

**Schaible, Gary N.**

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**From:** NFA OMB Comments  
**Sent:** Thursday, February 18, 2016 3:19 PM  
**To:** craigtheng .  
**Subject:** RE: Wednesday morning

The proposed revisions to the ATF Forms 1, 4 and 5 can be viewed on the ATF website ([www.atf.gov](http://www.atf.gov)). Choose the Firearms option by clicking on the word Firearms and then go to the What's New section. There is an announcement for each form which allows you to view the Federal Register information and a PDF of the form. Please direct any comments to [nfaombcomments@atf.gov](mailto:nfaombcomments@atf.gov).

Contact the NFA Branch at 304 616-4500 in regard to the status of a refund.

**From:** craigtheng . [<mailto:craigmitchell97@gmail.com>]  
**Sent:** Tuesday, February 16, 2016 6:21 PM  
**To:** NFA OMB Comments <[NFAOMBCOMMENTS@atf.gov](mailto:NFAOMBCOMMENTS@atf.gov)>  
**Subject:** Wednesday morning

Why did you testify under oath that the NFA database was 100% accurate? Also, I need a copy of the new proposed version of the ATF form 4. I also am still waiting for a refund of my \$200 for a Form 1 machine gun you guys denied last year. Who do I talk to about that? Do you ever feel bad about Waco?

60-5

**Schaible, Gary N.**

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**From:** NFA OMB Comments  
**Sent:** Thursday, February 18, 2016 3:16 PM  
**To:** erikhilderbrand@servicepump.com  
**Subject:** Proposed New ATF Forms

The proposed revisions to the ATF Forms 1, 4 and 5 can be viewed on the ATF website ([www.atf.gov](http://www.atf.gov)). Choose the Firearms option by clicking on the word Firearms and then go to the What's New section. There is an announcement for each form which allows you to view the Federal Register information and a PDF of the form. Please direct any comments to [nfaombcomments@atf.gov](mailto:nfaombcomments@atf.gov).

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**From:** Erik P. Hilderbrand [<mailto:erikhilderbrand@servicepump.com>]  
**Sent:** Thursday, February 18, 2016 10:50 AM  
**To:** Schaible, Gary N. <[Gary.Schaible@atf.gov](mailto:Gary.Schaible@atf.gov)>  
**Subject:** Proposed New ATF Forms

Mr. Schaible,

Please provide copies of the new/pending forms so that I can review and issue comments.

Application for Tax Exempt Transfer and Registration of Firearm

Application for Tax Paid Transfer and Registration of Firearm

Application to Make and Register a Firearm

Very best regards,

**Erik P. Hilderbrand**  
**1980 Washington Road**  
**Washington, PA 15301**  
**Phone (724)873-1300**  
**Facsimilie (724)873-9201**

Schaible, Gary N.

60-7

**From:** NFA OMB Comments  
**Sent:** Friday, February 26, 2016 10:05 AM  
**To:** MEREDITH SCOTT  
**Subject:** RE: Question regarding new NFA forms and rule 41F

As part of the rulemaking process, ATF published a Notice of Proposed Rulemaking, which notifies the public of proposed changes to regulations. The notice established a comment period regarding the changes. ATF evaluated the comments and issued the Final rule which resulted in the changes to the forms. Your comments cover issues discussed in the Notice and Final Rule. The Final Rule can be found on the ATF website ([www.atf.gov](http://www.atf.gov)).

ATF is currently examining options for the funding of program development and changes to the eForms system as a result of the changes to the regulations. At this time, we do not have a time frame for implementation that would allow electronic filing.

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**From:** MEREDITH SCOTT [mailto:[mscott96@comcast.net](mailto:mscott96@comcast.net)]  
**Sent:** Thursday, February 18, 2016 7:39 PM  
**To:** NFA OMB Comments <[NFAOMBCOMMENTS@atf.gov](mailto:NFAOMBCOMMENTS@atf.gov)>  
**Subject:** Question regarding new NFA forms and rule 41F

Sirs,

It is my understanding that under the new rules regarding NFA transfers that photos and fingerprints will have to be submitted with the new Forms 1, 4, etc.

I currently hold a Concealed Handgun License issued by the State of Texas. To obtain this license, I had to submit fingerprints and a photo to the state. Since those items that the ATF is now requiring on transfers using trusts has already been accepted by the State of Texas, used to complete a state background check and an FBI background check, why does that not satisfy the ATF background check requirements?

Additionally, since the fingerprints and photos can not be uploaded to the ATF online, effectively ending the eForm system, and must be submitted on old fashioned paper, the ATF is creating an expensive and unnecessary burden for itself and wasting taxpayer dollars. Are there plans to make some type of eForm system considering the new rules?

Thank you for your time,

Craig Scott  
2341 Acadiana Lane  
Seabrook, TX 77586

**Schaible, Gary N.**

60-9

**From:** NFA OMB Comments  
**Sent:** Wednesday, March 30, 2016 10:00 AM  
**To:** tim@highplainsgunshop.com  
**Subject:** RE: NFA Retail Operation Owner Comments on Forms 1/4/5

Mr. Nolan - thank you for the comments and sorry for the delay in responding. Our comments are below.

#### Form 1

Item 4i – 27 CFR 479.62 requires that the application show that making or possession of the firearm would not be in violation of law, so, yes, the information provided would be considered in the approval of an application. ATF does not capture the information provided. It is contained only on the application. This regulation section was not changed in the Final Rule.

Item 11d – the instruction provides advice as to the Federal standard.

Items 15 and 16 – the intent of these sections is to ensure that the number of Responsible Persons can be determined by the applicant and that a Form 5320.23 (National Firearms Act (NFA) Responsible Person Questionnaire) is submitted for each Responsible Person so that a person is not omitted and a background check can be completed, the absence of which would delay the approval process. ATF is interested in the Responsible Persons as part of the trust or other legal entity at the time of application. ATF is not collecting information as to subsequent changes to members of the trust or other legal entity.

You suggested an NFA carry card and the implementation of various fees. Concepts similar to your idea were submitted in response to the Notice of Proposed Rulemaking and discussed in the Final Rule.

#### Form 4

Item 13 – 27 CFR 478.98 prohibits the sale or delivery by a Federal Firearms licensee of any machinegun, short barreled rifle, short barreled shotgun, or destructive device to any person other than another Federal Firearms licensee unless the person to receive the device or firearm provides a sworn statement setting forth the reasons why there is a reasonable necessity for such person to purchase or otherwise acquire the device or firearm and that the receipt or possession of the device or firearm would be consistent with public safety. The regulation further provides that the statement is to be made on the application to transfer and register the firearm. ATF does not capture the information provided. This regulation was not changed in the Final Rule.

Item 14d – see response for item 11d (Form 1)

Items 18 and 19 – see response for items 15 and 16 (Form 1)

#### Form 5

See responses contained under Form 4.

-----Original Message-----

From: tim@highplainsgunshop.com [mailto:tim@highplainsgunshop.com]  
Sent: Thursday, February 18, 2016 10:30 PM  
To: NFA OMB Comments <NFAOMBCOMMENTS@atf.gov>  
Subject: NFA Retail Operation Owner Comments on Forms 1/4/5

To Whom it May Concern,

I ask that my comments respectfully be considered for the development of the proposed changes to the NFA forms 1, 4 and 5. I am more than happy to make myself available for intellectual and mature conversation if anyone wishes for me to elaborate on the points or clarify statements.

My comments are as follows:

Form 1:

Item 4i, Does the ATF have legal authority to use this information in determining whether or not an application should be approved or denied?

If so, I request that examples of acceptable and unacceptable reasons be published for public viewing. The information contained in this field leaves the approval or denial subject to the arbitrary opinion or mood of the examining official. This needs to be made exceptionally clear to be enforceable. The alternative is wasting resources on appeals to decisions or possible court cases.

Item 11d, Please consider removing unlawful user of marijuana (MJ), or at least define which standard of lawfulness is being evaluated.

Numerous states have approved the use of Medical MJ and some have approved recreational use of MJ. Federal law still considers MJ a controlled substance, so I request that clarification of evaluation standards be added to the instructions to provide clarity, or that the mention of marijuana is removed altogether.

Items 15 and 16 - My comments are the same for items 15 and 16 on the Form 1 as my comments on the Form 4 for items 18 and 19.

Form 4:

Item 13, Necessity Statement: I am not familiar with the specifics of the recent executive orders or details of the specifics contained therein, however I perceive the need to have a "Necessity Statement" ironically, unnecessary. Item 13 screams of privacy advocate victimization calls, and this statement only reinvigorates those that prefer small government and feel that they should not have to explain themselves or their reasons for exercising their second amendment right.

Frankly, I view myself as an independent with compassion and the willingness to evaluate both sides of an argument, and this statement causes me to be concerned. There should be no reason that someone should have to justify to an agency why they wish to purchase something that is not illegal for them to purchase. I unfortunately am unable to perceive any tangible value that including item 13 into the draft Form 4, other than being able to indiscriminately deny applications without due process or with willful disregard. The only foreseeable mitigation to the inevitable appeal is for the BATFE to publish approval and disapproval reasons for public view. Being that all scenarios or circumstances are too numerous to predict and publish, the negative impacts of the information in this field greatly outnumber anything positive that can be gained with the knowledge of this information. The only benefit I can see is that this can be used as evidence for the prosecution if a crime is committed by someone with the NFA item on this form. This is a "CYA" approach and does nothing to prevent the hypothetical crime. I am willing to re-evaluate my perception and comments on this section if an ATF representative wishes to explain why this section is included, but there are no considerations or instructions on the form explaining why BATFE needs this information.

Lastly, there are pockets of individuals that already believe the ATF is an unconstitutional agency and statements like these only make their rallying cries louder and it is the mandatory divulging of information like this that convinces

individuals that already suspect the motives of governmental agencies to change their perception from suspicion into belief--which will ultimately influence actions.

14D - Please consider removing unlawful user of marijuana (MJ), or at least define which standard of lawfulness is being evaluated. Numerous states have approved the use of Medical MJ and some have approved recreational use of MJ. Federal law still considers MJ a controlled substance, so I request that clarification of evaluation standards be added to the instructions to provide clarity, or that the mention of marijuana is removed altogether.

Items 18/19 - Please clarify why this information is required. I do not disapprove of providing this information, but I am extremely cautious about providing it. Form 4's take 6-9 months to be approved, and this is a very large time period. People's lives can change significantly in this amount of time, and what someone writes on this application may not be accurate by the time that the NFA item is transferred.

The main reason that NFA trusts have become mainstream is that the penalties for violating the National Firearms Act are so severe and the law is written in a manner that is open for interpretation with respect to enforcement. I've actually had an ATF agent explain that my wife could technically be charged with violating the NFA if she possessed my suppressor while I was deployed overseas. Clearly this violates the intent of the NFA, which is to increase public safety and to prevent those that are unfit from possessing these types of weapons from obtaining them. If you want to fix the problem, address the root cause (clarify the NFA language) rather than the symptoms of the problem (addressing actions people take to get around poorly written laws).

Including items 18 and 19 on these forms is a mistake, and this information is far more likely to be used in selective enforcement than it is to improve public safety. By forcing someone to disclose names of trustees at the time of submitting this application, the NFA -and its strict penalties- can now be selectively enforced against people that have been included in the living trust after the application has been sent to the ATF. I highly recommend removing this information altogether, or if it is something the ATF must absolutely know, include it on the 4473 so that a trustee of the trust can provide the most current information at the time of the transfer. Another alternative is to simply require anyone that is a responsible person for a revocable or irrevocable trust that contains an NFA item to submit their information

to the ATF for an NFA background check. Why not just issue an NFA carry card or something like that? The card could have an expiration date, cost the same as a tax stamp, but the privileges of the card would only grant the named individual to possess NFA items registered to any trust, and when combined with notarized trust documentation, the card and trust docs will demonstrate legal possession to an investigating officer. You could even charge the \$200 tax per registration period per individual (3 years, etc.) Then to expedite the processing of form 4's to a trust, all an approval agent would have to do is cross check the names on the form against those that have an approved NFA Trust card and provide a conditional approval that only those whose names are on the list are lawfully permitted to possess the serialized NFA item. Trust Form 4's could be approved in less than a day's time, increasing additional tax revenue on both the individual NFA cards and also for amending the Form 4 to include the most up to date trustees/RPs. Think of something like a \$20 tax form X that only adds or deletes RPs. This is a win-win.

Lastly, I am ignorant in the ways of lawyers, however I am not sure if the ATF has legal authority to force someone to disclose trustees names or the number of trustees in the trust. I'm sure that you guys have had your legal team look at this, but again...making this information mandatory only increases the intensity of which those that scream of privacy and government overreach concerns occur.

Form 5:

My concerns about the form 5 are the same concerns that are stated above in my comments regarding the form 4, items 13, 14d, 18 and 19.

If anyone would like to speak with me further, I can be reached by phone at 850-218-7899 or through email: [tim@highplainsgunshop.com](mailto:tim@highplainsgunshop.com).

