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April 27, 2008

BY ELECTRONIC AND HAND DELIVERY

The Hon. Michael J. Sullivan
Director
Bureau of Alcohol, Tobacco, Firearms, and Explosives
United States Department of Justice
99 New York Avenue, NE
Washington, D.C. 20226

Re: Request on formal rule making on silencer marking

Dear Director Sullivan:

The National Firearms Act Trade and Collectors Association ("NFATCA") Board of Directors wishes to thank you and other officials in ATF for finally providing guidance in the form of the recently published silencer Q&A's to members of the National Firearms Act ("NFA") trade who primarily manufacture, transport and possess silencers for lawful use. The Board has carefully considered the guidance, and after deliberation and review of the contents of this letter, they have requested that I immediately transmit it to you.

As you know, the law on silencers is a complicated portion of the National Firearms Act. Silencer parts are all treated as silencers for purposes of the Gun Control Act ("GCA," as defined in section 921 of title 18, United States Code) and the NFA. In our earlier communications with ATF (see attachment A) we had requested that ATF provide guidance on silencer marking. There were also a series of other questions posed, which the Bureau provided guidance on as well in the recently published Q's & A's.

We believe these Q's and A's require some further clarification, and in that regard we are suggesting to you and Acting Assistant Director Audrey Stucko that a telephonic conference be convened with members of our trade who are the primary silencer manufacturers. This would permit them to address these clarification questions directly to ATF. In advance of the teleconference, we would provide an outline or a summary of the questions. We respectfully request that this telephonic conference be convened as soon as possible. We would be happy to provide the electronic means for that to occur, and to issue the invitations, and invite ATF to join us on the conference line.

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We believe such a teleconference would generally provide the additional clarifications needed for people to proceed in an orderly and business-like manner in adjusting their operations or their business plans based upon the new guidance. However, there is one specific policy matter which cannot be resolved by additional clarification. In attachment B, you will note the guidance that has been issued to the trade regarding silencers, specifically Question #1. The question and answer specifically states as follows:

> **Q1: What part of a silencer must be marked?**
>
> **A: The silencer must be marked in accordance with 27 C.F.R. §§ 478.92 and 479.102. The regulations require that the markings be conspicuous and legible, meaning that the markings may be placed on any external part, such as the outer tube or end cap.**
>
> **ATF strongly recommends that manufacturers place all required markings on the outer tube of the silencer, as this is the accepted industry standard. Moreover, this practice eliminates the need to remark in the event an end cap bearing the markings is damaged and requires replacement.**

There has been an overwhelmingly negative response from the members of our trade to this particular guidance. We understand, in discussions with your staff, that ATF feels legally constrained from forcing the manufacturer of a silencer or suppressor to mark only what ATF considers to be the major component piece of the silencer (the silencer tube itself). Apparently there is strong policy agreement between ATF and our trade that only the silencer tube should be marked in accordance with the marking requirements of Parts 478 and 479 of Title 27 of the Code of Federal Regulations.

We have also been further advised that the Bureau does not see how they would be able to take any adverse legal action against a person or entity that should decide to mark the end caps of a silencer without promulgating a change in the regulations. We believe that such a regulation is urgently needed. Allowing end caps to be the possible marking location for silencers does constitute a serious public safety issue in the areas of diversion, tracing and evasion of other NFA rules.

Accordingly, we are requesting that the Bureau immediately draft and propose to the Attorney General an emergency regulation prohibiting marking a silencer in a location other than the tube, unless a variance is granted by the Director on a case by case basis for good cause. We believe our suggesting emergency rulemaking is justified under the Administrative Procedures Act and such other laws and regulations that are directly pertinent to the Bureau's authorities.

We would respectfully request a preliminary response from your office to this request within 5 working days, as we consider this matter to be of a most urgent nature. Should you require further information, or should you or your staff have questions regarding this request, please feel free to contact (b)(6) our President at (b)(6) or me at (b)(6) (b)(6)

Respectfully,

(b)(6)

Counsel to
National Firearms Act Trade
and Collectors Association

cc: (b)(6) NFATCA President
(b)(6) Acting Assistant Director (EPS)
William Hoover, Assistant Director (Field Operations)

(b)(6)

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ATTACHMENT A

MARK BARNES & ASSOCIATES
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[B]ALSO ADMITTED IN MARYLAND
[C]ALSO ADMITTED IN CALIFORNIA
[A]ALSO ADMITTED IN NEW YORK
[D]ADMITTED ONLY IN VIRGINIA

August 25, 2006

BY ELECTRONIC COMMUNICATION

MEMORANDUM TO: AUDREY STUCKO
DEPUTY ASSISTANT DIRECTOR
OFFICE OF ENFORCEMENT PROGRAMS AND SERVICES
BUREAU OF ALCOHOL, TOBACCO, FIREARMS, & EXPLOSIVES

FROM: (b)(6)
ATTORNEY AT L[illegible]

SUBJECT: **Request for Advisory Letter on ATF Policy Regarding Silencer Markings and Repairs**

The purpose of this memorandum is to request an advisory opinion letter, on behalf of the National Firearms Act Trade & Collectors Association, to clarify some points of confusion with respect to a series of letters from the Bureau of Alcohol, Tobacco, Firearms, & Explosives (ATF) concerning the required markings for silencers parts and regulations on repair or replacement of such parts.

We attach here for your reference copies of five letters from ATF, dated January 27, 1999, April 19, 1999, December 30, 2005, May 2, 2006, and June 19, 2006. These letters appear to make a number of irreconcilable statements with regard to silencer marking and repair regulations, and we would like to bring these statements to your attention in the hopes that you can clarify ATF's position on these issues, in accordance with what we believe is the standard understanding of the law.

1. **Does ATF require the markings on a silencer to appear on the outer tube, or can they be marked on a part other than the outer tube?**

The April 19, 1999, ATF letter appears to permit markings on parts other than the outer tube. Its cites the outer tube as an example of an appropriate part to contain markings. However, the June 19, 2006, ATF letter, in answering a question about placing required markings on a silencer end cap, is in conflict when it states that "ATF has always held" that the markings must be placed on the outer tube. The statute and regulations do not specify which component of a complete firearm silencer must be marked. Additionally, there does not appear to be any ATF published ruling specifying

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which component of a complete silencer must be marked. We believe the 1999 letter is correct on this point.

2. **What markings, if any, does ATF require for suppressor parts, including tubes, which are shipped from one FFL/SOT manufacturer to another FFL/SOT manufacture for assembly and registration?**

The December 30, 2005, ATF letter cites an example fact pattern (page 1, example 2) where Manufacturer A (FFL/SOT) and Manufacturer B (FFL/SOT) have a manufacturing contract for Manufacturer A to produce suppressor parts, including tubes, for Manufacturer B. Manufacturer A ships the parts as they come available to Manufacturer B for assembly into complete silencers and registration in the NFRTR. In such a situation, this letter states that "ATF does not require that Manufacturer A mark the parts before sending them to Manufacturer B, because they are simply parts being sent between licensed manufacturers for delivery." We believe this is the correct statement of the law.

However, the June 19, 2006, ATF letter on this same subject states (page 2, paragraph 2) that: "Because of the record keeping and manufacturing difficulties inherent in requiring the marking of all such components in that manner, ATF allows manufacturers to 'serialize' component parts intended for use in the fabrication of new silencers in bulk units (one box of 100, one box of 500, etc.). Licensed manufacturers may legally sell these serialized lots of component parts to other manufacturers, law enforcement agencies, or the military. However, any silencer component parts sold to unlicensed persons must be marked and serialized individually, as all such parts must be registered, identified, and transferred pursuant to NFA requirements." This conflicts with the December 30, 2005, letter, which specifically states that bulk silencer components sold by one manufacturer to another need not be serialized.

Perhaps the fact pattern referred to was one involving the importation of silencer parts, which would need to be serialized for purposes of registration in order to comply with National Firearms Act import requirements. However, such a policy for domestic SOT manufacturer to SOT manufacturer transfers is unnecessary, and the position of the trade is strongly in favor of the answer provided in the December 30, 2005, letter.

Moreover, the June 19, 2006, letter presents a second source of confusion, in that it can be interpreted to mean that silencer parts sold to law enforcement agencies need not be registered, marked, and transferred pursuant to the NFA. The last two sentences excerpted above suggest that only suppressor components transferred to non-licensees must be transferred in compliance with the NFA.

3. **Does ATF require that repairs by an SOT manufacturer on a suppressor may not alter the suppressor's dimension or caliber?**

The April 19, 1999, ATF letter (page 1, paragraphs 4 and 5) advises that a registered silencer may be transferred on an ATF Form 5, tax exempt, to any licensed manufacturer who has currently paid SOT as a manufacturer of NFA firearms, and that any such manufacturer may repair or replace unmarked silencer components such as baffles, wipes, end caps, or specially made packing material.

The May 2, 2006, letter addressing the same subject contains a requirement not previously mentioned in the previous ATF letters at issue. Paragraph 1, page 2 of the May 2 letter states: "A repair may not alter its dimensions or caliber." This new requirement is again stated and is further expanded on in the last sentence beginning on page 2, which states: "Again, any replacement must not alter the original dimensions, design, and configuration of the part replaced."

Again, none of the previous letters on this point mention such a requirement, and there does not seem to be any published ATF ruling setting out these new requirements. We believe that a manufacturer must have the ability to repair a silencer with modern or upgraded internal parts. To assert in 2006 that exactly the same parts for a 1985 silencer should be available is both unrealistic and not in accord with a plain reading of the law and regulations. The 1999 letter is therefore correct.

4. **What types of repair may be performed on the marked outer tube of a silencer by an SOT manufacturer or the silencer's registered owner?**

The January 1, 1999, ATF letter states that "a licensed manufacturer may repair or replace a defective silencer, with a new silencer bearing the same serial number as the defective silencer." This letter contains no restrictions on the types of repair that may be made to a marked silencer part, and it reflects the current understanding of the industry as to ATF policy. However, the May 2, 2006, ATF letter states (page 2, paragraph 1) that: "If the outer tube of a silencer has been damaged, it may be repaired either by any Special Occupational Tax manufacturer or the registered owner only. Additionally, any repair of the outer tube may not be conducted if that repair will alter or obliterate the serial number without first applying for a remarking variance." The term "remarking variance" does not appear in the applicable statute or regulations, and there does not appear to be any ATF published ruling concerning a remarking variance. The use of this terminology has caused considerable confusion among SOT manufacturers. We believe the 1999 letter is the correct policy; however, if this is not the case, please clarify what is meant by a "remarking variance."

5. **Can a non-repairable marked silencer part be replaced, or is it an "unserviceable firearm"?**

The January 1, 1999, ATF letter states that "a licensed manufacturer may repair or replace a defective silencer, with a new silencer bearing the same serial number as the defective silencer." This indicates that any SOT manufacturer may replace a marked silencer part and mark the replacement part with the same serial number as on the original part, without the need to register the item as a new firearm. This is understood by many in the trade to be a correct reflection of ATF policy.

The April 19, 1999, letter, on the other hand, states that, while any licensed manufacturer may repair or replace unmarked parts (page 2, paragraph 1), "[i]f the manufacturer did not originally make the silencer and must replace components bearing required markings, such as the outer tube, the new replacement parts would then require registration as a new firearm." The implication here is that only the *original* manufacturer of a silencer may replace a marked part and mark the replacement with the same serial number as the old part, without registering the repaired silencer as a new firearm. This is also a commonly held belief and practice in the industry.

However, the May 2, 2006, ATF letter states (page 2) that: "If a silencer tube (due to damage) can not be repaired, then it cannot simply be replaced. It should be considered an 'unserviceable firearm.'" The National Firearms Act, 26 U.S.C. § 584(h), defines the term "unserviceable firearm" as "a firearm which is incapable of discharging a shot by means of an explosives and incapable of being readily restored to a firing condition." But most non-repairable silencer tubes are damaged by a crack or perforation to the tube. In this condition, a silencer containing such a damaged tube will still function. Moreover, a firearm silencer does not discharge a shot by the action of an explosive, so it may be argued that a firearm silencer cannot meet the definition of an unserviceable firearm. Please advise if this is the final policy position of ATF on the matter, because we believe it to be incorrect. The January 1, 1999, letter is, we believe, the correct statement of policy.

We thank you in advance for your time in addressing each of these points of confusion with respect to prior ATF letters on silencer marking and repair. If you have any questions, please do not hesitate to call me at (b)(6)

(b)(6)

December 26, 1998

Bureau of Alcohol, Tobacco and Firearms
Firearms Technology Branch
Washington, DC 20226

Greetings:

I had a question about the application of the National Firearms Act to firearm silencers. I am wondering if a licensed manufacturer of silencers may lawfully replace a broken or defective silencer, returned to him for repair, with a new silencer with the same serial number as the broken or defective one. In the process of replacement the original silencer would be destroyed.

Your advice on this issue would be appreciated.

Thank you,

DEPARTMENT OF THE TREASURY
Bureau of Alcohol, Tobacco and Firearms
Washington, D.C. 20226

[undated, but mailed 1/27/99]

901000:TN
179.101/99-7473

Dear Mr. :

This is in response to your letter dated December 26, 1998, regarding if a licensed manufacturer may replace a broken or defective silencer, returned for repair.

Yes, a licensed manufacturer may repair or replace a defective silencer, with a new silencer bearing the same serial number as the defective silencer.

The owner of the silencer should receiver permission from Bureau of Alcohol, Tobacco and Firearms for the transfer by completing and mailing ATF Form 5 (Application for Tax Exempt Transfer and Registration of a Firearm), to the National Firearms Act Branch (NFA) and receive approval prior to the delivery. The manufacturer should do the same prior to returning the silencer. Only the face of the form need be completed in each instance.

We have enclosed blank Form 5, and instruction sheets which you will find helpful in completing the enclosed form.

If we can be of further assistance, please contact us at (202) 927-8330.

Sincerely yours,

[signed]

Kent M. Cousins
Chief, National Firearms Act Branch

Enclosure

DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

901040 (b)(6)
5320/99-7473

19 APR 1999

(b)(6)

Dear Mr. (b)(6)

This is to clarify the advice contained in our response of January 27, 1999, to your letter of December 26, 1998, regarding the replacement of a broken or defective silencer that had been returned for repair.

You asked if a licensed manufacturer of firearms may lawfully replace a broken or defective silencer, returned to him for repair, with a new silencer with the same serial number as the broken or defective one. You added that the original silencer would be destroyed in the process of replacement.

A complete firearm silencer or muffler is a "firearm" subject to the provisions of the National Firearms Act (NFA). In addition, certain silencer parts and components also qualify as a "firearm" and are subject to NFA controls. Repair or replacement of silencer components can result in the creation of a new firearm which would be subject to additional registration and transfer tax requirements.

A person who possesses a registered silencer may transfer the silencer for repair on ATF Form 5, tax exempt, to any licensed manufacturer of firearms who has currently paid special (occupational) tax (SOT) as a manufacturer of NFA firearms.

Any such manufacturer may repair or replace unmarked silencer components such as baffles, wipes, end caps, or specially made packing material. If such components are replaced on an exchange basis and the original components are destroyed, there is no registration of a new firearm required and the silencer may be returned on Form 5, tax exempt.

(b)(6)

If the manufacturer did not originally make the silencer and must replace components bearing required markings, such as the outer tube, the new replacement components would then require registration as a new firearm and would be subject to marking requirements under 27 CFR § 179.102. Return of the new components would incur applicable transfer tax.

If the original defective components were not destroyed and were returned to the customer in addition to replacement components, the replacement components would also require registration as a new firearm and would be subject to transfer tax.

A silencer which is unusable due to a manufacturer's defect, may be replaced without incurring transfer tax, only if the silencer is returned to the original manufacturer for repair and the original manufacturer is licensed as a manufacturer of firearms and has currently paid SOT as a manufacturer of firearms. The original manufacturer may then mark the replacement with the same serial number used on the defective silencer and then return the replacement silencer on ATF Form 5 without incurring transfer tax. The original defective silencer components must be destroyed.

We apologize for any inconvenience and trust that this clarifies the matter. Should any additional information be needed, please contact (b)(6)

Sincerely yours,

Kent M. Cousins

Kent M. Cousins
Chief, National Firearms Act Branch

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U.S. Departi. . of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Washington, DC 20226

www.atf.gov

CC-89,664 (b)(6)

DEC 3 0 2005

(b)(6)

Dear Ms (b)(6)

This is in response to your November 22, 2005 memorandum requesting an Advisory Opinion regarding any marking requirements for suppressor parts as it applies to the shipment of suppressor parts, including tubes, between one FFL/SOT manufacturer to another FFL/SOT manufacturer for final assembly. More specifically, the memorandum asked the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) to comment on three scenarios contained in the memorandum:

1. Manufacturer A (FFL/SOT) produces suppressor parts, including tubes. Manufacturer B (FFL/SOT) orders certain suppressor model parts sets and various single suppressor parts (either through standing monthly orders, or single orders via email or phone) from Manufacturer A. Manufacturer A ships the order in stages as the parts become available. Manufacturer B assembles into suppressors and marks the same.

   ATF does not require that Manufacturer A mark the parts before sending them to Manufacturer B, because they are simply parts being sent between licensed manufacturers for assembly.

2. Manufacturer A (FFL/SOT) and Manufacturer B (FFL/SOT) have a manufacturing contract for Manufacturer A to produce suppressor parts, including tubes, for Manufacturer B. Manufacturer A (FFL/SOT) produces suppressor parts, including tubes. Manufacturer B (FFL/SOT) orders certain suppressor model parts sets and various single suppressor parts (either through standing monthly orders, or single orders via email or phone) from Manufacturer A. Manufacturer A ships the order in stages as the parts become available. Manufacturer B assembles into suppressors and marks the same.

   ATF does not require that Manufacturer A mark the parts before sending them to Manufacturer B, because they are simply parts being sent between licensed manufacturers for assembly.

(b)(6)

3. Manufacturer A (FFL/SOT) produces suppressor parts. Manufacturer B (FFL/SOT) orders tubes and requests that on some Manufacturer A mark serial numbers that are provided by Manufacturer B; the rest of the tubes in the order are to remain unmarked. Manufacturer A places only the serial numbers provided by Manufacturer B on the tubes and ships both the serialized and the unserialized tubes to Manufacturer B. Manufacturer B receives and assembles the same into suppressors. All other required markings are made by Manufacturer B.

   This scenario would not require a marking variance from ATF. While ATF does not require that Manufacturer A mark parts before sending them to Manufacturer B in this scenario, the regulations do not prohibit Manufacturer A from marking parts.

We hope this has been responsive to your questions. Please let me know if you have any additional questions.

Sincerely yours,

Kenneth E. Houchens
Chief, National Firearms Act Branch

U.S. Departmr of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Martinsburg, WV 25401
www.atf.gov

903050: (b)(6)
3311/2006-523

MAY 0 2 2006

Mr. [redacted]

Dear Mr. [redacted]

This refers to your letter dated March 15, 2006, to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Branch (FTB), in which you ask for clarification on silencer repair, replacement and upgrade.

As you are aware, the National Firearms Act (NFA), 26 U.S.C. 5845(a), defines the term "firearm", in part, as ...*(7) any silencer (as defined in section 921 of title 18, United States Code)*....

Additionally, the Gun Control Act of 1968 (GCA), 18 U.S.C. 921(a)(24), defines "firearm silencer," along with "firearm muffler," as follows: ...*any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a firearm silencer or firearm muffler, and any part intended only for use in such assembly or fabrication.*

Based on the above Federal firearms statutes, a complete firearm silencer or muffler is a "firearm" subject to the provisions of the NFA. In addition, silencer parts and components including baffles, end caps, or wipes, which are designed as components of a silencer, also qualify as "firearms" and are subject to NFA controls. All such parts must be registered, identified, and transferred pursuant to NFA requirements. Please note that if a device incorporates the parts of a firearm silencer, i.e., expansion chamber, baffles, spirals, wipes, etc., it would constitute a "firearm silencer" as defined, regardless of whether or not it is attached to a firearm.

In seeking clarification, you have posed a series of scenarios and questions. Your scenarios and questions are enumerated below with answers indicated by the accompanying bullets.

"1. The original manufacturer receives a silencer with a seriously damaged outer tube but where at least some of the original internal parts are salvageable and will be used in the repaired suppressor. Can he replace the outer tube, remarking it with the original markings/serialization using all the original internal parts? Can he do this with replacing some (but not all) the original internal parts? Common practice and belief in the industry has been that he can."

- If the outer tube of a silencer has been damaged it may be repaired either by any Special Occupational Tax manufacturer or the registered owner only. A repair may not alter its dimensions or caliber. Additionally, any repair of the outer tube may not be conducted if that repair will alter or obliterate the serial number without first applying for a remarking variance.

- If a silencer tube (due to damage) can not be repaired, then it cannot simply be replaced. It should be considered an "unserviceable firearm."

  NOTE: The NFA, 26 U.S.C. 5845(h) defines the term "**unserviceable firearm**" as; "...a firearm which is incapable of discharging a shot by means of an explosive and incapable of being readily restored to a firing condition".

- If a manufacturer makes a silencer body and serializes the body, then realizes it is defective, without yet recording it on a Form 2, the manufacturer can destroy the silencer an not record it. If the silencer, already having been serialized and recorded, is found to be unusable due to a manufacturer's defect and the tube can not be repaired, only the original currently licensed SOT manufacturer may replace the tube and remark with the original serial number. The original SOT manufacturer would first destroy the original part, and then make the new part re-stamping the serial number of the original part replaced. Any such replacement must replicate the exact material, dimensions, and type of outer tube of the original, as well as all of the original manufacturer's markings. For instance, a non-metal bodied silencer designed for a 9mm MAC-11 may not be made into a steel-bodied silencer for a .45ACP MAC-10. Return of the replacement silencer may be made tax free on an ATF form 5

- For most types of firearms only the receiver is the regulated part. However, by definition, the component parts of a "firearm silencer" or "firearm muffler" are also classified as a silencer and as such are themselves NFA firearms. Nevertheless, in the past, ATF has allowed the replacement of silencer components such as wipes, provided that the old part is properly destroyed first and no "extra" parts remain. Replacement of baffles, end-caps or any other component part for repair is not authorized, except by a currently licensed SOT manufacturer.

"2. In the above scenario, if he determines that none of the original parts are usable (as in the instance where a projectile struck the first baffle, causing damage to all remaining baffles as well as the outer tube), can the original manufacturer restore to original condition by replacing all parts and remark with the original markings/serialization? Again, common practice and belief in the industry has been that he can."

- No. Only the internal (non-serialized) component parts may be replaced (for repair or defect) and only by a currently licensed SOT manufacturer. Replacement will be on a one for one basis with the original parts being completely destroyed. Again, any

replacement must not alter the original dimension, design and configuration of the part replaced.

"3. Assuming scenario 2 above is considered in compliance, can he do the same work if he is not the original manufacturer (as in the case where the original manufacturer is no longer in business)? Common belief and practice is mixed on this issue."

- No. Only the original currently licensed SOT manufacturer is authorized to replace a serialized part and only for a manufacturer's defect. Any currently licensed SOT manufacturer may replace the internal non-serialized parts on a one for one basis (for repair or defect) and only if the replacement does not alter the original dimension, design and configuration of the part replaced.

"4. Can an original manufacturer "upgrade" his older suppressor to the most current version if so doing requires that he replace all parts (including the outer marking-bearing tube) and simply transfer the original markings to the new product while totally destroying all of the original components? Common belief and practice is mixed on this issue."

- If a manufacturer were to "upgrade" an existing "firearm silencer" or "firearm muffler" to a newer model or version, he/she would be manufacturing a new NFA firearm not registered in accordance with the provisions of the NFA.

