

27 CFR 178.94: SALES OR DELIVERIES BETWEEN LICENSEES

A firearms licensee may continue operations until his renewal application for a license is finally acted upon.

ATF Rul. 75-27

[Status of ruling: Active]

Under 5 U.S.C. 558, when a licensee has made timely and sufficient application for a renewal in accordance with agency rules, a license with reference to an activity of a continuing nature does not expire until the application has been finally determined by the agency. In accordance with section 558, a firearms licensee who timely applies for renewal of his license is authorized to continue his firearms operations as authorized by his license until his renewal application is finally acted upon. As provided by 27 CFR 178.94, a transferor licensee is authorized to continue to make shipments to a licensee for not more than 45 days following the expiration date of the transferee's license.

Held, a transferor licensee may continue to make firearms and ammunition shipments to a licensee who has timely applied for renewal of his license but has not had his application acted upon within 45 days after the expiration of his license. The transferor licensee shall, however, in cases where the 45-day period has passed, obtain appropriate evidence that the transferee's license renewal application is still pending in the office of the Regional Director, Bureau of Alcohol, Tobacco and Firearms. Such evidence should consist of a letter from the Regional Director to the transferee licensee stating that his renewal application has been timely received and that action thereon is currently pending.