

Guide to Requesting Marking Variances

Licensed manufacturers and importers are required to mark firearms manufactured or imported with specific identifying information. This information is found under Title 18 United States Code (U.S.C.) Section 923(i) and 27 Code of Federal Regulations (CFR) Section 478.92. However, the Bureau of Alcohol, tobacco, Firearms and Explosives (ATF) Director may authorize other means of identification upon receipt of a letter application from licensed manufacturers and/or importers, showing that such other identification is reasonable and will not hinder the effective administration of the law.

Purpose and Background

Generally, each manufacturer of firearms is required by law to place identifying markings on the frame or receiver of every firearm that they manufacture. Marking variances are necessary when a licensed manufacturer of firearms intends to manufacture and mark firearms on behalf of another licensed manufacturer. In these instances, the contracted manufacturer places on the frames or receivers, the required identifying markings for the manufacturer of record per 27 CFR Section 478.92.

ATF is providing the firearms manufacturers with guidance on the requirements for submitting requests for marking variances. This guide communicates the information that **must** be submitted with your application in order for ATF to consider your request.

You must send the letter of application for a marking variance with the following information to the ATF Firearms Technology Branch (FTB):

1. Identify the actual manufacturer of the firearm frame or receiver
 - Name as listed on Federal Firearms License (FFL); you can use either:
 - Licensee name
 - Business name (e.g., trade name, etc.), if provided on FFL
 - Address
 - City (Only abbreviations recognized by the U.S. Postal Service (USPS) will be accepted)
 - State
 - Complete Federal Firearms License number
 - Manufacturing process to be completed
2. Identify the manufacturer whose markings will be placed on the firearm frame or receiver
 - Name as listed on FFL; you can use either:
 - Licensee name
 - Business name (e.g., trade name, etc.), if provided on FFL
 - Address
 - City (Only abbreviations recognized by the USPS will be accepted)
 - State
 - FFL number
3. Identify any other participants in the manufacturing process
 - Name as listed on FFL, can use either:
 - Licensee name
 - Business name (e.g., trade name, etc.), if provided on FFL

- Address
 - City (Only abbreviations recognized by the USPS will be accepted)
 - State
 - FFL number
 - Manufacturing process to be completed by each additional participant
4. Identify the model of firearm, if designated
 5. Identify the caliber or gauge
 6. Identify the serial number(s) and/or range to be used
 - Serial number range must not duplicate serial numbers appearing on any other firearms produced by or for the manufacturer identified above in step 2.
 7. Identify where the firearm frames or receivers are shipped and/or transferred to between all of the manufacturers identified in the marking variance process.
 8. Statement communicating the function of the firearm (semiautomatic, bolt-action, etc.)
 9. Contact information: phone number, e-mail address, business address
 10. Drawing/schematic/photograph of firearm to be manufactured, displaying proposed markings
 - Illegible markings will not be accepted and will delay the marking variance process
 11. Copy of FFL for each manufacturer
 12. If applicable, a copy of the Special (Occupational) Tax Stamp for each manufacturer

If a manufacturer has any proprietary concerns regarding disclosing the identity of any of the participating secondary manufacturers to the other secondary manufacturers contracted to perform work on the firearms, the manufacturer may submit individual requests to ATF. The letter must indicate separately each secondary manufacturers participating in the manufacturing process. ATF will address each request in a separate marking variance approval to ensure that the identities of the secondary manufacturers are kept proprietary.

Customer Service Standards

It is the goal of FTB, to respond to requests from the firearms industry within 90 days of receipt of properly submitted applications. Requests may include those for variances, determinations, classifications, and exemptions. Generally, we exceed this goal. Please note that our ability to respond to industry-related inquiries is impacted by factors, such as availability of staffing resources, the sufficiency of information received from the requestor, application requires technical research and/or testing, and any applicable legal review process. Additionally, FTB serves the needs of the law enforcement community, to include ATF, other Federal, State and local agencies. We attempt to balance and address exigent circumstances – which the requestor shall clarify in writing and include with the original request – with the routine needs of all firearms industry members.

Methods of Submission

Electronically (preferred method): marking_variances@atf.gov

Fax: (304) 616-4301

Mailing Address: ATF, Firearms Technology Branch
244 Needy Road
Martinsburg, WV 25405