- Additionally, replacing damaged internal components of a silencer with upgraded components such as are offered in a newer or improved model of silencer would constitute altering a firearm from its original form and would be the manufacture of a new NFA firearm not registered in accordance with the provisions of the NFA.

We trust that the foregoing has been responsive to your request for information. If we can be of any further assistance, please contact us.

Sincerely yours,

(b)(6)

For Sterling Nixon
Chief, Firearms Technology Branch

U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Martinsburg, WV 25401
www.atf.gov

903050 (b)(6)
3111/2006-744

JUN 19 2006

(b)(6)

Dear Ms. (b)(6)

This refers to your letter dated May *1, 2006,* to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Branch (FTB), on behalf of [redacted] in which you ask for clarification on two questions.

1. Can the markings required under the National Firearms Act (NFA) be applied to the end cap of an assembled silencer rather than the outer tube?
2. Do individual silencer tubes qualify as "firearms" under the NFA: would a silencer tube sold in conjunction with an assembled and serialized silencer or on its own with no other silencer components require a serial number and other markings as noted in the NFA?

As you are aware, the NFA, 26 U.S.C. 5845(a), defines the term "firearm", in part, as ... (7) *any silencer (as defined in section 921 of title 18, United States Code)....*

Additionally, the Gun Control Act of 1968 (GCA), 18U.S.C. 921(a)(24), defines "firearm silencer," along with "firearm muffler," as follows: *...any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a firearm silencer or firearm muffler, and any part intended only for use in such assembly or fabrication.*

Finally, the NFA, § 5842(a), "Identification of firearms," states the following:

"...(a) Identification of firearms other than destructive devices. - Each manufacturer and importer and anyone making a firearm shall identify each firearm, other than a destructive device, manufactured, imported, or made by a serial number which may not be readily removed obliterated, or altered, the name of the manufacturer, importer, or maker, and such other identification as the Secretary may by regulations prescribe.

RIP

[redacted]

Based on the above Federal firearms statutes, a complete firearm silencer or muffler is a "firearm" subject to the provisions of the NFA. In addition, silencer parts and components including outer tubes, baffles, end caps, or wipes, which are designed as components of a silencer, also qualify as "firearms" and are subject to NFA controls.

It has always been the position of ATF that silencer components made and held by a manufacturer and intended for use in the assembly of new silencers need not be individually marked or serialized. Because of the record keeping and manufacturing difficulties inherent in requiring the marking of all such components in that manner, ATF allows manufacturers to "serialize" component parts intended for use in the fabrication of new silencers in bulk units (one box of 100, one box of 500, etc.). Licensed manufacturers may legally sell these serialized lots of component parts to other manufacturers, law enforcement agencies, or the military. However, any silencer component parts sold to unlicensed persons must be marked and serialized individually as all such parts must be registered, identified, and transferred pursuant to NFA requirements.

Please note that if a device incorporates the parts of a firearm silencer, i.e., expansion chamber, baffles, spirals, wipes, etc., it would constitute a "firearm silencer" as defined, regardless of whether or not it is attached to a firearm. Thus, a silencer tube sold by your client in conjunction with an assembled and serialized silencer, or on its own with no other silencer component parts, would have to bear a unique serial number and all other markings required under the NFA; it would constitute a distinct "firearm" as defined in the NFA and be subject to all NFA provisions and implementing regulations.

Regarding placement of markings on a silencer, while 26 U.S.C. 5842(a) does not specify which external component of an assembled silencer will bear the required markings, ATF has always held that the outer tubular body—being both the largest external component and the "key" or "main" component in that it contains or retains all the other component parts of the silencer both external and internal, essentially forming the "complete" silencer—is the part which must contain the required markings and serial number. The only exception would be in cases where the end caps are permanently attached to the outer tube via full fusion welding or pinning, resulting in a single-unit "sealed" silencer. In such cases, if your client preferred, the markings could be placed on one of the end caps.

We thank you for your inquiry and trust the foregoing has been responsive to your request for guidance.

Sincerely yours,

Sterling Nixon
Chief, Firearms Technology Branch

A TATC HMENT B

Frequently Asked Questions - Silencers

Q1: What part of a silencer must be marked?

A: The silencer must be marked in accordance with 27 C.F.R. §§ 478.92 and 479.102. The regulations require that the markings be conspicuous and legible, meaning that the markings may be placed on any external part, such as the outer tube or end cap.

ATF strongly recommends that manufacturers place all required markings on the outer tube of the silencer, as this is the accepted industry standard. Moreover, this practice eliminates the need to remark in the event an end cap bearing the markings is damaged and requires replacement.

Q2: May a Federal firearms licensee repair a silencer by replacing worn or damaged components?

A: A person who is licensed under the Gun Control Act (GCA) to manufacture firearms and who has paid the special (occupational) tax to manufacture National Firearms Act (NFA) firearms may replace a component part or parts of a silencer. Repairs may not be done if they result in removal, obliteration, or alteration of the serial number, as this would violate 18 U.S.C. § 922(k). If a silencer part bearing the serial number, other than the outer tube, must be replaced, the new part must be marked with the same serial number as the replacement part.

The term "repair" does not include replacement of the outer tube of the silencer. The outer tube is the largest single part of the silencer, the main structural component of the silencer, and is the part to which all other component parts are attached. The replacement of the outer tube is so significant an event that it amounts to the "making" of a new silencer. As such, the new silencer must be marked, registered and transferred in accordance with the NFA and GCA.

In the event that identical replacement parts for a silencer are not available, new and different component parts may be used as long as the silencer retains the same dimensions and caliber. In addition, the repair may result in a minimal reduction in the length of the outer tube due to rethreading, but repair may not increase the length of the outer tube. Increasing the length of the outer tube significantly affects the performance of the silencer and results in the "making" of a new silencer. As stated above, a new silencer must be marked, registered and transferred in accordance with the NFA and GCA. Reducing the length of the tube by a minimal amount in order to repair a silencer is often necessary to replace damaged end caps, as the tube must be rethreaded. Such minimal reduction of the length of the tube uses all of the original parts, does not significantly affect performance of the silencer, and may be done as part of a repair process without making a new silencer.

Persons other than qualified manufacturers may repair silencers, but replacement parts are "silencers" as defined in 18 U.S.C. § 921(a)(24) that must be registered and transferred in accordance with the NFA and GCA.

RIF

Q3: May the outer tube of a registered silencer be repaired due to damage? If so, may the repair be done by someone other than the original manufacturer?

A damaged outer tube may be repaired by any Federal firearms licensee qualified to perform gunsmithing or by the registered owner. The repair may not alter the dimensions or caliber of the silencer, except that the length of the outer tube may be reduced, as set forth above. The repair may not be performed if it results in the removal, obliteration, or alteration of the serial number, as this would violate 18 U.S.C. § 922(k). In that case, the silencer may be returned to the registered owner in its original, damaged condition or destroyed. A replacement silencer must be registered and transferred to the registrant of the damaged silencer in the same manner as a new silencer, subject to the registration and transfer procedures of the NFA and GCA.

Q4: If the outer tube is destroyed or damaged beyond repair, may it be replaced?

A: Unless the outer tube is replaced by the manufacturer prior to its removal from the manufacturing premises for purposes of sale or distribution (see **Q6**), the replacement of the outer tube amounts to the making of a new silencer. For the registered owner to fabricate a new outer tube, he or she must submit an ATF Form 1, Application to Make and Register a Firearm, pay the making tax of $200, and receive ATF approval. The application to make should indicate that the new tube is being fabricated for use in replacing a damaged outer tube on a registered silencer, and the application should indicate the make, model and serial number of the registered silencer. It would be helpful for the applicant to include a copy of the approved registration for the silencer. Assembly of the newly fabricated tube with the other parts of the registered silencer does not require an additional application to make nor payment of another making tax, as the one Form 1 will provide permission to fabricate the new tube and to assemble it with the old silencer parts. The replacement tube must be marked in accordance with 27 C.F.R. § 479.102. The registrant may use the same serial number that appeared on the damaged tube.

If the registered owner wishes to acquire a replacement tube from a person other than a qualified manufacturer, the replacement tube must be registered as a new silencer by the other person and transferred to the registered owner in accordance with the NFA and GCA. The other person must submit an ATF Form 1, pay the $200 making tax, and receive ATF approval to make the replacement tube. The replacement tube must be marked in accordance with 27 C.F.R. §§ 478.92 and 479.102. The other person would then transfer the replacement tube to the owner of the damaged silencer, subject to the transfer tax, in accordance with the NFA and GCA. The new tube may be then be assembled with the other parts. The original damaged silencer should be reported to the NFA Branch as destroyed.

Alternatively, a qualified manufacturer may replace the tube, report the manufacture on ATF Form 2, Notice of Firearms Manufactured or Imported, and transfer the replacement tube to the owner in accordance with the NFA and GCA. The transfer must comply with the $200 transfer tax and all other provisions of the NFA, as it would be a new silencer. The replacement tube must also be marked in accordance with 27 C.F.R. §§ 478.92 and 479.102. The required markings include an individual serial number and the name, city, and State of the manufacturer who replaced the tube. The replacement tube may not be marked with the name, city, and State of the original manufacturer of the silencer, as this would be a false marking. Although the new tube is a new silencer for purposes of the NFA, it would be a replacement firearm of the same type as the original silencer, and it may be returned directly to the registrant in interstate commerce in accordance with 18 U.S.C. § 922(a)(2). The original damaged silencer should be reported to the NFA Branch as destroyed.

Q5: May a repair change the dimensions or caliber of a silencer?

A: If alterations to a silencer would increase the overall length or change the diameter or caliber of a silencer, this is the making of a new silencer, as opposed to a repair. The new silencer must be registered and transferred in accordance with the NFA and the GCA. Alterations to a registered silencer that result in a minimal reduction in the overall length for purposes of rethreading are permissible as repairs. However, the reduction in length may not result in the removal, obliteration, or alteration of the existing serial number, as this would violate 18 U.S.C. § 922(k). If such a repair is necessary, the damaged silencer should be destroyed or returned to the registrant. If it is destroyed, destruction should be reported to the NFA Branch. Any replacement silencer must be registered and transferred in accordance with the NFA and the GCA. See Q2 and Q3 for further information on repairs.

Q6: If a silencer is found to be defective due to the manufacturing process, may it be replaced?

A: A silencer may be replaced only under the following circumstances:

(1) A manufacturer of silencers licensed as a manufacturer under the GCA who has paid special (occupational) tax under the NFA;

(2) prior to the time the silencer has left the manufacturer's premises;

(3) determines that a silencer of its own manufacture is defective.

If all the above criteria are satisfied, the manufacturer may destroy the defective silencer and replace it with another silencer. If the silencer has already been registered, the replacement silencer may be marked with the same serial number and markings as the original silencer. If the destruction is prior to registration on Form 2, the replacement silencer may be marked with the same serial number or another serial number. See also **Q2, Q3, and Q4.**

U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Office of the Director

Washington, DC 20226

JUN 1 6 2008

Mr. (b)(6)
Attorney at Law
Mark Barnes & Associates
1350 Eye Street, N.W., Suite 1255
Washington, D.C. 20005

Dear Mr. (b)(6)

This is in response to your letter dated April 27, 2008, in which you request a teleconference with representatives of your client, the National Firearms Act Trade and Collectors Association (NFATCA), and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

As I understand it, the agenda of the proposed teleconference is to review the Questions and Answers (Q&As) that ATF recently distributed to the NFATCA community. In your letter, you noted that a matter of particular concern to industry members was the Q&A's authorization to mark a silencer on either the tube or the end cap. Your client suggests that pursuant to Title 5, United States Code, Section 553 (b)(3)(B), ATF initiate emergency rule making to make it unlawful to mark a silencer on any location other than the silencer tube. To initiate such action requires a finding of good cause that the rule making process is impracticable, unnecessary, or contrary to the public interest. While we will make every effort to move this rulemaking project along, we do not believe it meets the criteria of an emergency rule.

The Bureau would be happy to hold a teleconference of the type you have outlined. To better assist the NFATCA and to assure that the agenda can move forward with minimal obstacles, we ask that any questions be submitted to Ms. Audrey Stucko at least 5 business days prior to the teleconference. Ms. Stucko will work with you to coordinate the teleconference. Further, and perhaps in response to the meeting request, we are aware of and understand the concerns expressed by individual NFATCA members regarding silencer markings. To that end, we are initiating a process to amend 27 CFR Parts 478 and 479 to address certain concerns related to the marking of silencers.

We trust this reply will assist you and the NFATCA in resolving any remaining difficulties. Please let me know if we may be of further assistance.

Sincerely yours,

Michael J. Sullivan
Acting Director

U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Assistant Director

Washington, DC 20226

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Mr. (b)(6), President
National Firearms Act Trade and
Collectors Association (NFATCA)
4455 Brookfield Corp. Dr.
Suite 100
Chantilly, VA 20151

Dear Mr. (b)(6)

This is in reference to the letter dated April 27, 2008, filed on behalf of the National Firearms Act Trade and Collectors Association (NFATCA), concerning markings on firearm silencers. Among other things, the NFATCA requested that the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) initiate a rulemaking proceeding to prohibit marking a silencer in a location other than the outer tube.

In its letter, the NFATCA stated that "[a]llowing end caps to be the possible marking location for silencers does constitute a serious public safety issue in the areas of diversion, tracing and evasion of other NFA rules." However, no supporting documentation or information was provided to support this contention. Accordingly, we are asking the NFATCA to provide us with additional information, data, etc., to support its position that an amendment of the regulations is necessary. Please forward the requested information to Ms. (b)(6) at the address below by August 20, 2010.

Ms. (b)(6)
Office of Regulations – Mailstop 6N-602
Bureau of Alcohol, Tobacco, Firearms and Explosives
99 New York Avenue, NE.
Washington, DC 20226

If you have any questions or concerns, please contact (b)(6) at (b)(6).

Sincerely yours,

Arthur Herbert
Assistant Director
Office of Enforcement Programs and Services

U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

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5300

Mr. (b)(6) President
National Firearms Act Trade and
Collectors Association (NFATCA)
4455 Brookfield Corp. Dr.
Suite 100
Chantilly, VA 20151

Dear Mr. (b)(6)

This is in reference to our active rulemaking project concerning markings on firearm silencers. In a letter dated April 27, 2008, the National Firearms Act Trade and Collectors Association (NFATCA) requested, among other things, that the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) initiate a rulemaking proceeding to prohibit marking a silencer in a location other than the outer tube.

In its letter, the NFATCA stated that "[a]llowing end caps to be the possible marking location for silencers does constitute a serious public safety issue in the areas of diversion, tracing, and evasion of other NFA rules." However, no supporting documentation or information was provided to support this contention.

In a letter dated July 12, 2010, we requested that the NFATCA provide additional information to support its position that an amendment of the regulations is necessary. We asked the NFATCA to submit the additional information by August 20, 2010. To date, however, we have not received the requested information.

In order to move forward on this rulemaking project (active since May 2008), we respectfully request that you provide any additional information by August 31, 2011. Please forward the requested information to Ms. (b)(6) at the following address.

(b)(6)

Ms. (b)(6)
Office of Regulatory Affairs -- Mailstop (b)(6)
Bureau of Alcohol. Tobacco. Firearms and Explosives
99 New York Avenue, NE.
Washington. DC 20226

If we do not receive this information by August 31, we will find it necessary to close the project.
If you have any questions or concerns. please contact (b)(6) at (b)(6)

Sincerely yours.

David M. Wulf
Chief, Office of Regulatory Affairs

901040:(b)(6)
5320/12-

National Firearms Act Trade & Collector Association
(b)(6)
20603 Big Wells Drive
Katy, TX 77449

Dear Mr. (b)(6):

This is in response to your request to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) seeking clarification of Title 27, Code of Federal Regulations (C.F.R.), § 478.96, Out-of-State and mail order sales, with regard to the intrastate sale and transfer of a NICS exempt firearm such as a silencer.

As we understand the circumstances, (b)(3) - 26 U.S.C. § 6103 (b)(3) - 26 U.S.C. § 6103 in accordance with section 478.96(b). No National Instant Criminal Background System (NICS) check is required because the approval of the transfer of a National Firearms Act (NFA) firearm is exempted by section 478.102(d)(2). A transfer may be conducted under the circumstances you described provided an ATF Form 4473, Firearms Transaction Record, is completed (in duplicate) by the transferee. One copy of the 4473 would be mailed to the Chief Law Enforcement Officer (CLEO) in accordance with section 478.96. The transfer would take place after the 7 days following the receipt or refusal of receipt (certified mail, return receipt requested) of the 4473 by the CLEO serving in the locality in which the transferee resides.

Section 922(c) of the Gun Control Act, Title 18, United States Code, provides:

> In any case not otherwise prohibited by this chapter, a licensed importer, licensed manufacturer, or licensed dealer may sell a firearm to a person who does not appear in person at the licensee's business premises (other than another licensed importer, manufacturer, or dealer) only if-
>
> (1) the transferee submits to the transferor a sworn statement in the following form:
>
> **"Subject to penalties provided by law, I swear that, in the case of any firearm other than a shotgun or rifle, I am twenty-one years or more of age, or that, in the case of a shotgun or a rifle, I am eighteen years or more of age; that I am not prohibited by the provisions of chapter 44 of**

title 18, United States Code, from receiving a firearm in interstate or foreign commerce; and that my receipt of this firearm will not be in violation of any statute of the State and published ordinance applicable to the locality in which I reside. Further the true title, name, and address of the principal law enforcement officer of the locality to which the firearm will be delivered are_____.

_____

Signature

_____

Date"

and containing blank spaces for the attachment of a true copy of any permit or other information required pursuant to such statute or published ordinance;

(2) the transferor has, prior to the shipment of delivery of the firearm, forwarded by registered or certified mail (return receipt requested) a copy of the sworn statement, together with a description of the firearm, in a form prescribed by the Attorney General, to the chief law enforcement officer of the transferee's place of residence, and has received a return receipt evidencing delivery of the statement or has had the statement returned due to the refusal of the named addressee to accept such letter in accordance with United States Post Office Department regulations; and

(3) the transferor has delayed shipment or delivery for a period of at least seven days following receipt of the notification of the acceptance or refusal of delivery of the statement.

A copy of the sworn statement and a copy of the notification to the local law enforcement officer, together with evidence of receipt or rejection of that notification, shall be retained by the licensee as part of the records required to be kept under section 923(g).

The requirements of 922(c) are implemented by 27 C.F.R. §§ 478.96 and 478.124(f). Section 478.96 provides that a licensed importer, manufacturer, or dealer may sell a firearm to a nonlicensee who does not appear in person at the licensee's premises if the nonlicensee is a resident of the same State in which the licensee's business premises are located and the nonlicensee furnishes to the licensee Form 4473, Firearms Transaction Record and a true copy of any permit or other information required by state or local law where the nonlicensee resides. The licensee shall, prior to the shipment or delivery of the firearm, forward by registered or certified mail, with return receipt requested, a copy of the Form 4473 to the CLEO named by the transferee on the Form 4473. The licensee shall delay shipment or delivery of the firearm for a period of at least 7 days following

receipt by the licensee of the return receipt or the return of the copy of the Form 4473 due to the refusal of the chief law enforcement officer to accept the Form 4473.

Section 478.124(f) provides that Form 4473 shall be submitted, in duplicate, to a licensed manufacturer, importer, or dealer by a transferee who is purchasing or otherwise acquiring a firearm by other than an over-the-counter transaction, who is not subject to the provisions of § 478.102(a), and who is a resident of the State in which the licensee's business premises are located. This section further requires the completion of the sworn statement (as detailed in § 922(c)). Upon receipt of the Forms 4473, the licensee shall identify the firearm in the Forms 4473 and prior to shipment or delivery of the firearm to such transferee, forward by registered or certified mail (return receipt requested) a copy of the Form 4473 to the principal law enforcement officer named therein, and shall delay shipment or delivery to the transferee for a period of at least 7 days following receipt by the licensee of the return receipt evidencing delivery of the copy of the Form 4473 to the principal law enforcement officer or the return of the copy of the Form 4473 to the licensee due to the refusal of the principal law enforcement officer to accept it. The original of the Form 4473 and the evidence of the receipt or rejection of the delivery of the copy of the Form 4473 shall be retained by the licensee as part of the records required to the kept by Part 478. The transferee must provide the statement required by § 922(c) and § 478.124 and any permit or other information required by the State to the licensee for retention in the licensee's records in addition to the notification to the CLEO before any transaction may take place.

As you know, the approved transfer of an NFA firearm, such as a silencer, is exempted by section 478.102(d)(2) from a NICS check. Accordingly, if not prohibited by State law in the State in which the licensee's premises is located, an intrastate non-over-the-counter firearm transaction, including completion and filing of the Form 4473, supporting statement, and any other documentation, may be sent by mail. It should be noted that United States Postal Service regulations prohibit the mailing of concealable firearms to an unlicensed person, so the licensee must find an alternate shipping service that allows shipment of a concealable firearm to deliver the firearm to an unlicensed transferee.

If we can be of further assistance, please do not hesitate to call us at (304) 616-4500, or write to the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, National Firearms Act Branch, Suite 1250, 244 Needy Road, Martinsburg, West Virginia 25405-9431.

Sincerely yours,

Edward D. Saavedra, Jr.
Chief, National Firearms Act Branch

National Firearms Act
Trade & Collectors Association®

February 23, 2015

MAR 02 2015

Mr. William Boyle
NFA Branch - ATF
244 Needy Rd
Martinsburg WV 25405

15-1371

Mr. Boyle,

The purpose of this inquiry is to determine if the below described proposal would meet ATF's requirements for maintaining control of a "post-sample" machine gun (manufactured/imported after 1986) during repair, refurbishment and restoration. The inquiry is written on behalf of our membership and the NFA community at large.

Manufacturer O is a fully licensed Type 07 Federal Firearms Licensee (FFL) that maintains Special Occupational Taxpayer (SOT) status. Manufacturer O regularly receives post-sample machine guns during the normal course of business for the purposes of performing repair, refurbishment and restoration on these weapons. In many cases, Manufacturer O performs these tasks. However, in some cases, it is necessary for Manufacturer O to utilize sub-contractors to complete the assigned tasks.

Manufacturer O conveys post-sample machine guns to its commissioned sales person who also works for Sub-Contractor X, a licensed 07 FFL/SOT. The post-sample machine guns remain under the "chaperoning" of this employee during the entire time the weapons are physically at Sub-Contractor X. Should it be necessary for the weapons to remain for more than one business day, the chaperoning employee is the only one with access to the secured post-sample machine guns. Work is performed on these post-sample machine guns by Sub-Contractor X exclusively under the supervision of the chaperoning employee.

Section 9.5.2 of the ATF publication *NFA Handbook* states "No 'transfer' under the NFA occurs when an FFL/SOT permits a bona fide employee to take custody of its registered NFA firearms for purposes within the scope of employment and for the business purposes of the FFL/SOT." Further, 9.5.2 goes on to state that "In addition, the interstate delivery of a firearm to the employee and the employee's receipt of the firearm would not violate the GCA."

Given the above description and support, the NFATCA believes that no transfer will take place and that the chaperoning provisions outlined in ATF's recent 2014-1 Ruling are observed. We await confirmation by ATF of our conclusion.

