

ATF FFL Newsletter

Federal Firearms Licensees Information Service provided by the
Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms,
Washington, D.C.

MANUFACTURER'S ANNUAL REPORT-FORM 4483 A

The deadline for filing (1992) Annual Firearms Manufacturing and Exportation Report, Form 4483 A, is April 1, 1993. This report is to be filed by all type 07 and 10 manufacturers.

We would like to clarify several recurring questions as to who must file Forms 4483 A and what should be reported.

1. All type 07 and 10 licensees must file annually.
2. Manufacturers who produce solely for the military must file showing 0 production and an notation indicating "manufacture solely for the military."
3. Those licensees who manufacture frames and/or receivers which are then transferred to another licensed firearms manufacturer for the purposes of final finishing and assembly should file showing 0 production with a notation stating "manufacturer of frames and/or receivers only."
4. Manufacturers of destructive devices must file annual production reports; however, if production is solely for the military a negative (0) report should be filed.
5. Only the actual manufacturer is required to report exportation of firearms. Firearms acquired from another manufacturer and exported, should not be reported as exported. Instead, a negative (0) report should be filed.

If you have any questions contact Specialist Linda Deel, Firearms and Explosives Operations Branch, at 202-927-8052.

CHANGE OF ADDRESS

As a reminder, all Federal firearms licensees are required to notify the Firearms and Explosives Licensing Center, no less than 10 days prior to changing your business address. Report changes to: Firearms and Explosives Licensing Center, P.O. Box 2994, Atlanta, Georgia 30301, or contact the office at 1-800-366-5423.

IMPORTATION OF ARMS FROM CERTAIN COUNTRIES

ATF has amended the regulations in 27 CFR Part 47 to conform to the Department of State's International Traffic in Arms Regulations, allowing the importation of defense articles such as firearms, ammunition, and implements of war from Poland, Hungary, Czechoslovakia, and East Germany. This change to the regulations removed these areas from the list of proscribed countries from which defense articles are not approved for importation. For additional information, contact the Firearms and Explosives Imports Branch at 202- 927-8320.

FIREARMS AND EXPLOSIVES DIVISION PERSONNEL CHANGES

There have been several recent personnel changes within the Firearms and Explosives Division (Compliance Operations) that industry members should be aware of:

Terry L. Cates
Chief, Firearms and Explosives Division

Terry Cates has been with ATF for 21 years, his most recent assignment being Chief, Industry Compliance Division. Terry has also been Chief,

Tax and Trade Compliance Branch and the National Firearms Act Branch.

William K. Davis
Deputy Chief, Firearms and Explosives Division

William Davis has worked for ATF for 23 years. His most recent assignment, before returning to Headquarters was Chief, Field Operations in ATF's North Atlantic Region.

Other division managers are:

Anthony A. Fleming
Chief, Firearms and Explosives Operations Branch

Evans W. Miller
Chief, National Firearms Act Branch

Carmen L. Lewis
Chief, Firearms and Explosives Imports Branch

Loy A. Haynes
Chief, Firearms and Explosives Licensing Center

Lavonda M. Parker
Assistant Chief, Firearms and Explosives Licensing Center

Robert P. Ruhf
Technical Advisor, Firearms and Explosives Division

EXTENSION OF TERM ON IMPORT PERMITS

ATF has amended the regulations in 27 CFR Parts 47 and 179 to extend the term of import permits for certain firearms and defense articles from six-months to one year. The additional time will allow importers sufficient time to complete the importation of the authorized commodity. In addition, it will eliminate the need for the importer to submit a new import application, ATF Form 6, because the importation was not completed within the six-month period. This change will reduce the paperwork burden on the firearms industry and increase the efficiency of ATF in processing import applications. For additional information, contact the Firearms and Explosives Imports Branch 202- 927-8320.

ATF FORM 4473, FIREARMS TRANSACTION RECORD

ATF inspectors are discovering many instances where FFLs are incorrectly using the "Is Known To Me" block in Section B of ATF Form 4473. Use of this block indicates the dealer (or representative) knows the individual well enough to verify the purchaser's identity, place of residence, and age. If the person signing item 18 of the Form 4473 cannot certify the accuracy of the information supplied by the buyer in items 1, 5, and 6 of the form, the block "Is Known To Me" should not be used. Failure to verify the accuracy of this information is a violation of the requirements of the Gun Control Act of 1968, as amended, and may result in criminal and/or administrative action against the firearms dealer.

Satisfactory identification of a firearms purchaser must establish the purchaser's name, age or date of birth, place of residence, and verification of the purchaser's signature. A driver's license is particularly appropriate. Social Security cards, alien registration receipt cards, and military identification cards are not, in and of themselves, acceptable to identify potential firearms purchasers. The Social Security card is unsatisfactory because no address or date of birth is shown. While the alien registration card and military identification show name, age or date of birth, as well as other identifying information, the State of residence is not shown. While a particular document may not be sufficient to meet the statutory requirement for identifying the purchaser, any combination of documents that together disclose the required information listed above concerning the purchaser is acceptable. For example, a military identification card and a means of identification that establishes State of residence would be sufficient.

