

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES
Supporting Statement
Information Collection Request
OMB 1140-0020
ATF 4473 (5300.9) Part I, Firearms Transaction Record
Part I, Over-the-Counter

A. Justification

1. The subject form is required under the authority of 18 U.S.C. § 922 and 923 and 27 CFR 478.124. These sections of the Gun Control Act (GCA) prohibit certain persons from shipping, transporting, receiving or possessing firearms. A Federal firearms licensee may not dispose of a firearm to these persons. A licensee is subject to other restrictions for the disposition of a firearm under the GCA. Age and place of residence also determine whether a person may lawfully receive a firearm. The form 4473 (5300.9) Firearms Transaction Record Part I –Over-The-Counter, poses questions to the potential transferee; his/her answers will allow the transferor (the licensee) to determine the eligibility of the transferee. The form should only be used for sales or transfers where the seller is licensed under 18 U.S.C. 923.

ATF is changing the form to reflect recommendations by the ATF Director, ATF's legal counsel, The Federal Bureau of Investigation NICS Background Checks, and comments received by industry members and the general public.

The time it takes to complete the form has increased from 25 minutes to 30 minutes. Additional notices, instructions, have also been added to the form. The form will reflect major changes (e.g. formatting, renumbering of items, added language, and variation of text fonts).

The changes to the form are included in a separate document (title: Changes to ATF F 4473 (5300.9)) in ROCIS located under "Supplemental Documents."

2. Needs and Uses

A person purchasing a firearm from a Federal firearms licensee completes Section A of the form. The purchaser's answers to the question determine whether or not he/she is eligible to receive the firearm. If the purchaser is eligible to receive the firearm, Section B is completed by the licensee (dealer seller) the licensee must contact the Federal Bureau of Investigation (FBI) NICS or the Point of Contact (POC) State to determine if the firearm can be legally transferred to the purchaser. The form is entered into the licensee's permanent records and is used primarily in investigations of criminal nature, and secondarily as an inspection tool in determining that the licensee is in conformity with the GCA.

3. Use of Information Technology

For the first time, the ATF F 4473 will be made available electronically. The form will be available on the ATF website, to download and print. The industry members that have technical capabilities will be able to download the form to their computer systems. For those respondents that will not be able to access the form electronically the form will be made available at ATF Distribution Center. The Distribution Center will continually stock the ATF F 4473 for distribution.

4. Efforts to Identify Duplication

ATF uses a uniform subject classification system for forms to identify duplication and to ensure that any similar information already available cannot be used or modified for use for the purpose of this information collection.

5. Minimizing Burden on Small Businesses

This collection of information has no impact on small businesses.

6. Consequences of Not Conducting or less frequent Collection

The consequence of not conducting this collection of information or conducting it less frequently would result in the licensee selling and transferring a firearm to a person who is not eligible. The form is critical with regard to the prevention of criminal diversion of firearms and enhances law enforcement's ability to trace firearms that are recovered in crimes.

The collection of this information will be necessary to comply with the statutory requirements to verify the eligibility of an individual receiving or possessing firearms under the Gun Control Act. There is no discretionary authority on the part of the Agency to waive these requirements. The respondents are required to supply this information as often as necessary to comply with statutory provisions.

7. Special Circumstances

There are no special requirements that would cause the information collection to be conducted in any other manner.

8. Public Comments and Consultations

ATF consulted with licensees, Federal and State law enforcement agencies and FBI (NICS) to obtain their views on the availability of data, frequency of collection, clarity of instructions and recordkeeping, disclosure, or reporting format, and on the data elements to be recorded, disclosed or reported. A 60-day and 30-day Federal Register notice was published in the Federal Register in order to solicit comments from the general public.

ATF did receive comments regarding the revision to the form. ATF reviewed and adopted comments that were of a substantial nature and incorporated those comments into the form. Please see the attached spreadsheet (separate document located under “Supplemental Documents” in ROCIS) documenting the comments received from the 60 and 30 day Federal Register Notices. All comments have been resolved.

9. Provision of Payments or Gifts to Respondents

No payment or gift is offered to the respondent.

10. Assurance of Confidentiality

All records regarding these collection are kept on the dealer’s premises in a secured location. Confidentiality is not assured.

11. Justification for Sensitive Questions

Questions of a sensitive nature are asked to ensure that firearms are not sold to or received by certain persons. The information and certification on the form are designed so that a person licensed under 18 U.S.C. 923 may determine if he or she lawfully may sell or deliver a firearm to the person acquiring the firearm.

12. Estimate of Respondent’s Burden

The number of respondents associated with this information collection is 112,073. Each respondent completes the form 1 time. The total annual responses are 112,073. It is estimated that it takes 30 minutes to complete the form. The total annual burden hours for this information collection is 56,037.

13. Estimate of Cost Burden

There is no cost to respondent due to the fact that the respondent completes the form on the premises in front of the store dealer.

14. Cost to Federal Government

Cost of printing, distributing, and mailing the form is estimated at \$875,000.00. The cost includes printing an estimated 15,000,000 forms, shrink wrapping, inserting in envelopes and mailing to the Federal firearms licensees as well as delivering a bulk supply to the ATF Distribution Center for stock.

15. Reason for Change in Burden

As a result of the recommended changes for this submission, the number of respondents has increased and the time it takes to complete the form has increased from 25 to 30 minutes. This increase is due to a change in agency estimates.

Please note that the number of respondents and the burden requested was reported incorrectly on the previous submission. The number of respondents should have been reported as 102, 250 vs. 10, 225,000. The number of responses should have been reported as 102,250 vs. 10,225,000. The total requested burden should have been reported as 4,260 vs. 4,260,417.

This request corrects the previous submissions errors.

16. Anticipated Publication Plan and Schedule

The information collection will not be published.

17. Display of Expiration Date

ATF request authorization to omit printing the expiration date on this form. Printing the expiration date on this form will result in increased cost because of the need to replace inventories that become obsolete by the passage of the expiration date each time OMB approval is renewed. Also, because of the criticality of this form, changes can occur at any time. In addition, usage fluctuates unpredictably. ATF must maintain a substantial inventory of forms at the Distribution Center at all times. For these reasons, ATF request authorization to omit printing the expiration date on the form.

18. Exception to the Certification Statement

ATF requests approval to use a combined single question format to collect data on race and ethnicity. This combined format is acceptable in certain situations including those related to law enforcement.

B. Statistical Methods:

This collection of information employs no statistical methods.