Sincerely,

(b)(6)

President

cc: (b)(6)
Alphonso J. Hughes

John K. Brown, III
President
Curt Wolf
Vice President
Jeffrey R. Folleder
Executive Director, SecTreas

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U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Firearms and Explosives Services Division

Martinsburg, West Virginia

www.atf.gov

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5320/15-1371

(b)(6)
National Firearms Act Trade & Collectors Association
20603 Big Wells Drive
Katy, Texas 77449

Mr. (b)(6)

This responds to your request for clarification regarding ATF's requirements for maintaining control of post-86 sales sample ("post-sample") machineguns during repair, refurbishment and restoration. You inquired whether a hypothetical Type 07 Federal Firearms Licensee (FFL) manufacturer that maintains Special Occupational Taxpayer (SOT) status, Manufacturer O, could lawfully utilize the services of sub-contractors. Specifically, you inquired whether Manufacturer O may lawfully receive post-sample machineguns for repair from other FFLs, and further convey these firearms to a commissioned sales person who *also* works for Sub-Contractor X, a licensed FFL/SOT, to assist in the repair, refurbishment, and/or restoration. You explained that the post-sample machineguns would remain under the "chaperoning" of the sales person while the weapons are physically located at Sub-Contractor X.

Your letter noted that Section 9.5.2 of the *NFA Handbook* states that "No 'transfer' under the NFA occurs when an FFL/SOT permits a bona fide employee to take custody of its registered NFA firearms for purposes within the scope of employment and for the business purposes of the FFL/SOT." Section 9.5.2 further states that "the interstate delivery of a firearm to the employee and the employee's receipt of the firearm would not violate the GCA." As such, you reasoned that "no transfer will take place and that the chaperoning provisions outlined in ATF's recent 2014-1 Ruling are observed," and requested that ATF confirm your understanding.

The term "machinegun" is defined under the GCA, 18 U.S.C. § 921(a)(23), and the NFA, 26 U.S.C. 5845(b). The GCA, 18, U.S.C. § 922(o), generally makes it unlawful for any person to transfer or possess a machinegun. While section 922(o) would normally prohibit the transfer or possession of a machinegun, section 922(o)(2)(A) exempts machinegun transfers "to or by" or possession "by or under the authority of" a Federal, State, or local government agency.

Although the definition of "machinegun" is the same under each statute, the respective statutes differ in the meaning of "transfer." While the GCA does not define "transfer," case law

interprets this term to mean a change in dominion or control of a firearm. *See* ATF Rul. 2010-1 (approved May 20, 2010). Under the NFA, the term "transfer" is defined by 26 U.S.C. 5845(j) to include selling, assigning, pledging, leasing, loaning, giving away, or otherwise disposing of an NFA firearm. A conveyance for repair is not considered a "transfer" under the NFA because the registrant is not disposing of the firearm—the registrant maintains title and fully intends to reclaim possession of the firearm.

However, machineguns are unique in that they are NFA firearms that are also subject to specific transfer provisions under the GCA. Therefore, to lawfully transfer a machinegun, a possessor must comply with the transfer provisions of both the GCA and the NFA. ATF Ruling 2014-2 makes it clear that although an action may constitute a "conveyance" under the NFA, it is a "transfer" under the GCA when there is a change in the dominion and control of the firearm. This is the case when a firearm is sent from one FFL/SOT to another and the first manufacturer fails to maintain continuous dominion or control over the machineguns.

ATF's longstanding position is that possession of a firearm by a "bona fide" employee constitutes possession by the employer such that no "transfer" occurs under the GCA or NFA. Conversely, a "transfer" occurs when a "contractor" takes possession of the firearm. Thus, the "commissioned sales person who also works for Sub-Contractor X" must be a bona fide employee of Manufacturer O as defined by the law of the jurisdiction where the contract was entered into. If the commissioned sales person is merely a contractor acting as an intermediary between Manufacturer O and Sub-Contractor X, or is solely an employee of Sub-Contractor X, an unlawful transfer of a machinegun will have occurred.

In your hypothetical, the transfer to Sub-Contractor X does not appear to be authorized by a government agency as contemplated by ATF Ruling 2014-1. Instead, you argue Manufacturer O's "commissioned sales person who also works for Sub-Contractor X" will remain with the machineguns, and thus, Manufacturer O will maintain continuous dominion and control over the firearms. While possession of the machineguns by an employee may be viewed as possession by the employer such that no transfer has occurred under the GCA and NFA, in the instant case, it is unclear whether the referenced "commissioned sales person" is in fact a bona fide employee of Manufacturer O.

As far back as 1990 in FFL Newsletter, Volume 1, ATF addressed the factors that it considers in determining whether an individual is a "bona fide employee." In that Newsletter ATF advised that "in determining whether an employer/employee relationship exists," it considers "whether the alleged employee is subject to the employer's control over the manner in which the work is performed." ATF further advised that other indicators include "whether the individual is on the company payroll, whether taxes and social security are deducted from pay, whether the individual receives company paid benefits, and other indicia of the traditional employer/employee relationship."

From the facts that you presented in your letter, it is unclear whether the "commissioned sales person" meets these criteria or whether this individual would be considered a "bona fide" employee under the law of the relevant jurisdiction.

Please contact me at (b)(6) if you have any questions.

Sincerely yours,

William J. Boyle, III
Chief, National Firearms Act Branch

(b)(6)

From: Stucko, Audrey M.
Sent: Thursday, December 03, 2009 1:25 PM
To: (b)(6)
Subject: FW: CLEO Proposal - From (b)(6) & NFATCA

fyi

From: (b)(6)
Sent: Thursday, December 03, 2009 11:18 AM
To: Stucko, Audrey M.
Cc: (b)(6)
Subject: CLEO Proposal - From (b)(6) & NFATCA

Dear Audrey:

As you are aware, the Administrative Procedure Act (APA) requires that agencies give interested parties "the right to petition for the issuance, amendment, or repeal of a rule." 5 U.S.C. § 553(e). Accordingly, and on behalf of the National Firearms Act Trade & Collectors Association ("NFATCA"), we hereby submit a petition for rulemaking for the issuance, amendment, and repeal of regulations regarding the requirement of CLEO approval on ATF Forms 1 and 4 that are submitted on an individual basis, as well as other requirements related to 27 C.F.R. § 479.63 and 27 C.F.R. § 479.85. In place of this requirement, NFATCA requests that the Bureau adopt a CLEO notification process that will include a full NICS check for principal officers of a trust or corporation receiving such firearms for the trust or corporation. Policy justifications for this proposal are attached and suggested textual changes to the applicable Regulations are set forth below. Thank you for your time and consideration of this matter. If you have any questions, please feel free to contact me.

Respectfully yours,

(b)(6)

Outside Counsel to
NFATCA

I. Request for Rulemaking

We request that:

- 479.63 and 479.85 be amended to require photographs and fingerprints of persons responsible for directing the legal entity;
- Requiring a statement concerning the applicant's nonimmigrant alien status similar to 27 CFR 478.44(a)(1)(ii);
- Adding instructions similar to those on ATF Forms 7 regarding applications for Federal Firearms Licenses; and
- Eliminate the requirement for CLEO approval of Forms 1 and 4 for natural persons, and require notification to CLEOs for all Form 1 and Form 4 applicants.

These amendments would require background checks on all persons acquiring NFA firearms via a legal entity. These changes would reduce the documentation burden on applicants; enable ATF to accomplish one of its primary objectives of preventing criminal misuse of firearms. Elimination of the ATF Form 5330.20 by adding a citizenship statement to the transfer forms would reduce human effort for both the public and ATF while reducing funds expenditures for printing, copying, and handling the form.

II. Regulatory Amendments

We request amendments to 27 CFR § 479.63 and 479.85 as follows (altered language in italics):

479.63 Identification of applicant

The applicant *(including in the case of a corporation, partnership, trust, or association, the primary individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, trust, or association)* shall securely attach to each copy of the application, Form 1 (Firearms), in the space provided on the form, a photograph of the applicant 2 x 2 inches in size, clearly showing a full front view of the features of the applicant with head bare, with the distance from the top of the head to the point of the chin approximately 1\1/4\ inches, and which shall have been taken within 1 year prior to the date of the application. The transferee shall attach two properly completed FBI Forms FD-258 (Fingerprint Card) to the application. The fingerprints must be clear for accurate classification and should be taken by someone properly equipped to take them. *If the applicant is a nonimmigrant alien, applicable documentation demonstrating that the nonimmigrant alien falls within an exception to or has obtained a waiver from the nonimmigrant alien provision (e.g., a hunting license or permit lawfully issued in the United States; waiver. A certification that the local chief of police, sheriff of the county, head of the State police, State or local district attorney or prosecutor, or such other person whose certificate may in a particular case be acceptable to the Director has received a copy of the application shall be completed on each copy of the Form 1 (Firearms).*

479.85 Identification of transferee

The applicant *(including in the case of a corporation, partnership, trust, or association, the primary individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, trust, or association)* shall securely attach to each copy of the application, Form 4 (Firearms), in the space provided on the form, a photograph of the applicant 2 x 2 inches in size, clearly showing a full front view of the features of the applicant with head bare, with the distance from the top of the head to the point of the chin approximately 1\1/4\ inches, and which shall have been taken within 1 year prior to the date of the application. The transferee shall attach two properly completed FBI Forms FD-258 (Fingerprint Card) to the application. The fingerprints must be clear for accurate classification and should be taken by someone properly equipped to take them. *If the applicant is a nonimmigrant alien, applicable documentation demonstrating that the nonimmigrant alien falls within an exception to or has obtained a waiver from the nonimmigrant alien provision (e.g., a hunting license or permit lawfully issued in the United States; waiver. A certification that the local chief of police, sheriff of the county, head of the State police, State or local district attorney or prosecutor, or such other person whose certificate may in a particular case be acceptable to the Director has received a copy of the application shall be completed on each copy of the Form 4 (Firearms).*

III. Policy Justification

Background

- ATF has long held that NFA firearms may be transferred to legal entities e.g. a Living Trust, or a Corporate entity with no background checks (stated in the newest FFL newsletter 01/09)

- We believe this position is contrary to the National Firearms Act, ATF's mission, and public safety

- We also believe that this activity exposes ATF to a serious liability should an NFA weapon, lawfully acquired, by a prohibited person, be used in a violent crime

- The National Firearms Act was enacted in 1934 to screen owners of various types of NFA Firearms

- This was an effort to reduce the likelihood of criminal misuse of NFA Firearms

- The GCA was amended in 1994 by the Brady Handgun Violence Protection Act to require background checks for non licensees

- Applicable codes:

- 18 U.S.C. § 922(t) provided NICS

- 27 CFR § 478.102 implemented the statutory requirements

- 18 U.S.C. § 922(t)(3)(B) and 27 CFR 478.102(d)(2) provided an exemption to background checks, fingerprints, and photographs when firearms when NFA firearms are approved for transfer when a person acting on behalf of a legal entity is acquiring the firearm

- No statutory language exists in the NFA to require the approval of a transferee's acquisition of a NFA firearm by the local Chief Law Enforcement Officer (CLEO)

- ATF has granted an individual applicant's CLEO this authority under 27 CFR § 479.63 and 479.85

- Some CLEOs express a concern of perceived liability; that signing an NFA transfer application will link them to any inappropriate use of the firearm

Lack of CLEO Cooperation

- The lack of cooperation on the part of many CLEOs in recent years has forced larger numbers of applicants to acquire NFA firearms via a trust, or corporate entity to avoid the probability of the CLEO not signing off on NFA firearm acquisitions

- In 2000 there were 900 such Corporate entity or Trust transfers

- In 2008 - over 10,000

- A staggering increase of over 1000%

- The objective under this scenario on the part of most applicants is to avoid the CLEO, and the frequently arbitrary CLEO decision-making process

The History and Issues with CLEO Signature

- Put into place in the early 1930's because of the lack of any NCIC system being available. This process is now outdated and is causing additional problems

- Served as a process to assist ATF in investigating applicants under the NFA

- This process became antiquated with the advent of NCIC and ATF's requirement of researching state laws to comply with 26 U.S.C. § 5812(6) and 26 U.S.C. § 5822(e) which stipulates that applicants shall be denied if the transfer, receipt, making, or possession would place the transferee or maker in violation of law

- The CLEO signature is no longer taken as verification of state law compliance as it was intended and does not alleviate the burden on the NFA Branch to verify state law where the transferee resides

- Hence applicants avoid the potential of the CLEO process by forming a Trust or Corporate entity

--
Regards,

(b)(6)
Attorney at Law
Mark Barnes & Associates
1350 Eye St. N.W., Suite 1255
Washington, D.C. 20005
Tel. (b)(6)
Fax. (b)(6)
Pager. (b)(6)

This e-mail is confidential and is legally privileged. If you have received it in error, you are on notice of its status. Please notify us immediately by reply e-mail and then delete this message from your system. Please do not copy it or use it for any purposes, or disclose its contents to any other person. To do so could violate state and Federal privacy laws. Thank you for your cooperation. Please contact Mark Barnes & Associates at 202 - 626 - 0089 if you need assistance.

(b)(6)

From: (b)(6)
Sent: Wednesday, June 5, 2013 12:37 PM
To: (b)(6)
Cc: (b)(6) (JMD)
Subject: FW: NFA NPRM: Petition for Rulemaking
Attachments: NFA Trust.Memo2AG.Draft.06-03-13.docx; NFA Trust.NPRM.Response to OLP.Clean Draft.6-3-13.docx; NFA Trust.NPRM.Response to OLP.Redline.06-03-13.docx; Elimination of Law Enforcement Certification Response to OLP.Redline.06-03-13.docx

(b)(6) – could you please forward the NFATCA's petition for Rulemaking to (b)(6) at OLC?

Thanks much,

-(b)(6)

(b)(6), Associate Chief Counsel
Office of Chief Counsel
Firearms, Explosives and Arson Division
Bureau of Alcohol, Tobacco, Firearms and Explosives
99 New York Ave., NE, Room (b)(6)
Washington, D.C. 20226
Tel: (b)(6)
Fax: (b)(6)

From: (b)(6)
Sent: Wednesday, June 05, 2013 12:31 PM
To: (b)(6)
Subject: NFA NPRM: Petition for Rulemaking

(b)(6) We've started our "form and legality" review of this NPRM, and would appreciate your help in tracking down one of the references. There are several quotes in the NPRM from a petition for rulemaking, dated December 3, 2009, filed on behalf of the National Firearms Act Trade and Collectors Association. Could we receive a copy of the petition for our review?

Thanks very much,
(b)(6)

(b)(6)
Special Counsel
Office of Legal Counsel
U.S. Department of Justice
(b)(6)

From: (b)(6)
Sent: Monday, June 03, 2013 6:12 PM
To: (b)(6)
Subject: Fw: Fwd: NFA loopholes NPRM (RIN 1140-AA43)

(b)(6) here is one of the two ATF rules.

(b)(6)

From: (b)(6)
Sent: Monday, June 03, 2013 06:01 PM
To: (b)(6)
Cc: (b)(6)
Subject: Fwd: NFA loopholes NPRM (RIN 1140-AA43)

(b)(6) and (b)(6) - here are the two requested reg projects that went over to OLP in a final draft form, at least as final as they can be within the limited time constraints.

Please let me know if you have any questions.

- (b)(6)

(b)(6)
Associate Chief Counsel (FEA)
Bureau of Alcohol, Tobacco, Firearms and Explosives

Begin forwarded message:

From: (b)(6)
To: (b)(6)
Cc: (b)(6)

(b)(6)

Subject: RE: NFA loopholes NPRM (RIN 1140-AA43)

Please find attached ATF's response to comments and request for changes regarding the NFA Trust NPRM (RIN: 1140-AA43). I included a clean copy incorporating the changes made.

Thank you.

(b)(6)

****

NOTICE: This e-mail message and any attached files are intended solely for the use of the addressee(s) named above in connection with official business. This communication may contain Sensitive But Unclassified information that may be statutorily or otherwise prohibited from being released without appropriate approval. Any review, use, or dissemination of this e-mail message and any attached file(s) in any form outside of the Bureau of Alcohol, Tobacco, Firearms & Explosives or the Department of Justice without express authorization is strictly prohibited.

From: (b)(6)
Sent: Wednesday, May 29, 2013 10:50 AM
To: (b)(6)
Cc: (b)(6)
(b)(6)
Subject: NFA loopholes NPRM (RIN 1140-AA43)
Importance: High

May 29, 2013

(b)(6)

We received another request from OMB regarding the ATF proposed rule titled "Machine Guns, Destructive Devices, and Certain Other Firearms; Background Checks for Principal Officers of Corporations, Trusts, and Other Legal Entities With Respect to the Making or Transferring of a Firearm (2009R-3P)" (RIN: 1140 AA43). (b)(5) - DP

(b)(5) - DP

(b)(5) - DP

(b)(5) - DP

RIP

(b)(5) - DP

(b)(5) - DP

Please send OLP a revised draft of the Trust rule as soon as possible (preferably this week). If the economic analysis is delaying the process, you can send us the other portions of the rule to review while it is being calculated.

Thanks,

(b)(6)

Signed ...

--- (b)(6) ---

Office of Legal Policy

Department of Justice

(b)(6)

Fax: (b)(6)

****

NOTICE: This e-mail message and any attached files are intended solely for the use of the addressee(s) named above in connection with official business. This communication may contain Sensitive But Unclassified information that may be statutorily or otherwise prohibited from being released without appropriate approval. Any review, use, or dissemination of this e-mail message and any attached file(s) in any form outside of the Bureau of Alcohol, Tobacco, Firearms & Explosives or the Department of Justice without express authorization is strictly prohibited.

132 **PAGE(S) WITHHELD IN FULL (WIF)**

OR REFERRED TO ANOTHER AGENCY

☑ **WIF**

☐ **REFERRED TO:**

Page Number 43 - 174

Exemption (b)(1) ☐

Exemption (b)(2) ☐

Exemption (b)(3) ☐

Applicable Statute

Exemption (b)(4) ☐

Exemption (b)(5) ☑

Applicable Privilege:

Deliberative Process Privilege ☑

Attorney Client Privilege ☐

Attorney Work Product ☑

Exemption (b)(6) ☐

Exemption (b)(7)(A) ☐

Exemption (b)(7)(B) ☐

Exemption (b)(7)(C) ☐

Exemption (b)(7)(D) ☐

Exemption (b)(7)(E) ☐

Exemption (b)(7)(F) ☐

Duplicate ☐ **Of Pages**

Non-Responsive ☐

Outside of Scope of Request ☐

String E-Mail ☐

Located in Document

(b)(6)

From: (b)(6)
Sent: Wednesday, June 5, 2013 12:35 PM
To: (b)(6)
Subject: RE: NFATCA - petition for rulemaking

Sure – I'll forward the request.

- (b)(6)

(b)(6), Associate Chief Counsel
Office of Chief Counsel
Firearms, Explosives and Arson Division
Bureau of Alcohol, Tobacco, Firearms and Explosives
99 New York Ave., NE, Room (b)(6)
Washington, D.C. 20226
Tel: (b)(6)
Fax: (b)(6)

From: (b)(6)
Sent: Wednesday, June 05, 2013 12:35 PM
To: (b)(6)
Subject: RE: NFATCA - petition for rulemaking

(b)(6)

Please let me know who is requesting it and I will forward to them. I need to be in the loop regarding this communication.

Thanks.

(b)(6)

****

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From: (b)(6)
Sent: Wednesday, June 05, 2013 12:33 PM
To: (b)(6)
Subject: NFATCA - petition for rulemaking

(b)(6) – OLC is conducting a legal review of the NPRMs you sent over. They have asked for a copy of the NFATCA's petition for rulemaking? Could you please forward it to me?

Thanks,

- (b)(6)

(b)(6), Associate Chief Counsel
Office of Chief Counsel
Firearms, Explosives and Arson Division
Bureau of Alcohol, Tobacco, Firearms and Explosives
99 New York Ave., NE, Room (b)(6)
Washington, D.C. 20226
Tel: (b)(6)
Fax: (b)(6)

****

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From: Hughes, Alphonso J. [redacted]

Sent: Tuesday, March 1, 2016 4:32 PM
To: [redacted]
Subject: RE: FOIA Received
Attachments: image001.png

God Bless you guys!

From: [redacted]
Sent: Tuesday, March 01, 2016 4:30 PM
To: Hughes, Alphonso J. [redacted]
Cc: [redacted]
Subject: FOIA Received

Alphonso,
Received the FOIA data today. Am publishing with the margin of area caveat copied verbatim. Thank you for sticking with this!
--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Wednesday, March 2, 2016 8:10 AM
To: Richardson, Marvin G.
Subject: Need a Favor
Attachments: nfatcalogo.png

Marvin,
I hope all is well in your world. I was hoping to not have to endure the nearly two years it would take to obtain information from a FOIA request and wanted to enlist your help. Would it be possible for you to point me to a few cases, adjudicated or in process, where anyone was charged with 922(g) (prohibited person in possession) via a trust or other entity? I am not asking for information regarding ongoing investigations!

It would be nice to have a citation or two since we are asked about this on pretty much a daily basis.
--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Wednesday, March 2, 2016 11:28 AM
To: Hughes, Alphonso J.
Subject: Tracking 41F
Attachments: nfatcalogo.png

Alphonso,
I'll ask before it's time...! Are you tracking the surge up to the July start of 41F? It would probably be a good idea to know:

- How many transfer applications from Jan 1 to July 13?
- How many of those were trusts?

For the subsequent year:

- How many transfer applications from July 14, 2016 to July 12, 2017?
- How many of those were trusts?

This set of stats could prove or disprove the notion that the majority of trust transfers were done to avoid a CLEO approval signature.

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Friday, March 4, 2016 6:58 AM
To: Hughes, Alphonso J.
Cc: (b)(6)
Subject: NFRTR Accuracy
Attachments: nfatcalogo.png

Alphonso,
As you are undoubtedly aware, applicants have noticed that a large number of NFA transfer applications are being delayed. Folks have begun to notice that NFA Branch is going to significant effort to insure that the applicant forms' descriptive information accurately matches what is currently in the NFRTR. If there is a discrepancy (ex.: model name not precisely the same, barrel length not the same), the applicant is asked to either correct or verify/validate with proof (ex.: a photograph of the engraved model name).

While we applaud the initiative to improve the accuracy of the data that resides within the NFRTR, we also understand the frustration of the NFA community in regard to the increase in processing time. We would like to address this initiative in publication and at upcoming shows. May we have your comments on the issue to use in public?

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: Hughes, Alphonso J. (b)(6) (b)(6)

Sent: Monday, March 7, 2016 10:54 AM
To: (b)(6)
Subject: RE: NFRTR Accuracy
Attachments: image001.png

Call you later on this! I have been on HQ panels since last week thru about 3:00 pm today or so. Talk soon!

From: (b)(6)
Sent: Friday, March 04, 2016 6:58 AM
To: Hughes, Alphonso J. (b)(6) >
Cc: (b)(6)
Subject: NFRTR Accuracy

Alphonso,
As you are undoubtedly aware, applicants have noticed that a large number of NFA transfer applications are being delayed. Folks have begun to notice that NFA Branch is going to significant effort to insure that the applicant forms' descriptive information accurately matches what is currently in the NFRTR. If there is a discrepancy (ex.: model name not precisely the same, barrel length not the same), the applicant is asked to either correct or verify/validate with proof (ex.: a photograph of the engraved model name).

While we applaud the initiative to improve the accuracy of the data that resides within the NFRTR, we also understand the frustration of the NFA community in regard to the increase in processing time. We would like to address this initiative in publication and at upcoming shows. May we have your comments on the issue to use in public?

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: Richardson, Marvin G. (b)(6) (b)(6)

Sent: Monday, March 7, 2016 12:05 PM
To: (b)(6)
Subject: RE: Need a Favor
Attachments: image001.png

(b)(6)

Sorry for the delay in getting back to you. I have forwarded your email to Krissy Carlson who is the Chief of the Firearms and Explosives Industry Division. She will be responding to you shortly.

