



## U.S. Department of Justice

Bureau of Alcohol, Tobacco,  
Firearms and Explosives

Washington, DC 20226

August 22, 2008

### **Open Letter to All Federal Firearms License Holders Regarding Marking Variances**

The purpose of this letter is to advise you of an important clarification to the manner in which a Federal Firearms License holder can obtain a marking variance from the provisions of 27 CFR § 478.92.

Each and every manufacturer performing a manufacturing function or a manufacturing process on the firearm frame or receiver must hold a valid type 07 or type 10 manufacturer, or type 08 or 11 importer Federal Firearms License (FFL) in order to request approval of a variance from the marking requirements of § 478.92. Pursuant to § 478.92, each and every manufacturer performing a manufacturing function or manufacturing process on a firearm frame or receiver, as well as each and every importer, must properly place their required identifying markings on the frame or receiver unless ATF has approved an alternate means of identification.

#### **Background**

Pursuant to 27 CFR § 478.92(a)(1), you, as a licensed manufacturer or licensed importer of firearms, must legibly identify each firearm manufactured or imported as follows:

- I. By engraving, casting, stamping (impressing), or otherwise conspicuously placing or causing to be engraved, cast stamped (impressed) or placed on the frame or receiver thereof an individual serial number. The serial number must be placed in a manner not susceptible of being readily obliterated, altered, or removed, and must not duplicate any serial number placed by you on any other firearm. For firearms manufactured or imported on and after January 30, 2002, the engraving, casting, or stamping (impressing) of the serial number must be to a minimum depth of .003 inch and in a print size no smaller than 1/16 inch; and
- II. By engraving, casting, stamping (impressing), or otherwise conspicuously placing or causing to be engraved, cast, stamped (impressed) or placed on the frame, receiver or barrel thereof certain additional information. This information must be placed in a manner not susceptible of being readily obliterated, altered, or removed. For firearms manufactured or imported on and after January 30, 2002, the engraving, casting, or stamping (impressing) of this information must be to a minimum depth of .003 inch.

The additional information includes:

- A. The model, if such designation has been made;
- B. The caliber or gauge;

- C. Manufacturer's name (or importer's name when applicable) (or recognized abbreviation) and also, when applicable, the name of the foreign manufacturer;
- D. In the case of a domestically made firearm, the city and State (or recognized abbreviation thereof) where the manufacturer maintains their place of business; and
- E. In the case of an imported firearm, the name of the country in which it was manufactured and the city and State (or recognized abbreviation thereof) where the importer maintains their place of business.

Although 27 CFR § 478.92(a)(1) requires all licensed manufacturers to legibly identify any firearm manufactured, ATF understands that it might be burdensome for a manufacturer who is performing some part of the manufacturing process under the direction/instruction of another manufacturer to place their markings on the firearm. This is especially true for situations that require several different manufacturers to participate in the manufacturing process of a single firearm.

To place multiple manufacturers identifying markings on the firearm frame or receiver could result in manufacturer misidentification while conducting a trace of the firearm. Therefore, licensed manufacturers may request a marking variance under Title 27 CFR § 478.92(a)(4)(i). This marking variance will authorize an intermediary manufacturer, who does not intend to distribute the firearm, to accept the authorized markings of the final manufacturer who intends to distribute these firearms. Upon receipt of a written request, 27 CFR § 478.92(a)(4)(i) permits the Director to authorize other means of identification, provided that such other identification is reasonable and will not hinder the effective administration of the law.

For a number of years, only the two primary manufacturers (those manufacturers who make the receiver and the manufacturer who sells the finished product) have submitted requests for other means of identification. This was despite the requirement that all intermediary manufacturers place their identifying markings on the firearms if a manufacturing function or manufacturing process has been completed on the firearm frames or receivers. An intermediary manufacturer can be described as a manufacturer who is participating in the evolution of the firearm frame or receiver into a complete firearm and by performing manufacturing processes such as a bead blaster, powder coater, assembler, etc.

Due to the increase in subcontracting work performed throughout the firearms industry, it is becoming increasingly difficult for an accurate trace and proper establishment of interstate nexus to be performed by ATF on the firearms without having all the required information outlined in 27 CFR § 478.92.

In an effort to increase the ability of the National Tracing Center to complete a successful firearm trace and for ATF Agents to establish interstate nexus in criminal investigations, ATF requires strict compliance with 27 CFR § 478.92. Therefore, all manufacturers participating in the manufacturing process of a firearm frame or receiver must mark the firearm frame or receiver with their identifying information as addressed in 27 CFR § 478.92 unless a marking variance is granted by ATF.

#### How to Get a Marking Variance

Any and all manufacturers interested in obtaining a marking variance should submit a letter of request to Chief, Firearms Technology Branch, 244 Needy Road, Martinsburg, WV 25405. The letter of request must show that the alternate means of identification is reasonable, and will not hinder the effective administration of the regulations. The request must contain the following information:

- Statements regarding the reasonableness of the request
- Identity of the maker of the firearm frame or receiver ◦

- Name
  - Address
  - City
  - State
- Identity of the recipient of the firearm frame or receiver
  - Name
  - Address
  - City
  - State
- Identity of any other participant in the manufacturing process
  - Name
  - Address
  - City
  - State
- Manufacturing process to be completed
  - Identity of the model of the firearm
  - Identity of the type/style of the firearm
  - Identity of the make
  - Identity of the caliber or gauge
  - Identity of the serial number scheme to be used

If the ultimate manufacturer of the firearms has any proprietary concerns regarding disclosing the identity of any of the participating secondary manufacturers to all of the other secondary manufacturers contracted or subcontracted to perform work on the firearms, the ultimate manufacturer can submit individual letters of request to ATF indicating each of the secondary manufacturers separately who are participating in the manufacturing process. ATF will address each request in a separate marking variance approval so the identity of the secondary manufacturers is kept proprietary.

To facilitate the process and eliminate unnecessary delay, you can attach a copy of all Federal firearms licenses for each manufacturer and a drawing/schematic/photograph of the firearm frame or receiver to be manufactured displaying the proposed markings.

We trust that your compliance will not be an inconvenience. As always, we thank you for your cooperation.



Audrey Stucko  
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