Respectfully,

Tim Nolan

60-16

**Schaible, Gary N.**

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**From:** NFA OMB Comments  
**Sent:** Thursday, February 25, 2016 12:57 PM  
**To:** John Rives  
**Subject:** RE: Comment period for revised Form 1, 4, and 5?

The proposed National Firearms Act (NFA) Responsible Person Questionnaire (Form 5320.23) can be viewed on the ATF website ([www.atf.gov](http://www.atf.gov)). Choose the Firearms option by clicking on the word Firearms and then go to the What's New section. There is an announcement the form which allows you to view the Federal Register information and a PDF of the form. Please direct any comments to [nfaombcomments@atf.gov](mailto:nfaombcomments@atf.gov).

-----Original Message-----

From: John Rives [<mailto:john@therives.net>]  
Sent: Wednesday, February 24, 2016 2:54 PM  
To: NFA OMB Comments <[NFAOMBCOMMENTS@atf.gov](mailto:NFAOMBCOMMENTS@atf.gov)>  
Cc: [john@therives.net](mailto:john@therives.net)  
Subject: RE: Comment period for revised Form 1, 4, and 5?

Thank you. I have found the new Forms 1, 4, and 5.

Where can I find form 5320.23? It was announced in the Federal Register on the 17th of February.

Thanks,  
John Rives

NFAOMBCOMMENTS@atf.gov wrote:

> The proposed revisions to the ATF Forms 1, 4 and 5 can be viewed on  
> the ATF website ([www.atf.gov](http://www.atf.gov)). Choose the Firearms option by clicking  
> on the word Firearms and then go to the What's New section. There is  
> an announcement for each form which allows you to view the Federal  
> Register information and a PDF of the form. The sites you reference  
> are for the regulations when announced.

>  
> Yes, the email box is the lonely location for comment submission  
>

>  
>

> -----Original Message-----

> From: John Rives [<mailto:john@therives.net>]  
> Sent: Monday, February 22, 2016 10:52 AM  
> To: NFA OMB Comments <[NFAOMBCOMMENTS@atf.gov](mailto:NFAOMBCOMMENTS@atf.gov)>  
> Cc: Schaible, Gary N. <[Gary.Schaible@atf.gov](mailto:Gary.Schaible@atf.gov)>  
> Subject: Comment period for revised Form 1, 4, and 5?  
> Importance: High

>  
>  
> Mr. Schaible,  
>



>  
 > Will these forms be placed on Reginfo.gov or Regulations.gov for  
 > comments or is the email the only acceptable method of providing  
 > comments or asking questions regarding the revised forms?

>  
 > Thanks,  
 > John Rives

>  
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 >  
 >

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 John

Schaible, Gary N.

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60-17

**From:** NFA OMB Comments  
**Sent:** Tuesday, February 23, 2016 10:03 AM  
**To:** Darst, James  
**Subject:** RE: New Form 4 (5320.4) Comment

Thank you for catching these typographical errors. We will fix them on the forms 1, 4 and 5. For form 4, it should read 14.a through 14.h.

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**From:** Darst, James [mailto:James.Darst@drs.com]  
**Sent:** Monday, February 22, 2016 5:35 PM  
**To:** NFA OMB Comments <NFAOMBCOMMENTS@atf.gov>  
**Subject:** New Form 4 (5320.4) Comment

To whom it may concern,

After looking at the proposed new Form 4, I could not find the items 14.i and 14.j that are listed in the "Information for the Chief Law Enforcement Officer" notification instructions.

James

James Darst  
DRS Technologies, A Finmeccanica Company  
DRS RSTA - Texas Site  
PO Box 740188  
Dallas, TX 75374  
Office: 214 \ 996-2191  
Fax: 972 \ 560 - 6101  
[Mailto:JHDarst@drs-rsta.com](mailto:JHDarst@drs-rsta.com)

Schaible, Gary N.

60-18

**From:** Harley Cardwell <harley@downbythetracks.com>  
**Sent:** Wednesday, February 24, 2016 11:06 AM  
**To:** NFA OMB Comments  
**Subject:** Re: Form 4 Comments

The 4th comment is related to the electronic PDF version of the form. It was easy to use your 2006 version, but the 2014 version is not set up in an easy to use format.

On Wednesday, February 24, 2016, <[NFAOMBCOMMENTS@atf.gov](mailto:NFAOMBCOMMENTS@atf.gov)> wrote:

Thank you for your comments.

1. The tax rate is established by statute. To change the rates will require a change to the law. Similarly, the statute imposes the tax on any transfer and then provides exceptions to the imposition of the tax. The statute does not provide an exception for a transfer to a Federal Firearms licensee who has paid the special tax – the exception is only between the taxpayers.
2. We will consider these comments for items 18 and 19 with other comments received
3. This section of the form results from the requirements of 27 CFR 47.98 which requires the submission of the statement for the sale or delivery by a Federal firearms licensee to a person other than another licensee. It applies only to destructive devices, machinegun, short barreled rifles and short barreled shotguns.
4. We are not clear about the meaning of your 4<sup>th</sup> comment.

**From:** Harley Cardwell [mailto:[harley@downbythetracks.com](mailto:harley@downbythetracks.com)]  
**Sent:** Tuesday, February 23, 2016 11:59 AM  
**To:** NFA OMB Comments <[NFAOMBCOMMENTS@atf.gov](mailto:NFAOMBCOMMENTS@atf.gov)>  
**Subject:** Form 4 Comments

Hello,

I have some comments about the draft of the proposed Form 4.

**Item 1.** Only provides for a \$5 or \$200 transfer tax. As an SOT payer, I think that we should have the option to purchase NFA items from individuals without paying the \$200 tax. \$5 tax should be fine for machineguns, silencers, AOW, SBS, and SBR.

Item 12. This section uses too much space which pushes **Items 18 & 19** to a third page, unless they do not need to be sent back with the stamp. "Agency or Department Name" and "Name and Title of Official" can be on the same line. "Address" and "Date Sent to Agency" can share another line.

**Item 13** reads, in part, "...have a reasonable necessity to possess the machinegun, short-barreled rifle, short-barreled shotgun, or destructive device..." This makes no mention of **Silencers** or **Any Other Weapons**.

**PDF Text Boxes.** Please do a good job setting up the text box setting. The 2006 version of the Form 4 works very well. The 2014 version is abysmal.

Thank you,

Harley A. Cardwell

Indiana Signage Company

765-431-4315

[www.IndianaSign.Co](http://www.IndianaSign.Co)

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Thank you,

Harley A. Cardwell

Indiana Signage Company

765-431-4315

[www.IndianaSign.Co](http://www.IndianaSign.Co)

**Schaible, Gary N.**

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**From:** NFA OMB Comments  
**Sent:** Wednesday, March 9, 2016 3:19 PM  
**To:** Ben Johnson  
**Subject:** RE: 41P Question/Comment

ATF cannot direct state or local agencies as to the maintenance of personal information as the forms maintained by state and local law enforcement are not documents maintained by ATF. Each agency (including Federal, state and local agencies) has their own guidance on how to properly process, store and maintain documents.

ATF intends to upgrade the current eForms system to allow the filing of Forms 1, 4 and 5 to include the changes in 41F. No timetable has yet been established.

**From:** Ben Johnson [mailto:bpj459@gmail.com]  
**Sent:** Thursday, February 25, 2016 11:34 AM  
**To:** NFA OMB Comments <NFAOMBCOMMENTS@atf.gov>  
**Cc:** Schaible, Gary N. <Gary.Schaible@atf.gov>  
**Subject:** 41P Question/Comment

Sir

With BATFE frequently referring to Form 1s and Form 4s being tax documents, what steps will be taken to insure the privacy of my tax documents with regards to notifying the Chief LEO about sending in said forms?

Also, It seems like this is going to be a massive burden as far as paperwork goes, between mailing, receiving, mailing approved stamps, questions, etc. Are there any processes being put in place to reactive the E-Forms systems? If so, does ATF/NFA branch have any way of incorporating the CLEO notification or the fingerprints and photos with that process to further reduce the burden of the USPS?

Thank you for your time and hard work.  
Ben Johnson

Schaible, Gary N.

60-28

**From:** NFA OMB Comments  
**Sent:** Friday, February 26, 2016 10:34 AM  
**To:** Ben Johnson  
**Subject:** RE: 41P Question/Comment

The restrictions on the release of tax information are on what ATF can or cannot release. We cannot provide information to, for example, State or local agencies.

ATF is currently examining options for the funding of program development and changes to the eForms system as a result of the changes to the regulations. At this time, we do not have a time frame for implementation that would allow electronic filing.

**From:** Ben Johnson [mailto:bpj459@gmail.com]  
**Sent:** Thursday, February 25, 2016 11:34 AM  
**To:** NFA OMB Comments <NFAOMBCOMMENTS@atf.gov>  
**Cc:** Schaible, Gary N. <Gary.Schaible@atf.gov>  
**Subject:** 41P Question/Comment

Sir

With BATFE frequently referring to Form 1s and Form 4s being tax documents, what steps will be taken to insure the privacy of my tax documents with regards to notifying the Chief LEO about sending in said forms?

Also, It seems like this is going to be a massive burden as far as paperwork goes, between mailing, receiving, mailing approved stamps, questions, etc. Are there any processes being put in place to reactive the E-Forms systems? If so, does ATF/NFA branch have any way of incorporating the CLEO notification or the fingerprints and photos with that process to further reduce the burden of the USPS?

Thank you for your time and hard work.  
Ben Johnson

Schaible, Gary N.

60-32

**From:** NFA OMB Comments  
**Sent:** Thursday, April 21, 2016 1:57 PM  
**To:** 'mike haven'  
**Subject:** RE: 41f question

Thank you for your comments. The hours reported are those estimated for the public to complete and submit the form based on an estimate of the number persons submitting. Since silencers are defined by statute as a firearm under the National Firearms Act (NFA), a silencer transaction is subject to the same requirements as for any other NFA firearm. ATF's NFA Branch processes the forms in the order received giving applications by individuals the same weight as processing applications by trusts. Unfortunately, the volume is such that the processing time is longer than we wish.

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**From:** mike haven [mailto:mikemphaven@gmail.com]  
**Sent:** Sunday, March 6, 2016 11:16 PM  
**To:** NFA OMB Comments <NFAOMBCOMMENTS@atf.gov>  
**Subject:** 41f question

Sirs, as I read through the proposed rules, this section struck me as something that any citizen should be question the sanity of whoever came up this.

-  
-

5.

An estimate of the total number of respondents and the amount of time estimated for  
an average respondent to respond: An estimated 123,339  
respondents will take 3.66 hours to complete the survey.

.  
6.

An estimate of the total public burden (in hours) associated with the collection:  
The estimated annual public burden associated with this collection is 466,755  
hours

Are there some spare half a million hours a year in this govt? are these hours that taxpayers will get to fund, or are these the hours those applying to pay the tax are expected to expend? I find either insulting.  
NFA items are already taxed and checked more than needed, especially suppressors.  
The current system of waiting period on a trust is ludicrous, what can a piece of paper have in its background to check on for 7 to 10 months?  
Michael Haven

**U.S. Department of Justice****Bureau of Alcohol, Tobacco,  
Firearms and Explosives**

April 25, 2016

Washington, DC 20226

[www.atf.gov](http://www.atf.gov)

Christopher M. Bass  
The Bass Firm, PLLC  
P.O. Box 2128  
Coppell, TX 75019

Dear Mr. Bass:

This is in response to your comments submitted via email on March 8, 2016, regarding ATF Form 4 on behalf of Hill Country Class, III, LLC, d/b/a Silencer Shop.

Your first comment concerns Silencer Shop's proposed edit to instruction 2(h) to accept electronic signatures. Silencer Shop proposes that the instruction provide that "original signatures may be in ink, electronically or digitally" rather than just "in ink." To support this proposal, the letter notes that ATF already accepts electronic signatures and that Federal law requires acceptance of electronic signatures as originals.

As you may be aware, ATF has met with Mr. Dave Matheny of Silencer Shop in regard to this matter. Mr. Matheny was advised that we would consider allowing electronic signatures in the future but presently an approved variance request would be needed where the signature required is that of someone other than the submitter.

You note that the above comment is also offered to the proposed Form 1 and Form 5.

The second comment is to edit definition 1(e) to list other excluded parties for the definition of Responsible Person to include corporate shareholders and employees of a corporation, LLC or other legal entity when they possess no power or authority to direct the management and policies of an entity insofar as they pertain to firearms. The definition on the form is the definition of Responsible Person in the regulations. ATF believes the example provided in the regulations is sufficient to illustrate that the definition does not extend to all member of a trust or legal entity and will keep the instruction in its current form.

Sincerely yours,

Gary Schaible

Industry Liaison Analyst  
Firearms and Explosives Services Division



**Schaible, Gary N.**

60-33

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**From:** Christopher Bass <christopherbass01@gmail.com>  
**Sent:** Tuesday, March 8, 2016 12:08 PM  
**To:** NFA OMB Comments  
**Cc:** Dave  
**Subject:** Comment related to OMB Number 1140-0014  
**Attachments:** Silencer Shop Comments and Suggestions to Proposed Form 4.pdf

Mr. Schaible:

Attached please find Hill Country Class 3, LLC d/b/a/ Silencer Shop's comment and suggestions related to OMB Number 1140-0014, entitled Agency Information Collection Activities; Proposed eCollection eComments Requested; Application for Tax Paid Transfer and Registration of Firearm (ATF Form 4 (5320.4)).