Take care!

Marvin G. Richardson
Assistant Director
Bureau of ATF, Enforcement Programs &Services
Office (b)(6)
Cell (b)(6)

"Leaders don't do what they want to do, they do what is right".

From: (b)(6)
Sent: Wednesday, March 2, 2016 8:10 AM
To: Richardson, Marvin G. <(b)(6)>
Subject: Need a Favor

Marvin,
I hope all is well in your world. I was hoping to not have to endure the nearly two years it would take to obtain information from a FOIA request and wanted to enlist your help. Would it be possible for you to point me to a few cases, adjudicated or in process, where anyone was charged with 922(g) (prohibited person in possession) via a trust or other entity? I am not asking for information regarding ongoing investigations!

It would be nice to have a citation or two since we are asked about this on pretty much a daily basis.
--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Monday, March 7, 2016 7:32 PM
To: Richardson, Marvin G.
Subject: RE: Need a Favor
Attachments: image001.png

Thank You Marvin. I'm looking forward to hearing from her.

Sent from a mobile phone so please disregard the typos
-------- Original message --------
From: (b)(6)
Date: 3/7/2016 12:04 PM (GMT-05:00)
To: (b)(6)
Subject: RE: Need a Favor

(b)(6)

Sorry for the delay in getting back to you. I have forwarded your email to Krissy Carlson who is the Chief of the Firearms and Explosives Industry Division. She will be responding to you shortly.

Take care!

Marvin G. Richardson

Assistant Director

Bureau of ATF, Enforcement Programs &Services

Office (b)(6)

Cell (b)(6)

"Leaders don't do what they want to do, they do what is right".

From: [redacted] (b)(6)
Sent: Wednesday, March 2, 2016 8:10 AM
To: Richardson, Marvin G. <[redacted] (b)(6) >
Subject: Need a Favor

Marvin,
I hope all is well in your world. I was hoping to not have to endure the nearly two years it would take to obtain information from a FOIA request and wanted to enlist your help. Would it be possible for you to point me to a few cases, adjudicated or in process, where anyone was charged with 922(g) (prohibited person in possession) via a trust or other entity? I am not asking for information regarding ongoing investigations!

It would be nice to have a citation or two since we are asked about this on pretty much a daily basis.

--

[redacted] (b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: Hughes, Alphonso J. [redacted]

Sent: Tuesday, August 5, 2014 2:04 PM
To: [redacted]
Subject: Re: Just Great

10-4 understood!

Alphonso J. Hughes
Division Chief, FESD

On Aug 1, 2014, at 7:32 AM, "[redacted] wrote:

> On 7/31/2014 8:03 PM, [redacted] wrote:
>
> > Hey [redacted] was trying to get some background on this situation. Looks like since nfrtr is an old oracle database there is no easy query to get this done. It looks like there will be a manual level of effort of going into independent records unless [redacted] or IT can somehow isolate these in the master tables or something. I will have the folks see if something can be done to itemize. Filing a FOIA will definitely get you the info if it can even be extracted but I see where you are going... Why bother if it can't be done. I say file it and we will work it same time and let you know either way!
>
> I will hold back to see if you can determine if it is even doable. It would be a great number to have instead of just trotting out the same old "guesstimate" on a regular basis. But I really do not want to push paper around for no good reason. Make work has never been my style.
>
> Let me know when you've got an idea...
>
> --

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

<old_nfatcalogo.png>

From: Hughes, Alphonso J. [redacted]

Sent: Tuesday, August 5, 2014 3:21 PM
To: [redacted]
Subject: Re: Just Great
Attachments: old_nfatcalogo.png

[redacted] I will. We assigned an IT Specialist.

Alphonso J. Hughes
Division Chief, FESD

On Aug 5, 2014, at 2:52 PM, "Jeff Folloder" [redacted] wrote:

> On 8/5/2014 1:04 PM, [redacted] wrote:
>
> 10-4 understood!
>
> As you saw, I went ahead and sent the FOIA in (everyone was saying to just file it...). You may find out that extracting the information is nigh impossible. Let me know either way...
>
> --

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

<old_nfatcalogo.png>

From: [redacted]
Sent: Tuesday, November 26, 2013 5:26 PM
To: Schaible, Gary N.
Subject: Re: Frustrating
Attachments: old_nfatcalogo.png

On 11/26/2013 3:29 PM, [redacted] wrote:

> Hey, [redacted] I don't know why it won't pull up – it looks OK to me – I am gone for a few days and won't be able to look more until next week

You were able to see that serial number? It doesn't show up for me...

--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Tuesday, November 26, 2013 5:40 PM
To: Schaible, Gary N.
Subject: Re: Frustrating
Attachments: old_nfatcalogo.png

On 11/26/2013 3:29 PM, (b)(6) wrote:

> Hey, (b)(6) I don't know why it won't pull up – it looks OK to me – I am gone for a few days and won't be able to look more until next week

Gary, I've now tried it on 4 different browsers (b)(6) does not show up on any of them. I am holding the gun in myhand with an approved Form 3.

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: [redacted]
Sent: Tuesday, December 10, 2013 5:01 PM
To: Hughes, Alphonso J.
Subject: Re: Info
Attachments: old_nfatcalogo.png

On 12/10/2013 2:57 PM, [redacted] wrote:

[redacted]

I have compiled most of the information you requested and was waiting on the FOIA to send the actual process request to my office. I will be forwarding the compiled information to FOIA for vetting so that we will not have to wait for the actual FOIA to reach us.

Thank you!

What is the latest official word on what ATF will be doing at SHOT? Who will be there, will ATF be doing their seminars, etc.? Lot's of conflicting stories since you and talked.

--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Tuesday, December 10, 2013 6:14 PM
To: (b)(6)
Subject: Two Items
Attachments: old_nfatcalogo.png

(b)(6)

Have there been additional changes to who is doing what at NFA Branch? Lots of folks reporting "new" names and that there are names that don't match the most recently reported assignments.

Also, I still need to know what kind of content that you require for a memorandum attachment to Form 3 transfers in Illinois for manufacturer SBR transfers.

Hope all is well and that the weather isn't taking too much out of you...

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Wednesday, December 11, 2013 6:56 AM
To: (b)(6)
Subject: Re: Two Items
Attachments: old_nfatcalogo.png

On 12/10/2013 9:48 PM, (b)(6) wrote:

Greeting (b)(6)

Yes of course, we continue to evolve, have additional Examiners, as well as adopting to the e-forms landscape, and will have more to report in 2014...

Assignments are changing slightly, yet to be made official as to report, as we strive first and foremost to be most efficient, work in order received, setting certain priorities, creating additional lines receiving review, and make most of resource available...

To digress, I understand an 07 manufacturer in Illinois to be privileged receiving SBR w/out supplemental content required, rather an 01 dealer made need proof of government contract?

Cold Weather not welcome here, challenge to overcome this week!

An 07 manufacturer in Illinois applied for a Form 3 transfer. You rejected it stating that they must submit the appropriate memorandum. (b)(3)-26 U.S.C. §6103

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: Hughes, Alphonso J (b)(6)

Sent: Wednesday, December 11, 2013 9:11 AM
To: (b)(6)
Subject: RE: Info
Attachments: image001.png

Right now, the field office will be the backbone of personnel manning the booth with ATF HQ & Martinsburg having a rep from each branch to compliment those folks. The first two days (Mon & Tues) ATF HQ & Martinsburg will be holding the meetings with available industry associations. John Badowski is the POC. There will be no Town hall or seminars to my knowledge. Just FYI – the government is currently only funded through January 15 but hopefully another shutdown doesn't happen.

From: (b)(6)
Sent: Tuesday, December 10, 2013 5:01 PM
To: Hughes, Alphonso J.
Subject: Re: Info

On 12/10/2013 2:57 PM, (b)(6) wrote:

Thank you!

What is the latest official word on what ATF will be doing at SHOT? Who will be there, will ATF be doing their seminars, etc.? Lot's of conflicting stories since you and talked.

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: Hughes, Alphonso J. (b)(6) (b)(6)

Sent: Tuesday, December 24, 2013 9:21 AM
To: (b)(6)
Subject: RE: Checking In
Attachments: image001.png

Jeff that data has been pulled and transmitted to FOIA already, I will check with Disclosure Branch today and see if it got sent yet. There were a couple good charts generated showing NFA processing over time.

Alphonso J. Hughes
Division Chief
ATF - FESD
(b)(6)

From: (b)(6)
Sent: Monday, December 23, 2013 9:16 AM
To: Hughes, Alphonso J.
Subject: Checking In

With today being pretty much the last day for any "real" work for the rest of the year... Any word on the data pull that I FOIA'd?

If I do not get the opportunity, here's wishing you and yours a very peaceful Christmas.

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Tuesday, December 24, 2013 10:47 AM
To: Hughes, Alphonso J.
Cc: (b)(6)
Subject: Re: Checking In
Attachments: old_nfatcalogo.png

On 12/24/2013 9:44 AM, (b)(6) wrote:

> (b)(6) Happy Holidays to you and yours and do you mind if I come stop by your booth at SHOT? I know the meeting schedule didn't pan out but I wouldn't mind seeing you guys. If so, let me know the area you will be in.

Please do! We are in booth #20116, in the LE section.

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: Hughes, Alphonso J. [redacted]

Sent: Monday, January 6, 2014 11:38 AM
To: [redacted]
Cc: Saavedra, Edward D.
Subject: RE: FOIA
Attachments: image001.png

Absolutely [redacted] if folks are telling you that (pushing a year) I want to know who as well on that. Appreciate any information you can get me. Ed, [redacted] and I are trying our best to make a positive impact on that branch's operations.

From: [redacted]
Sent: Monday, January 06, 2014 11:28 AM
To: Hughes, Alphonso J.
Cc: [redacted]
Subject: Re: FOIA

On 1/6/2014 10:24 AM, [redacted] wrote:

> No that was posted to the ATF website on Friday at the request of the executive staff after many received congressional and after such suggestions post the Importer's Conference. I don't have any knowledge of any request ever coming into ATF from the NSSF. So they (NSSF) must have set up an alert or have somebody monitoring the ATF website for changes daily. My recommendation is that, that information be refreshed every 2-3 months so the most accurate times are posted.
>
> Let me pick your brain on this one >>>Have you seen situations where perfected application (those received without errors) being processed in longer than 9-10 months? If so I want to know about those and see what are the circumstances. I can tell you with eForms gaining momentum I expect average times to stay consistent on tax paid.

I will see if I can get you some specifics. I assume that you want names and serial numbers... But yes, we are regularly being told by folks that times are pushing an entire year.

--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Monday, January 6, 2014 12:36 PM
To: (b)(6)
Cc: Hughes, Alphonso J.; (b)(6)
Subject: Re: FOIA

Gentlemen,
One of the collection activities that we have underway at the moment is to actually track all of this from the manufactures perspective. I am working two of the largest ones now. Will let you know the actual results once we see the numbers.
All my best.

(b)(6)

On Jan 6, 2014, at 11:28 AM, (b)(6) wrote:

> On 1/6/2014 10:24 AM, (b)(6) wrote:
>
> > No that was posted to the ATF website on Friday at the request of the executive staff after many received congressional and after such suggestions post the Importer's Conference. I don't have any knowledge of any request ever coming into ATF from the NSSF. So they (NSSF) must have set up an alert or have somebody monitoring the ATF website for changes daily. My recommendation is that, that information be refreshed every 2-3 months so the most accurate times are posted.
> >
> > Let me pick your brain on this one >>>Have you seen situations where perfected application (those received without errors) being processed in longer than 9-10 months? If so I want to know about those and see what are the circumstances. I can tell you with eForms gaining momentum I expect average times to stay consistent on tax paid.
>
> I will see if I can get you some specifics. I assume that you want names and serial numbers... But yes, we are regularly being told by folks that times are pushing an entire year.
>
> --
>
> (b)(6)
> Executive Director
> Phone: 281.492.8288
> Website: www.nfatca.org
> Forums: www.nfatcaforums.org
>
> <old_nfatcalogo.png>

From: (b)(6)
Sent: Wednesday, January 8, 2014 11:12 AM
To: Hughes, Alphonso J.
Cc: (b)(6)
Subject: Data Collecting
Attachments: old_nfatcalogo.png

Alphonso,
I have begun collecting data on applicant experience with receiving Form 1 & 4 approvals. I have asked for applicant name, date of submission and serial number. I will hopefully be able to give you more than a smattering of data elements so that you can draw legitimate statistical conclusions.

Perhaps we can integrate this data with the historical data that I have requested and then look into reviving the NFAFormFacts project that I proposed several years back? I had set up a website for this purpose years ago (notice our *old* logo?). The idea was to be able to present the data in an ongoing and useful manner. The ultimate goal was to also be able to provide a prognostication tool that was based upon the statistical data and that utilized a modeling technique to be able to deliver something along the lines of: If you submitted a perfect Form 4 today, you should expect to receive an approval on or about xx/xx/xx.

http://www.nfaformfacts.com
--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Friday, January 10, 2014 8:32 AM
To: Hughes, Alphonso J.
Cc: (b)(6)
Subject: Collecting Data
Attachments: old_nfatcalogo.png

I'm compiling a spreadsheet for you with data from folks who have experienced longer than 9 months wait for approval on Form 1/4. I'd like to get more than a smattering of information so that the data slug will be statistically significant.

In regards to the data that I FOIA's... Still have received nothing. I assume you know that, though. That data was going to be used for a variety of projects, including a review of the how NFA Branch has tackled the ever increasing workload in the NFATCA newsletter that was to be distributed at SHOT. We were also going to feature eForms. Looks like we missed those deadlines...

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Saturday, January 11, 2014 9:48 AM
To: Hughes, Alphonso J.
Cc: (b)(6)
Subject: Re: Collecting Data
Attachments: old_nfatcalogo.png

On 1/10/2014 8:53 AM, (b)(6) wrote:

> Thanks (b)(6) regarding the over 9 month collection.
>
> I still can't believe that you have not received it. I am going to brief our DAD on this situation as well. We are all here responding as required and within timeframes and it being hung up somewhere outside. I will do one last attempt, again, to get a status from disclosure.

Still nothing. Looking forward to informally chatting next week at SHOT. We are at 20116 in the LE section. I'm in the middle of finishing up packing for the event. I've got plenty of face time with the windshield ahead of me!

Assuming that you get stonewalled by disclosure, what are next steps?

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Monday, January 20, 2014 9:23 AM
To: Hughes, Alphonso J.; Saavedra, Edward D.; (b)(6)
Cc: (b)(6)
Subject: NFA Examiner Staff
Attachments: old_nfatcalogo.png

Gentlemen,

(b)(6) has done a wonderful job of keeping the NFATCA abreast of changes and assignments at NFA Branch, specifically concerning the Examiners and Research Assistants (contractors). The last time that we visited this subject there were:

- 12 Examiners
- 7 Specialists
- 2 Supervisors
- ~12 Research Assistants

I do realize that ATF staffing at SHOT was severely curtailed and that it is likely that local Las Vegas personnel were staffing the booth at SHOT Show. With that said... We received a significant number of folks at the NFATCA booth stating that they had just learned from ATF that there were **25 Examiners** on board as of a "recent hiring." We were very careful to state that we would be happy to confirm that, but that it does not jibe with what we have been told. We went on to explain the difference between the various roles and asked if the total number of folks involved with the process might be getting confused with the number thrown out as actual Examiners. "No... ATF is saying that with new hires they now have 25 Examiners."

If this is, in fact, true, please provide us with a list of the person and their assignments so that we can tout this welcome addition to combat the flood of paper! If it is not true, we should probably endeavor to correct the innacurate picture that is being advertised.

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: Hughes, Alphonso J. [redacted]

Sent: Monday, January 20, 2014 6:25 PM
To: [redacted]
Cc: Saavedra, Edward D.; [redacted]
Subject: Re: NFA Examiner Staff
Attachments: old_nfatcalogo.png

Not true. Ed can you work with [redacted] to rectify?

Alphonso J. Hughes
Division Chief, FESD

On Jan 20, 2014, at 9:23 AM, "[redacted]" wrote:

Gentlemen,
[redacted] has done a wonderful job of keeping the NFATCA abreast of changes and assignments at NFA Branch, specifically concerning the Examiners and Research Assistants (contractors). The last time that we visited this subject there were:

- 12 Examiners
- 7 Specialists
- 2 Supervisors
- ~12 Research Assistants

I do realize that ATF staffing at SHOT was severely curtailed and that it is likely that local Las Vegas personnel were staffing the booth at SHOT Show. With that said... We received a significant number of folks at the NFATCA booth stating that they had just learned from ATF that there were **25 Examiners** on board as of a "recent hiring." We were very careful to state that we would be happy to confirm that, but that it does not jibe with what we have been told. We went on to explain the difference between the various roles and asked if the total number of folks involved with the process might be getting confused with the number thrown out as actual Examiners. "No... ATF is saying that with new hires they now have 25 Examiners."

If this is, in fact, true, please provide us with a list of the person and their assignments so that we can tout this welcome addition to combat the flood of paper! If it is not true, we should probably endeavor to correct the innacurate picture that is being advertised.

--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

<old_nfatcalogo.png>

From: Hughes, Alphonso J. (b)(6) (b)(6)
Sent: Wednesday, January 22, 2014 8:16 AM
To: (b)(6)
Cc: (b)(6)
Subject: RE: Staffing & FOIA
Attachments: image001.png

Thanks (b)(6) I appreciate that. I suspect somebody may have asked the FFLC Chief what the staffing levels were her branch and someone may have overheard a conversation and may have thought that applied to NFA Branch. Just can't see how that message was mixed up intentionally at least.

FOIA – I had one of my analyst staff attempt to follow up twice from everyone from the branch chief down and those messages have gone unanswered no return call. My staff even provided the info a second time to the branch. I am going to have a conversation with Marvin today about this. There are several high priority items that appear to not have been received by requesters for months now.

Alphonso J. Hughes
Division Chief
ATF - FESD

From: (b)(6)
Sent: Wednesday, January 22, 2014 7:39 AM
To: Hughes, Alphonso J.
Cc: (b)(6)
Subject: Staffing & FOIA

I've begun broadcasting the staffing levels on the Internet. I'm still not sure how or why the folks at SHOT were telling folks that there were 25 Examiners...

Any word on Disclosure sending my info along?
--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: Hughes, Alphonso J. [redacted]

Sent: Wednesday, January 22, 2014 8:41 AM
To: [redacted]
Subject: RE: Staffing & FOIA
Attachments: image001.png

I agree [redacted] I will continue to serve as best as I can.

From: [redacted]
Sent: Wednesday, January 22, 2014 8:22 AM
To: Hughes, Alphonso J.
Cc: [redacted]
Subject: Re: Staffing & FOIA

On 1/22/2014 7:15 AM, [redacted] wrote:

> Thanks [redacted] I appreciate that. I suspect somebody may have asked the FFLC Chief what the staffing levels were her branch and someone may have overheard a conversation and may have thought that applied to NFA Branch. Just can't see how that message was mixed up intentionally at least.
>
> FOIA – I had one of my analyst staff attempt to follow up twice from everyone from the branch chief down and those messages have gone unanswered no return call. My staff even provided the info a second time to the branch. I am going to have a conversation with Marvin today about this. There are several high priority items that appear to not have been received by requesters for months now.

I will not speculate in a conspiratorial manner, but this seems to be a very strange way to manage information when the Bureau has clearly stated that it wishes to reengage and work with the industry that it regulates. I appreciate your efforts on this. Hopefully we can arrive at resolution!

--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: Hughes, Alphonso J. (b)(6)

Sent: Wednesday, January 22, 2014 9:54 AM
To: (b)(6)
Cc: Saavedra, Edward D.
Subject: FOIA contacts
Attachments: image001.png

(b)(6) also here is a link to the FOIA page for contact info if you want to follow up on your end as well.
http://www.atf.gov/content/contact-us/FOIA

Alphonso J. Hughes
Division Chief
ATF - FESD

From: (b)(6)
Sent: Wednesday, January 22, 2014 7:39 AM
To: Hughes, Alphonso J.
Cc: (b)(6)
Subject: Staffing & FOIA

I've begun broadcasting the staffing levels on the Internet. I'm still not sure how or why the folks at SHOT were telling folks that there were 25 Examiners...

Any word on Disclosure sending my info along?

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)

Sent: Friday, January 24, 2014 8:09 AM
To: (b)(6)
Subject: RE: eForms Issue
Attachments: image001.png

(b)(6) – these should be fixed

From: (b)(6)
Sent: Wednesday, January 22, 2014 6:53 PM
To: (b)(6)
Cc: (b)(6)
Subject: eForms Issue

(b)(6)
I've encountered a little issue with eForms and I am uncertain as to what the right way to correct it might be. (b)(3) - 26 U.S.C. § 6103 . It holds several licenses: an (b)(3) - 26 U.S.C. § 6103 (b)(3) - 26 U.S.C. § 6103 (b)(3) - 26 U.S.C. § 6103 .

Inventory is showing up on the (b)(3) - 26 U.S.C. § 6103 license that matches the inventory on hand for many items. Of concern are 5 suppressors:

- (b)(6), (b)(3) - 26 U.S.C. § 6103
-
-
-
-

These suppressors absolutely were manufactured and properly Form 2'd by (b)(3) - 26 U.S.C. § 6103 (b)(3) - 26 U.S.C. § 6103 However, eForms is showing (b)(3) - 26 U.S.C. § 6103 as the manufacturer. I know for a fact that I did not register these weapons under my license.

How do we correct this? The (b)(3) - 26 U.S.C. § 6103 folks are already faced with the scenario of having to submit a transfer applications on eForms for these items that perpetuates false information or revert to paper, which will take ages to approve.

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Friday, January 24, 2014 8:43 AM
To: (b)(6)
Cc: (b)(6)
Subject: Re: eForms Issue
Attachments: old_nfatcalogo.png

On 1/24/2014 7:08 AM, (b)(6) wrote:

(b)(6) – these should be fixed

Thanks!!! How do I get known errors fixed on an ongoing basis? Pushing through forms with known, obvious errors seems to be counter to the NFA Branch's goal of 100% accuracy.

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: [redacted]

Sent: Friday, January 24, 2014 9:06 AM
To: [redacted]
Cc: [redacted]
Subject: RE: eForms Issue
Attachments: image001.png

The manufacturer issue is a coding issue on our side – for other errors, as you know, with a paper transfer you could submit a correction letter with it. An eForm submission picks up what we show in the system so that would need to be changed prior to submission of an eform transfer – my advice then would be to get any corrections into NFA and handled before you submit the eform transfer.

From: [redacted]
Sent: Friday, January 24, 2014 8:43 AM
To: [redacted]
Cc: [redacted]
Subject: Re: eForms Issue

On 1/24/2014 7:08 AM, [redacted] wrote:

[redacted] – these should be fixed

Thanks!!! How do I get known errors fixed on an ongoing basis? Pushing through forms with known, obvious errors seems to be counter to the NFA Branch's goal of 100% accuracy.

--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Monday, January 27, 2014 9:57 AM
To: (b)(6)
Subject: Re: New Gig?
Attachments: old_nfatcalogo.png

On 1/27/2014 8:26 AM, (b)(6) wrote:

> So far so good but only one week in the saddle. Snows each day I drive in from PA.

If it is any consolation, we had an ice storm and light snow last week and will get it again tonight and tomorrow morning. After it being 73 yesterday. Did I mention that this is HOUSTON???

