be seen.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private

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

12. Provide estimates of the hour burden of the information collection.

As of December 29, 2023, there are 20,524 licensed firearms manufacturers and 2,138 licensed firearms importers. Therefore, the total number of respondents for this collection is 22,662. According to the United States International Trade Commission, the total number of firearms that were imported into the United States in 2023 was 5,954,142. The total number of firearms manufactured in 2023 (based on number of ATF Form 5300.11,

Annual Firearms Manufacturing and Exportation Reports, filed) was 9,491,014. Because all imported and manufactured firearms must be marked (stamped), the total number of responses is 15,445,156.

It takes approximately five seconds to mark a firearm, and an additional 55 seconds to transport firearm to machinery, load machinery, and unload machinery. Therefore, ATF estimates the total time to comply with this information collection is 1 minute per firearm/response.

The total burden hours for this information collection are therefore 257,420 hours (15,445,156 responses * 0.0166667 hours (1 minute) = 257,419.782, rounded to 257,420).

ATF estimates that a machinist or metal worker would be a likely employee to mark firearms at an average wage rate of \$21.86.² In order to account for fringe benefits such as insurance, ATF used a load rate of 1.4 multiplied to the average wage rate, making the loaded wage rate \$31 (\$21.86 average wage rate * 1.4 load rate).³

The average cost to mark each firearm is therefore approximately \$0.52 cents (\$31 hourly wage * 0.016666667 hours (1 minute) per response). Therefore, the total cost burden associated with this collection is \$8,031,481 (15,445,156 total responses * \$0.52 cost per response).

While ATF has no way to estimate an average as to how many firearms a respondent might manufacture or import in a year, if we were to assume an equal distribution across the 22,662 licensees, that would result in approximately 682 firearms marked by each respondent in a year, for an annual cost to each respondent of \$352. Naturally, however, larger respondents that manufacture or import greater numbers of firearms will have higher costs than this, and smaller respondents that manufacture or import fewer firearms per year will have lower costs.

Table 2. Annual monetized hourly burden costs (rounded)

Activity	Number of respondents	Frequency	Total annual firearms/responses	Time per response	Total annual burden (hours)	Hourly rate per response*	Monetized value of respondent time
Mark firearm	22,662	1 per firearm	15,445,156	0.016666667	257,420	\$.52	\$8,031,481
Unduplicated totals					257,420	\$.52	\$8,031,481

² <https://www.bls.gov/oes/2023/may/oes514022.htm>

<https://www.bls.gov/oes/2023/may/oes514031.htm>

<https://www.bls.gov/oes/2023/may/oes514199.htm>

³ <https://data.bls.gov/series-report?redirect=true>

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13. Provide an estimate of the total annual cost burden to respondents or record-keepers resulting from the information collection. (Do not include the cost of any hour burden shown in Items 12 and 14).

Firearm manufacturers must mark firearms in accordance with the Gun Control Act of 1968. These licensed firearms manufacturers and importers are required by regulation to mark a firearm with a unique serial number, make, model, caliber/gauge, city and State of manufacturer.

For a start-up company, a given manufacturer would need a laser engraver and air handler to make the required markings. The average laser engraver costs \$12,328.⁴ The average air handler costs \$2,203.⁵ The estimated start-up capital costs per respondent are therefore \$14,531 (\$12,328 laser engraver + \$2,203 air handler). Start-up capital costs are a one-time occurrence, not occurring annually. However, if treated as though all such costs occurred in 2023, the total industry start-up capital cost would be \$329,301,522 (22,662 total respondents * \$14,531), in 2020 dollars. ATF notes that this would not all occur in any one given year; this ‘total’ cost would have been incurred and distributed over many decades as FFLs started their companies. From 2021 to 2023, there have been an average of 3,138 new FFLs each year. Using this number as an annual cost for capital costs, ATF estimates that the annual start-up cost of this information collection is \$45.6 million (3,138 new respondents * \$14,531 = \$45,598,278). There are no other costs associated with this information collection.

Table 3. Annual start-up capital costs related to this ICR

Activity	Number of respondents	Frequency	Total annual responses	Cost per response	Total annual cost
Marking equipment	3,138	1	3,138	\$14,531	\$45,598,278
Unduplicated totals					\$45,598,278

⁴ <https://www.regulations.gov/comment/ATF-2021-0001-249268>
<https://www.bosslaser.com/laser-machines/hp-2440>
<https://www.bosslaser.com/laser-machines/boss-hp-3655>
<https://www.bosslaser.com/laser-machines/boss-hp-5598>
<https://www.toolots.com/30w-handheld-fiber-laser-marking-machine.html>
<https://www.toolots.com/flmm-b01-30.html>
⁵ https://www.grainger.com/product/44ZA50?ef_id=EAIAIqobChMIuceD4rq9QIVu-y1Ch3q6gpzEAQYBiABEGIGIPD_BwE:G:s&s_kwcid=AL!2966!3!496359975784!!!g!437513351199!&gclid=N:N:PS:Paid:GGL:CSM-2295:4P7A1P:20501231&gclid=EAIAIqobChMIuceD4rq9QIVu-y1Ch3q6gpzEAQYBiABEGIGIPD_BwE&gclid=aw.ds
https://www.acwholesalers.com/Daikin-Light-Commercial-DAT12043/p83645.html?gclid=EAIAIqobChMIuceD4rq9QIVu-y1Ch3q6gpzEAQYBCABEGLNK_D_BwE
https://www.ecomfort.com/LG-LVN241HV4/p102697.html?gclid=EAIAIqobChMIuceD4rq9QIVu-y1Ch3q6gpzEAQYEiABEGL-KfD_BwE

14. Provide estimates of the annualized cost to the Federal Government.

There is no Federal Government cost associated with this information collection.

15. Explain the reasons for any program changes or adjustments.

There are no program changes involved. However, this ICR includes a substantial change from the previous renewal. There are two groups of firearms manufacturers and importers, those who are operating under the GCA (Types 07 and 08) and those operating under the NFA (Types 10 and 11). This information collection was intended to cover both groups, but the last renewal inadvertently left out the second group. This renewal is adding the Type 10 and 11 manufacturers and importers, resulting in an increase of 691 respondents. Further, previously, only the number of firearms imported were used, instead of capturing both the firearms manufactured and imported. This ICR includes both.

These changes combined have resulted in an increase of 4,692 in the number of respondents for this ICR since the 2021 renewal (from 17,930 to 22,622 respondents) and the number of responses has increased by 11,458,493 (from 3,986,663 to 15,445,156).

In addition, ATF has also monetized the hourly burden of marking firearms and added start-up capital costs, which the previous ICR did not include.

Consequently, the total cost burden for this collection was increased from \$3,667,730 in 2021 to \$49,962,029 (= \$8,031,481 marking costs + \$45,598,278 start-up capital costs) in 2024.

16. For information collections whose results will be published, outline plans for tabulations, and publication.

ATF does not plan to publish this information.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

ATF will not display the Office of Management and Budget expiration date, since there is no form or other document associated with this information collection. People will be physically marking the firearms.

18. Explain each exception to the certification statement.

ATF is not requesting an exception from the certification statement.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS.

This information collection does not employ statistical methods.