FIREARMS AND AMMUNITION EXCISE TAX

ATF regional technical services offices have requested that taxpayers filing ATF Forms 5300.26 and 5300.27 for Firearms and Ammunition Excise Tax be advised of the following:

1. Taxpayers should include their Employer Identification Number (EIN) on all deposit slips, tax returns, and correspondence.
2. Item 23 on the tax return, ATF F 5300.26, Total Tax Liability, should reflect only tax

due, not total taxable sales. The total for the six semi-monthly deposit periods should equal the amount entered on line 23.

3. All checks must be accompanied by either a deposit slip (ATF F 5300.27) or tax return.
4. All changes of name and or address are to be reported to your ATF regional office (addresses appear on back cover of this newsletter).
5. When operations are terminated, a final return must be filed in accordance with 27 CFR 53.152.

FIREARMS SALES TO CANADIAN CITIZENS

Removal of a firearm from the United States by an alien is an exportation. For all exportations of firearms (except sporting shotguns) to Canada, the person exporting the firearm must present a Shipper Export Declaration, (Department of Commerce Form 7525-V), to the U.S. Customs Service prior to, or at the time of exportation, Licensees located near the Canadian border may deliver the firearm to the border, present a Form 7525-V to Customs and arrange to have the Canadian receive the firearm in Canada. A licensee **cannot** transfer a firearm over-the-counter to a Canadian citizen, unless they meet State residency requirements under the Gun Control Act. For more information on sales of firearms to aliens in the United States, see page 92 of (Your Guide to) Federal Firearms Regulation, ATF Publication 5300.4.

ADVERTISEMENTS ABOUT PRE-NOVEMBER 1981 AR15 DROP-IN AUTO SEARS

Advertisements have appeared in various publications for the sale of AR15 drop-in auto sears (for similar devices known by other names). The advertisements generally advise that the devices are approved by ATF and do not need to be “transferred”, that they may be purchased directly through the advertisement.

These advertisements are misleading, as possession of one of these devices could result in a violation of the National Firearms Act.

In 1981, ATF Ruling 81-4 was issued which classified an auto sear known by various trade names including “AR 15 Auto Sear”, “Drop-in Auto Sear”, and “Auto Sear II”, as a machinegun. The ruling did not apply to the subject auto sears manufactured before November 1, 1981. Thus, the “pre-November 1981” AR 15 type drop-in auto sears do not require registration to be possessed in and of themselves. However, if the subject drop-in auto sear is possessed in conjunction with the M 16 components listed in the ruling, the combination is a machinegun as defined. In 1986, Federal law changed to prohibit private possession or transfer of machineguns manufactured on or after May 19, 1986. This change precluded the further manufacture of machineguns for private possession.

Therefore, a “pre-November 1981” AR 15 type drop-in auto sear that was not registered as a machinegun prior to May 19, 1986, may not be lawfully used to make a machinegun. For more information, contact the NFA Branch at Bureau of Alcohol, Tobacco and Firearms, NFA Branch, Washington, DC 20226, or 202-927-8330.

MANUFACTURE OF “ANY OTHER WEAPON” FIREARMS

Every qualified manufacturer of National Firearms Act (NFA) firearms must file with ATF an accurate notice on Forms 2 (Firearms), Notice of Firearms Manufactured or Imported, to show the manufacture of such firearms. Receipt of the Forms 2 by ATF effectuates the registration of the firearms on that notice. However, ATF has received a large number of Forms 2 to register certain firearms as “any other Weapons” that should have been registered as either short-barrel rifles or short-barrel shotguns.

The NFA defines the term “firearm”, in part, as (1) a shotgun having a barrel or barrels of less than 18 inches in length; (2) a weapon made from a shotgun if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length; (3) a rifle having a barrel or barrels of less than 16 inches in length; (4) a weapon made from a rifle, if such weapon as modified has an overall length of less than 26 inches or barrel or barrel of less than 16 inches in length; and (5) “any other weapons”. The term “shotgun” is defined as a weapon designed or

redesigned and intended to be fired from the shoulder and designed or redesigned to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of projectiles or a single projectile for each pull of the trigger. The term "rifle" is defined as a weapon designed or redesigned and intended to be fired from the shoulder and designed or redesigned to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger. The term "any other weapon" is defined to include any weapon or device capable of being concealed on the person from which a shot can be discharged through the energy of an explosive, and a pistol or revolver having a barrel with a smooth bore designed or redesigned to fire a fixed shotgun shell.

The classification of NFA weapons as short-barrel rifles, short-barrel shotguns, or any other weapons is dependent, to a large extent, on the original configuration of the weapon. Thus, if the weapon to be registered originally had a shoulder stock, it would be designed and intended to be fired from the shoulder, and would be classified as either a shotgun or a rifle. Modifying such shotguns or rifles to an overall length of less than 26-inches would result in the manufacture of a short-barrel shotgun or rifle. Modifying the barrels to less than 18-inches in the case of a shotgun or less than 16-inches in the case of a rifle would result in the manufacture of a weapon made from a shotgun or a weapon made from a rifle, and not an "any other weapon".