Please let me know if you have any questions or concerns.

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Thanks,  
Christopher M. Bass  
The Bass Firm, PLLC

60-33



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**COMMENT OF HILL COUNTRY CLASS III, LLC D/B/A SILENCER SHOP**

**TO NOTICE OF PROPOSED AGENCY INFORMATION COLLECTION  
ACTIVITIES; PROPOSED ECOLLECTION ECOMMENTS REQUESTED;  
APPLICATION FOR TAX PAID TRANSFER AND REGISTRATION OF FIREARM  
(ATF FORM 4 (5320.4))**

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Respectfully submitted on behalf of Hill Country Class III, LLC d/b/a Silencer Shop by:

THE BASS FIRM, PLLC

A handwritten signature in black ink, appearing to read 'C. Bass', written over a horizontal line.

Christopher M. Bass  
The Bass Firm, PLLC  
P.O. Box 2128  
Coppell, Texas 75019  
Telephone: (214) 596-8314

Hill Country Class 3, LLC d/b/a/ Silencer Shop ("Silencer Shop") files this comment related to OMB Number 1140-0014, entitled Agency Information Collection Activities; Proposed eCollection eComments Requested; Application for Tax Paid Transfer and Registration of Firearm (ATF Form 4 (5320.4)).<sup>1</sup>

## **I. SILENCER SHOP'S INTEREST IN THE PROPOSED FORMS**

Silencer Shop is a small business owned by Dave Matheny in Austin, Texas. Silencer Shop holds a federal firearm license ("FFL") and is a special occupational taxpayer ("SOT"). Silencer Shop is technology-focused business and was founded on the principals of customer service excellence, selection, competitive-pricing, and simplifying the silencer ownership process for both partner dealers and end-users. Silencer Shop is the largest silencer dealer of firearm silencers in the country selling to both dealers and end-users. Silencer Shop has a public showroom in Austin and a large online store available at [www.silencershop.com](http://www.silencershop.com). Approximately ninety percent of Silencer Shop's non-dealer customers purchase silencers using trusts, corporations, or other legal entities.

## **II. SILENCER SHOP'S PROPOSED EDIT TO INSTRUCTION 2(h) TO ACCEPT ELECTRONIC SIGNATURES.**

The current proposed instruction 2(h) reads:

*Signatures. All signatures required on ATF Form 4 must be original in ink on both copies.*

*(1) if the applicant is an individual, the applicant shall sign the form;*

*(2) if the applicant is the estate of a decedent where the firearm is being transferred to other than a beneficiary, the executor or administrator of the estate shall sign the form;*

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<sup>1</sup> Although only Form 4 applications are directly addressed in this comment, Silencer Shop offers the same comments related to the proposed Form 5 (OMB Number 1140-0015) and Form 1 (OMB Number 1140-0011) which are also currently open for comment and contain the same language.

- (3) if the applicant is a trust or legal entity, a responsible person of the trust or legal entity shall sign the form; or  
 (4) if the applicant is a Federal firearms licensee, a responsible person of the Federal firearms licensee shall sign the form.

Silencer Shop would propose the instruction be changed to read:

*Signatures. All signatures required on ATF Form 4 must be original on both copies. Original signatures may be in ink, electronically or digitally signed.*

- (1) if the applicant is an individual, the applicant shall sign the form;  
 (2) if the applicant is the estate of a decedent where the firearm is being transferred to other than a beneficiary, the executor or administrator of the estate shall sign the form;  
 (3) if the applicant is a trust or legal entity, a responsible person of the trust or legal entity shall sign the form; or  
 (4) if the applicant is a Federal firearms licensee, a responsible person of the Federal firearms licensee shall sign the form.

In other words, Silencer Shop would suggest removing the signing "in ink" requirement in order to allow for electronic signatures and other legally acceptable "original" signatures other than those "in ink." Such a change would "[m]inimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses." OMB Number 1140-0014.

A) The ATF already accepts electronic signatures.

Although the current Form 4 instructions state that signatures must be "in ink," for many years the ATF has accepted and approved Form 4's bearing electronic signatures. Through its e-Form system the ATF has allowed Form 4's that were not signed "in ink," but were instead electronically signed.<sup>2</sup> Although temporarily not available for ATF Form 4 submissions, the ATF indicates that it plans to reopen the system to Form 4 submissions at some point. The e-Form

<sup>2</sup> The ATF indicates on the Form 4's that they were "DIGITALLY SIGNED" in the signature block.

system is currently accepting Forms 1, 2, 5, 6, 9, 10, and 11 - all with electronic signatures. Indeed, the ATF acknowledged that allowing for "Electronic Signature (for submitter and ATF personnel) -- provides enhanced authentication, validation and improves processing and approval."<sup>3</sup> Changing the instruction to indicate that electronic signatures are acceptable as originals simply conforms to the ATF's current practice of accepting electronic signatures on the Form 4.

**B) Federal Law Requires Acceptance of Electronic Signatures as Originals.**

Governmental agencies must accept private parties' use of electronic signatures.<sup>4</sup> Congress has mandated that electronic signatures are valid and must be accepted, and all federal courts who have examined the issue agree. An electronic signature is valid and enforceable under the U.S. Electronic Signature in Global and National Commerce Act of 2000 (E-SIGN). See 15 U.S.C. § 7001(a)(1) ("Notwithstanding any statute, regulation, or other rule of law ... with respect to any transaction in or affecting interstate or foreign commerce, (1) a signature, contract, or other record relating to such transaction may not be denied legal effect, validity or enforceability solely because it is in electronic form"); *see also Newton v. Am. Debt Servs., Inc.*, 854 F. Supp. 2d 712, 731 (N.D. Cal. 2012) *aff'd*, 549 Fed.Appx. 692 (9th Cir. 2013) ("Under E-SIGN, electronic records and signatures that are in compliance with E-SIGN are legally binding."); *Small Justice LLC v. Xcentric Ventures LLC*, 2014 WL 1214828, at \*4 n.2 (D. Mass., Mar. 24, 2014) ("The E-Sign Act, 15 U.S.C. § 7001, recognizes that the click of a button online can replace an actual signature."). E-SIGN "effectively sweeps away a myriad of anachronistic and inconsistent state and federal

<sup>3</sup> ATF Eforms Update, January 15, 2016, Lenora (Lee) Alston-Williams.

<sup>4</sup> *See* General Services Administration (GSA) and Federal Chief Information Officers (CIO) Council, Use of Electronic Signatures in Federal Organization Transactions v. 1.0 (January 25, 2013) (Table C-1, noting that acceptance of an electronic signature is required in all cases where a signature is required by law or regulation); Office of Management and Budget, Guidance on Implementing the Electronic Signatures in Global and National Commerce Act (E-SIGN) (E-SIGN supersedes "Federal and State statutes and agency regulations requiring the use of paper records and ink signatures.").

requirements for paper and ink documents and signatures.”<sup>5</sup> Whether electronic or otherwise, “[t]he law demands only demonstration of a person's intent to authenticate a document as [his or her] own in order for the document to be signed.” *Hamdi Halal Mkt. LLC v. United States*, 947 F.Supp.2d 159, 164 (D. Mass. 2013) (considering a definition of electronic signature in federal statute). “[R]egulations may not deny the legal effect of filings with governmental agencies solely because they are made with an electronic record.”<sup>6</sup>

The E-Sign Act defines an “electronic signature” as an electronic sound, symbol, or process attached to or logically associated with a contract or other record and executed or adopted by a person with the intent to sign the record. 15 U.S.C.A. § 7006(5). E-Sign preempts state law, other than the Uniform Electronic Transactions Act (UETA). 15 U.S.C.A. § 7002(a)(1). The overwhelming majority of states have adopted the Uniform Electronic Transactions Act (UETA) that authorizes the use of electronic signatures. The UETA states that a signature may not be denied legal effect or enforceability solely because it is in electronic form. Unif. Electronic Transactions Act § 7. It also states that if a law requires a signature, an electronic signature satisfies the law. *Id.*

### III. SILENCER SHOP’S PROPOSED EDIT TO DEFINITION 1(e) TO LIST OTHER EXCLUDED PARTIES FOR THE DEFINITION OF RESPONSIBLE PERSON.

The current proposed definition 1(e) reads, in relevant part:

*Responsible Person. . . . An example of who may be excluded from this definition of responsible person is the beneficiary of a trust, if the beneficiary does not have the capability to exercise the enumerated powers or authorities.*

Silencer Shop would propose the instruction be changed to read:

<sup>5</sup> Whittie, Robert, Electronic Records and Signatures under the Federal E-SIGN Legislation and the UETA, <http://www.law.washington.edu/Directory/docs/Winn/Electronic%20Records%20and%20Signatures.htm>

<sup>6</sup> Whittie, *supra*; see also footnote 4.

*Responsible Person. . . . Examples of who may be excluded from this definition of responsible person is 1) the beneficiary of a trust, if the beneficiary does not have the capability to exercise the enumerated powers or authorities, 2) corporate shareholders who possess no power or authority to direct the management and policies of an entity insofar as they pertain to firearms, 3) employees of a corporation, LLC, or other legal entity that possess no power or authority to direct the management and policies of an entity insofar as they pertain to firearms.*

Silencer Shop believes that adding these examples will cut down on confusion and will give legal entities such as LLC's and corporations additional clarifying guidance on who constitutes a responsible person under the new rule. These examples of exemptions are consistent with the new Rule 41-F changes and the included commentary. 27 CFR part 479. For example, the commentary related to the rule states that "the final rule has clarified the 'responsible person' definition to ensure it does not extend to all members of a trust or legal entity (e.g., by excluding from the definition corporate shareholders who do not control the management or policies of the entity with respect to firearms)." 81 FR 2657, 2704-05 (emphasis added).

Schaible, Gary N.

60-37

**From:** NFA OMB Comments  
**Sent:** Thursday, April 21, 2016 2:39 PM  
**To:** Nathan Thornton  
**Subject:** RE: NFA Forms Comments

Thank you for your comments.

- ATF intends to upgrade the existing eForms system to allow submissions of eForms in line with the new procedures of 41F. We are looking at the digital submission of photographs for the applications. The submission of fingerprints is being reviewed. We will be starting with the form 1 to accommodate individuals as well as trusts or legal entities. We hope to bring the other forms on-line as we progress.
- Form 4, item 13 – reference instruction 2e – the regulations specify the types of firearms and the circumstances. The regulations do not require this for silencers.
- For your last two comments, thank you, and the forms and instructions are being updated.

**From:** Nathan Thornton [mailto:ncthorn1623@gmail.com]  
**Sent:** Wednesday, April 13, 2016 9:39 AM  
**To:** NFA OMB Comments <NFAOMBCOMMENTS@atf.gov>  
**Subject:** NFA Forms Comments

Gary,

Please see my comments below regarding proposed changes to NFA Forms 1, 4, and 5.

- Over the last three years, ATF and its contractors have spent considerable time and taxpayer dollars attempting to build eForms into a usable form submission and tracking tool for applicants and licensed dealers alike. The new forms introduce no features that cannot be replicated in eForms. Allowing for the attachment of PDF scans of relevant photos and FD-258 cards would satisfy the new requirements. In light of these facts, the new forms should not preclude eForm's continued use for Form 1 applications and reintroduction for Form 3 and 4 submissions.

Failure to adapt eForms to accommodate the new applications would be a significant waste of taxpayer dollars. Paper forms also take longer to process and are more error prone than the electronic system. In light of the changes, ATF should communicate a status update and roadmap for the eForms project.

- Considering the effort required to collect fingerprints from multiple responsible persons, it should be possible to submit electronic versions or copies of the FD-258 cards. At this time, most law enforcement agencies use electronic fingerprint systems. Will ATF allow applicants to submit FD-258 cards containing electronically scanned or otherwise copied fingerprints?
- At minimum, an individual applicant must print, complete, and submit eleven separate sheets of paper per acquisition. For trusts and other legal entities, this total could rise as high as thirty or more sheets when entity declarations are attached. Even ignoring the possibility of eForms submissions, the new applications are positively wasteful. The new forms are not consistent with ATF's stated paperwork reduction and sustainability goals. Moreover, the time required for each NFA examiner to adequately assess each submission will inevitably prove unworkable. ATF must streamline the application process and reduce the amount of paperwork required for each acquisition.



- Proposed Form 4, item 13 ("Transferee Necessity Statement") omits silencers from the named list of NFA firearms. This should be fixed in the final version.
- The "Information for the Chief Law Enforcement Officer" section on proposed Forms 1, 4, and 5 references items that do not exist anywhere on the application. On the proposed Form 1, the passage refers to items 11i and 11j while Forms 4 and 5 refer to items 14i and 14j. In each case, these items cannot be found anywhere on the form.
- On Forms 1, 4, and 5, paragraphs 2(d)(2) and 2(d)(3) under "Definitions/Instructions" direct individual applicants to complete the entire form. However, items 15 and 16 (Form 1) and items 18 and 19 (Forms 4 and 5) do not apply to individuals. As such, it is impossible for individual applicants to complete the forms in their entirety.

