

DEPARTMENT OF JUSTICE
Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF)
Information Collection Request (ICR)
OMB 1140-0066
Required Records on Armor-Piercing Ammunition

SUPPORTING STATEMENT

A. JUSTIFICATION

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

No person can manufacture or import armor-piercing ammunition, and no manufacturer or importer can sell or deliver it, except: for federal or state government use, for export, or for testing or experimenting as authorized by ATF. *See* 18 U.S.C. 922(a)(7), (8); 27 CFR 478.37. In addition, 18 U.S.C. 922(b)(5), requires that no licensed importers, manufacturers, dealers, or collectors may sell or deliver armor-piercing ammunition without recording in their required records the name, age, and place of residence of an individual receiving the ammunition, or the identity and principal and local places of business of the recipient if they are a business entity. ATF has implemented this requirement in regulations at 27 CFR §§ 478.122(b) for Type 11 licensed importers, 478.123(b) for Type 10 licensed manufacturers, 478.125(c) for Type 01 licensed dealers, and 478.125(a), (b) and 478.122(b) for Type 03 licensed collectors, who are authorized to sell or delivery armor-piercing ammunition. Any such licensees must create and maintain the required records of any sale or delivery of such ammunition.

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

Records are created by the licensees and are required to be up-to-date and maintained onsite by the licensee, as required by the regulations identified above. The information must include the disposition date, manufacturer information, country of manufacture (if imported), importer information, caliber or gauge, quantity of projectiles, and transferee information.

This record is primarily for law enforcement purposes. ATF and other law enforcement organizations may use the collected information to trace ammunition collected as evidence during a criminal investigation or court proceeding. During compliance inspections, ATF may also use this information to help determine the validity of a licensee's record-keeping system by comparing data collected from raw material used to the finished product, and to review armor-piercing ammunition transfer records to end users. The manufacturer's commercial records will, in most instances, also contain data elements specified in the regulations.

3. Describe whether, and to what extent, the information collection involves using 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.

Pursuant to ATF Ruling 2016-1, licensees may create and maintain these records electronically.

They retain the records on their premises and there is no reporting requirement.

4. Describe efforts to identify duplication.

This information is not duplicative and there is no other source for the information. Record-keeping requirements for manufacturers, importers, dealers, and collectors of armor-piercing ammunition are very limited and apply only to the disposition of armor-piercing ammunition. There are no other information collections involving this information.

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

This information collection does not have a significant impact on small entities.

6. Describe the consequence to federal programs 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.

Without this information collection, licensees would be in violation of the law. The statute requires that they must record in their required records the requested information. Although ATF reproduces this requirement in our regulations, within the framework of the larger requirements for acquisition and disposition records, the obligation giving rise to this information collection is created by statute. Licensees risk adverse action if they don't maintain the statutorily required records. Furthermore, from a law enforcement perspective, without this requested information, ATF would have a difficult time ensuring that armor-piercing ammunition is being transferred and handled as required, or tracing such ammunition when it is used in a crime or does not get disposed of as required.

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

Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years: ATF regulations at § 478.129 require Type 10 licensed manufacturers and Type 11 licensed importers that are also authorized to manufacture or import armor-piercing ammunition to retain their acquisition and disposition records as long as they remain in business. As a result, this record-keeping requirement could result in a requirement for respondents to retain records for more than the three years under 5 CFR 1320.6. However, this requirement exists for law enforcement purposes, permitting ATF and other law enforcement organizations to access information necessary to trace ammunition. Regulations at § 478.125(a) and (c) require licensed collectors (including those who collect armor-piercing ammunition) and licensed dealers that sell or deliver armor-piercing ammunition to retain their records for two years.

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

8. If applicable, provide a copy, and identify the date and page number, of the agency's notice published in the *Federal Register*, as required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB.

The 60-Day Notice was published in the *Federal Register* on [07/01/2025] (90 FR 28814). The comment period ended on [09/02/2025]. ATF received no comments.

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

No payment or gift is associated with this information collection.