Therefore, in order to be classified as an "any other weapon", the qualified manufacturer must use a receiver that has never had a shoulder stock attached or that has never been possessed in conjunction with a shoulder stock.

In order to avoid confusion and delay in processing Forms 2 relating to "any other weapons", we recommend that such Forms 2 be accompanied by a statement that the weapon never had a shoulder stock attached or has never been possessed in conjunction with a shoulder stock.

For more information, contact the NFA Branch at the Bureau of Alcohol, Tobacco and Firearms, NFA Branch, Washington, DC 20226, or 202-927-8330.

RENEWAL OF YOUR LICENSE

The ATF Firearms and Explosives Licensing Center (FELC) will send a renewal application to you about 60 days before the expiration date shown on your license(s). If you have not received your renewal application 30 days before the license expiration date, and you want to stay in business, please contact the FELC at 1-800-366-5423. If you want to renew your license, you must complete and send the application, with the fee attached, to the address specified on the form before the license expiration date, you may continue to operate under the expired license until you receive your new license.

LIST OF ARMOR PIERCING AMMUNITION

1. KTW ammunition, all calibers, (Identified by a green coating on the projectile)
2. ARCANE ammunition, all calibers, (identified by a pointed bronze or brass projectile)
3. THV ammunition, all calibers, (identified by a brass or bronze projectile and having a head stamp containing the letters SFM and THV)
4. Czechoslovakian manufactured 9mm Parabellum (Luger) ammunition having an iron or steel bullet core, (identified by a cupro nickel jacket and a head stamp containing a triangle, star, and dates of 49, 50, 51, or 52; this bullet is attracted to a magnet)
5. German manufactured 9mm Parabellum (Luger) ammunition having an iron or steel bullet core (original packaging is marked Pistolenpatronen 08m.E; this bullet is attracted to a magnet)
6. MSC .25ACP caliber ammunition (identified by a hollow point bronze bullet)
7. Black Steel Armor Piercing Ammunition as produced by National Cartridge, Atlanta, Georgia.

8. Black Steel Metal Piercing Ammunition as produced by National Cartridge, Atlanta, Georgia.
9. 7.62mm NATO AP (identified by a black coloring on the bullet tip; this ammunition is produced in various NATO countries; the U.S. military designation is MP61 AP)
10. 7.62mm NATO SLAP (identified by a projectile having a plastic sabot around a hard penetrator; the penetrator protrudes above the sabot and is similar in appearance to a Remington accelerator cartridge)
11. PMC Ultramag .38 Special caliber, constructed entirely from a brass type material, and a plastic pusher disc located at the base of the projectile. [Note: The currently available .38 Special caliber PMC Ultra Mag ammunition is not armor piercing. The ammunition contains a copper bullet. The stock number for the Ultra Mag ammunition that is not armor piercing is 38J SPL+P 66 THP (Ultramag.)]
12. Ominshock; a .38 Special cartridge with a lead bullet containing a mild steel core with a flattened head resembling a wad cutter.

The following articles were exempted from the "armor piercing ammunition" definition:

1. 5.56mm (.223) SS 109 ammunition; may be identified by a green coating on the bullet tip.
2. 5.56mm (.223) M 855 ammunition; may be identified by a green coating on the bullet tip.

INTERSTATE TRANSPORTATION OF PERSONALLY OWNED FIREARMS

Notwithstanding State and local laws, any person who is not otherwise prohibited from possessing firearms is entitled to transport a firearm for any lawful purpose from any place where they may lawfully possess and carry such firearm to any other place where they may lawfully possess and carry the firearm. However, during such

transportation, the weapon must be unloaded and neither the firearm nor any ammunition may be readily accessible from the passenger compartment of the transporting vehicle. In the case of a vehicle without a trunk, the firearm and ammunition must be contained in a locked container other than the glove compartment of the vehicle.

In the case of certain NFA weapons, e.g. machineguns, destructive devices, short-barrel rifles, and short-barrel shotguns, persons other than Federal firearms licensees must obtain permission from ATF (NFA Branch) before transporting such firearms in interstate commerce.

REGIONAL DIRECTOR'S OFFICES

230 S. Dearborn Street, 15 th Floor Chicago, Illinois 60604	312-353-1967
Federal Building, Room 6519 550 Main Street Cincinnati, Ohio 45202	513-684-3334
6 World Trade Center, 6 th Floor New York, New York 10048	212-264-2328
Curtis Center, Suite 875 W Independence Square West Philadelphia, Pennsylvania 10106	215-597-4107
2600 Century Parkway, NE Atlanta, Georgia 30345	404-679-5010
1114 Commerce Parkway, NE Dallas, Texas 75242	214-767-2281
221 Main Street, 11 th Floor San Francisco, California 94105	415-744-7013

