

Guidance for Requesting Marking Variances

Licensed manufacturers and importers are required to mark firearms manufactured or imported with specific identifying information. This information is set forth in 18 U.S.C. 923(i); 26 U.S.C. 5842; 27 CFR 478.92 and 479.102. 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 ATF Firearms Industry Programs Branch (FIPB) has recently assumed responsibility for analyzing and providing responses to marking variance requests. FIPB is providing licensed manufacturers and importers with updated guidance on the requirements for submitting requests for marking variances. By following this guide, licensed manufacturers and importers will experience fewer delays in providing responses. In lieu of sending a letter request, FIPB recommends that you submit marking variances to marking_variances@atf.gov or fipb@atf.gov.

All requests must be signed by a responsible person, or must include a separate letter signed by a responsible person indicating an employee is authorized to make such requests on behalf of the company. In addition, the following information must be included with all marking variance requests:

Information pertaining to licensed manufacturer manufacturing the firearm or licensed importer importing the firearm:

- Name listed on Federal firearms license
- Full 15 digit Federal firearms license number
- Business address
- Contact information (phone number and email address)
- Describe the manufacturing process to be completed

Information pertaining to licensed manufacturer or licensed importer whose marks of identification are being placed on the firearm:

- Name listed on Federal firearms license
- Recognized Abbreviation (Trade name- for further clarification, reference the May 2012 FFL Newsletter: <http://www.atf.gov/files/publications/newsletters/ffl/newsletter-2012-05.pdf>)
- Full 15 digit Federal firearms license number
- Contact information (phone number and email address)

Marks of identification to be placed on the firearms:

- Name of manufacturer/ importer (Name listed on Federal firearms license or recognized abbreviation on file with ATF)
- Model, if any (if no model is designated, please indicate such in the submission)
- Caliber or gauge, if any (if no caliber or gauge is designated, please indicate such in the submission)
- City and State (Postal abbreviations may be used for State only)

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- Serial number (please identify the range of serial numbers that will be used should this request be approved)

Applicable serial numbers must not duplicate serial numbers appearing on any other firearms produced by or for the manufacturer or importer marked on the firearm (at any location).

Additional information (if applicable):

- Copy of previously approved marking variance
- Power of Attorney, if applicant is not an employee of the manufacturer(s) or importer(s) identified on this application
- Copy of Special (Occupational) Tax Stamp for each manufacturer or importer of NFA weapons
- Copy of Government contract or letter from a Government agency indicating a future need for machineguns

The following information does not need to be included in these requests:

- Schematics
- Copies of Federal firearms licenses
- Names of additional licensees involved in the process

Subsequent manufacturing processes performed beyond the initial manufacture or importation and marking of a firearm are subject to the notification requirements contained in ATF Ruling 2009-5, which, in pertinent part, requires that each licensed manufacturer desiring not to mark firearms (“non-marking variance”) submit to ATF the information required by the Ruling. See ATF Ruling 2009-5 for additional information (<http://www.atf.gov/files/regulations-rulings/rulings/atf-rulings/atf-ruling-2009-5.pdf>). In addition, certain manufacturing processes performed by licensed dealer-gunsmiths may fall under the purview of ATF Ruling 2010-10. See ATF Ruling 2010-10 for additional information (<http://www.atf.gov/regulations-rulings/rulings/atf-rulings/atf-ruling-2010-10.htm>).