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Tuesday, January 28, 2014 2:57 PM
To: (b)(6)
Subject: Form 3 Copies
Attachments: old_nfatcalogo.png

(b)(6)
Could you send me pdf/fax copies of my Form 3's on the following two serial numbers:

[redacted]

Thanks!
--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Tuesday, January 28, 2014 3:34 PM
To: (b)(6)
Subject: Can You Still...
Attachments: old_nfatcalogo.png

...pull Form 3 copies? I need copies of weapons that are assigned to me from the (b)(3) - 26 U.S.C. § 6103 back in 6/11:

(b)(6), (b)(3) - 26 U.S.C. § 6103

Both MP5's...
--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: [redacted]

Sent: Tuesday, January 28, 2014 3:36 PM
To: [redacted]
Subject: RE: Can You Still...
Attachments: image001.png

That will have to get done at Martinsburg.... Probably a manual locate.

[redacted]
Firearms Specialist-NICS Liaison
Denial Enforcement & NICS Intelligence Branch
Violent Crime Intelligence Division
1000 Custer Hollow Road, Module A-3
Clarksburg, WV 26306
[redacted] (office)
[redacted] (fax)

From: [redacted]
Sent: Tuesday, January 28, 2014 3:34 PM
To: [redacted]
Subject: Can You Still...

...pull Form 3 copies? I need copies of weapons that are assigned to me from the [redacted] back in 6/11:

[redacted]

Both MP5's...

--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Wednesday, January 29, 2014 6:16 PM
To: foiamail
Subject: FOIA Request Status
Attachments: old_nfatcalogo.png

Ms. Boucher,
Our organization made a FOIA request for specific information on 11/21/2013. The request was made of Mr. Alphonso Hughes, Division Chief, ATF-FESD. A copy is attached.

Mr. Hughes advises that he has prepared as much of the data as possible and is at a loss as to why your division has failed to deliver it for our review.

Please advise at your earliest convenience.
--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Monday, February 3, 2014 7:10 AM
To: (b)(6)
Subject: (b)(6)
Attachments: old_nfatcalogo.png

If you put an HK SP89 (basically an MP5 pistol) in an operational briefcase, you need to do the AOW thing. If you put a registered machine gun in it you are good to go with no additional registration. If you put a registered SBR in the briefcase... Additional AOW registration or good to go?

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: [redacted]

Sent: Monday, February 3, 2014 10:42 AM
To: [redacted]
Subject: Re: [redacted]
Attachments: old_nfatcalogo.png

Register as aow far as I know.

On Feb 3, 2014, at 7:10 AM, "[redacted]" wrote:

> If you put an HK SP89 (basically an MP5 pistol) in an operational briefcase, you need to do the AOW thing. If you put a registered machine gun in it you are good to go with no additional registration. If you put a registered SBR in the briefcase... Additional AOW registration or good to go?
> --

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

<old_nfatcalogo.png>

From: (b)(6)
Sent: Tuesday, February 4, 2014 10:49 AM
To: (b)(6)
Subject: Time to Talk?
Attachments: old_nfatcalogo.png

Do you have any available time? The concept of multiple NFA type registration is making my brain ache...
--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Tuesday, February 4, 2014 4:33 PM
To: (b)(6)
Subject: Re: Time to Talk?
Attachments: old_nfatcalogo.png

On 2/4/2014 3:16 PM, (b)(6) wrote:

> What time are you available?

Now works if you can (b)(6)

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: [redacted]
Sent: Thursday, February 6, 2014 7:59 AM
To: Hughes, Alphonso J.; [redacted]
Subject: Re: FOIA Woes
Attachments: old_nfatcalogo.png

On 2/5/2014 9:32 AM, [redacted] wrote:

> Jeff/John,
>
> I am absolutely saddened by the experience you are having with getting the information. Next step: At SHOT you were suppose to have a meeting with ATF but the schedules did not align. It may be plausible for [redacted] to possibly request a meeting with ATF with your agenda & data request you had for SHOT and push that to [redacted] for consideration/coordination. Just trying to think of all the options for you.

Alphonso,
I appreciate the candor and sincerity of your words. Not sure that your guidance is going to lead to an acceptable resolution, though. [redacted] originally offered us exactly one appointment time for the SHOT Show: during the one time that is more chaotic and untenable than any other for us ~ set up day. As a non-profit on a spartan budget with even more spartan personnel resources, there simply was no reasonable way for us to make it work. ATF severely curtailed their travel and availability as a result of budget constraints and left us no choice but to decline the meeting at SHOT.

My very frank question to you would be: would meeting there have made a difference? Clearly, ATF/DOJ are not moving with any alacrity toward fulfilling FOIA requests from *anyone*. Several industry organizations have been forced into the awkward position of having to file law suits to force Disclosure to turn over the requested FOIA information on a variety of fronts. And now other bureaus and agencies appear to be involved in similar stone wall activities related to basic information requests. This does not bode well.

The information that we requested was to obtain data that would assist ATF in making the roll out of eFoms more accurately understood by the very community it was deployed to help. We want to highlight the sheer volume of work involved and help develop a road map for success. Despite the fact that the industry feels that ATF continues to push them away, we believe there are still areas where we can work together toward mutual benefit. And with that said, I can assure you that the continued presence of a virtual cone of silence is not going to help industry's impression of ATF's lack of meaningful interaction. Take this example:

...the latest eForms notice from [redacted]...

> *New eforms user registrations: 405*
> *Form 1 submissions: 208*
> *Form 3 submissions: 930*
> *Form 4 submissions: 898*

That is for a recent one week period. If you add up the Form 1 & 4 totals (the paying ones), assume they are an average number and that the average will not increase over time (a bad assumption) and do the math... It winds up being a little more than 57,500 apps for a 52 week period that translates into a little more than $11.5 MILLION. Industry is going to shout "Now tell me again why we cannot pay to get the damn system fixed?"

You and I know that there is no budget assigned to eForms, yet NFA Branch is going to take in $11mm+ and meekly claim no funds to fix it. That is not going to go over well. Our offers to sit down and discuss the situation have been met with FOIA Disclosure like silence. Alphonso, I am at a loss. I know how government works. I am familiar with the unique peculiarities of keeping the ball rolling in government. In this case, the ball isn't even rolling. Matter of fact, somebody came over, picked up the ball, took it off the court, put it in a closet and threw a padlock on the door.

The application flood is absolutely going to continue growing at an exponential rate. At some point, Congress is going to get involved because we are nearing the point that functionality will come to all but a screeching halt. That is not going to be a good look for any of us.

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Tuesday, February 11, 2014 10:22 AM
To: (b)(6)
Subject: Abandoned?
Attachments: old_nfatcalogo.png

eForms is showing a "Non eForms - NFA Form 3" in my "Abandoned" section. Permit number (b)(6) created by (b)(6) on 12/23/13 and submitted on 12/11/2013.

What is this? eForms isn't giving me anything to go on...

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)

Sent: Tuesday, February 11, 2014 1:09 PM
To: (b)(6)
Subject: RE: Abandoned?
Attachments: image001.png

Good Afternoon (b)(6)–

Please explain further your concern, it does seems according to the RECORD this transfer was claimed as VOID?

From: (b)(6)
Sent: Tuesday, February 11, 2014 10:22 AM
To: (b)(6)
Subject: Abandoned?

eForms is showing a "Non eForms - NFA Form 3" in my "Abandoned" section. Permit number (b)(6), created by (b)(6) on 12/23/13 and submitted on 12/11/2013.

What is this? eForms isn't giving me anything to go on...

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Tuesday, February 11, 2014 1:12 PM
To: (b)(6)
Subject: Re: Abandoned?
Attachments: old_nfatcalogo.png

On 2/11/2014 12:08 PM, (b)(6) wrote:

> Good Afternoon (b)(6) –
>
> Please explain further your concern, it does seems according to the RECORD this transfer was claimed as VOID?

Do you have an associated serial number? I have no clue what document is associated with the "abandoned" item.

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)

Sent: Tuesday, February 11, 2014 1:17 PM
To: (b)(6)
Subject: RE: Abandoned?
Attachments: image001.png

It appears the initial request included a range of serial numbers, now reduced from the original, might inquire w/ (b)(3):26 USC §6103

From: (b)(6)
Sent: Tuesday, February 11, 2014 10:22 AM
To: (b)(6)
Subject: Abandoned?

eForms is showing a "Non eForms - NFA Form 3" in my "Abandoned" section. Permit number (b)(6), created by (b)(6) on 12/23/13 and submitted on 12/11/2013.

What is this? eForms isn't giving me anything to go on...

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)

Sent: Thursday, May 1, 2014 5:59 PM
To: (b)(6)
Subject: RE: Ownership Change
Attachments: image001.png

Type FFL the sole prop. Is considering to establish as the LLC SOT? 01, 07, 08 or Other?

From: (b)(6)
Sent: Thursday, May 01, 2014 1:59 PM
To: (b)(6)
Subject: Ownership Change

(b)(6)

One of our members is likely going to change from a sole proprietor SOT to a corporation/LLC SOT. What would be the best way for him to effect the move of his NFA items from the old to new license? I'm going to assume that there will not be love letters needed to move the existing post May dealer samples. He will have a bunch of personally owned NFA weapons moved to the new entity as well.

I'm just uncertain as to how you would like to see the paperwork happen.

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)

Sent: Thursday, May 1, 2014 6:36 PM
To: (b)(6)
Subject: RE: Ownership Change
Attachments: image001.png

Sole Prop. To an LLC = TRANSFER, requires reason to justify...

PRINCIPLE:

Q: Does the fact that two licensed manufacturers are wholly-owned by the same parent corporation allow them to transfer post-1986 machineguns between the corporations without either having a Government contract or law enforcement sales demonstration request?

Because the licensed manufacturers are separate legal entities, any NFA firearm would have to be transferred between the entities subject to an ATF-approved application. However, under 27 CFR 479.105(d), a machinegun made or imported on or after May 19, 1986, may only be transferred to the U.S. Government (USG) or a law enforcement agency, or to a Federal firearms licensee for use as a USG or law enforcement sales sample. The transfer of a post-1986 machinegun between licensed manufacturers solely for the performance of a manufacturing sub-process in furtherance of finishing the product, without meeting the requirements of 27 CFR 479.105(d), is not permissible.
To accomplish the sub-process without conducting a transfer of the firearm, an employee of the entity to which the machinegun is registered must accompany the machinegun to the secondary manufacturer's premises and remain with it, maintaining dominion and control, while the sub-process is being performed. If the sub-process requires more than one day to complete, the registrant may store the firearm overnight at the secondary manufacturer's premises in a locked container to which only the registrant's employee has access. In this scenario, no transfer between the primary and secondary manufacturer takes place, and both parties would comply with 18 U.S.C. 922(o).

From: (b)(6)
Sent: Thursday, May 01, 2014 6:27 PM
To: (b)(6)
Subject: Re: Ownership Change

On 5/1/2014 4:59 PM, (b)(6) wrote:

> Type FFL the sole prop. Is considering to establish as the LLC SOT? 01, 07, 08 or Other?

I believe it is an 01.

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Tuesday, May 27, 2014 7:57 AM
To: (b)(6)
Subject: HK Briefcase
Attachments: old_nfatcalogo.png

Did we ever get to final opinion on the need for dual registration?

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: [redacted] (b)(6) >
Sent: Tuesday, April 1, 2014 5:46 PM
To: [redacted] (b)(6)
Subject: Re: Another Interesting One...
Attachments: old_nfatcalogo.png

On 4/1/2014 10:59 AM, [redacted] (b)(6) wrote:

> They could add marks if so inclined, but are prohibited from altering or obliterating any existing markings. 26 USC 5861(g). Some of the internet experts say this is new – but it is not.

Yep. I remember the Barnes article clearly explaining this. But I wanted to make sure that I was not missing some wrinkle.

--

[redacted] (b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)

Sent: Wednesday, April 2, 2014 9:14 AM
To: (b)(6)
Subject: RE: I Know...
Attachments: image001.png

(b)(6)

I will call her when I can. As you can imagine, I am swamped right now.

(b)(6)

From: (b)(6)
Sent: Wednesday, April 02, 2014 7:19 AM
To: (b)(6)
Subject: I Know...

... that the alligators are up to your eyeballs! Would it be possible for you to give (b)(6) a call at (b)(6)? She's been trying to call you but your VM was full. She is a registered eForms user as a manufacturer. But the system is giving her fits when trying to even start the submission of a Form 2.
--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Wednesday, April 2, 2014 2:32 PM
To: (b)(6)
Subject: Citation?
Attachments: old_nfatcalogo.png

(b)(6)
For Title I guns (pistols, rifles, etc.)... I know that they can be returned to the manufacturer for repair/refurbishment and then sent back to the original owner, even across state lines. Where is this "permission granted? Is it a statute, regulation, ATF publication?

I have another question, but I do not want to bury you.
--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)

Sent: Wednesday, April 2, 2014 2:42 PM
To: (b)(6)
Subject: RE: Citation?
Attachments: image001.png

18 USC 922(a)(2)(A)

There is an accompanying regulation but I can't think of it now.

(b)(6)
Firearms Specialist-NICS Liaison
Denial Enforcement & NICS Intelligence Branch
Violent Crime Intelligence Division
1000 Custer Hollow Road, Module A-3
Clarksburg, WV 26306
(b)(6) (office)
(b)(6) (fax)

From: (b)(6)
Sent: Wednesday, April 02, 2014 2:32 PM
To: (b)(6)
Subject: Citation?

(b)(6)
For Title I guns (pistols, rifles, etc.)... I know that they can be returned to the manufacturer for repair/refurbishment and then sent back to the original owner, even across state lines. Where is this "permission granted? Is it a statute, regulation, ATF publication?

I have another question, but I do not want to bury you.
--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Wednesday, April 2, 2014 2:45 PM
To: (b)(6)
Subject: Re: Citation?
Attachments: old_nfatcalogo.png

On 4/2/2014 1:42 PM, (b)(6) wrote:

18 USC 922(a)(2)(A)

Perfect. Brain death is real around Katy right now.

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: [redacted]

Sent: Thursday, April 3, 2014 6:27 PM
To: [redacted]
Subject: RE: Re:
Attachments: image001.png

w/ end cap "in-place," (as to consider this a change in the configuration), would a "firearms-expert," or the like consider the nomenclature meeting definition of SBR?

From: [redacted]
Sent: Wednesday, April 02, 2014 6:30 AM
To: [redacted]
Subject: Re:

On 4/1/2014 9:20 PM, [redacted] wrote:

> If deciding on end-cap configuration, is that an SBR stand-alone?

Yes. The end cap can easily replace the butt stock at will. The end cap usually has a sling attachment point...

--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Monday, April 7, 2014 7:47 AM
To: (b)(6)
Subject: Various
Attachments: old_nfatcalogo.png

(b)(6)

I imagine that you are completely buried with the whole eForms system stuff. On that topic I have a few questions...

1. The Knob Creek shoot is this week. As you know, we have a meeting each shoot. I am certain that this subject is going to come up. Is(are) there any message(s) you would like for me to relate to the group? ETA for restart, planned changes, etc.?
2. I had been told that the NFA crew was actually using the eForms system to process all the paper and fax submissions. It was under the heading of "we experience the same pain as the public." Is this still the case? As in, is eForms just closed to outside connections? Or is NFA Branch now totally manual again?
3. How can NFATCA assist you in helping to spec out usability and enhancement features to the system?

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)

Sent: Thursday, April 24, 2014 10:44 AM
To: (b)(6)
Subject: RE: RE:

Disregard – have found another source. No worries.

(b)(6)
Firearms Specialist-NICS Liaison
Denial Enforcement & NICS Intelligence Branch
Violent Crime Intelligence Division
1000 Custer Hollow Road, Module A-3
Clarksburg, WV 26306
(b)(6) (office)
(b)(6) (fax)

From: (b)(6)
Sent: Thursday, April 24, 2014 10:43 AM
To: (b)(6)
Subject: RE:

I'm setting up for the NRA show right now. Will be home in about a week. I have notes and discussions that I had with (b)(6) regarding 922 are and how it applies to nfA. I will be happy to share with you when I get home.

Sent from my mobile device.

-------- Original message --------
From: (b)(6)
Date: 04/24/2014 9:06 AM (GMT-05:00)
To: (b)(6)
Subject:

Do you have a letter from FTB concerning 922(r) and NFA building? If yes, could you send it?

(b)(6)

Firearms Specialist-NICS Liaison

Denial Enforcement & NICS Intelligence Branch

Violent Crime Intelligence Division

1000 Custer Hollow Road, Module A-3

Clarksburg, WV 26306

(b)(6) (office)

(b)(6) (fax)

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Sent: Thursday, April 24, 2014 10:43 AM
To: (b)(6)
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(b)(6)

Firearms Specialist-NICS Liaison

Denial Enforcement & NICS Intelligence Branch

Violent Crime Intelligence Division

1000 Custer Hollow Road, Module A-3

Clarksburg, WV 26306

(b)(6) (office)

(b)(6) (fax)

From: (b)(6)
Sent: Thursday, April 24, 2014 3:41 PM
To: (b)(6)
Subject: RE: RE:

if what you found is shareable I would love to have a look at it. thanks

Sent from my mobile device.

-------- Original message --------
From: (b)(6)
Date: 04/24/2014 10:44 AM (GMT-05:00)
To: (b)(6)
Subject: RE: RE:

Disregard – have found another source. No worries.

(b)(6)

Firearms Specialist-NICS Liaison

Denial Enforcement & NICS Intelligence Branch

Violent Crime Intelligence Division

1000 Custer Hollow Road, Module A-3

Clarksburg, WV 26306

(b)(6) (office)

(b)(6) (fax)

From: (b)(6)
Sent: Thursday, April 24, 2014 10:43 AM
To: (b)(6)
Subject: RE:

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-------- Original message -------
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Date: 04/24/2014 9:06 AM (GMT-05:00)
To: (b)(6)
Subject:

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(b)(6)

Firearms Specialist-NICS Liaison

Denial Enforcement & NICS Intelligence Branch

Violent Crime Intelligence Division

1000 Custer Hollow Road, Module A-3

Clarksburg, WV 26306

(b)(6) (office)

(b)(6) (fax)

From: (b)(6)

Sent: Thursday, April 24, 2014 4:19 PM
To: (b)(6)
Subject: RE: RE:

Not – but it looked really similar to a letter posted on the Bardwell sight if that's still up and running.

(b)(6)
Firearms Specialist-NICS Liaison
Denial Enforcement & NICS Intelligence Branch
Violent Crime Intelligence Division
1000 Custer Hollow Road, Module A-3
Clarksburg, WV 26306
(b)(6) (office)
(b)(6) (fax)

From: (b)(6)
Sent: Thursday, April 24, 2014 3:41 PM
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Firearms Specialist-NICS Liaison

Denial Enforcement & NICS Intelligence Branch

Violent Crime Intelligence Division

1000 Custer Hollow Road, Module A-3

Clarksburg, WV 26306

(b)(6) (office)

(b)(6) (fax)

From: (b)(6)
Sent: Thursday, April 24, 2014 10:43 AM
To: (b)(6)
Subject: RE:

I'm setting up for the NRA show right now. Will be home in about a week. I have notes and discussions that I had with (b)(6) regarding 922 are and how it applies to nfA. I will be happy to share with you when I get home.

Sent from my mobile device.

-------- Original message --------
From: (b)(6)
Date: 04/24/2014 9:06 AM (GMT-05:00)
To: (b)(6)
Subject:

Do you have a letter from FTB concerning 922(r) and NFA building? If yes, could you send it?

(b)(6)

Firearms Specialist-NICS Liaison

Denial Enforcement & NICS Intelligence Branch

Violent Crime Intelligence Division

1000 Custer Hollow Road, Module A-3

Clarksburg, WV 26306

(b)(6) (office)

(b)(6) (fax)

From: (b)(6)
Sent: Thursday, December 11, 2014 8:32 AM
To: (b)(6)
Subject: BG Check Question
Attachments: nfatcalogo.png

What is the regulation citation that provides for ATF running background checks on individual NFA transfers?
--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Thursday, December 11, 2014 9:15 AM
To: (b)(6)
Subject: Never Mind
Attachments: nfatcalogo.png

479.86

--

(b)(6)
Executive Director
Phone 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: [redacted]
Sent: Wednesday, September 24, 2014 7:49 AM
To: Hughes, Alphonso J.
Cc: [redacted]
Subject: Morning!
Attachments: old_nfatcalogo.png

Alphonso,
I thought I'd check in on the 2014-1 situation. If you have not already spoken to [redacted] about this, I suspect that you will, soon. The situation is rapidly beginning to boil and I am wary that this could get out of hand quickly. I am hopeful that we can short circuit any silliness by achieving a resolution in the near term that will satisfy all.

I look forward to hearing from you.
--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: Hughes, Alphonso J. [redacted]
Sent: Tuesday, September 30, 2014 3:25 PM
To: [redacted]
Subject: RE: Morning!
Attachments: image001.png

Yes, I have a final draft in legal review. Hoping by end of week to you electronically.

In a nutshell – Post 86 dealer sample repairs – FFL SOT is an agent of the gov't so repairs as normal. Can be transferred for repair purposes.

From: [redacted]
Sent: Tuesday, September 30, 2014 1:24 PM
To: Hughes, Alphonso J.
Subject: Re: Morning!

On 9/25/2014 9:37 AM, [redacted] wrote:

> Just hang in there, like I said we will get you something in writing soon but continue to operate as normal there is no big issue here for law letter holders.

Any news? As you can imagine, I have lots of people pounding on my head...

--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: [redacted]
Sent: Tuesday, September 30, 2014 1:24 PM
To: Hughes, Alphonso J.
Subject: Re: Morning!
Attachments: old_nfatcalogo.png

On 9/25/2014 9:37 AM, [redacted] wrote:

> Just hang in there, like I said we will get you something in writing soon but continue to operate as normal there is no big issue here for law letter holders.

Any news? As you can imagine, I have lots of people pounding on my head..

--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: [redacted]
Sent: Tuesday, September 30, 2014 5:38 PM
To: Hughes, Alphonso J.
Subject: Re: Morning!
Attachments: old_nfatcalogo.png

On 9/30/2014 3:46 PM, [redacted] wrote:

What number are you at?

[redacted]

--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: [redacted]
Sent: Wednesday, October 1, 2014 11:39 AM
To: Hughes, Alphonso J.
Subject: Re: Morning!
Attachments: nfatcalogo.png

On 10/1/2014 10:32 AM, [redacted] wrote:

[redacted]

> Hey, got tied up this morning on some other pressing items. I will call you later this afternoon.

Roger that. Did you try to call yesterday afternoon from a 202 number? I got a call from [redacted] at about 3:45 my time (I was on another line). I know it's an ATF number, but no message was left.

By the way, I *do* appreciate the communication and the effort. There are a lot of folks trying to stir this up for their own personal financial gain and I am more concerned with getting it right in the quickest, most expedient way.

--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Thursday, October 2, 2014 7:24 AM
To: Hughes, Alphonso J.
Subject: Re: Morning!
Attachments: nfatcalogo.png

On 10/1/2014 10:32 AM, (b)(6) wrote:

(b)(6)

Hey, got tied up this morning on some other pressing items. I will call you later this afternoon.

Thanks for following up with me yesterday evening. I hope that your Scotch was as tasty as mine! I've been trying to wrap my head around the issues at hand for the non-love letter weapons and am beginning to wonder if I am over thinking this. The February, 2000 letter states that ATF does not hold that the temporary conveyance of a weapon for the purposes of repair to be a transfer.

