

**18 U.S.C. 923(i): IDENTIFICATION OF FIREARMS**  
**26 U.S.C. 5842(a): IDENTIFICATION OF FIREARMS**  
**27 CFR 478.92(a): IDENTIFICATION OF FIREARMS**  
**27 CFR 478.92(a)(4)(i): ALTERNATE MEANS OF IDENTIFICATION**  
**27 CFR 479.102(a): IDENTIFICATION OF FIREARMS**  
**27 CFR 479.102(c): ALTERNATE MEANS OF IDENTIFICATION**

*ATF authorizes licensed manufacturers who perform a manufacturing process on firearms for, or on behalf of, another licensed manufacturer not to place their serial numbers and other required identification markings on the firearms, provided such firearms already have been properly marked with a serial number and other identifying markings as required by 27 CFR 478.92(a) and 479.102(a) and that all of the other requirements stated in this ruling have been met.*

**ATF Rul. 2009-5**

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has received inquiries from Federally licensed manufacturers concerning the requirement that each manufacturer performing a manufacturing process on a firearm, including a frame or receiver, place their identifying markings on each firearm.

Many licensed manufacturers contract with other licensed manufacturers to perform various steps in the manufacturing process on firearms that already have a serial number and other required markings, and who then distribute those firearms to another licensed manufacturer, or into the wholesale or retail market. The manufacturers performing a manufacturing process for another manufacturer often ask ATF for approval not to place their marks of identification on the firearms. ATF has approved many of these “non-marking variance” requests after finding that certain conditions were met.

The Gun Control Act of 1968 (GCA), at Title 18, United States Code (U.S.C.), section 923(i), and the National Firearms Act (NFA), at Title 26, U.S.C., section 5842(a), require all licensed importers and manufacturers to identify each firearm imported or manufactured by means of a serial number engraved or cast on the frame or receiver of the weapon, in such manner as the Attorney General shall by regulations prescribe. Federal regulations at 27 CFR 478.92(a) and 479.102(a) prescribe the requirements for serialization and other marks of identification that must be placed on firearms.

Persons with a valid Federal importer or manufacturer license may seek approval to use an alternate means of identification of firearms. Sections 478.92(a)(4)(i) and 479.102(c) of Title 27, Code of Federal Regulations (CFR), provide that the Director may authorize other means of identification upon receipt of a letter application showing that such other identification is reasonable and will not hinder the effective administration of the firearms regulations.

The unique marks of identification of firearms serve several purposes. First, the marks are used by Federal firearms licensees to effectively track their firearms inventories and maintain all required records. Second, the marks enable law enforcement officers to trace specific firearms used in crimes from the manufacturer or importer to individual purchasers, and to identify particular firearms that have been lost or stolen. Further, marks help prove in certain criminal prosecutions that firearms used in a crime have travelled in interstate or foreign commerce.

Multiple identification markings may be confusing to law enforcement and potentially hinder effective tracing of firearms used in crimes. Therefore, ATF finds that the other means to identify firearms specified in this ruling are reasonable and will not hinder the effective administration of the firearms regulations.

Licensed manufacturers who perform a manufacturing process on firearms for, or on behalf of, another licensed manufacturer need not place their serial numbers and other identification markings on firearms as required by 27 CFR 478.92(a) and 479.102(a), provided the following conditions have been met:

- (1) The manufacturer is receiving the firearms, including frames or receivers, from another manufacturer.
- (2) The manufacturer is performing a manufacturing process on the firearms as directed by another manufacturer before distributing those firearms to another manufacturer or into the wholesale or retail market.
- (3) All manufacturers involved in the manufacturing process possess a valid Federal firearms manufacturer's license issued by ATF and are performing only the manufacturing processes authorized under that license.
- (4) The firearms, including frames and receivers, are already properly marked with a serial number and all other identifying markings in accordance with 27 CFR 478.92(a) and, if applicable, 479.102(a).
- (5) Prior to engaging in the manufacturing process, the manufacturer desiring not to mark must submit to ATF the following information:
  - (a) The manufacturer's name, address, and license number, and the name, address, and license number of the manufacturer for which the manufacturing process is being performed;
  - (b) A copy of the license held by each manufacturer;
  - (c) A description of the type of manufacturing process to be performed by the manufacturer desiring not to mark;
  - (d) The model(s), if assigned, of the firearms subject to the manufacturing process described;
  - (e) The serial numbers of the firearms in sequential order;

- (f) The calibers or gauges of the firearms; and
  - (g) Any other information concerning the firearms manufacturer(s) or manufacturing process that ATF may require.
- (6) The manufacturer desiring not to mark must maintain copies of its submission to ATF of the information required by this ruling with its permanent records of manufacture. The manufacturer availing itself of this ruling should retain proof of its submission to ATF (e.g., certified return receipt mail or tracking number). This proof of submission should show that it was sent to ATF's Firearms Technology Branch, or any other office that ATF may designate as the proper recipient of such information. Additionally, the manufacturer must allow ATF representatives to inspect such documents upon request at any time during business hours without a warrant.
- (7) All manufacturers involved in the manufacturing process must maintain all records required by Federal law and regulation.

Once the manufacturer has submitted the necessary documentation to ATF pursuant to this ruling, and provided the manufacturer has complied with all other conditions set forth in this ruling, no "non-marking variance" approval from ATF is required, and the manufacturer may engage in the manufacturing process for, or on behalf of, another licensed manufacturer without placing its identifying markings on the firearms in accordance with 27 CFR 478.92(a) and 479.102(a).

Licensees are reminded of their responsibility to ensure accuracy and completeness of all required records. Additionally, licensees manufacturing firearms under the NFA and 27 CFR Part 479 are reminded that this ruling applies only to the relevant marking requirements for those firearms. Manufacturers still must abide by all other provisions relating to the manufacture, transfer, and possession of NFA firearms.

*Held*, pursuant to 27 CFR 478.92(a)(4)(i) and 479.102(c), ATF authorizes licensed manufacturers who perform a manufacturing process on firearms for, or on behalf of, another licensed manufacturer not to place their serial numbers and other required identification markings on the firearms, provided such firearms already have been properly marked with a serial number and other identifying markings as required by 27 CFR 478.92(a) and 479.102(a) and that all of the other requirements stated in this ruling have been met.

*Held further*, if ATF finds that a licensed manufacturer has failed to submit to ATF all information required by this ruling, ATF may require corrective or other action by the licensee. The licensee will be required to comply with the regulations contained at 27 CFR 478.92(a) and/or 27 CFR 479.102(a) unless and until such action is taken.

*Held further*, if ATF finds that a licensed manufacturer has failed to abide by the conditions of this ruling, or is engaged in any process that hinders the effective

administration of the firearms laws or regulations, ATF may require that the licensed manufacturer comply with regulations contained at 27 CFR 478.92(a) and/or 27 CFR 479.102(a).

Date approved: November 9, 2009

Kenneth E. Melson  
Acting Director