Thank you,  
Nathan Thornton  
Johnstown, OH

**U.S. Department of Justice****Bureau of Alcohol, Tobacco,  
Firearms and Explosives****May 9, 2016**

Washington, DC 20226

[www.atf.gov](http://www.atf.gov)

Christopher M. Bass  
The Bass Firm, PLLC  
P.O. Box 2128  
Coppell, TX 75019

Dear Mr. Bass:

This is in response to your supplemental comments submitted via email on April 13, 2016, regarding ATF Form 4 on behalf of Hill Country Class, III, LLC, d/b/a Silencer Shop.

Your comment is to eliminate the transferee certification in that it is not required by the Final Rule. In the alternative, you suggest that ATF edit the certification to eliminate confusion. You note that the certification requires the responsible person to certify that a completed copy of the form 'has been' sent to the chief law enforcement officer when the form cannot be completed until the certification has been signed. You suggest a change of language to read that a copy of the form 'will be' sent. You also note that it is unclear as to which sections or all of the form have to be completed by an individual transferee or a trust or legal entity transferee to be considered a complete form.

ATF believes this certification is necessary as the responsible person is providing information and answering questions which can determine whether the responsible person may possess the firearm in question. If there is no certificate, then the information provided is meaningless. Thus, we will retain the certificate. As for the alternate proposal, the suggestion to change the language is a good point and ATF will change the form to reflect that the form will be, not has been, sent. We also have made changes to the form instructions to indicate which items are to be completed by an individual transferee, a trust or legal entity transferee, or both.

Sincerely yours,

Gary Schaible  
Industry Liaison Analyst  
Firearms and Explosives Services Division

Schaible, Gary N.

60-38

**From:** Christopher Bass <christopherbass01@gmail.com>  
**Sent:** Wednesday, April 13, 2016 11:37 AM  
**To:** NFA OMB Comments  
**Cc:** Dave  
**Subject:** Supplemental Comment related to OMB Number 1140-0014  
**Attachments:** Silencer Shop Form 4 Supp Comment.pdf

Mr. Schaible:

Attached please find Hill Country Class 3, LLC d/b/a/ Silencer Shop's supplemental comment and suggestions related to OMB Number 1140-0014, entitled Agency Information Collection Activities; Proposed eCollection eComments Requested; Application for Tax Paid Transfer and Registration of Firearm (ATF Form 4 (5320.4)).

Please let me know if you have any questions or concerns.

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Thanks,  
Christopher M. Bass  
The Bass Firm, PLLC

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Thanks,  
Chris Bass



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**SUPPLEMENTAL COMMENT OF HILL COUNTRY CLASS III, LLC D/B/A  
SILENCER SHOP TO NOTICE OF PROPOSED AGENCY INFORMATION  
COLLECTION ACTIVITIES; PROPOSED ECOLECTION ECOMMENTS  
REQUESTED; APPLICATION FOR TAX PAID TRANSFER AND REGISTRATION OF  
FIREARM (ATF FORM 4 (5320.4))**

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Respectfully submitted on behalf of Hill Country Class III, LLC d/b/a Silencer Shop by:

THE BASS FIRM, PLLC

Christopher M. Bass  
The Bass Firm, PLLC  
P.O. Box 2128  
Coppell, Texas 75019  
Telephone: (214) 596-8314

Hill Country Class 3, LLC d/b/a/ Silencer Shop ("Silencer Shop") files this supplemental comment related to OMB Number 1140-0014, entitled Agency Information Collection Activities; Proposed eCollection eComments Requested; Application for Tax Paid Transfer and Registration of Firearm (ATF Form 4 (5320.4)).<sup>1</sup>

# **I. SILENCER SHOP'S PROPOSED EDIT TO REMOVE OR EDIT THE CERTIFICATION.**

The Certification at the bottom of page two currently reads ". . . I certify that a completed copy of this form has been sent to the chief law enforcement officer shown in item 12, that the statements contained in this certification, and any attached documents in support thereof, are true and correct to the best of my knowledge and belief." This certification is unnecessary and confusing, and should be removed in its entirety or should be edited for clarify.

## The Certification Should be Eliminated.

The certification is altogether unnecessary and should be removed. The final Rule 41(f) simply does not require a certification. 27 CFR 479, 81 FR 2657. The final rule contains an exhaustive list of items that must be included in the Form 4, and nowhere among that list is any "certification" listed. As such the certification should be removed as unnecessary.

## It is unclear if the certification is required for entities and trust.

The instructions on the page above the certification state that state that the below items are to be "Complete[d] Only When Transferee is An Individual." However, the Instruction 2(d) (3) lists sections that are not to be completed by trust and entities but then states that "[a]ll other

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<sup>1</sup> Although only Form 4 applications are directly addressed in this comment, Silencer Shop offers the same comments related to the proposed Form 5 (OMB Number 1140-0015) and Form 1 (OMB Number 1140-0011) which are also currently open for comment and contain the same language.

items must be completed including the signing of the Transferee Certification statement by the transferee.”

It may be that the instruction on page 2 of the application relates only to questions 14-17 of the application, however that is simply not clear, especially given the placement of the certification directly under those questions with no kind of separation.

In the Alternative, the Certification Should be Revised to Cure the “Chicken and Egg” Problem.

In the alternative, the ATF should edit the certification to eliminate confusion. The current certification suffers from a severe “chicken and egg” problem. It requires that a responsible person certify that “a completed copy of this form has been sent to the chief law enforcement officer.” However, there is no way to have a *completed* form without signing the certification that the form “*has*” (past tense) already been sent. This is further confused by the instruction in Item 12 of the form which uses the future tense and states “[t]he transferee is to [future tense] provide notification of the proposed acquisition and possession of the firearm described on this Form 4 by providing a copy of the completed form to the chief law enforcement officer.”

The instruction in Item 12 seems more realistic. That the notice is something that can only be accomplished once the Form is completed, which includes a signing of the certification. There is no way an applicant can certify that a completed form has been sent, when that very certification is necessary to have a completed form. Silencer Shop would propose that the certification be changed to read:

CERTIFICATION: Under penalties imposed by 18 U.S.C. § 924 and 26 U.S.C. § 5861, I certify that a completed copy of this form will be sent to the chief law

enforcement officer shown in item 12, that the statements contained in this certification, and any attached documents in support thereof, are true and correct to the best of my knowledge and belief.

This small change makes it clear that a completed copy of the Form 23 must be sent to the chief law enforcement officer before or at the time of the application is sent to the ATF, but eliminates the problem of having to certify that something is completed when the certification itself is a prerequisite to the completion.



U.S. Department of Justice

60-42

Bureau of Alcohol, Tobacco,  
Firearms and Explosives

April 15, 2016

Washington, DC 20226

[www.atf.gov](http://www.atf.gov)

Mr. Kevin M. Dent  
4622 Rimrock Drive  
Las Cruces, New Mexico 88012

Dear Mr. Dent:

This is in response to the comments you submitted in three letters dated February 27, 2016, regarding the revisions to ATF Forms 1, 4 and 5.

Your first comment was in regard to the length of the proposed forms being 3 pages instead of 2 pages as they currently are. You note that a single sheet of paper is more convenient for the registrant to carry to prove registration. We understand your concern but the information we now need required the expansion of the form. The registrant should carry the documentation that he or she feels is necessary and may wish to have an electronic copy of the form in lieu of a paper form.

Your second comment concerns the credit/debit card payment information requested on the ATF Forms 1 and 4. As noted, the payment information is located on the third page of the form. As you noted, the regulations require a complete copy of the form to be sent to the chief law enforcement officer (CLEO) and, as in the above comment, would be visible on the registrant's form. You recommend that either the payment section be deleted and replaced with a separate form or to obscure the payment information on the registrant and CLEO copy of the form. We will obscure the payment information on copies other than retained by ATF.

Your third comment addresses the inclusion of an email address on ATF Forms 1, 4 and 5. You note that the Government, citing the Internal Revenue Manual, has recognized that email is an inherently unsecure method for transmitting confidential taxpayer information. You suggest deleting the email field or clearly identify it as optional. We do believe that it provides us with another means of communication with the applicants. However, we will note the field as the furnishing of the email address being optional.

We appreciate your comments. Please let us know if any further information is needed.

Sincerely yours,

Gary Schaible

Industry Liaison Analyst

Firearms and Explosives Services Division



4622 Rimrock Drive  
Las Cruces, New Mexico 88012

February 27, 2016

Mr. Gary Schaible  
Industry Liaison Analyst  
Bureau of Alcohol, Tobacco, Firearms, and Explosives  
99 New York Avenue NE  
Washington, DC 20226

Dear Mr. Schaible:

The purpose of this letter is to provide comments on your Agency's proposed collection of information published in the Federal Register on February 17, 2016 concerning the *Application to Make and Register a Firearm* (ATF Form 1, 5320.1) (OMB Number 1140-0011). In particular, my comments address "[h]ow the quality, utility, and clarity of the information to be collected can be enhanced . . ." and "whether the proposed collection of information is necessary for the proper performance of the functions of the agency . . ." as provided in the solicitation notice.

### *I. Background and Proposed Changes*

The ATF Form 1 is utilized by your Agency in the execution of its statutory responsibilities under the National Firearms Act. Recent amendments to the implementing regulations have removed the requirement for the Chief Law Enforcement Officer's Certification (item 10 in the current version of the form dated June 2014). In the proposed form, replacing this certification section is a new requirement that the Applicant provide a copy of the complete application to the Chief Law Enforcement Officer (CLEO) and certify as much on the Form 1.

The current version of the Form 1 is three pages long, plus additional pages of instructions. The third page consists of item 17, Method of Payment, which includes a credit card blank for payment of the NFA tax. The proposed Form 1 also contains this Method of Payment section on page three with additional blanks for information concerning responsible persons for trusts or other legal entities, also implementing recent changes to the regulations requiring fingerprints and a background investigation for those persons.

The proposed Form 1 also contains an added item 3f on page one for the Applicant's e-mail address.

Mr. Schaible  
Page 2  
February 27, 2016

## *II. Comments on Proposed Form.*

1. *Length of Form.* Both the current (June 2014) and proposed versions of this form are three pages long. Previous versions, such as July 2004, were two sided and printed as front and back of a single sheet of paper. A single sheet of paper is substantially more convenient for a registrant who carries a copy of the approved Form 1 as proof of compliance with the National Firearms Act. This is especially important for registrants who live, or travel through, states where short-barrel shotguns, machineguns, etc. are prohibited unless registered in the NFRTR.<sup>1</sup> For these registrants, having a copy of an approved form available is the difference between being able to satisfy a curious police officer on the spot versus temporarily losing the firearm and facing arrest for a felony.

2. *Method of Payment Section.* While credit card payments are more convenient for many Applicants than mailing a check or money order, inclusion of credit card information on the Form 1 is ill-advised. In particular, as discussed in item one above, many registrants carry a copy of their completed form. Additionally, the new regulation requires that a complete copy of the form, including page three, be provided to the Chief Law Enforcement Officer. Placement of credit card information on the Form 1 increases the risk that an unauthorized person, outside of BATFE's ability to control, may obtain access. For this reason, I recommend that the Method of Payment section either be deleted and a new payment form created, or that payment section be obscured on the CLEO and registrant copy of the form, as the Agency has done with the current ATF Forms 7 and 7CR.

3. *E-Mail Address Block.* Item 3f of the proposed Form 1 solicits the Applicant's e-mail address; previous versions of the form did not. While some Applicants may prefer to communicate with the Agency via this method, the Government has recognized in its own instructions that e-mail is an inherently unsecure method for transmitting confidential taxpayer information.<sup>2</sup> Additionally, neither the statute, nor the implementing regulations, require solicitation of an e-mail address. I recommend that either the e-mail address block be deleted; or that it be clearly identified as an optional entry in item 3f and that the instructions amended to include both an explanation that e-mail is an inherently unsecure method of communication and that entry of an e-mail address is consent by the Applicant based upon an understanding of that risk.

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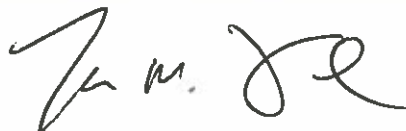
<sup>1</sup> See, e.g., Texas Penal Code § 46.05 ("A person commits an offense if the person intentionally or knowingly possesses, manufactures, transports, repairs, or sells: (1) any of the following items, unless the item is registered in the National Firearms Registration and Transfer Record maintained by the Bureau of Alcohol, Tobacco, Firearms and Explosives or classified as a curio or relic by the United States Department of Justice: (A) an explosive weapon; (B) a machine gun; (C) a short-barrel firearm; or (D) a firearm silencer . . .")

<sup>2</sup> See, e.g., *Internal Revenue Manual*, paragraph 11.3.2.6 ("[I]f asked to submit tax information via e-mail to a verified caller, you cannot transmit that information. Although the requester has a legal right to that information, e-mail is not an approved secure method. As an alternative, the information can be provided via regular mail or another acceptable method.")