If ATF sticks to the premise that a temporary conveyance for the purpose of repair is not a transfer and adds the words "or possession", then there really is no issue at hand for any of the categories of post sample weapons. Or maybe ATF could make a stretch and hold that anyone with an SOT is, because of their special status, acting as an agent of the government for the purposes of repair if the weapon is sent on a Form 5 to an 07/SOT for said repair?

Get back to me when you can and try to have a less stressful day!

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Thursday, July 23, 2015 1:20 PM
To: (b)(6)
Subject: Bizarre Question
Attachments: nfatcalogo.png

When did ATF start writing the serial number on tax stamps? I've seen some old ones that had dates instead of serial numbers and am curious as to when that changed.

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)

Sent: Thursday, July 23, 2015 1:24 PM
To: (b)(6)
Subject: RE: Bizarre Question
Attachments: image001.png

Nothing has changed,

Expect to find on a Tax Stamp:

- ✓ Serial Number
- ✓ Initial
- ✓ Date

From: (b)(6)
Sent: Thursday, July 23, 2015 1:20 PM
To: (b)(6)
Subject: Bizarre Question

When did ATF start writing the serial number on tax stamps? I've seen some old ones that had dates instead of serial numbers and am curious as to when that changed.

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Thursday, July 23, 2015 1:59 PM
To: (b)(6)
Subject: Re: Bizarre Question
Attachments: nfatcalogo.png

On 7/23/2015 12:23 PM, (b)(6) wrote:

> Nothing has changed,
>
> Expect to find on a Tax Stamp:
>
> - ✓ Serial Number
> - ✓ Initial
> - ✓ Date

The old ones that I saw must have been anomalies with just a date, then... Thanks!

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: [redacted]

Sent: Thursday, July 23, 2015 3:04 PM
To: [redacted]
Subject: RE: Bizarre Question
Attachments: image001.png

Maybe,

In the last ten years, the majority of tax stamps should have been similar to how I described them...

will see if there is any history to that...

Of course, EFORMs will develop their own story...

From: [redacted]
Sent: Thursday, July 23, 2015 1:59 PM
To: [redacted]
Subject: Re: Bizarre Question

On 7/23/2015 12:23 PM, [redacted] wrote:

Nothing has changed,

Expect to find on a Tax Stamp:

- ✓ Serial Number
- ✓ Initial
- ✓ Date

The old ones that I saw must have been anomalies with just a date, then... Thanks!

--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: Hughes, Alphonso J. (b)(6)

Sent: Thursday, July 23, 2015 6:51 PM

To: (b)(6)

Subject: Tomorrow

(b)(6) let me know if you have a couple minutes for me tomorrow. Want to run something by you.

From: (b)(6)
Sent: Thursday, July 23, 2015 7:30 PM
To: Hughes, Alphonso J.
Subject: RE: Tomorrow

I have a 10.30 central appt. Earlier will work. (b)(6)

Sent from a mobile phone so please disre gard the typos.
-------- Original message --------
From: (b)(6)
Date: 07/23/2015 5:51 PM (GMT-06:00)
To: (b)(6)
Subject: Tomorrow

(b)(6) let me know if you have a couple minutes for me tomorrow. Want to run something by you.

From: [redacted]
Sent: Wednesday, July 29, 2015 2:42 PM
To: Hughes, Alphonso J.
Cc: [redacted]
Subject: Houston DIO
Attachments: nfatcalogo.png

Alphonso,
Would you be so kind as to provide me with the email address for the Houston DIO? I just had a particularly fantastic encounter with one of the most thorough and professional IOI's that I have ever worked with and I wanted to make sure that props get to the right place.

--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: Hughes, Alphonso J. (b)(6)

Sent: Wednesday, July 29, 2015 2:47 PM
To: (b)(6)
Cc: (b)(6)
Subject: RE: Houston DIO
Attachments: image001.png

Sure.. -- (b)(6)

Alphonso J. Hughes
Division Chief
ATF - FESD
(b)(6)

From: (b)(6)
Sent: Wednesday, July 29, 2015 2:42 PM
To: Hughes, Alphonso J.
Cc: (b)(6)
Subject: Houston DIO

Alphonso,
Would you be so kind as to provide me with the email address for the Houston DIO? I just had a particularly fantastic encounter with one of the most thorough and professional IOI's that I have ever worked with and I wanted to make sure that props get to the right place.

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Wednesday, July 29, 2015 3:42 PM
To: (b)(6)
Cc: Hughes, Alphonso J.; (b)(6)
Subject: Recognition Deserved
Attachments: nfatcalogo.png

(b)(6)
I have had several Federal Firearms Licenses over the years. I have also had the opportunity to interact with many IOI's throughout the years as Executive Director of the NFATCA. In general, I have personally had pretty good interaction with every Houston Division IOI that I have encountered.

Today I had the opportunity to work with (b)(6) during the site inspection for my new FFL application. I am in the process of consolidating two existing licenses into one new license while significantly changing the the ownership/corporate structure. Something that I would consider to me a moderately complicated process. Mr. (b)(6) called me yesterday afternoon with some preliminary questions and set up an appointment to meet with me this morning. Our interaction went beyond "pretty good."

Mr. (b)(6) was superbly prepared for the site inspection, asked insightful questions and carefully explained the need for his inquiries. He was diligent in covering all of the appropriate material with me, even though he knew I had already been through the process before. He took the time to also listen to me with attention and respect. There was no confrontation or posturing, just effective and efficient communication. I am thoroughly impressed with Mr. (b)(6) performance and want you to know about it. More importantly, I want to make sure that he knows that I appreciate his professionalism and want it recognized beyond me just saying to him "I think you did a great job." Please let me know if you need anything more from me to insure that he is properly recognized for his efforts.

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)

Sent: Thursday, July 30, 2015 12:24 PM
To: (b)(6)
Subject: RE: Recognition Deserved
Attachments: image001.png

Mr. (b)(6)

I appreciate you taking time to contact and tell me about your interaction with one of my IOIs. It is not often I receive correspondence of praise. I am glad to hear IOI (b)(6) was fully prepared, professional and attentive to your questions. This is the manner in which I expect all of my IOIs to represent ATF. I will forward your email as well as a letter from myself thanking him for his professionalism. Thank you for your feedback.

From: (b)(6)
Sent: Wednesday, July 29, 2015 2:42 PM
To: (b)(6)
Cc: Hughes, Alphonso J.; (b)(6)
Subject: Recognition Deserved

(b)(6)
I have had several Federal Firearms Licenses over the years. I have also had the opportunity to interact with many IOI's throughout the years as Executive Director of the NFATCA. In general, I have personally had pretty good interaction with every Houston Division IOI that I have encountered.

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--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Friday, July 31, 2015 7:53 AM
To: (b)(6)
Subject: Fwd: RE: Recognition Deserved
Attachments: ATT00001.png

FYI...

-------- Forwarded Message --------
Subject:RE: Recognition Deserved
Date: Thu, 30 Jul 2015 16:24:29 +0000
From: (b)(6)
To: (b)(6)

Mr. (b)(6)

I appreciate you taking time to contact and tell me about your interaction with one of my IOIs. It is not often I receive correspondence of praise. I am glad to hear IOI (b)(6) was fully prepared, professional and attentive to your questions. This is the manner in which I expect all of my IOIs to represent ATF. I will forward your email as well as a letter from myself thanking him for his professionalism. Thank you for your feedback.

From: (b)(6)
Sent: Wednesday, July 29, 2015 2:42 PM
To: (b)(6)
Cc: Hughes, Alphonso J.; (b)(6)
Subject: Recognition Deserved

(b)(6)
I have had several Federal Firearms Licenses over the years. I have also had the opportunity to interact with many IOI's throughout the years as Executive Director of the NFATCA. In general, I have personally had pretty good interaction with every Houston Division IOI that I have encountered.

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you did a great job." Please let me know if you need anything more from me to insure that he is properly recognized for his efforts.

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website www.nfatca.org
Forums: www.nfatcaforums.org

From: Courtney, Edward C. (b)(6)

Sent: Tuesday, August 11, 2015 1:06 PM
To: info@nfatca.org
Subject: ATF's response: ATTN (b)(6)
Attachments: NFATCASilencerMarkings 2.pdf; NFATCA Letter.pdf; image001.png

Importance: High

Mr. (b)(6) Attached is ATF's formal response to your recent inquiry. We trust that you find our answers responsive. Thank you for your inquiry and if there is anything that we can do for you in the future, please do not hesitate to ask. Thank you.

Ed

Edward Courtney
Chief, Firearms Industry Programs Branch
(b)(6) (Office)
(Mobile)

U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Washington, DC 20226

www.atf.gov

903010:(b)(6)
801056
18 U.S.C. 921(a)(24)
27 CFR 479.11,479.68,
479.102, 479.103

5300

(b)(6)
Executive Director
National Firearms Act Trade & Collectors Association
20603 Big Wells Drive
Katy, TX 77449

Re: Marking and Registration of Silencers

Dear Mr. (b)(6)

This is in response to your letter to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), National Firearms Act (NFA). This letter has been forwarded to ATF's Firearms Industry Programs Branch for a response.

Specifically, your letter states; " historically, FFL/SOT manufacturers have prepared silencer components in anticipation of future builds and have done so under the proviso that licensed manufacturers who are also SOTs may possess spare silencer components in conjunction with their manufacturing operations This preparation includes the sizing of outer tubes of silencers which, by definition are NFA items, which are then properly marked and registered on ATF Form 2 within 24 hours of manufacture." You want a confirmation that the above process meets all lawful requirements of manufacturing, marking and record keeping.

Licensed manufacturers who hold a SOT may possess spare silencer components in conjunction with their manufacturing operations. The silencer must be marked in accordance with 27 C.F.R. § 479.102. The regulations require that the markings be conspicuous and legible; meaning that the markings may be placed on any external part, such as the outer tube or end cap. ATF strongly recommends that manufacturers place all required markings on the outer tube of the silencer, as this is the accepted industry standard. Moreover, this practice eliminates the need to re-mark in

(b)(6)
National Firearms Act Trade & Collectors Association

the event an end cap bearing the markings is damaged and requires replacement. In accordance with 27 C.F.R. §479.103, a manufacturer must prepare an ATF Form 2, Notice of Firearms Manufactured Or Imported and file it with ATF's National Firearms Act Branch no later than the next business day. In addition, the licensed manufacturer must comply with all provisions in the Gun Control Act including recording/recordkeeping requirements.

If the manufacturer completes and submits ATF Form 2 not later than the next business day after sizing and serializing the outer tubes, then this would be a correct procedure. There is no regulation regarding a time frame for the manufacturer to have produced a completed product/silencer. The process that you have described does continue to meet all lawful requirements of manufacturing, marking and record keeping.

We trust that the foregoing has been responsive to your request. Please feel free to contact the Firearms Industry Programs Branch at fipb@atf.gov if you have any additional questions.

Sincerely,

Ed Courtney
Chief, Firearms Industry Programs Branch

Enclosure: Original request

National Firearms Act
Trade & Collectors Association•

May 6, 2015

Mr. William Boyle
National Firearms Act Branch Chief
244 Needy Road
Martinsburg WV 25405

15-1682

Mr. Boyle,

The National Firearms Act Trade & Collectors Association (NFATCA), in addition to its collector and dealer members, counts many licensed manufacturer/SOT's as part of our growing membership roster. Our members strive to comply with legislation and regulation as they pertain to the conduct of their business and personal affairs. Getting it right is our shared goal. It has come to our attention that there is some confusion within the Industry Operations Investigator (IOI) community as to definition and marking requirements for firearm suppressors (silencers). We would like to confirm a long-established process utilized by manufacturer/SOT's.

> **18 USC 921(a)(24)** states: "The terms "firearm silencer" and "firearm muffler" mean any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a firearm silencer or firearm muffler, **and any part intended only for use in such assembly or fabrication.**" [Emphasis added.] This is also repeated and confirmed in *The NFA Handbook*, an ATF publication in Section 2.1.7.

Historically, FFL/SOT manufacturers have prepared suppressor components in anticipation of future builds and have done so under the proviso that "licensed manufacturers who are also SOT's may possess spare silencer components in conjunction with their manufacturing operations" (*The NFA Handbook*, an ATF publication in Section 2.1.7.). This preparation includes the sizing of outer tubes of suppressors, which, by definition (quoted above), are NFA items, which are then properly marked and registered on ATF Form 2 within 24 hours of manufacture (*The NFA Handbook*, Section 7.3, 7.3.1 and 7.3.2).

Please confirm that the process described above continues to meet all lawful requirements of manufacturing, marking and record keeping.

Sincerely,

(b)(6)

Executive Director

cc: Alphonso Hughes, Division Chief FESD

John K. Brown, III
President
Curt Wolf
Vice President
Jeffrey E. Folloder
Executive Director, Sec/Tres

Board of Directors

Robert Landies,
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Tomas M. Garza
Steering Committee Chair

"Power Through Experience"

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The NFATCA® Foundation is a 501(c)(3) organization, EIN 27-4349349
The NFATCA® logo is a registered trademark

From: [redacted]
Sent: Tuesday, August 11, 2015 1:51 PM
To: Courtney, Edward C.
Subject: Re: ATF's response: ATTN Mr. Folloder
Attachments: ATT00001.png; nfatcalogo.png

On 8/11/2015 12:05 PM, [redacted] wrote:

> Mr. [redacted] Attached is ATF's formal response to your recent inquiry. We trust that you find our answers responsive. Thank you for your inquiry and if there is anything that we can do for you in the future, please do not hesitate to ask. Thank you.
>
> Ed

Edward Courtney
Chief, FirearmsIndustry Programs Branch
[redacted] Office)
[redacted] Mobile)

Thank you, sir!

--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: Hughes, Alphonso J. (b)(6)

Sent: Wednesday, August 12, 2015 9:38 AM
To: (b)(6)
Subject: RE: Thank You, Sir!
Attachments: image001.png

This is awesome and supports the position. I wanted FIPB to handle this request as they are the policy makers for the field. Great news.

Alphonso J. Hughes
Division Chief
ATF - FESD
(b)(6)

From: (b)(6)
Sent: Wednesday, August 12, 2015 9:31 AM
To: Hughes, Alphonso J. <(b)(6)>
Subject: Thank You, Sir!

Alphonso,
I received the response from FIPB regarding marking bare suppressor tubes. I actually received a phone call from the gentleman who wrote the letter while he was doing a backgrounder. He was incredulous that folks in the field thought that doing this was illegal. I carefully explained that not everyone in the world of NFA, including IOI's, was as conversant with the NFA regs as we would like them to be. We were all smiling and nodding.

We will be distributing the letter and encouraging 07's to keep it on hand in the hopefully unlikely event that it is needed again. As always, thank you for your support.

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Wednesday, August 12, 2015 9:31 AM
To: Hughes, Alphonso J.
Subject: Thank You, Sir!
Attachments: nfatcalogo.png; ATF_081115_tuberesponse.pdf

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--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Washington, DC 20226

www.atf.gov

903010:(b)(6)
801056
18 U.S.C. 921(a)(24)
27 CFR 479.11,479.68,
479.102, 479.103

5300

(b)(6)
Executive Director
National Firearms Act Trade & Collectors Association
20603 Big Wells Drive
Katy, TX 77449

Re: Marking and Registration of Silencers

Dear Mr. (b)(6)

This is in response to your letter to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), National Firearms Act (NFA). This letter has been forwarded to ATF's Firearms Industry Programs Branch for a response.

Specifically, your letter states; " historically, FFL/SOT manufacturers have prepared silencer components in anticipation of future builds and have done so under the proviso that licensed manufacturers who are also SOTs may possess spare silencer components in conjunction with their manufacturing operations This preparation includes the sizing of outer tubes of silencers which, by definition are NFA items, which are then properly marked and registered on ATF Form 2 within 24 hours of manufacture." You want a confirmation that the above process meets all lawful requirements of manufacturing, marking and record keeping.

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(b)(6)
National Firearms Act Trade & Collectors Association

the event an end cap bearing the markings is damaged and requires replacement. In accordance with 27 C.F.R. §479.103, a manufacturer must prepare an ATF Form 2, Notice of Firearms Manufactured Or Imported and file it with ATF's National Firearms Act Branch no later than the next business day. In addition, the licensed manufacturer must comply with all provisions in the Gun Control Act including recording/recordkeeping requirements.

If the manufacturer completes and submits ATF Form 2 not later than the next business day after sizing and serializing the outer tubes, then this would be a correct procedure. There is no regulation regarding a time frame for the manufacturer to have produced a completed product/silencer. The process that you have described does continue to meet all lawful requirements of manufacturing, marking and record keeping.

We trust that the foregoing has been responsive to your request. Please feel free to contact the Firearms Industry Programs Branch at fipb@atf.gov if you have any additional questions.

Sincerely,

Ed Courtney
Chief, Firearms Industry Programs Branch

Enclosure: Original request

From: [redacted]
Sent: Wednesday, April 30, 2014 8:43 AM
To: [redacted]
Subject: Re:
Attachments: old_nfatcalogo.png

On 4/1/2014 9:20 PM, [redacted] wrote:

> If deciding on end-cap configuration, is that an SBR stand-alone?

I hate to pull you away from processing the mountain of forms... Did we get any further with this?

--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Thursday, May 1, 2014 1:59 PM
To: (b)(6)
Subject: Ownership Change
Attachments: old_nfatcalogo.png

(b)(6)

One of our members is likely going to change from a sole proprietor SOT to a corporation/LLC SOT. What would be the best way for him to effect the move of his NFA items from the old to new license? I'm going to assume that there will not be love letters needed to move the existing post May dealer samples. He will have a bunch of personally owned NFA weapons moved to the new entity as well.

I'm just uncertain as to how you would like to see the paperwork happen.

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: [redacted]
Sent: Thursday, May 1, 2014 6:27 PM
To: [redacted]
Subject: Re: Ownership Change
Attachments: old_nfatcalogo.png

On 5/1/2014 4:59 PM, [redacted] wrote:

> Type FFL the sole prop. Is considering to establish as the LLC SOT? 01, 07, 08 or Other?

I believe it is an 01.

--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)

Sent: Tuesday, May 6, 2014 2:00 PM
To: (b)(6)
Subject: RE: Creek
Attachments: image001.png

Hard to recall – been about 3-4 years. I THINK Hol Inn Express in Brooks, but not 100%.

From: (b)(6)
Sent: Tuesday, May 06, 2014 1:59 PM
To: (b)(6)
Subject: Creek

What motel did you stay at the last time you did Knob Creek?

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Tuesday, May 6, 2014 2:05 PM
To: (b)(6)
Subject: Re: Creek
Attachments: old_nfatcalogo.png

On 5/6/2014 1:00 PM, (b)(6) wrote:

> Hard to recall – been about 3-4 years. I THINK Hol Inn Express in Brooks, but not 100%.

Yeah... That's where everyone is wanting to go now...

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)

Sent: Tuesday, May 27, 2014 10:11 AM
To: (b)(6)
Subject: RE: HK Briefcase
Attachments: image001.png

Similar to other circumstances of the like, applicant should decide on a particular design / configuration, to establish registration of type firearm, having designated use...

From: (b)(6)
Sent: Tuesday, May 27, 2014 7:57 AM
To: (b)(6)
Subject: HK Briefcase

Did we ever get to final opinion on the need for dual registration?
--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: [redacted] (b)(6)
Sent: Friday, August 1, 2014 7:32 AM
To: Hughes, Alphonso J.
Subject: Re: Just Great
Attachments: old_nfatcalogo.png

On 7/31/2014 8:03 PM, [redacted] (b)(6) wrote:

> Hey [redacted] (b)(6) was trying to get some background on this situation. Looks like since nfrtr is an old oracle database there is no easy query to get this done. It looks like there will be a manual level of effort of going into independent records unless [redacted] (b)(6) or IT can somehow isolate these in the master tables or something. I will have the folks see if something can be done to itemize. Filing a FOIA will definitely get you the info if it can even be extracted but I see where you are going... Why bother if it can't be done. I say file it and we will work it same time and let you know either way!

I will hold back to see if you can determine if it is even doable. It would be a great number to have instead of just trotting out the same old "guesstimate" on a regular basis. But I really do not want to push paper around for no good reason. Make work has never been my style.

Let me know when you've got an idea...

--

[redacted] (b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: [redacted] (b)(6)
Sent: Monday, August 4, 2014 9:47 AM
To: foiamail
Cc: Hughes, Alphonso J.
Subject: FOIA Request: Statistical Data
Attachments: old_nfatcalogo.png; FOIA_mgcount.pdf

Please accept the attached FOIA request for statistical information. Please acknowledge receipt of this request at your earliest convenience.

--

[redacted] (b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

National Firearms Act
Trade & Collectors Association®

August 4, 2014

Bureau of Alcohol, Tobacco, Firearms and Explosives
ATTN: Disclosure Division, Room 1E400
99 New York Ave NE
Washington DC 20226

Re: Freedom of Information Act Request

The Bureau of Alcohol, Tobacco, Firearms and Explosives (BATF) publishes the *Firearms Commerce in the United States Annual Statistical Update*. The most recent publication, 2014 indicates that there are 512,790 registered machine guns in the United States. This figure is obtained from the National Firearms Act Registration and Transfer Record (NFRTR) which is maintained in ATF-009, Technical and Scientific Services Record System. Registered machine guns are sub-classified by BATF's National Firearms Act Branch as "transferable", "pre-May, 1986 dealer samples" and "post-May, 1986 weapons". I am requesting an exact count of the aforementioned sub-classifications utilizing the most current available information.

I am requesting this information as the Executive Director of the National Firearms Act Trade & Collectors Association, a registered 501(c)(6) non-profit institution, for publication in our quarterly newsletter, *The Partisan*. I request a waiver of all fees for this request. Disclosure of the requested information is in the public interest because it will contribute significantly to public understanding of the operations and activities of the government and does not serve any commercial interest.

Thank you for your consideration of this request.

Sincerely,

(b)(6)

Executive Director

John K. Brown, III
President
Jeffrey E. Folloder
Executive Director, Sec/Tres

Board of Directors

Robert Landies,
Ohio Ordnance, Inc
Curt Wolf,
US Ordnance Research
Wayne Weber,
Heckler & Koch USA
Robert Segel,
Small Arms Review

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The NFATCA® Foundation is a 501(c)(3) organization, EIN 27-4349349
The NFATCA® logo is a registered trademark

From: [redacted]
Sent: Tuesday, August 5, 2014 2:53 PM
To: Hughes, Alphonso J.
Subject: Re: Just Great
Attachments: old_nfatcalogo.png

On 8/5/2014 1:04 PM, [redacted] wrote:

10-4 understood!

As you saw, I went ahead and sent the FOIA in (everyone was saying to just file it...). You may find out that extracting the information is nigh impossible. Let me know either way...

--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Wednesday, August 13, 2014 7:47 AM
To: (b)(6)
Subject: Branch Chief
Attachments: old_nfatcalogo.png

When does the new NFA Chief come on board and what is his/her name?

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: Hughes, Alphonso J. [redacted]
Sent: Friday, August 22, 2014 5:17 PM
To: [redacted]
Subject: RE: Checking In
Attachments: image001.png

Yeah we saw your request to them (Just like last time) and that's what prompted us to try to get a head start on it. When they assign it a case number and send it to us we will send them whatever we come up with in response for that request. Enjoy the weekend!

From: [redacted]
Sent: Friday, August 22, 2014 4:56 PM
To: Hughes, Alphonso J.
Subject: Re: Checking In

On 8/22/2014 3:22 PM, [redacted] wrote:

> Your FOIA request had not been received here from the Disclosure Branch but Bill Boyle is working on some type of breakdown based on the cc you sent to us.

You were copied on the FOIA letter that I sent. They even specifically ask it to be sent to their email box...

