

§ 447.42

27 CFR Ch. II (4–1–14 Edition)

(1)(i) The U.S. Munitions Import List articles from Canada, except articles enumerated in Categories I, II, III, IV, VI(e), VIII(a), XVI, and XX; and

(ii) Nuclear weapons strategic delivery systems and all specifically designed components, parts, accessories, attachments, and associated equipment thereof (see Category XXI); or

(2) Minor components and parts for Category I(a) and I(b) firearms, except barrels, cylinders, receivers (frames) or complete breech mechanisms, when the total value does not exceed \$100 wholesale in any single transaction.

[T.D. ATF-215, 50 FR 42161, Oct. 18, 1985, as amended by T.D. ATF-426, 65 FR 38197, June 20, 2000; T.D. ATF-484, 67 FR 64526, Oct. 21, 2002]

§ 447.42 Application for permit.

(a)(1) Persons required to obtain a permit as provided in § 447.41 must file a Form 6—Part I. The application must be signed and dated and must contain the information requested on the form, including:

(i) The name, address, telephone number, license and registration number, if any (including expiration date) of the importer;

(ii) The country from which the defense article is to be imported;

(iii) The name and address of the foreign seller and foreign shipper;

(iv) A description of the defense article to be imported, including—

(A) The name and address of the manufacturer;

(B) The type (e.g., rifle, shotgun, pistol, revolver, aircraft, vessel, and in the case of ammunition only, ball, wadcutter, shot, etc.);

(C) The caliber, gauge, or size;

(D) The model;

(E) The length of barrel, if any (in inches);

(F) The overall length, if a firearm (in inches);

(G) The serial number, if known;

(H) Whether the defense article is new or used;

(I) The quantity;

(J) The unit cost of the firearm, firearm barrel, ammunition, or other defense article to be imported;

(K) The category of U.S. Munitions Import List under which the article is regulated;

(v) The specific purpose of importation, including final recipient information if different from the importer; and

(vi) Certification of origin.

(2)(i) If the appropriate ATF officer approves the application, such approved application will serve as the permit to import the defense article described therein, and importation of such defense article may continue to be made by the licensed/registered importer (if applicable) under the approved application (permit) during the period specified thereon. The appropriate ATF officer will furnish the approved application (permit) to the applicant and retain two copies thereof for administrative use.

(ii) If the Director disapproves the application, the licensed/registered importer (if applicable) will be notified of the basis for the disapproval.

(b) For additional requirements relating to the importation of plastic explosives into the United States on or after April 24, 1997, see § 555.183 of this title.

(Approved by the Office of Management and Budget under control number 1140-0005)

[T.D. ATF-215, 50 FR 42161, Oct. 18, 1985, as amended by T.D. ATF-387, 62 FR 8376, Feb. 25, 1997; T.D. ATF-426, 65 FR 38197, June 20, 2000; T.D. ATF-484, 67 FR 64526, Oct. 21, 2002; ATF-11F, 73 FR 57240, Oct. 2, 2008]

§ 447.43 Terms of permit.

(a) Import permits issued under this subpart are valid for one year from their issuance date unless a different period of validity is stated thereon. They are not transferable.

(b) If shipment cannot be completed during the period of validity of the permit, another application must be submitted for permit to cover the unshipped balance. Such an application shall make reference to the previous permit and may include materials in addition to the unshipped balance.

(c) No amendments or alteration of a permit may be made, except by the appropriate ATF officer.

[By T.D. ATF-8, 39 FR 3251, Jan. 25, 1974, as amended by T.D. ATF-325, 57 FR 29787, July 7, 1992; T.D. ATF-426, 65 FR 38197, June 20, 2000]

EFFECTIVE DATE NOTE: By ATF-26F 79 FR 7396, Feb. 7, 2014, § 447.43(a) was amended by removing the phrase “one year” and adding

in its place the phrase “two years”, effective Apr. 8, 2014.

§ 447.44 Permit denial, revocation or suspension.

(a) Import permits under this subpart may be denied, revoked, suspended or revised without prior notice whenever the appropriate ATF officer finds the proposed importation to be inconsistent with the purpose or in violation of section 38, Arms Export Control Act of 1976 or the regulations in this part.

(b) Whenever, after appropriate consideration, a permit application is denied or an outstanding permit is revoked, suspended, or revised, the applicant or permittee shall be promptly advised in writing of the appropriate ATF officer's decision and the reasons therefor.

(c) Upon written request made within 30 days after receipt of an adverse decision, the applicant or permittee shall be accorded an opportunity to present additional information and to have a full review of his case by the appropriate ATF officer.

(d) Unused, expired, suspended, or revoked permits must be returned immediately to the appropriate ATF officer.

[T.D. ATF-8, 39 FR 3251, Jan. 25, 1974, as amended by T.D. ATF-215, 50 FR 42161, Oct. 18, 1985]

§ 447.45 Importation.

(a) Articles subject to the import permit procedures of this subpart imported into the United States may be released from Customs custody to the person authorized to import same upon his showing that he has a permit for the importation of the article or articles to be released. For articles in Categories I and III imported by a registered importer, the importer will also submit to Customs a copy of the export license authorizing the export of the article or articles from the exporting country. If the exporting country does not require issuance of an export license, the importer must submit a certification, under penalty of perjury, to that effect.

(1) In obtaining the release from Customs custody of an article imported pursuant to a permit, the permit holder will prepare and file Form 6A according to its instructions.

(2) The ATF Form 6A must contain the information requested on the form, including:

- (i) The name, address, and license number (if any) of the importer;
- (ii) The name of the manufacturer of the defense article;
- (iii) The country of manufacture;
- (iv) The type;
- (v) The model;
- (vi) The caliber, gauge, or size;
- (vii) The serial number in the case of firearms, if known; and
- (viii) The number of defense articles released.

(b) Within 15 days of the date of their release from Customs custody, the importer of the articles released will forward to the address specified on the form a copy of Form 6A on which will be reported any error or discrepancy appearing on the Form 6A certified by Customs and serial numbers if not previously provided on ATF Form 6A.

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[T.D. ATF-215, 50 FR 42161, Oct. 18, 1985, as amended by T.D. ATF-426, 65 FR 38197, June 20, 2000; T.D. ATF-484, 67 FR 64526, Oct. 21, 2002; ATF-11F, 73 FR 57240, Oct. 2, 2008]

§ 447.46 Articles in transit.

Articles subject to the import permit procedures of this subpart which enter the United States for temporary deposit pending removal therefrom and such articles which are temporarily taken out of the United States for return thereto shall be regarded as in transit and will be considered neither imported nor exported under this part. Such transactions are subject to the Intransit or Temporary Export License procedures of the Department of State (see 22 CFR Part 123).

[T.D. ATF-8, 39 FR 3251, Jan. 25, 1974, as amended by T.D. ATF-215, 50 FR 42161, Oct. 18, 1985]