Mr. Schaible  
Page 3  
February 27, 2016

I appreciate the opportunity to provide comments on this proposed information collection activity.

Very truly yours,

A handwritten signature in black ink, appearing to read "K. M. Dent", with a stylized flourish at the end.

Kevin M. Dent



U.S. Department of Justice

Bureau of Alcohol, Tobacco,  
Firearms and Explosives

60-43

April 15, 2016

Washington, DC 20226

[www.atf.gov](http://www.atf.gov)

Mr. Kevin M. Dent  
4622 Rimrock Drive  
Las Cruces, New Mexico 88012

Dear Mr. Dent:

This is in response to the comments you submitted in three letters dated February 27, 2016, regarding the revisions to ATF Forms 1, 4 and 5.

Your first comment was in regard to the length of the proposed forms being 3 pages instead of 2 pages as they currently are. You note that a single sheet of paper is more convenient for the registrant to carry to prove registration. We understand your concern but the information we now need required the expansion of the form. The registrant should carry the documentation that he or she feels is necessary and may wish to have an electronic copy of the form in lieu of a paper form.

Your second comment concerns the credit/debit card payment information requested on the ATF Forms 1 and 4. As noted, the payment information is located on the third page of the form. As you noted, the regulations require a complete copy of the form to be sent to the chief law enforcement officer (CLEO) and, as in the above comment, would be visible on the registrant's form. You recommend that either the payment section be deleted and replaced with a separate form or to obscure the payment information on the registrant and CLEO copy of the form. We will obscure the payment information on copies other than retained by ATF.

Your third comment addresses the inclusion of an email address on ATF Forms 1, 4 and 5. You note that the Government, citing the Internal Revenue Manual, has recognized that email is an inherently unsecure method for transmitting confidential taxpayer information. You suggest deleting the email field or clearly identify it as optional. We do believe that it provides us with another means of communication with the applicants. However, we will note the field as the furnishing of the email address being optional.

We appreciate your comments. Please let us know if any further information is needed.

Sincerely yours,

Gary Schaible

Industry Liaison Analyst  
Firearms and Explosives Services Division

4622 Rimrock Drive  
Las Cruces, New Mexico 88012

February 27, 2016

Mr. Gary Schaible  
Industry Liaison Analyst  
Bureau of Alcohol, Tobacco, Firearms, and Explosives  
99 New York Avenue NE  
Washington, DC 20226

Dear Mr. Schaible:

The purpose of this letter is to provide comments on your Agency's proposed collection of information published in the Federal Register on February 17, 2016 concerning the Application for Tax-Paid Transfer and Registration of a Firearm (ATF Form 4, 5320.4) (OMB Number 1140-0014). In particular, my comments address "[h]ow the quality, utility, and clarity of the information to be collected can be enhanced . . ." and "whether the proposed collection of information is necessary for the proper performance of the functions of the agency . . ." as provided in the solicitation notice.

*I. Background and Proposed Changes*

The ATF Form 4 is utilized by your Agency in the execution of its statutory responsibilities under the National Firearms Act. Recent amendments to the implementing regulations have removed the requirement for the Chief Law Enforcement Officer's Certification (item 13 in the current version of the form dated July 2014). In the proposed form, replacing this certification section is a new requirement that the Transferee provide a copy of the complete application to the Chief Law Enforcement Officer (CLEO) and certify as much on the Form 4.

The current version of the Form 4 is three pages long, plus additional pages of instructions. The third page consists of item 21, Method of Payment, which includes a credit card blank for payment of the NFA tax. The proposed Form 4 also contains this Method of Payment section on page three; with additional blanks for information concerning responsible persons for trusts or other legal entities, also implementing recent changes to the regulations requiring fingerprints and a background investigation for those persons.

The proposed Form 4 also contains an added item 3e on page one for the Transferor's e-mail address.

Mr. Schaible  
Page 2  
February 27, 2016

## *II. Comments on Proposed Form.*

1. *Length of Form.* Both the current (July 2014) and proposed versions of this form are three pages long. Previous versions were two sided and printed as front and back of a single sheet of paper. A single sheet of paper is substantially more convenient for a registrant who carries a copy of the approved Form 4 as proof of compliance with the National Firearms Act. This is especially important for registrants who live, or travel through, states where short-barrel shotguns, machineguns, etc. are prohibited unless registered in the NFRTR.<sup>1</sup> For these registrants, having a copy of an approved form available is the difference between being able to satisfy a curious police officer on the spot versus temporarily losing the firearm and facing arrest for a felony.

2. *Method of Payment Section.* While credit card payments are more convenient for many Transferors than mailing a check or money order, inclusion of credit card information on the Form 4 is ill-advised. In particular, as discussed in item one above, many registrants carry a copy of their completed form. Additionally, the new regulation requires that a complete copy of the form, including page three, be provided to the Chief Law Enforcement Officer. Placement of credit card information on the Form 4 increases the risk that an unauthorized person, outside of BATFE's ability to control, may obtain access. For this reason, I recommend that the Method of Payment section either be deleted and a new payment form created, or that payment section be obscured on the CLEO and registrant copy of the form, as the Agency has done with the current ATF Forms 7 and 7CR.

3. *E-Mail Address Block.* Item 3e of the proposed Form 4 solicits the Transferor's e-mail address; previous versions of the form did not. While some Transferors may prefer to communicate with the Agency via this method, the Government has recognized in its own instructions that e-mail is an inherently unsecure method for transmitting confidential taxpayer information.<sup>2</sup> Additionally, neither the statute, nor the implementing regulations, require solicitation of an e-mail address. I recommend that either the e-mail address block be deleted; or that it be clearly identified as an optional entry in item 3e and that the instructions be amended to include both an explanation that e-mail is an inherently unsecure method of communication and that entry of an e-mail address is consent by the Transferor based upon an understanding of that risk.

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<sup>1</sup> See, e.g., Indiana Code § 35-47-5-8 (prohibiting possession of a machine gun) & § 35-47-5-10(7) (providing an exception to § 35-47-5-8 for "possessing, or having applied to possess, machine guns under applicable United States statutes."

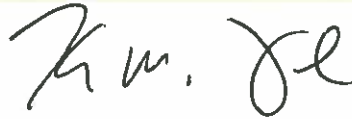
<sup>2</sup> See *Internal Revenue Manual*, paragraph 11.3.2.6 ("[I]f asked to submit tax information via e-mail to a verified caller, you cannot transmit that information. Although the requester has a legal right to that information, e-mail is not an approved secure method. As an alternative, the information can be provided via regular mail or another acceptable method.")

Mr. Schaible  
Page 3  
February 27, 2016

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I appreciate the opportunity to provide comments on this proposed information collection activity.

Very truly yours,

A handwritten signature in black ink, appearing to read "K.M. Dent". The signature is written in a cursive, flowing style with a large, stylized "K" and "D".

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Kevin M. Dent



U.S. Department of Justice

60-44

Bureau of Alcohol, Tobacco,  
Firearms and Explosives

April 15, 2016

Washington, DC 20226

[www.atf.gov](http://www.atf.gov)

Mr. Kevin M. Dent  
4622 Rimrock Drive  
Las Cruces, New Mexico 88012

Dear Mr. Dent:

This is in response to the comments you submitted in three letters dated February 27, 2016, regarding the revisions to ATF Forms 1, 4 and 5.

Your first comment was in regard to the length of the proposed forms being 3 pages instead of 2 pages as they currently are. You note that a single sheet of paper is more convenient for the registrant to carry to prove registration. We understand your concern but the information we now need required the expansion of the form. The registrant should carry the documentation that he or she feels is necessary and may wish to have an electronic copy of the form in lieu of a paper form.

Your second comment concerns the credit/debit card payment information requested on the ATF Forms 1 and 4. As noted, the payment information is located on the third page of the form. As you noted, the regulations require a complete copy of the form to be sent to the chief law enforcement officer (CLEO) and, as in the above comment, would be visible on the registrant's form. You recommend that either the payment section be deleted and replaced with a separate form or to obscure the payment information on the registrant and CLEO copy of the form. We will obscure the payment information on copies other than retained by ATF.

Your third comment addresses the inclusion of an email address on ATF Forms 1, 4 and 5. You note that the Government, citing the Internal Revenue Manual, has recognized that email is an inherently unsecure method for transmitting confidential taxpayer information. You suggest deleting the email field or clearly identify it as optional. We do believe that it provides us with another means of communication with the applicants. However, we will note the field as the furnishing of the email address being optional.

We appreciate your comments. Please let us know if any further information is needed.

Sincerely yours,

Gary Schaible

Industry Liaison Analyst  
Firearms and Explosives Services Division



4622 Rimrock Drive  
Las Cruces, New Mexico 88012

February 27, 2016

Mr. Gary Schaible  
Industry Liaison Analyst  
Bureau of Alcohol, Tobacco, Firearms, and Explosives  
99 New York Avenue NE  
Washington, DC 20226

Dear Mr. Schaible:

The purpose of this letter is to provide comments on your Agency's proposed collection of information published in the Federal Register on February 17, 2016 concerning the *Application for Tax-Exempt Registration and Transfer of Firearm* (ATF Form 5, 5320.5) (OMB Number 1140-0015). In particular, my comments address "[h]ow the quality, utility, and clarity of the information to be collected can be enhanced . . ." and "whether the proposed collection of information is necessary for the proper performance of the functions of the agency . . ." as provided in the solicitation notice.

### *I. Background and Proposed Changes*

The ATF Form 5 is utilized by your Agency in the execution of its statutory responsibilities under the National Firearms Act of 1934, as amended. Recent amendments to the implementing regulations have removed the requirement for the Chief Law Enforcement Officer's Certification (item 13 in the current version of the form dated May 2014). In the proposed form, replacing this certification section is a new requirement that the Transferee provide a copy of the complete application to the Chief Law Enforcement Officer (CLEO) and certify as much on the Form 5.

The current version of the Form 5 is two pages long, plus additional pages of instructions. The proposed Form 5 is three pages long with additional blanks for information concerning responsible persons for trusts or other legal entities, also implementing recent changes to the regulations requiring fingerprints and a background investigation for those persons, on the last page.

The proposed Form 5 also contains an added item 3c on page one for the Transferor's e-mail address.

### *II. Comments on Proposed Form.*

1. *Length of Form.* The proposed version of this form is three pages long. The previous version, dated May 2014, was two sided and printed as front and back of a

Mr. Schaible  
Page 2  
February 27, 2016

single sheet of paper. A single sheet of paper is substantially more convenient for a registrant who carries a copy of the approved Form 5 as proof of compliance with the National Firearms Act. This is especially important for registrants who live, or travel through, states where short-barrel shotguns, machineguns, etc. are prohibited unless registered in the NFRTR.<sup>1</sup> For these registrants, having a copy of an approved form available is the difference between being able to satisfy a curious police officer on the spot versus temporarily losing the firearm and facing arrest for a felony.

2. *E-Mail Address Block.* Item 3c of the proposed Form 5 solicits the Transferor's e-mail address; previous versions of the form did not. While some Transferors may prefer to communicate with the Agency via this method, the Government has recognized in its own instructions that e-mail is an inherently unsecure method for transmitting confidential taxpayer information.<sup>2</sup> Additionally, neither the statute, nor the implementing regulations, require solicitation of an e-mail address. I recommend that either the e-mail address block be deleted; or that it be clearly identified as an optional entry in item 3c and that the instructions be amended to include both an explanation that e-mail is an inherently unsecure method of communication and that entry of an e-mail address is consent by the Transferor based upon an understanding of that risk.

I appreciate the opportunity to provide comments on this proposed information collection activity.

Very truly yours,



Kevin M. Dent

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<sup>1</sup> See, e.g., Indiana Code § 35-47-5-8 (prohibiting possession of a machine gun) & § 35-47-5-10(7) (providing an exception to § 35-47-5-8 for "possessing, or having applied to possess, machine guns under applicable United States statutes."

<sup>2</sup> See *Internal Revenue Manual*, paragraph 11.3.2.6 ("[I]f asked to submit tax information via e-mail to a verified caller, you cannot transmit that information. Although the requester has a legal right to that information, e-mail is not an approved secure method. As an alternative, the information can be provided via regular mail or another acceptable method.")



U.S. Department of Justice

Bureau of Alcohol, Tobacco,  
Firearms and Explosives

May 9, 2016

Washington, DC 20226

[www.atf.gov](http://www.atf.gov)

Michael B. Williams  
General Counsel  
American Suppressor Association  
6805 Lake Forrest Drive, Suite 200A  
Atlanta, GA 30328

Dear Mr. Williams:

This is in response to your comments submitted via email on April 18, 2016, regarding ATF Form 4.

Your first comment is for ATF to remove the signed 'in ink' requirement and allow any original signature, including signatures in ink as well as electronic. To support this proposal, the letter notes that ATF already accepts electronic signatures and that Federal law requires acceptance of electronic signatures as originals. Your association proposes the amendment of instruction 2(h) accordingly.

ATF would consider allowing electronic signatures in the future but at the present time, we believe an approved variance request would be needed where the signature required is that of someone other than the submitter.