I'm looking forward to the MG numbers and the form breakouts...

--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Friday, August 22, 2014 6:49 PM
To: Hughes, Alphonso J.
Subject: Re: Checking In
Attachments: old_nfatcalogo.png

On 8/22/2014 4:17 PM, (b)(6) wrote:

> Yeah we saw your request to them (Just like last time) and that's what prompted us to try to get a head start on it. When they assign it a case number and send it to us we will send them whatever we come up with in response for that request. Enjoy the weekend!

I've got the timer going on my Outlook calendar. When 20 business days is up I will make an official inquiry. I *never* received *any* response last time and still have not. I gotta tell you... Something does not smell right at the FOIA office...

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Tuesday, March 1, 2016 4:30 PM
To: Hughes, Alphonso J.
Cc: (b)(6)
Subject: FOIA Received
Attachments: nfatcalogo.png

Alphonso,
Received the FOIA data today. Am publishing with the margin of area caveat copied verbatim. Thank you for sticking with this!
--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Tuesday, March 1, 2016 4:39 PM
To: Hughes, Alphonso J.
Subject: Re: FOIA Received
Attachments: nfatcalogo.png

On 3/1/2016 3:32 PM, (b)(6) wrote:

> God Bless you guys!
>
> **From:** (b)(6)
> **Sent:** Tuesday, March 01, 2016 4:30 PM
> **To:** Hughes, Alphonso J. (b)(6)
> **Cc:** (b)(6)
> **Subject:** FOIA Received
>
> Alphonso,
> Received the FOIA data today. Am publishing with the margin of area caveat copied verbatim. Thank you for sticking with this!

margin of "error..." Was typing too fast...

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)

Sent: Monday, April 1, 2013 3:55 PM
To: (b)(6)
Subject: RE: Form 3?
Attachments: image001.png

possible;

What is the target date that would serve your interest in this regard?

Copy of App, along w/ Law Ltr available so that we may readily locate?

From: (b)(6)
Sent: Monday, April 01, 2013 3:40 PM
To: (b)(6)
Subject: Form 3?

(b)(6)
What are the chances that a transfer to me has been approved? Serial # (b)(3):26 U.S.C. §6103 (b)(6)

I'd love to be able to pick it up at Knob Creek and not worry about shipping! Lemme know if you can send me a copy of the Form...
--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)

Sent: Tuesday, April 2, 2013 2:38 PM
To: (b)(6)
Cc: (b)(6)
Subject: RE: Email Issues
Attachments: image001.png

Thank you (b)(6)

From: (b)(6)
Sent: Tuesday, April 02, 2013 11:35 AM
To: (b)(6)
Subject: Email Issues

(b)(6)

The NF ATCA domain appears to be having some issues. Please send the form to (b)(6)

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)

Sent: Tuesday, April 2, 2013 10:54 PM
To: (b)(6)
Subject: RE: Part II
Attachments: image001.png

Message Received;

Will seek to follow-up this week...

From: (b)(6)
Sent: Tuesday, April 02, 2013 10:45 AM
To: (b)(6)
Subject: Part II

See attached... And thanks!
--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)

Sent: Wednesday, April 3, 2013 1:15 PM
To: (b)(6)
Cc: (b)(6)
Subject: FW: Message from nfakonica
Attachments: Snfakonica13040310150.pdf; image001.jpg

See Attached:

Respectfully Serving,

United States Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

(b)(6)
National Firearms Act Branch
244 Needy Road – Suite 1250
Martinsburg, WV 25405-9431
(b)(6)

1 **PAGE(S) WITHHELD IN FULL (WIF)**

OR REFERRED TO ANOTHER AGENCY

☑ **WIF**

☐ **REFERRED TO:**

Page Number 290

Exemption (b)(1) ☐

Exemption (b)(2) ☐

Exemption (b)(3) ☑

Applicable Statute 26 U.S.C. § 6103

Exemption (b)(4) ☐

Exemption (b)(5) ☐

Applicable Privilege:

Deliberative Process Privilege ☐

Attorney Client Privilege ☐

Attorney Work Product ☐

Exemption (b)(6) ☐

Exemption (b)(7)(A) ☐

Exemption (b)(7)(B) ☐

Exemption (b)(7)(C) ☐

Exemption (b)(7)(D) ☐

Exemption (b)(7)(E) ☐

Exemption (b)(7)(F) ☐

Duplicate ☐ **Of Pages**

Non-Responsive ☐

Outside of Scope of Request ☐

String E-Mail ☐

Located in Document

From: (b)(6)

Sent: Friday, May 24, 2013 2:24 PM
To: (b)(6)
Subject: RE: Updated Number
Attachments: image001.jpg; image002.png

(b)(6) –

As result of system limitations making the ability to identify specific categories of machinegun(s) less than precise (***in consideration of the number of transferable, pre-may and/or post***) only rough estimates are available;

Therefore in response to your inquiry, we might be able to estimate the RECORD to maintain somewhere between 180,000 – 185,000 transferable MG(s)?

We appreciate your continued interest, and concern regarding the NFA...

Respectfully Serving,

United States Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

(b)(6)
National Firearms Act Branch
244 Needy Road – Suite 1250
Martinsburg, WV 25405-9431
(b)(6)

From: (b)(6)
Sent: Wednesday, May 22, 2013 4:51 PM
To: (b)(6)
Subject: Updated Number

(b)(6)
I know that the number is slowly and inexorably shrinking... What is the current number of registered and fully transferable machine guns on the books? (b)(6) is fond of quoting the number and I'd like for it to be factual...
--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)

Sent: Friday, May 24, 2013 2:24 PM
To: (b)(6)
Subject: RE: Updated Number
Attachments: image001.jpg; image002.png

(b)(6) –

As result of system limitations making the ability to identify specific categories of machinegun(s) less than precise (***in consideration of the number of transferable, pre-may and/or post***) only rough estimates are available;

Therefore in response to your inquiry, we might be able to estimate the RECORD to maintain somewhere between 180,000 – 185,000 transferable MG(s)?

We appreciate your continued interest, and concern regarding the NFA...

Respectfully Serving,

United States Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

(b)(6)
National Firearms Act Branch
244 Needy Road – Suite 1250
Martinsburg, WV 25405-9431
(b)(6)

****

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From: (b)(6)
Sent: Wednesday, May 22, 2013 4:51 PM
To: (b)(6)
Subject: Updated Number

(b)(6)

I know that the number is slowly and inexorably shrinking... What is the current number of registered and fully transferable machine guns on the books? (b)(6) is fond of quoting the number and I'd like for it to be factual...

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: [redacted]

Sent: Friday, July 5, 2013 9:17 PM
To: [redacted]
Subject: Re: Proper Process?

Yes that would be fine.

On Jul 3, 2013, at 8:01 PM, '[redacted] wrote:

> [redacted]
> The neighbor across the street died in the hospital this week. Have been helping the family out. Discovered what is obviously an illegal SBS. I should call the local ATF office and arrange for an abandonment, right?
> --

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

<old_nfatcalogo.png>

From: [redacted]
Sent: Thursday, June 20, 2013 3:11 PM
To: [redacted]
Subject: What Should I Do?

Okay...
I'm an 07/SOT. I get a can in for repair. No big deal. I mark it in on my books. I've got a copy of the Form 4 on the can and it came from the same person as indicated on the Form 4. Great. I repair the can. Call the customer up and the phone is disconnected. I send a letter off to the Form 4 address and it gets returned... "No Such Addressee." I send it back off certified mail, return receipt, so that I have proof that I tried to contact the owner and return the property. Nothing.

I'm assuming that the owner is either dead or vanished. How do I or can I assume ownership of the can? Right now, the NFRTR shows that it belongs to the missing guy, but it is logged in on my A&D book. What comes next?

[redacted]
(my head hurts)

From: [redacted]
Sent: Thursday, June 20, 2013 5:42 PM
To: [redacted].
Subject: Re: What Should I Do?

On 6/20/2013 2:14 PM, [redacted]. wrote:
> Might try some internet boards, maybe someone knows his location or a
> family member if deceased/illness, etc but if all else fails you can
> turn it over to ATF and get it off your books.
>
>
Seems like the most straightforward thing to do is to abandon it to ATF. I don't suppose there is any way to get it to the point where it is on the NFRTR registered to me so that I can resell it, eh? (!)

From: (b)(6)
Sent: Wednesday, July 3, 2013 8:01 PM
To: (b)(6)
Subject: Proper Process?
Attachments: old_nfatcalogo.png

(b)(6)

The neighbor across the street died in the hospital this week. Have been helping the family out. Discovered what is obviously an illegal SBS. I should call the local ATF office and arrange for an abandonment, right?

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Friday, May 10, 2013 8:33 AM
To: (b)(6)
Subject: Interesting
Attachments: old_nfatcalogo.png

Hope all is well in your world. I know that this issue was bounced around a lot and there was eventually supposed to be an official opinion issued. Seems to have faded away, so I sent (b)(6) a note copied below. Curious as to what you think may become of it.

(b)(6)

We get this question on a somewhat regular basis so I thought I would bounce it to you. I know that there was some discussion about the issue, but never learned of an outcome or determination.

Manufacturer A is an 07/SOT.
Manufacturer B is an 07/SOT.

Manufacturer A creates post sample conversion devices (or machine gun receivers). Manufacturer A then personally takes the conversion devices to Manufacturer B for further work on the conversion devices (ex: surface prep, parkerizing, tuning) to finish the manufacturing. At no time does Manufacturer A leave the parts with Manufacturer B unsupervised. Manufacturer B completes tasks and Manufacturer A returns to his premises with all finished items in hand.

Is this activity permissible under current ATF interpretation of regulations and are any marking variances required?

Please advise if you would prefer that I submit this inquiry in "traditional" written form.

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

****

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From: [redacted] (b)(6) >
Sent: Wednesday, July 10, 2013 9:08 AM
To: [redacted] (b)(6)
Subject: Re: Interesting
Attachments: old_nfatcalogo.png

On 7/10/2013 8:04 AM, [redacted] (b)(6) wrote:

> I believe the appropriate terminology now is "seizure" – they will still seize unlawful items, it's just that we won't call them abandonments any more due to the admin associated with disposal (as I understand it). Giving it to HPD is likely a much easier process with the same end result.... Although an agency with no property receipts is odd in my experience.

Yeah... I got the distinct impression that this was all very new to everyone. You think not entering it in and out on my A&D is the right thing? Or should I enter it in and mark it out to ATF/HPD at the ATF Field Office addy?

--

[redacted] (b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

****

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From: (b)(6)

Sent: Wednesday, July 10, 2013 9:11 AM
To: (b)(6)
Subject: RE: Interesting
Attachments: image001.png

I would say log it in/out. You had possession and presented your FFL/SOT, so I would say it was inventory – even if only for a very short time.

****

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From: (b)(6)
Sent: Wednesday, July 10, 2013 9:08 AM
To: (b)(6)
Subject: Re: Interesting

On 7/10/2013 8:04 AM, (b)(6). wrote:

> I believe the appropriate terminology now is "seizure" – they will still seize unlawful items, it's just that we won't call them abandonments any more due to the admin associated with disposal (as I understand it). Giving it to HPD is likely a much easier process with the same end result.... Although an agency with no property receipts is odd in my experience.

Yeah... I got the distinct impression that this was all very new to everyone. You think not entering it in and out on my A&D is the right thing? Or should I enter it in and mark it out to ATF/HPD at the ATF Field Office addy?

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: [redacted]
Sent: Wednesday, July 10, 2013 9:13 AM
To: [redacted]
Subject: Re: Interesting
Attachments: old_nfatcalogo.png

On 7/10/2013 8:11 AM, [redacted] wrote:

> I would say log it in/out. You had possession and presented your FFL/SOT, so I would say it was inventory – even if only for a very short time.

Done.

--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

****

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From: (b)(6)
Sent: Wednesday, July 10, 2013 9:17 AM
To: (b)(6)
Subject: Re: Interesting
Attachments: old_nfatcalogo.png

On 7/10/2013 8:11 AM, (b)(6) wrote:

> I would say log it in/out. You had possession and presented your FFL/SOT, so I would say it was inventory – even if only for a very short time.

And thanks!

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

****

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From: (b)(6)

Sent: Wednesday, July 10, 2013 9:18 AM
To: (b)(6)
Subject: RE: Interesting
Attachments: image001.png

Not a problem.

****

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From: (b)(6)
Sent: Wednesday, July 10, 2013 9:17 AM
To: (b)(6).
Subject: Re: Interesting

On 7/10/2013 8:11 AM, (b)(6). wrote:

> I would say log it in/out. You had possession and presented your FFL/SOT, so I would say it was inventory – even if only for a very short time.

And thanks!

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Wednesday, July 10, 2013 9:00 AM
To: (b)(6)
Subject: Interesting
Attachments: old_nfatcalogo.png

So I went to the local ATF field office on Monday to abandon the SBS. After waiting for about 15 minutes, an ATF agent and a Houston PD officer (plain clothes) showed up. I gave them the run down of what was going on, showed them my DL and copies of my FFL/SOT... told them that I had no interest in keeping the weapon and would like to formally turn it over.

ATF guy says that ATF doesn't accept abandonments any more. "Huh? I was told by someone in ATF to do exactly that. Is this a new policy?" "Yep. A few weeks old. HPD handles it for us."

Okay... Let's forget about the fact that this sounds really weird. The federal bureau responsible for firearms cannot accept illegal SBS's for abandonment. When asked if I needed to log the item in on my A&D and then out to HPD, neither knew and said "don't worry about it." The HPD guy basically scribbled some notes down and then I handed over the scatter gun. He had no way to generate a receipt.

Does not strike me as a stellar way to roll out a new policy, if there really is one. I'm not looking to get anyone in trouble. It was just weird.

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

****

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From: (b)(6)

Sent: Wednesday, July 10, 2013 9:05 AM
To: (b)(6)
Subject: RE: Interesting
Attachments: image001.png

I believe the appropriate terminology now is "seizure" – they will still seize unlawful items, it's just that we won't call them abandonments any more due to the admin associated with disposal (as I understand it). Giving it to HPD is likely a much easier process with the same end result.... Although an agency with no property receipts is odd in my experience.

(b)(6)
Area Supervisor
ATF Harrisburg II Industry Operations
17 North 2nd Street, Suite 1400
Harrisburg, PA 17101
(b)(6) (office)
(fax)

Leadership is a potent combination of strategy and character. But if you must be without one, be without the strategy.
Norman Schwarzkopf

****

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From: (b)(6)
Sent: Wednesday, July 10, 2013 9:00 AM
To: (b)(6)
Subject: Interesting

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--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)

Sent: Friday, January 8, 2016 5:08 PM
To: (b)(6)
Subject: Your question

I'll call you on your previous question regarding NICS.

From: [redacted]
Sent: Friday, January 15, 2016 2:40 PM
To: [redacted]
Subject: Mailing List
Attachments: nfatcalogo.png

[redacted]
Would you please be so kind as to "re-add" me to the mailing list for eForms? I used to receive updates, now I do not...
--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Tuesday, January 26, 2016 10:51 AM
To: (b)(6)
Cc: (b)(6)
Subject: NFATCA Events
Attachments: nfatcalogo.png

(b)(6)
Here's hoping that you have made it home and are recovering from SHOT. A week in Vegas for a trade show is more than enough... As promised here are the upcoming events that we would love to have a national ATF presence at. Of course, we will obtain badges/credentials for attendees, where necessary.

- March 18-20, 2016. SAR East, Harrisburg PA
- April 8-10, 2016. Knob Creek Spring Shoot, West Point KY (Louisville)
- October 14-16, 2016. Knob Creek Fall Shoot, West Point KY (Louisville)
- December 2-4, 2016. SAR West, Phoenix AZ

Please let me know how I can be of assistance with this vital community outreach endeavor.
--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)

Sent: Tuesday, January 26, 2016 12:14 PM
To: (b)(6)
Subject: Re: NFATCA Events
Attachments: nfatcalogo.png

(b)(6) I appreciate the follow up details of each upcoming event. I will pass this information along to each effected field division Director of Industry Operations (DIO) to ensure ATF presence. Thank you and I look forward to reports of success with the event sponsors. Feel free to contact me for any follow up.

Sent from my iPad

On Jan 26, 2016, at 10:51 AM, (b)(6) wrote:

(b)(6)
Here's hoping that you have made it home and are recovering from SHOT. A week in Vegas for a trade show is more than enough... As promised here are the upcoming events that we would love to have a national ATF presence at. Of course, we will obtain badges/credentials for attendees, where necessary.

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--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

<nfatcalogo.png>

From: (b)(6)
Sent: Tuesday, January 26, 2016 12:54 PM
To: (b)(6)
Cc: (b)(6)
Subject: Re: NFATCA Events
Attachments: nfatcalogo.png

On 1/26/2016 11:14 AM, (b)(6) wrote:

> (b)(6) I appreciate the follow up details of each upcoming event. I will pass this information along to each effected field division Director of Industry Operations (DIO) to ensure ATF presence. Thank you and I look forward to reports of success with the event sponsors. Feel free to contact me for any follow up.

And remember, we'd love to have national leadership there, too! Budget permitting, of course...

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: [redacted]
Sent: Saturday, May 28, 2016 2:34 PM
To: [redacted]
Cc: Richardson, Marvin G.; [redacted]
Subject: Returned Withdrawal
Attachments: nfatcalogo.png; brandon_29P_withdrawal.pdf

Gentlemen,
The US Postal Service returned the formal withdrawals as undeliverable. Please find an electronic copy of same.

--

[redacted]
[redacted]ive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

National Firearms Act
Trade & Collectors Association®

May 28, 2016

Thomas E. Brandon
Deputy Director
Bureau of Alcohol, Tobacco, Firearms & Explosives
99 New York Ave NE
Washington DC 20226

Deputy Director Brandon:

The following represents the official comment recently filed in response to ANPRM ATF29P (comment tracking number 1k0-8pl2-c39q):

*The petition sent by the NFATCA to ATF Director Sullivan in **2008** represented the direction and guidance of the firearm suppressor community in 2008. The request was, in fact, driven by multiple requests by the manufacturers. 2008 was a different time, with different products in the marketplace, different manufacturing techniques and different best practices. **ATF's waiting 8 years to address those concerns is neither helpful nor responsive**. The current market, products, techniques and best practices bears little resemblance to the past. The concerns expressed in 2008 are not applicable to today.*

*As such, **the NFATCA formally withdraws its petition** and urges ATF to recognize that exclusive tube marking does not address the varied innovations of legal firearms in the marketplace. Marking placement should encourage accurate identification for tracing and documentation purposes, should maximize consumer value, and should not hinder industry in bringing modern designs, materials, and manufacturing techniques to bear. In light of the fact that any part of a suppressor is deemed to be a suppressor, this can be accomplished by allowing marking to be placed wherever and however the manufacturer chooses, as long as the minimum height and depth requirements are met.*

The NFATCA has always endeavored to work with ATF in a collaborative manner. We believe that working together can amicably address the concerns of the firearms community and the regulatory community and achieve much more than a strictly combative stance would. However, recent year's characterizations of NFATCA by ATF in the rule making process (41P, 29P) have only inflamed a very vocal minority and significantly impaired our ability to effectively work with the Bureau. I seek your assurance that future ATF efforts based upon our interactions will actually involve timely consultation and communication. My door is always open. I trust that yours is, as well.

Sincerely,

COPY

(b)(6)
President, NFATCA

Cc: Marvin G. Richardson
NFATCA Board

John K. Brown, III
President
Curt Wolf
Vice President
Jeffrey E. Folloder
Executive Director, Sec/Tres

Board of Directors

Robert Landies,
Ohio Ordnance, Inc
Wayne Weber,
Heckler & Koch USA
Robert Segel,
Author, Recognized Collector

Tomas M. Garza
Steering Committee Chair

"Power Through Experience"

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Phone: 281.492.8288 • Web: www.nfatca.org • Email: info@nfatca.org
The NFATCA® is a 501(c)(6) organization, EIN 20-2820282
The NFATCA® Foundation is a 501(c)(3) organization, EIN 27-4349349
The NFATCA® logo is a registered trademark

From: [redacted] (b)(6)
Sent: Saturday, May 28, 2016 5:47 PM
To: Richardson, Marvin G.
Subject: Please Assist
Attachments: nfatcalogo.png

Marvin,
Regular mail and email refuses to deliver our petition retraction to Acting Director Thomas. Would you provide a working email address for me to use?

Thanks in advance.
--

[redacted] (b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)

Sent: Wednesday, June 1, 2016 6:56 AM
To: (b)(6)
Subject: Re: Please Assist
Attachments: nfatcalogo.png

(b)(6) the email is (b)(6)

Marvin G. Richardson
Assistant Director, ATF

On May 28, 2016, at 4:45 PM, (b)(6) wrote:

> Marvin,
> Regular mail and email refuses to deliver our petition retraction to Acting Director Thomas. Would you provide a working email address for me to use?
>
> Thanks in advance.
> --

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

<nfatcalogo.png>

From: [redacted]
Sent: Wednesday, June 1, 2016 8:08 AM
To: Brandon, Thomas E.
Subject: 29P Petition Withdrawal
Attachments: nfatcalogo.png; brandon_29P_withdrawal.pdf

Sir,
Regular mail seems to not deliver correctly. Please review the attached.
--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

National Firearms Act
Trade & Collectors Association®

May 28, 2016

Thomas E. Brandon
Deputy Director
Bureau of Alcohol, Tobacco, Firearms & Explosives
99 New York Ave NE
Washington DC 20226

Deputy Director Brandon:

The following represents the official comment recently filed in response to ANPRM ATF29P (comment tracking number 1k0-8pl2-c39q):

*The petition sent by the NFATCA to ATF Director Sullivan in **2008** represented the direction and guidance of the firearm suppressor community in 2008. The request was, in fact, driven by multiple requests by the manufacturers. 2008 was a different time, with different products in the marketplace, different manufacturing techniques and different best practices. **ATF's waiting 8 years to address those concerns is neither helpful nor responsive**. The current market, products, techniques and best practices bears little resemblance to the past. The concerns expressed in 2008 are not applicable to today.*

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Robert Segel,
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The NFATCA® is a 501(c)(6) organization, EIN 20-2820282
The NFATCA® Foundation is a 501(c)(3) organization, EIN 27-4349349
The NFATCA® logo is a registered trademark

From: [redacted]
Sent: Wednesday, June 1, 2016 8:10 AM
To: Richardson, Marvin G.
Subject: Re: Please Assist
Attachments: nfatcalogo.png

On 6/1/2016 5:56 AM, [redacted] wrote:

[redacted] the email is [redacted]

Thank you!

--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Friday, April 15, 2016 7:37 AM
To: (b)(6)
Subject: MG Demo Letters
Attachments: nfatcalogo.png

(b)(6)

Lots of chatter that the requirements for a "love letter" have changed. Is that the case? If so, can you please provide a copy of a sample that I can distribute to my membership?

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Monday, May 2, 2016 4:34 PM
To: (b)(6)
Cc: Richardson, Marvin G.; (b)(6)
Subject: Re: Information Request
Attachments: nfatcalogo.png

On 4/2/2016 12:48 PM, (b)(6) wrote:

> I misunderstood you request a bit. Let me get with criminal enforcement and see if they can find any we can share.

(b)(6)

Touching base again. Would like to have this information, if possible, in the next week. It's been a month since we last touched base and I am certain that this will still be a topic to discuss at the NRA Annual Meeting.

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: [redacted]

Sent: Monday, May 2, 2016 4:40 PM
To: [redacted]
Cc: Richardson, Marvin G.; [redacted]
Subject: Re: Information Request
Attachments: nfatcalogo.png

Hi [redacted] I'm so sorry I didn't get back to you. I spoke to [redacted] about this last week when we saw him at LWRCI.