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

ATF has not assured respondents of confidentiality. However, the information being collected includes PII and is thus protected by the Privacy Act. The information is maintained by ATF in a system of records, Justice/ATF-008, Regulatory Enforcement Record System. There is no form associated with this information collection, but the Privacy Act statement that covers this information and informs respondents of the system of records, routine uses, etc., is posted on ATF's website.

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.

This information collection does not ask questions or require information of a sensitive nature.

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

ATF estimates there are a total of 497 Type 10 licensed manufacturers, which manufacture firearms, other devices, and armor-piercing ammunition, and 298 Type 11 licensed importers, which import firearms, other devices, and armor-piercing ammunition. Of these 795 licensees authorized to manufacture or import armor-piercing ammunition, only an unknown subset of them do so, and would thus be respondents under this information collection. Type 01 licensed dealers and Type 03 licensed collectors are authorized to deal in or collect armor-piercing ammunition under the statutes, but they have not been authorized to acquire such ammunition since 1986. Given the length of time since then during which they have not been able to acquire armor-piercing ammunition, it is unlikely that any of them are still selling or delivering it. ATF has therefore deemed it unlikely that they would be distributing them for the purposes of this ICR. Therefore, ATF did not include Type 01 or 03 licensees as affected respondents in this ICR.

For purposes of this analysis, ATF estimates that 50 percent of Type 10 and Type 11 FFLs may be armor-piercing ammunition manufacturers or importers. At 50 percent of the total population, approximately 398 licensed manufacturers and importers ($497 \text{ Type 10} + 298 \text{ Type 11} = 795 / 2$, rounded) may sell armor-piercing ammunition and thus keep records responsive to this information collection.

Therefore, the total responses are also 398. It will take approximately two minutes (.033 hours) to provide each response. Consequently, the estimated total burden for this collection is 13 hours ($398 \text{ respondents} * 0.033 \text{ hours}$, rounded).

ATF assumes that the individual completing the ICR for respondents would be a retail salesperson or equivalent. ATF used wage data from the U.S. Department of Labor, Bureau of Labor Statistics (BLS) category 41-2031 Retail Salespersons for May 2023, from which to estimate the monetized value of respondent time under this information collection. Based on the BLS information, ATF estimates the average hourly employer costs for applicants as \$17.64. ATF also applied a load rate of 1.42 to account for benefit costs paid by the employer, making

the loaded wage rate \$25.05 (\$17.64 * 1.42).

At a loaded hourly wage rate of \$25.05, with a total industry burden of 13 hours, the anticipated monetized hourly burden for this ICR is \$325.65 (\$25.05 hourly wage rate * 13 hours).

Table. Estimated annualized respondent cost and hour burden

Activity	Number of respondents	Frequency	Total annual responses	Time per response (hours)	Total annual burden (hours)	Hourly rate	Monetized value of respondent time
Complete disposition transaction record	398	1	398	0.033	13	\$25.05	\$325.65
Totals			398		13		\$325.65

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

There are no additional costs associated with this collection.

14. Provide estimates of the annualized cost to the federal government.

ATF estimates no additional costs to the federal government associated with this collection. This is due to the current staffing and administrative capacity already in place to complete any marginal processing required under this information collection, with long-term staffing capacity serving as a sunk cost.

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

We are revising the title of the ICR and have clarified the scope of the supporting statement throughout, so it reflects that the record-keeping requirement applies to licensed manufacturers, importers, dealers, and collectors. Over time and various renewals, this information had gotten unclear and parts were missing. They have been clarified and reinstated. In addition, ATF has updated the number of respondents to reflect an increase in overall Type 10 and Type 11 licensees, which has resulted in an increase from 367 to 398 respondents, and a corresponding increase in the annual time burden from 9 to 13 hours.

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

ATF will not publish the results of this collection.

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.

This information collection does not involve a form or other collection instrument upon which ATF could display the expiration date. It requires industry to maintain records at its premises. As

a result, ATF is not able to display an expiration date. Therefore, ATF requests approval to not display the expiration date on this collection.

18. Explain each exception to the certification statement.

This information collection does not include any exceptions to the certification statement.

B. INFORMATION COLLECTIONS EMPLOYING STATISTICAL METHODS.

This collection does not employ statistical methods.