The second comment is to edit definition 1(e) to list other excluded parties for the definition of Responsible Person to include corporate shareholders and employees of a corporation, LLC or other legal entity when they possess no power or authority to direct the management and policies of an entity insofar as they pertain to firearms. The definition on the form is the definition of Responsible Person in the regulations. ATF believes the example provided in the regulations is sufficient to illustrate that the definition does not extend to all member of a trust or legal entity and will keep the instruction in its current form.

You made a final note regarding a proposed fix of a typographical error in the "Information for the Chief Law Enforcement Officer" section. Thank you and we have corrected this error.

Sincerely yours,

Gary Schaible  
Industry Liaison Analyst  
Firearms and Explosives Services Division

60-45

**Schaible, Gary N.**

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**From:** michael@americansuppressorassociation.com  
**Sent:** Monday, April 18, 2016 6:51 PM  
**To:** NFA OMB Comments  
**Subject:** Submission of ASA Comment to Proposed Form 4  
**Attachments:** ASA Comment on Revised Form 4\_Final.pdf

Dear Sir or Madam:

Please find attached a PDF version of the American Suppressor Association's comment regarding ATF's proposed changes to ATF Form 4 (Notice of proposed agency information collection activities; proposed eCollection eComments requested; application for tax paid transfer and registration of firearm (ATF Form 4 (5320.4)). We would like to submit this comment for the record. We appreciate your consideration.

Best regards,

**Michael B. Williams | General Counsel**  
**American Suppressor Association**

**Cell: 404-401-2945 | [Michael@AmericanSuppressorAssociation.com](mailto:Michael@AmericanSuppressorAssociation.com)**

**[www.AmericanSuppressorAssociation.com](http://www.AmericanSuppressorAssociation.com)**

60-45

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**COMMENT OF THE AMERICAN SUPPRESSOR ASSOCIATION  
TO NOTICE OF PROPOSED AGENCY INFORMATION COLLECTION  
ACTIVITIES; PROPOSED ECLECTION ECOMENTS REQUESTED;  
APPLICATION FOR TAX PAID TRANSFER AND REGISTRATION OF  
FIREARM (ATF FORM 4 (5320.4))**

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Respectfully submitted by the American Suppressor Association:

*Michael B. Williams*

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Michael B. Williams  
General Counsel, American Suppressor Association  
6085 Lake Forrest Drive, Suite 200A  
Atlanta, GA 30328  
Telephone: (202) 706-7615

The American Suppressor Association ("ASA") files this comment related to OMB number 1140-0014, entitled Agency Collection Activities; Proposed eCollection eComments Requested; Application for Tax-Paid Transfer and Registration of Firearm (ATF Form 4 (5320.4)).

**I. THE AMERICAN SUPPRESSOR ASSOCIATION'S INTEREST IN THE PROPOSED FORMS.**

The American Suppressor Association is a nonprofit 501(c)(6) organization dedicated to advancing the rights and common interests of suppressor manufacturers, distributors, dealers, and owners across the country. As the unified voice of the suppressor industry, the ASA's interest in the proposed revisions to ATF Form 4 stems from those of our members, including many of the largest suppressor manufacturers and distributors, nearly one hundred suppressor dealers, and thousands of individual suppressor owners. Since ATF Form 4 is used to complete the transfer of nearly all privately-owned suppressors, the proposed changes will affect the ASA's membership at every level.

**II. THE ASA'S PROPOSED EDIT TO INSTRUCTION 2(h) TO ACCEPT ELECTRONIC SIGNATURES.**

The American Suppressor Association suggests that instruction 2(h) be amended to remove the requirement that Form 4 be signed "in ink," and instead revised to allow any original signature, including signatures in ink as well as in electronic form. Such a change would "[m]inimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses." OMB Number 1140-0014. Additionally, removing the "in ink" requirement would bring the revised Form 4 in line with ATF's e-Form system, which currently

accepts Forms 1, 2, 5, 6, 9, 10, and 11 with electronic signatures. Finally, allowing Form 4's to be submitted with electronic signatures would bring the revised form in line with the U.S. Electronic Signature in Global and National Commerce Act of 2000 (E-SIGN), which mandates that Federal agencies accept private parties' use of electronic signatures. See 15 U.S.C. § 7001(a)(1).

For the reasons stated above, the American Suppressor Association proposes that instruction 2(h) be changed from its current proposed form. The current proposed version reads in relevant part:

*Signatures. All signatures required on ATF Form 4 must be original in ink on both copies.*

The ASA suggests that the above portion of instruction 2(h) be amended to read:

*Signatures. All signatures required on ATF Form 4 must be original on both copies. Original copies may be signed in ink, signed electronically, or signed digitally.*

The ASA does not propose changes to subsections (1) through (4) of the current proposed version of instruction 2(h).

### **III. THE ASA's PROPOSED EDIT TO DEFINITION 1(e) TO LIST OTHER EXCLUDED PARTIES FOR THE DEFINITION OF RESPONSIBLE PERSON.**

The American Suppressor Association believes that the list of excluded parties set forth in definition 1(e) is too narrow, and should be expanded to specifically exclude certain shareholders and employees of corporations from the definition of responsible person. In its current proposed form, definition 1(e) lists as an excluded person only the "beneficiary of a trust, if the beneficiary does not have the capability to exercise the enumerated powers or authorities." The ASA believes that this list of excluded persons should be expanded to add "corporate shareholders who possess no power or authority to direct the management policies of an entity

insofar as they pertain to firearms,” as well as “employees of a corporation, LLC, or other legal entity who possess no power or authority to direct the management policies of an entity insofar as they pertain to firearms.” Expanding the definition of excluded parties to include persons who fall into these two groups would bring the proposed Form 4 in line with the ATF’s comments to its 41-F rule, which states that “corporate shareholders who do not control the management policies of the entity with respect to firearms” are excluded from the definition of “responsible persons.” 81 FR 2657, 2704-05.

**IV. THE ASA’S PROPOSED FIX OF A MINOR TYPOGRAPHICAL ERROR ON THE INFORMATION FOR THE CHIEF LAW ENFORCEMENT OFFICER SECTION.**

The ASA would like to point out that on page two of the proposed Form 4, in the section above item 13 entitled “Information for the Chief Law Enforcement Officer,” the fourth sentence references “items 14.a. through 14.j. (except 14.i.).” At issue is the fact that question 14 begins at 14.a. and continues only to 14.h. As there is no item 14.i. or 14.j., the ASA supports fixing this portion of the sentence in the “Information for the Chief Law Enforcement Officer” section to correctly reflect the numbering of question 14.



**Schaible, Gary N.**

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**From:** Walfred Nelson <nels5@verizon.net>  
**Sent:** Monday, May 9, 2016 2:11 PM  
**To:** NFA OMB Comments  
**Subject:** Re: Question on New Form 4 and Form 5320.23

Thanks Gary.

Sent from my iPhone

On May 9, 2016, at 8:10 AM, <[NFA.OMB.Comments@usdoj.gov](mailto:NFA.OMB.Comments@usdoj.gov)> <[NFA.OMB.Comments@usdoj.gov](mailto:NFA.OMB.Comments@usdoj.gov)> wrote:

Hi, Wally! Yes, good point! We are changing the certification to reflect that a completed copy of the forms will be sent upon submission of the form 1, 4 or 5 to ATF.

---

**From:** Wally & Melanie Nelson [<mailto:Nels5@Verizon.net>]  
**Sent:** Monday, April 18, 2016 7:57 PM  
**To:** Schaible, Gary N. <[Gary.Schaible@atf.gov](mailto:Gary.Schaible@atf.gov)>; [gary.schaible@usdoj.gov](mailto:gary.schaible@usdoj.gov)  
**Subject:** Question on New Form 4 and Form 5320.23

Hi Gary, I have a question on both forms. Each has a spot for the date the form was transmitted to the CLEO agency by the transferee.

How can this date be determined before the form(s) is completed and signed by the transferee?

So they will complete the forms and they will go to the dealer submission with remittance.

Unless they are immediate going to send it, the date would not be complete until the transferee tells the dealer the form has been sent to the CLEO.

I take it ATF would not accept a form with the date not completed.

So therefore, the dealers are going to have to hold the forms until they get the transmittal date from the transferee or the RPs.

Am I making any sense?

**Schaible, Gary N.**

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**From:** NFA OMB Comments  
**Sent:** Tuesday, May 10, 2016 10:44 AM  
**To:** 'Robert Medkeff'  
**Subject:** RE: form 1,4,23 drafts

Thank you for your comments.

1. ATF considers a person to be a responsible person, regardless of the person's title, if they meet the definition of responsible person in 27 CFR 479.11. For example, if the person has the capability to exercise or possesses the power or authority under any trust instrument, or under State law, to receive, possess, ship, transport, deliver, transfer, or otherwise dispose of a firearm for, or on behalf of, the trust, then they will most likely be considered a responsible person. The definition is not a draft definition, but is final as contained in the final rulemaking.
2. Same as for item 1.
3. Our Distribution Center advises that up to 100 fingerprint cards can be ordered at a time.
4. Yes, as long as they are the blue-lined applicant cards.
5. We hope to be able to implement electronic fingerprints at some time in the near future, but until then, the fingerprints will have to be submitted on fingerprint cards.

---

**From:** Robert Medkeff [mailto:gungallerynfa@hotmail.com]  
**Sent:** Thursday, April 28, 2016 4:10 PM  
**To:** NFA OMB Comments <NFAOMBCOMMENTS@atf.gov>  
**Subject:** form 1,4,23 drafts

After reviewing the proposed drafts of ATF forms 4, 1, and 23 I am in need of clarification on a few items.

- 1) The draft definition for responsible person is unclear in regards to how it will treat a successor trustee. I have had two attorneys that are very familiar with the NFA give there opinions and they contradict each other. On one hand a successor trustee has no authority to manage or direct a trust until the trustee(s) have died. On the other hand in some trusts the successor trustee can be instrumental in the decision making process in the case a trustee is unable to act as trustee. The fact that the title successor trustee contains the word trustee also suggests that they may be considered a responsible person. So how are you (the ATF) going to define a successor trustee?
- 2) Along the same line of thought as question 1). Some trusts list individuals that, upon the question of competency raised by the successor trustee, are to vote on that question. Will these individuals be considered responsible persons? These "voters" have no real authority in the management of the trust as the successor trustee retains control of the decision making process.
- 3) The ordering of finger print cards are restricted to 2 copies per order. How am I as a FFL/SOT to handle the demand for finger print cards from my customers?
- 4) Can I use blank finger print cards and hand wright the necessary information into the ORI box?
- 5) Our local sheriffs department has been inconstant over the last 5 or so years as to doing ink finger prints. They will do electronic scans of fingerprints, and sometimes refuse to do ink finger prints with the reasoning

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that the electronic scans are available. Will the electronic scans be accepted? If not will ink finger prints from other sources (for example the UPS store) be excepted?

Sincerely,

Robert Medkeff  
NFA compliance manager

Gun Gallery Rifle Range  
10268 Beach Blvd  
Jacksonville, FL 32246  
904-641-1619 Opt. 5

Schaible, Gary N.

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60-4

**From:** NFA OMB Comments  
**Sent:** Thursday, April 21, 2016 1:34 PM  
**To:** 'Mike Holcomb'  
**Subject:** RE: Documents in German

Sorry for the delay in responding. We are only tasked with creating the forms in English and have no funding to create forms in alternative languages.

---

**From:** Mike Holcomb [mailto:mike.holcomb@gmail.com]  
**Sent:** Thursday, February 18, 2016 3:28 PM  
**To:** NFA OMB Comments <NFAOMBCOMMENTS@atf.gov>  
**Subject:** Re: Documents in German

How was the need for alternate languages determined?

How do I request the forms to submit for 41F are in German?

On Thu, Feb 18, 2016 at 12:14 PM, <NFAOMBCOMMENTS@atf.gov> wrote:

No, only in English. No need has been determined for any language other than English.

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**From:** Mike Holcomb [mailto:mike.holcomb@gmail.com]  
**Sent:** Tuesday, February 16, 2016 9:43 PM  
**To:** NFA OMB Comments <NFAOMBCOMMENTS@atf.gov>  
**Subject:** Documents in German

Will the new forms required by 41F be available in German? If not, why not?

Thank you,

Mike Holcomb

60-10

**Schaible, Gary N.**

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**From:** NFA OMB Comments  
**Sent:** Friday, February 19, 2016 9:47 AM  
**To:** Ty Timmer  
**Subject:** RE: 41f comment/question

We hope to have funding to allow the electronic submission of the forms subsequent to the changes resulting from the rulemaking. At this time, we do not know what will be developed and when.

---

**From:** Ty Timmer [mailto:tytimmer8@hotmail.com]  
**Sent:** Friday, February 19, 2016 2:59 AM  
**To:** NFA OMB Comments <NFAOMBCOMMENTS@atf.gov>  
**Subject:** 41f comment/question

Just wondering if there will be electronic submission available with the new ruling. It would really be inconvenient if there wasn't. Also, would this system be like the eform system or different?

Thanks,  
Ty

Schaible, Gary N.