[redacted]

On May 2, 2016, at 4:32 PM, [redacted] wrote:

> On 4/2/2016 12:48 PM, [redacted] wrote:
>
> > I misunderstood you request a bit. Let me get with criminal enforcement and see if they can find any we can share.

[redacted]

Touching base again. Would like to have this information, if possible, in the next week. It's been a month since we last touched base and I am certain that this will still be a topic to discuss at the NRA Annual Meeting.

--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

<nfatcalogo.png>

From: (b)(6)
Sent: Monday, May 2, 2016 5:08 PM
To: (b)(6)
Subject: Re: Information Request
Attachments: nfatcalogo.png

On 5/2/2016 3:39 PM, (b)(6) wrote:

> Hi (b)(6) I'm so sorry I didn't get back to you. I spoke to (b)(6) about this last week when we saw him at LWRCI.

(b)(6) has been on a whirlwind schedule and we have not had a chance to catch up. Are there any cases to refer to ?

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Monday, May 9, 2016 5:55 PM
To: (b)(6)
Subject: What Are the Chances...
Attachments: nfatcalogo.png

...that you have the recent (b)(6) The New Firearms Business Journal? It would be the one where he is going off on (b)(6). Would love to see a copy if you could scan it and send it to me.

--

(b)(6)
Executive Director
Phone 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: [redacted]
Sent: Tuesday, May 10, 2016 8:26 AM
To: [redacted]
Subject: Re: What Are the Chances...
Attachments: nfatcalogo.png

On 5/10/2016 6:49 AM, [redacted] wrote:

> Morning [redacted]
> Has [redacted] seen the article?

He had part of it read to him and asked me to find it... He says it is not exactly complimentary...

--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Tuesday, May 10, 2016 10:09 AM
To: (b)(6)
Subject: Re: FW: Firearms Business issue attached
Attachments: nfatcalogo.png

On 5/10/2016 7:37 AM, (b)(6) wrote:

> Morning(b)(6)
> Here it is....
>
> **From:** (b)(6)
> **Sent:** Thursday, May 05, 2016 10:06 PM
> **Subject:** Firearms Business issue attached
>
> Dear Executive: Attached is the April issue of Firearms Business.

Thank you, (b)(6)

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: [redacted]
Sent: Thursday, September 18, 2014 9:21 AM
To: Hughes, Alphonso J.
Cc: [redacted]
Subject: Re: NEW ATF RULING WILL IMPACT MANUFACTURE AND IMPORT OF MACHINEGUNS
Attachments: old_nfatcalogo.png

On 9/15/2014 11:13 AM, [redacted] wrote:

> Let me call you later. I just can't see why this isn't in the pipeline to even come here to our Division as an information request. You didn't miss anything when submitting the request correct?

Alphonso,
Never heard back from you. While the FOIA issue is frustrating, the manufacturing of machine gun guidance is wreaking havoc. I've got members all over the place very concerned. FFL's sent Machine guns that followed earlier ATF guidance for repair. They obtained Form 5's, even though ATF says it's just recommended, not required. They sent the weapons off for repair. Now the guns are finished and the original FFL's are convinced that the return Form 5 will be denied and that the only way they can get their property returned is to go through a love letter process all over again.

We need to solve this and quickly. I look forward to hearing from you.

--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: Hughes, Alphonso J. (b)(6)

Sent: Thursday, September 18, 2014 10:39 AM
To: (b)(6)
Cc: (b)(6)
Subject: RE: NEW ATF RULING WILL IMPACT MANUFACTURE AND IMPORT OF MACHINEGUNS
Attachments: image001.png

(b)(6)

Can you do us a favor, can you generate on letterhead (as an FFL/SOT or on behalf of the NFATCA) a detailed clarification letter request with the scenarios you have outlined? To include:

- I've got members all over the place very concerned. FFL's sent Machine guns that followed earlier ATF guidance for repair. They obtained Form 5's, even though ATF says it's just recommended, not required. They sent the weapons off for repair. Now the guns are finished and the original FFL's are convinced that the return Form 5 will be denied and that the only way they can get their property returned is to go through a love letter process all over again.

- My phone is ringing off the wall on this! It is literally making it impossible, in a practical manner, for FFL/SOT's to secure repair of their lawfully owned post-sample weapons!

You can make the letter to my attention (Chief, F&E Services Division) – 244 Needy Road, Martinsburg, WV 25405 with a cc: to Deputy Asst Director EPS (Marvin Richardson) and Chief F&E Industry Division (Mike Fronczak) – 99 New York Ave, Washington DC, or any combination thereof. We will get attention on it asap.

Emails:
(b)(6)

Alphonso J. Hughes
Division Chief
ATF - FESD
(b)(6)

From: (b)(6)
Sent: Thursday, September 18, 2014 9:21 AM
To: Hughes, Alphonso J.
Cc: (b)(6)
Subject: Re: NEW ATF RULING WILL IMPACT MANUFACTURE AND IMPORT OF MACHINEGUNS

Alphonso,
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We need to solve this and quickly. I look forward to hearing from you.

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Wednesday, September 24, 2014 8:36 AM
To: Hughes, Alphonso J.
Cc: (b)(6)
Subject: Re: Morning!
Attachments: old_nfatcalogo.png

On 9/24/2014 7:02 AM, (b)(6) wrote:

> (b)(6) understood, yes this is actively being discussed with the legal team within ATF. More to come.

Oh, to be a fly on the wall...

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Tuesday, September 30, 2014 4:12 PM
To: Hughes, Alphonso J.
Cc: (b)(6)
Subject: Re: Morning!
Attachments: old_nfatcalogo.png

On 9/30/2014 2:24 PM, (b)(6) wrote:

> Yes, I have a final draft in legal review. Hoping by end of week to you electronically.
>
> In a nutshell – Post 86 dealer sample repairs – FFL SOT is an agent of the gov't so repairs as normal. Can be transferred for repair purposes.

May I share this information with the public or would you prefer that I wait? When you release it on an official level, feel free to mention that NFATCA was the catalyst that helped bring the clarification to light...

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Tuesday, September 30, 2014 4:40 PM
To: (b)(6)
Cc: (b)(6)
Subject: Re: Morning!
Attachments: old_nfatcalogo.png

On 9/30/2014 3:28 PM, (b)(6) wrote:

I would say wait because we are going to address the letter to you and the NFATCA. I failed to mention below FFL SOT w/ a demo letter.....

From: (b)(6)
Sent: Tuesday, September 30, 2014 4:12 PM
To: Hughes, Alphonso J.
Cc: (b)(6)
Subject: Re: Morning!

On 9/30/2014 2:24 PM, (b)(6) wrote:

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May I share this information with the public or would you prefer that I wait? When you release it on an official level, feel free to mention that NFATCA was the catalyst that helped bring the clarification to light...

That is going to be problematic for some. ATF has never required retention of a demo letter and the original is sent to NFA Branch! One must assume that if an FFL/SOT is already in possession of a post sample, then there was a demo letter in the first place. Further, demo letters are not the only instrument used to lawfully obtain a post sample.

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: Hughes, Alphonso J. (b)(6)

Sent: Wednesday, October 1, 2014 11:32 AM
To: (b)(6)
Subject: RE: Morning!
Attachments: image001.png

(b)(6)

Hey, got tied up this morning on some other pressing items. I will call you later this afternoon.

Alphonso J. Hughes
Division Chief
ATF - FESD
(b)(6)

From: (b)(6)
Sent: Wednesday, October 01, 2014 7:41 AM
To: Hughes, Alphonso J.
Cc: (b)(6)
Subject: Re: Morning!

On 9/30/2014 3:46 PM, (b)(6) wrote:

> What number are you at?

Alphonso,
I hope we get to touch base today. I am very concerned that the clarifications to 2014-1 could become an ongoing thing if we do not make a concerted effort to get it right the first time. IMO, the guidance on sub-contracting should remain in place, along with the "chaperoning" language. That has been needed for quite some time. There are folks who will be upset that this could potentially cause problems for some 07/SOT's who build post sample machine guns "on spec" for their stockpile, since that is not typically done with a specific department in mind.

The repair guidance is something we need to nail down. Most post sample weapons are owned by non 07's by way of "love letter." These letters were submitted with the original transaction and, ostensibly, ATF already has a copy of the letter. Requiring copies of copies that may or may not be retained since there was never a retention requirement duplicates unneeded effort. There are at least three lawfully owned post sample machine gun classes that do not require love letters:

1. Post samples that were acquired by a manufacturer or importer from a going out of business purchase.
2. Post samples that were manufactured by the 07
3. Post samples that were temporarily imported, etc.

In each of these cases, the weapons are lawfully and properly owned by the licensee. There is no practical way for the licensee to secure expert repairs of these weapons because there is likely no third party, non-involved

LE/Mil agency that would create a love letter for such repair. By making this requirement, ATF is effectively depriving the licensee of the use and value of their property.

I recommend that the clarification letter for 2014-1 specifically address the February, 2000 open letter that clearly states that ATF does not consider the temporary conveyance of an NFA firearm for repair to be a transfer under the terms of the NFA. For purposes of specificity, ATF might wish to actually home in on the term "temporary conveyance" so as to prevent folks from engaging in the practice of open ended repairs.

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Thursday, September 18, 2014 11:22 AM
To: Hughes, Alphonso J.
Cc: Fronczak, Michael F.; Richardson, Marvin G.; (b)(6)
Subject: Clarification Requested
Attachments: old_nfatcalogo.png; 2014-1_clarification_091814.pdf

Please see the attached letter regarding ATF's recent ruling, 2014-1.

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

John K. Brown, III
President
Jeffrey E. Folloder
Executive Director, Sec/Tres

Board of Directors

Robert Landies,
Ohio Ordnance, Inc
Curt Wolf,
US Ordnance Research
Wayne Weber,
Heckler & Koch USA
Robert Segel,
Small Arms Review

"Power Through Experience"

September 18, 2014

Alphonso Hughes, Chief, F&E Services Division
Bureau of Alcohol, Tobacco, Firearms & Explosives
244 Needy Rd
Martinsburg WV 25405

Mr. Hughes,

ATF Ruling 2014-1 has established guidelines for the proper processes and procedures for lawfully sub-contracting the manufacture of "post sample" machine guns. Many required procedures for specific scenarios were clarified and documented. Unfortunately, 2014-1 has also created a significant amount of confusion and concern in regard to the practical application of the guidance. 2014-1 does not specifically address repair of lawfully owned "post sample" machine guns and implies that it is now nearly impossible to send these guns out for repair without chaperoning or obtaining written LE/Military consent for a transaction that said agency is not involved in.

As an example: An FFL/SOT is in lawful possession of a "post sample" machine gun. It breaks. The FFL/SOT wants to get it repaired. The February 18, 2000 open letter from ATF states that "The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) does not consider the temporary conveyance of an NFA firearm to a gunsmith for repair to be a "transfer" under the terms of the NFA. Thus, an ATF Form 5 application is not required." So he would obtain a Form 5 (although not absolutely necessary, it is ATF recommended), create a repair order, box the gun up, send it off to an 07/SOT, have it repaired and get it back. Is this procedure still valid or has 2014-1 superseded it? If the February, 2000 guidance is no longer valid, ATF has now made it virtually impossible for FFL/SOT's to obtain repairs, even from the original manufacturer, for their lawfully owned weapons. Surely this was not the intention of the 2014-1 ruling!

Our membership is quite alarmed by the implications of this ruling and would like to be assured that they will continue to be able to conduct lawful commerce with their lawfully obtained weapons without undue and unnecessary burden. Further, many concerns have been raised by member FFL/SOT's who secured ATF recommended Form 5 approval to obtain repairs under the February, 2000 guidance. Will NFA Branch approve the return of these weapons on a new Form 5, as they had in the past, or will 2014-1 render these weapons "frozen" in place, thus depriving the original owners of their property? In most cases, the original agency letters requesting demonstration of the weapons are no longer valid (ATF only recognizes them as valid for six months) and securing a second, valid letter would be practically impossible.

This serious matter needs to be clarified and resolved quickly. I look forward to your helpful response.

Sincerely,

Executive Director

cc: Michael Fronczak
Marvin Richardson
(b)(6)

From: (b)(6)

Sent: Wednesday, September 24, 2014 8:02 AM
To: (b)(6)
Cc: (b)(6)
Subject: Re: Morning!
Attachments: old_nfatcalogo.png

(b)(6) understood, yes this is actively being discussed with the legal team within ATF. More to come.

Alphonso J. Hughes
Division Chief, FESD

On Sep 24, 2014, at 7:49 AM, (b)(6) wrote:

> Alphonso,
> I thought I'd check in on the 2014-1 situation. If you have not already spoken to (b)(6) about this, I suspect that you will, soon. The situation is rapidly beginning to boil and I am wary that this could get out of hand quickly. I am hopeful that we can short circuit any silliness by achieving a resolution in the near term that will satisfy all.
>
> I look forward to hearing from you.
> --

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

<old_nfatcalogo.png>

From: (b)(6)

Sent: Thursday, September 25, 2014 10:37 AM
To: (b)(6)
Subject: RE: Morning!
Attachments: image001.png

Just hang in there, like I said we will get you something in writing soon but continue to operate as normal there is no big issue here for law letter holders.

From: (b)(6)
Sent: Wednesday, September 24, 2014 8:36 AM
To: Hughes, Alphonso J.
Cc: (b)(6)
Subject: Re: Morning!

On 9/24/2014 7:02 AM, (b)(6) wrote:

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Oh, to be a fly on the wall...

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(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)

Sent: Tuesday, September 30, 2014 4:28 PM
To: (b)(6)
Cc: (b)(6)
Subject: RE: Morning!
Attachments: image001.png

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Sent: Tuesday, September 30, 2014 4:12 PM
To: Hughes, Alphonso J.
Cc: (b)(6)
Subject: Re: Morning!

On 9/30/2014 2:24 PM, (b)(6) wrote:

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--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)

Sent: Tuesday, September 30, 2014 4:47 PM
To: (b)(6)
Subject: RE: Morning!
Attachments: image001.png

What number are you at?

That is going to be problematic for some. ATF has never required retention of a demo letter and the original is sent to NFA Branch! One must assume that if an FFL/SOT is already in possession of a post sample, then there was a demo letter in the first place. Further, demo letters are not the only instrument used to lawfully obtain a post sample.

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: [redacted]
Sent: Tuesday, September 30, 2014 5:52 PM
To: Hughes, Alphonso J.
Subject: Re: Morning!
Attachments: nfatcalogo.png

On 9/30/2014 3:46 PM, [redacted] wrote:

> What number are you at?

Alphonso,
There are several lawful circumstances where an FFL/SOT would have possession of a post sample weapon without a love letter. Happy to discuss...

--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: [redacted]
Sent: Wednesday, October 1, 2014 7:41 AM
To: Hughes, Alphonso J.
Cc: [redacted]
Subject: Re: Morning!
Attachments: nfatcalogo.png

On 9/30/2014 3:46 PM, [redacted] wrote:

> What number are you at?

Alphonso,
I hope we get to touch base today. I am very concerned that the clarifications to 2014-1 could become an ongoing thing if we do not make a concerted effort to get it right the first time. IMO, the guidance on sub-contracting should remain in place, along with the "chaperoning" language. That has been needed for quite some time. There are folks who will be upset that this could potentially cause problems for some 07/SOT's who build post sample machine guns "on spec" for their stockpile, since that is not typically done with a specific department in mind.

The repair guidance is something we need to nail down. Most post sample weapons are owned by non 07's by way of "love letter." These letters were submitted with the original transaction and, ostensibly, ATF already has a copy of the letter. Requiring copies of copies that may or may not be retained since there was never a retention requirement duplicates unneeded effort. There are at least three lawfully owned post sample machine gun classes that do not require love letters:

1. Post samples that were acquired by a manufacturer or importer from a going out of business purchase.
2. Post samples that were manufactured by the 07
3. Post samples that were temporarily imported, etc.

In each of these cases, the weapons are lawfully and properly owned by the licensee. There is no practical way for the licensee to secure expert repairs of these weapons because there is likely no third party, non-involved LE/Mil agency that would create a love letter for such repair. By making this requirement, ATF is effectively depriving the licensee of the use and value of their property.

I recommend that the clarification letter for 2014-1 specifically address the February, 2000 open letter that clearly states that ATF does not consider the temporary conveyance of an NFA firearm for repair to be a transfer under the terms of the NFA. For purposes of specificity, ATF might wish to actually home in on the term "temporary conveyance" so as to prevent folks from engaging in the practice of open ended repairs.

--

[redacted]
Executive Director
Phone: 281.492.6288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Wednesday, October 1, 2014 11:53 AM
To: (b)(6)
Subject: RE: Morning!
Attachments: image001.png

(b)(6) I did, I was in Washington DC in ATF HQ when I called.

From: (b)(6)
Sent: Wednesday, October 01, 2014 11:39 AM
To: Hughes, Alphonso J.
Subject: Re: Morning!

On 10/1/2014 10:32 AM, (b)(6) wrote:

(b)(6)

> Hey, got tied up this morning on some other pressing items. I will call you later this afternoon.

Roger that. Did you try to call yesterday afternoon from a 202 number? I got a call from 202-648-9999 at about 3:45 my time (I was on another line). I know it's an ATF number, but no message was left.

By the way, I *do* appreciate the communication and the effort. There are a lot of folks trying to stir this up for their own personal financial gain and I am more concerned with getting it right in the quickest, most expedient way.

--

(b)(6)
Executive Director
Phone: 281.492.6288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Tuesday, April 1, 2014 10:28 AM
To: (b)(6)
Subject: Another Interesting One...
Attachments: old_nfatcalogo.png

07/SOT registered 100 pipe tubes as suppressors on a Form 2 when they were located in Houston, TX.

Tubes are marked: with name, location, model, caliber and serial number

They used 30 of the tubes on suppressor builds that have been transferred to other dealers.

70 tubes remain.

Dealer moves to San Antonio, TX.

Can dealer remark the location on the tubes to match their current address or do they have to leave them all the way they are? The reason for changing the location is to eliminate customer confusion.

I'm inclined to think that they cannot change the existing markings...

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)

Sent: Monday, July 6, 2015 8:53 AM
To: (b)(6)
Subject: RE: Am I Missing Something?
Attachments: image001.png

Call me

Alphonso J. Hughes
Division Chief
ATF - FESD
(b)(6)

From: (b)(6)
Sent: Monday, July 06, 2015 8:46 AM
To: Hughes, Alphonso J.
Subject: Am I Missing Something?

Alphonso,
One of our 07 members has an IOI demanding that they keep a chronological register of all their Form 2's (reasonable) and notate on each and every Form 2 the disposition when the weapon is sold/transferred, and to what party, etc.

Am I missing something? I thought the A&D book was supposed to be used for this... And there really is no place on the Form 2 to record this information. If there is something new, regulation or operation wise that is out there... I want our members to know it!

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)

Sent: Monday, July 6, 2015 10:27 AM
To: (b)(6)
Subject: RE: Hesitant
Attachments: image001.png

(b)(6)

Sorry for taking so long, but I was out last week for the holiday. I tried to call you back this morning, but the phone won't go to your voice mail.

Give me a call back at the number below and we can talk about it.

(b)(6)
Director of Industry Operations
ATF- Charlotte Field Division
(b)(6)

From: (b)(6)
Sent: Sunday, June 28, 2015 9:12 AM
To: (b)(6)
Subject: Hesitant

(b)(6)
I'm hesitant to bring this up buy my head is still scratching. This is in regard to the IOI situation out at [redacted] compliance inspection. They had some issues that are being resolved. Pretty much everything was put in writing with corrective recommendations because there was nothing willful or major at issue. There was something that was *not* put in writing, though.

The IOI is demanding that the Form 2's be kept in chronological order. So far, so good. However, the IOI is also demanding that ***a disposition entry be made on the Form 2 as each weapon is sold/transferred*** above and beyond what is entered in the A&D book. She wants the customer/transferee listed by each serial number on the Form 2 as it is disposed of. Am I missing this requirement in the regs somewhere? What would be the need for this duplicate effort and if it is required, shouldn't there be an appropriate entry space on the form to record it?

In regard to the whole "you cannot register and mark a tube until it is complete" issue... The IOI is still holding that it cannot be done but that "we are going to agree to disagree and you may continue to do the process as you have been doing until instructed otherwise." NFATCA has written a letter to the NFA Branch (attached) asking for confirmation of the process.

I bring all this up to you because I am trying to *not* blow this up into a conflagration, but want to know the best way to handle it without having to do unnecessary things. You've always given me good advice...

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: [redacted]

Sent: Wednesday, July 8, 2015 6:28 PM
To: [redacted]
Subject: Re: Following Up
Attachments: nfatcalogo.png

Interesting and 10-4

Sent from my iPhone

On Jul 8, 2015, at 6:07 PM, [redacted] wrote:

> Alphonso,
> The 07 in question sent the following to their IOI and cc'd the supervisor:
>
> *As per the Report of Violations covering the inspection period of 4/28/15 through 6/10/15 for my licensed premises. Much is written and referenced in the report and I want you to know that it is my goal to be 100% in compliance with the law in regard to all facets of my operation. I have already taken corrective measures to address the concerns and deficiencies in the report and want you and your supervisors to know that I am sincere in my diligence to "get it right."*
>
> *I am concerned about a few things that are not contained in the report, yet have been communicated by you to me in regard to compliance. Again, I want to make certain that I understand all of the laws and regulations surrounding my business processes so that I can clearly communicate the need for internal procedures. Please help me to understand the following:*
>
> *You have instructed me to complete a separate Form 2 for each item that I manufacture. Section 3.2.4 of the ATF publication NFA Handbook states "All firearms manufactured during a single day must be listed on one Form 2." Your instructions appear to conflict with the direction in the NFA Handbook. Please advise as to the regulation you are citing.*
>
> *You have instructed me to maintain a separate set of copies of my Form 2's and record on the Form 2's the recipient of the manufactured item (sale, transfer, etc.). I see no reference to this requirement in the NFA Handbook. It would appear that this process would duplicate the information already required by regulations regarding the maintenance of my A&D Book. Please advise as to the regulation that you are citing.*
>
> *You have instructed me to maintain a list of the above mentioned Form 2's in transfer and to whom. Please advise as to the regulatory requirement for this activity.*

I may have misunderstood your instructions, which is why I am asking for written clarification and specific citations. The record keeping requirements for this business are precise and required by law. I want to make certain that I am doing exactly what the law requires and nothing that might serve to confuse, complicate or burden the process.
Please respond in writing so that I may forward the information on to my employees so that we may all understand what is required to maintain compliance. I look forward to hearing from you.

Yes, I helped them with the language... I wanted there to be as much possible room for everyone to save face. The response:

I believe you may have misunderstood procedures that we discussed during your closing conference. I did not instruct you to do any of the procedures you have questioned in your email regarding Form 2's. We discussed suggestions to help you keep track of your serial numbers in an effort to not duplicate serial numbers or weapons in the future as you have done in the past; however, none of those suggestions involved any of the procedures you are in question about. Let me know if you have any further questions.

The 07 has no reason to make up the instructions that they were given. But at least the IOI is now backing down. Sadly, the IOI is now quibbling over the language used in the text of the 07's automatically generated email signature. Seriously. This person seems to not be content unless they get in a final authoritative action. At the end of the day, I will help the 07 change their signature file because this is just not a fight worth waging.

I thank you for all of the attention you have expressed over this. It's above and beyond and I appreciate it.

--

(b)(6)
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<nfatcalogo.png>