60-11

**From:** NFA OMB Comments  
**Sent:** Tuesday, February 23, 2016 10:11 AM  
**To:** Thadeus Suzenski  
**Subject:** RE: 41F Comment

We hope to have funding to allow the electronic submission of the forms subsequent to the changes resulting from the rulemaking. At this time, we do not know what funding will be provided, which forms will be developed, and when.

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**From:** Thadeus Suzenski [mailto:tsuzenski@gmail.com]  
**Sent:** Friday, February 19, 2016 11:29 AM  
**To:** NFA OMB Comments <NFAOMBCOMMENTS@atf.gov>  
**Subject:** 41F Comment

Hello,

From my understanding, the implementation of 41F will do away with E-file. Is this true? If so, why would the government resort to using paper forms when they have already spent tax payer money building an electronic filing system? This seems to be counter-intuitive to the trend towards making all things electronic and simplifying processes. Also, what is the environmental impact now requiring all forms to be submitted on paper?

Thank you,  
Thadeus

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Thadeus Suzenski, Esq.  
310-614-4566  
[TSuzenski@gmail.com](mailto:TSuzenski@gmail.com)

Schaible, Gary N.

60-12

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**From:** NFA OMB Comments  
**Sent:** Friday, February 26, 2016 10:10 AM  
**To:** ARF Comm  
**Subject:** RE: 41F Forms

The regulations do not specify the weight of the paper. The forms do require all signatures to be original in ink.

Thank you for your comments.

---

**From:** ARF Comm [mailto:fbatfe87@gmail.com]  
**Sent:** Saturday, February 20, 2016 3:53 PM  
**To:** NFA OMB Comments <NFAOMBCOMMENTS@atf.gov>  
**Subject:** 41F Forms

What weight of paper will the ATF accept for the new forms to be submitted on? If we print the forms onto wax paper, is crayon acceptable to fill out the form.

Thank you.

Schaible, Gary N.

60-13

**From:** NFA OMB Comments  
**Sent:** Friday, February 26, 2016 10:11 AM  
**To:** ARF Comm  
**Subject:** RE: 41F

ATF is currently examining options for the funding of program development and changes to the eForms system as a result of the changes to the regulations. At this time, we do not have a time frame for implementation that would allow electronic filing.

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**From:** ARF Comm [mailto:fbatfe87@gmail.com]  
**Sent:** Saturday, February 20, 2016 3:57 PM  
**To:** NFA OMB Comments <NFAOMBCOMMENTS@atf.gov>  
**Subject:** 41F

3. Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced

You could add the forms to Eforms and let people attach their photograph similar to the trust documents, as well as their FD-258.



Schaible, Gary N.

60-14

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**From:** NFA OMB Comments  
**Sent:** Tuesday, February 23, 2016 10:10 AM  
**To:** nick miller  
**Subject:** RE: NFA 41F

These comments were part of the discussion with the final rule. Please refer back to the notice of proposed rulemaking and the final rule.

---

**From:** nick miller [mailto:nickgmiller04@gmail.com]  
**Sent:** Sunday, February 21, 2016 12:17 PM  
**To:** NFA OMB Comments <NFAOMBCOMMENTS@atf.gov>  
**Subject:** NFA 41F

Regarding the new responsible persons definition and fingerprint/background check requirements:

Has there been an increase in violence using NFA items registered to trusts/llc/non-individuals?

If yes, can you provide the data?

If no, what problem are these new regulations seeking to fix?

Thank you,  
Nick Miller

60-19

**Schaible, Gary N.**

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**From:** NFA OMB Comments  
**Sent:** Wednesday, February 24, 2016 10:56 AM  
**To:** Michael Jones  
**Subject:** RE: NFA Forms changes

Thank you for your comment.

---

**From:** Michael Jones [mailto:pcvfd12@yahoo.com]  
**Sent:** Tuesday, February 23, 2016 3:27 PM  
**To:** NFA OMB Comments <NFAOMBCOMMENTS@atf.gov>  
**Subject:** NFA Forms changes

Mr. Schaible,

No changes should be made to our current forms. That is all....

Sincerely,

Michael Z. Jones

**Schaible, Gary N.**

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**From:** NFA OMB Comments  
**Sent:** Monday, March 14, 2016 3:27 PM  
**To:** He, Ya Xing  
**Subject:** RE: comment regarding proposed ATF 41F

1. The plan is to provide for online submission of photographs
2. What are the requirements to which you refer?
3. No
4. Same answer as to item 1

---

**From:** He, Ya Xing [mailto:he.213@buckeyemail.osu.edu]  
**Sent:** Saturday, March 12, 2016 1:21 PM  
**To:** NFA OMB Comments <NFAOMBCOMMENTS@atf.gov>  
**Subject:** Re: comment regarding proposed ATF 41F

Hello ATF agents,

Thank you for your response. I am glad you answered most of my questions. Nevertheless, I still have a couple new questions. Thank you.

1. Regarding photo submission for each member of a particular trust, will ATF offer on-line submission or will ATF require each applicant to submit physical copy of photo?
2. Still regarding photo requirement, will ATF have the same requirement as those for passport photo required by Department of State?
3. Will applicant's data be made available to the general public? If so, what data will be available?
4. Regarding submitting fingerprint, will there be any way to submit electronic copy of fingerprint to ATF, or will ATF accept only physical copies of fingerprint cards?

Thank you very much for your time and service.

Cordially,

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**From:** [NFAOMBCOMMENTS@atf.gov](mailto:NFAOMBCOMMENTS@atf.gov) <[NFAOMBCOMMENTS@atf.gov](mailto:NFAOMBCOMMENTS@atf.gov)>  
**Sent:** Wednesday, March 9, 2016 3:07 PM  
**To:** He, Ya Xing  
**Subject:** RE: comment regarding proposed ATF 41F

Thank you for your comments.

1. Can you please clarify your first question?
2. ATF's systems, as for other Federal agencies, are required to meet certain security requirements for the data maintained.
3. The information will be maintained forever as with all our registration information.
4. Same as item 3
5. No
6. The system security requirements will remain in place
7. It depends on the type of shut-down.

**From:** He, Ya Xing [mailto:he.213@buckeyemail.osu.edu]  
**Sent:** Tuesday, February 23, 2016 11:16 PM  
**To:** NFA OMB Comments <NFAOMBCOMMENTS@atf.gov>  
**Subject:** comment regarding proposed ATF 41F

Hello ATF agents,

Thank you for your service. I have the following comments and questions regarding ATF 41F. Thank you.

1. How can ATF reduce the associated burden with submitting photos to ATF for each person of a particular trust? Please consider that there are many formats of digital photos.
2. How can ATF protect the privacy and information security of all the private data ( finger print, photo, signature, etc.) submitted by all applicants?
3. How will the data be stored?
4. For how long will the data be kept by ATF?
5. Will the data eventually be discarded by ATF?
6. If there is to be unfortunate budget cut in the future, how can ATF allocate resource to keep applicants' data and protect their privacy?
7. If there is ever another unfortunate government shut-down, will ATF be able to have enough manpower to take applications during shut-down?

Thank you.

6020

**Schaible, Gary N.**

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**From:** NFA OMB Comments  
**Sent:** Friday, February 26, 2016 10:13 AM  
**To:** He, Ya Xing  
**Subject:** RE: comment regarding proposed ATF 41F

As part of the rulemaking process, ATF published a Notice of Proposed Rulemaking, which notifies the public of proposed changes to regulations. The notice established a comment period regarding the changes. ATF evaluated the comments and issued the Final rule which resulted in the changes to the forms. Your comments cover issues discussed in the Notice and Final Rule. The Final Rule can be found on the ATF website ([www.atf.gov](http://www.atf.gov)).

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**From:** He, Ya Xing [mailto:he.213@buckeyemail.osu.edu]  
**Sent:** Tuesday, February 23, 2016 11:16 PM  
**To:** NFA OMB Comments <NFAOMBCOMMENTS@atf.gov>  
**Subject:** comment regarding proposed ATF 41F

Hello ATF agents,

Thank you for your service. I have the following comments and questions regarding ATF 41F. Thank you.

1. How can ATF reduce the associated burden with submitting photos to ATF for each person of a particular trust? Please consider that there are many formats of digital photos.
2. How can ATF protect the privacy and information security of all the private data ( finger print, photo, signature, etc.) submitted by all applicants?
3. How will the data be stored?
4. For how long will the data be kept by ATF?
5. Will the data eventually be discarded by ATF?
6. If there is to be unfortunate budget cut in the future, how can ATF allocate resource to keep applicants' data and protect their privacy?
7. If there is ever another unfortunate government shut-down, will ATF be able to have enough manpower to take applications during shut-down?

Thank you.

Schaible, Gary N.

60-22

**From:** NFA OMB Comments  
**Sent:** Friday, February 26, 2016 10:14 AM  
**To:** M Fruggiero  
**Subject:** RE: Rule 41F

As part of the rulemaking process, ATF published a Notice of Proposed Rulemaking, which notifies the public of proposed changes to regulations. The notice established a comment period regarding the changes. ATF evaluated the comments and issued the Final rule which resulted in the changes to the forms. Your comments cover issues discussed in the Notice and Final Rule. The Final Rule can be found on the ATF website ([www.atf.gov](http://www.atf.gov)).

ATF is currently examining options for the funding of program development and changes to the eForms system as a result of the changes to the regulations. At this time, we do not have a time frame for implementation that would allow electronic filing.

-----Original Message-----

**From:** M Fruggiero [mailto:[mrf556@verizon.net](mailto:mrf556@verizon.net)]  
**Sent:** Wednesday, February 24, 2016 9:34 AM  
**To:** NFA OMB Comments <[NFAOMBCOMMENTS@atf.gov](mailto:NFAOMBCOMMENTS@atf.gov)>  
**Subject:** Rule 41F

To whom it may concern:

I'd like to address a few points on the rule and forms as currently written.

Regarding the CLEO notification wouldn't a single notification suffice (i.e. notification of the existence of a trust). As with the FFL 03 application, there needs to be CLEO notification of the application, i.e. existence of the license. With the current system there does not need to be a CLEO notification whenever a C&R purchase is made. If that is considered sufficient, shouldn't the same apply for NFA purchases? I know my local LE agency is understaffed, as are most rural agencies across the country. I can't speak for all of them, but one would expect a constant flurry of paperwork would be a hindrance to officers and staff that would impede them from performing their duties.

As your department already knows, the processing times keep getting longer and longer, adding a larger burden on the current examiners and aides who will be now tasked with examining more photograph and fingerprint cards, essentially treating each trust as an individual filing, further lengthening processing times and adding undue stress on the current system. What is the anticipated approval time for future applications using current wait times as a benchmark? Are the budgetary measures in place to add examiners to expedite the process?

To ease the burden, will electronic filing be enhanced? In particular, adding functionality to allow photos and fingerprints to be uploaded from a PC. If such a system is proposed, would there be file size limits, and what file formats would be accepted?

Thank you for your time.

v/r  
Matthew Fruggiero

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This email has been checked for viruses by Avast antivirus software.  
<https://www.avast.com/antivirus>

60-22

60-23

**Schaible, Gary N.**

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**From:** NFA OMB Comments  
**Sent:** Thursday, February 25, 2016 12:59 PM  
**To:** Nathan Thornton  
**Subject:** RE: Proposed Revisions to NFA Transfer/Making Forms

The proposed revisions to the ATF Forms 1, 4 and 5 and the proposed National Firearms Act (NFA) Responsible Person Questionnaire (Form 5320.23) can be viewed on the ATF website ([www.atf.gov](http://www.atf.gov)). Choose the Firearms option by clicking on the word Firearms and then go to the What's New section. There is an announcement for each form which allows you to view the Federal Register information and a PDF of the form. Please direct any comments to [nfaombcomments@atf.gov](mailto:nfaombcomments@atf.gov).

**From:** Nathan Thornton [mailto:ncthorn1623@gmail.com]  
**Sent:** Thursday, February 25, 2016 9:45 AM  
**To:** NFA OMB Comments <NFAOMBCOMMENTS@atf.gov>  
**Subject:** Proposed Revisions to NFA Transfer/Making Forms

Gary,

As an NFA firearms collector, I've been closely following ATF 41P/F developments over the past two years. When the ATF announced last week that you would be accepting comments on the new Forms 1, 4, 5, and 5320.23, I immediately sought out the new documents, only to find that they are not attached to the proposal within the Federal Register.

Since the forms have not been attached, there exists a great deal of confusion as to what the documents actually look like and what is changing. In order to save your organization time and to prevent potential APA compliance disputes, it seems it would be wise to publish the revised forms inside each Register entry.

So that I may help to address concerns of other collectors, could you please send me files or links to the proposed forms?

Thank you,  
Nathan Thornton



Schaible, Gary N.

60.24

**From:** NFA OMB Comments  
**Sent:** Friday, February 26, 2016 10:16 AM  
**To:** Pete Manning  
**Subject:** RE: 41F - Question

As part of the rulemaking process, ATF published a Notice of Proposed Rulemaking, which notifies the public of proposed changes to regulations. The notice established a comment period regarding the changes. ATF evaluated the comments and issued the Final rule which resulted in the changes to the forms. Your comments cover issues discussed in the Notice and Final Rule. The Final Rule can be found on the ATF website ([www.atf.gov](http://www.atf.gov)).

-----Original Message-----

**From:** Pete Manning [mailto:pmddata@gmail.com]  
**Sent:** Thursday, February 25, 2016 10:54 AM  
**To:** NFA OMB Comments <NFAOMBCOMMENTS@atf.gov>  
**Subject:** 41F - Question

Dear Sir or Madam,

Can you explain why the use of the National Instant Background Check System (NICS) does not satisfy the requirement for the transfer or making of an NFA item? Why should potential NFA owners be required to submit fingerprints and photographs with each NFA item transferred or made when technological solutions exist that are faster, require less manpower and operate within an infrastructure already used for criminal background checks.

Respectfully,  
Pete Manning

60-26

**Schaible, Gary N.**

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**From:** NFA OMB Comments  
**Sent:** Wednesday, March 9, 2016 3:12 PM  
**To:** Pete Manning  
**Subject:** RE: 41F - Question

The guidance in the Executive Order is to Federal agencies. ATF will not be issuing guidance to other Federal agencies or to State or local agencies.

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**From:** Pete Manning [mailto:pmdata@gmail.com]  
**Sent:** Thursday, February 25, 2016 10:56 AM  
**To:** NFA OMB Comments <NFAOMBCOMMENTS@atf.gov>  
**Subject:** 41F - Question

Dear Sir or Madam,

On November 28, 2011, the White House issued a Presidential Memorandum for managing government records (<https://www.whitehouse.gov/the-press-office/2011/11/28/presidential-memorandum-managing-government-records>). Can you explain how the implementation of 41F conforms to this memorandum? More specifically, will the BATFE be issuing guidance to local, state and other federal agencies on how to properly process, store and maintain forms submitted in conjunction with the transfer or making of an NFA item.

Respectfully,  
Pete Manning

Schaible, Gary N.

60-29

**From:** NFA OMB Comments  
**Sent:** Friday, February 26, 2016 10:35 AM  
**To:** peter.howard  
**Subject:** RE: 41 F comments

As part of the rulemaking process, ATF published a Notice of Proposed Rulemaking, which notifies the public of proposed changes to regulations. The notice established a comment period regarding the changes. ATF evaluated the comments and issued the Final rule which resulted in the changes to the forms. Your comments cover issues discussed in the Notice and Final Rule. The Final Rule can be found on the ATF website ([www.atf.gov](http://www.atf.gov)).

**From:** peter.howard [mailto:peterjhoward6@gmail.com]  
**Sent:** Thursday, February 25, 2016 3:00 PM  
**To:** NFA OMB Comments <NFAOMBCOMMENTS@atf.gov>  
**Subject:** 41 F comments

I believe the new forms will add a substantial burden to trusts applying for NFA tax approval and it will overwhelm ATF with burdens. These forms will do nothing to speed up the approval process nor will they allow the ATF to properly screen applicants. The ATF should only use 1 person per trust.

The ATF should eliminate the responsible persons section and only request 1 person

Peter Howard  
[peterjhoward6@gmail.com](mailto:peterjhoward6@gmail.com)

60-30

**Schaible, Gary N.**

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**From:** NFA OMB Comments  
**Sent:** Friday, February 26, 2016 10:38 AM  
**To:** Harvey  
**Subject:** RE: Person Questionnaire (ATF Form 5320.23)

Bonin

Thank you for your comments. The Final Rule did eliminate the 'CLEO' signoff and replaced it with a notification. The CLEO does not have to act on any notification.

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**From:** Harvey [mailto:gundealer915@mindspring.com]  
**Sent:** Friday, February 26, 2016 2:55 AM  
**To:** NFA OMB Comments <NFAOMBCOMMENTS@atf.gov>  
**Subject:** Person Questionnaire (ATF Form 5320.23)

My response and solution

**DEPARTMENT OF JUSTICE [OMB Number 1140-NEW]****Agency Information Collection****Activities; Proposed e-Collection e-Comments Requested; National Firearms Act (NFA)****Responsible****Person Questionnaire (ATF Form 5320.23)**

Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

Comments are encouraged and will be accepted for 60 days until April 25, 2016.

If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Gary Schaible, Industry Liaison Analyst, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), 99 New York Ave. NE., Washington, DC 20226 at email: [nfaombcomments@atf.gov](mailto:nfaombcomments@atf.gov).

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology,  
e.g., permitting electronic submission of responses.

Overview of this information collection:

1. Type of Information Collection (check justification or form 83-I): New collection.
2. The Title of the Form/Collection: National Firearms Act (NFA) Responsible Person Questionnaire.
3. The agency form number, if any, and the applicable component of the Department sponsoring the collection:  
Form number (if applicable): ATF Form 5320.23 Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. Affected public who will be asked or required to respond, as well as a brief abstract: Primary: Individuals or households. Other (if applicable): State Local or Abstract: This form is filed with ATF Form 1, 4 or 5 applications when the applicant, maker, or transferee is other than an individual or government agency. This allows ATF to conduct background checks of persons who make, acquire, or possess firearms.
5. An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: An estimated 115,829 respondents will take .25 hours to complete the survey.
6. An estimate of the total public burden (in hours) associated with the collection: The estimated annual public burden associated with this collection is 57,914.5 hours.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E- 405B, Washington, DC 20530. Dated: February 18, 2016. Jerri Murray, Department Clearance Officer for PRA, U.S. Department of Justice.  
[FR Doc. 2016-03772 Filed 2-23-16; 8:45 am]

### **My RESPONSE**

First of all, let me say that I am pro law enforcement and understand what you are trying to accomplish. I do not agree on the method in which you are attempting to use to accomplish these goals.

ATF is trying to weaken the TRUST VEIL in which it was intended for. I am not willing to trade my protections for this or any other purpose.

Let me tell you that the only reason people have gone to this type on protection is because you can't get the local CLEO to sign off the approval in the first place.

### **Solution**

You do not need to weaken the Trust Veil to get an acceptable outcome. All you need to do is to no longer require any CLEO to sign off the approval in the first place. Then there would be very little need to get a Trust and law abiding citizens will continue to get the background check that meets your goal.

Thanks for listening,

FFL Dealer  
Harvey N. Bonin  
February 26, 2016

Schaible, Gary N.

60-34

**From:** NFA OMB Comments  
**Sent:** Thursday, April 21, 2016 8:10 AM  
**To:** John Rich  
**Subject:** RE: A Concerned Class 3 Dealer

Mr. Rich - no, we are not trying to discourage sales nor destroy businesses. As a citizen, you can petition ATF for a rulemaking change. The requirements regarding fingerprints were proposed in a Notice of Proposed Rulemaking and finalized in the Final Rule. The forms are implementing what the regulations hold.

-----Original Message-----

**From:** John Rich [mailto:johnmrich1984@yahoo.com]  
**Sent:** Tuesday, March 29, 2016 10:48 PM  
**To:** NFA OMB Comments <NFAOMBCOMMENTS@atf.gov>  
**Subject:** Re: A Concerned Class 3 Dealer

Tell me. Why does someone have to submit fingerprint cards every time they purchase something? Why? Are you trying to discourage us from buying these items? Are you trying to destroy our business? This is a serious question. It makes absolutely no sense to require fingerprint cards every time, and I'm telling you right now that I'm starting a campaign for every law abiding citizen to protest these discriminating rules you have put into place. We will not stop until this is changed.

Signed  
A concerned Class 3 Dealer.

Sent from my iPad

> On Mar 28, 2016, at 12:16 PM, <NFA.OMB.Comments@usdoj.gov> <NFA.OMB.Comments@usdoj.gov> wrote:

>

> Mr Rich - thank you for your comment. The two-year exemption regarding the documentation remains in the Final Rule. Please see 27 CFR 479.63(c) for Form 1 and 479.85(c) for Form 4. Please note that the exemption is only for the trust or legal entity documentation and not the submission of the Form 5320.23 (National Firearms Act (NFA) Responsible Person Questionnaire), fingerprint cards, or photographs.

>

> -----Original Message-----

> **From:** John Rich [mailto:johnmrich1984@yahoo.com]  
> **Sent:** Sunday, March 27, 2016 9:21 PM  
> **To:** NFA OMB Comments <NFAOMBCOMMENTS@atf.gov>  
> **Subject:** A Concerned Class 3 Dealer

>

> To Whom This May Concern,

>

> My name is John Rich, and I am a Class 3 Dealer in Savannah, TN. I am emailing because I am concerned about the new 41f coming out July 13th. I understand the reasoning behind having everybody on a trust fill out the Form 4 or 1, and I understand submitting a set of fingerprint cards for every responsible party. What I don't understand is why you guys are going back on your original ruling about the 24 month period where if nothing changes on the trust, you don't have to submit another set until the 2 years is up. That makes perfect sense! I applaud you guys for coming up with that idea, but why on earth on you now coming out and saying that there is no 24 month grace period?! Can someone's fingerprints change that quick? Honestly? Please make the right move, and stick with your original ruling, and keep the

60-34

24 month grace period! It makes much more sense, and for the dealers who livelihood depends on this industry, it is a way to help us out.

>

> Thanks.

>

> John M. Rich

> Savannah, TN 38327

> 731-607-1502

>

> Sent from my iPad



**Schaible, Gary N.**

60-39

**From:** NFA OMB Comments  
**Sent:** Thursday, March 24, 2016 11:00 AM  
**To:** Waltz, Barry M MM1 NRD Phoenix, Enlisted Recruiter  
**Subject:** RE: Change to 5320

Mr Waltz - thank you for the comment but am not sure what you are asking. If you are thinking that the USPS provides the stamps, that is not the case. ATF has the stamps printed.

-----Original Message-----

**From:** Waltz, Barry M MM1 NRD Phoenix, Enlisted Recruiter [mailto:barry.waltz@navy.mil]  
**Sent:** Thursday, March 17, 2016 6:36 PM  
**To:** NFA OMB Comments <NFAOMBCOMMENTS@atf.gov>  
**Subject:** Change to 5320

Mr. Schaible,

What is the effect that changing the Form 1, 4, and 5 will have on the US Postal services supply of stamps?

Very Respectfully,

MMN1 (SW) Waltz, Barry

5309 Menaul Blvd. NE, Suite A

Albuquerque, NM-87110

Office: (505) 346-2750

Cell: (505) 235-0071

Fax: (505) 346-2758

Schaible, Gary N.

60-40

**From:** NFA OMB Comments  
**Sent:** Thursday, March 24, 2016 11:11 AM  
**To:** Matt Rippen  
**Subject:** RE: 41F changes

Thank you for your comments. The photographs submitted are not compared to any database. However, they are maintained for any future need where an identification may be needed. The submission of photographs for a maker or transferee is required by statute and cannot be waived by ATF.

**From:** Matt Rippen [mailto:matt.rippen@gmail.com]  
**Sent:** Tuesday, March 8, 2016 2:20 PM  
**To:** NFA OMB Comments <NFAOMBCOMMENTS@atf.gov>  
**Subject:** 41F changes

Dear Sirs,

I'm writing to question the additional burden added to the process of approving NFA firearms. What is the specific need for submitting passport pictures to the ATF to approve a firearm transfer? How does summiting a picture enhance public safety? What database is the picture compared to in the process of approving the transfer of an NFA item and why?

Thank you for your time and answers to my questions during the open comment period of changes to 41F.

Respectfully,  
Matt Rippen

**Schaible, Gary N.**

60-41

**From:** NFA OMB Comments  
**Sent:** Tuesday, April 5, 2016 3:29 PM  
**To:** Backwoodsman Magazine  
**Subject:** RE: sound suppression

Thank you for your comments. Please be aware that the National Firearms Act (Title 26, United States Code, Chapter 53) requires the registration of a silencer. A properly registered silencer is legal to possess under Federal law. Any change to the registration requirements would require a change to the statute.

**From:** Backwoodsman Magazine [mailto:[bwmmag@stx.rr.com](mailto:bwmmag@stx.rr.com)]  
**Sent:** Monday, April 4, 2016 8:00 AM  
**To:** NFA OMB Comments <[NFAOMBCOMMENTS@atf.gov](mailto:NFAOMBCOMMENTS@atf.gov)>  
**Subject:** sound suppression

The idea of firearms sound suppressors not being legal is ridiculous. There are those of us who target shoot, and would like to cut down on the noise, and a sound suppressor meets this need. I like firearms but I do not like the noise. I am not a criminal, nor have I ever been one. Why are firearms sound suppressors illegal. I live in Texas which is normally the last state to adopt new policies of any kind, and I'm sure they will drag their feet on this issue also.

Charlie Richie, Sr.

Editor/Publisher | BACKWOODSMAN MAGAZINE

Email: [customerservice@backwoodsmanmag.com](mailto:customerservice@backwoodsmanmag.com)

Email: [bwmmag@stx.rr.com](mailto:bwmmag@stx.rr.com)

website: <http://www.backwoodsmanmag.com>

Schaible, Gary N.

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60-49

**From:** xa0info@aijic.org  
**Sent:** Thursday, May 5, 2016 8:10 AM  
**To:** NFA OMB Comments  
**Subject:** nfaombcomments  
  
**Importance:** High

no comment shown

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