

DEPARTMENT OF JUSTICE
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

Information Collection Request
Supporting Statement

OMB 1140-0013 ATF Form 3 (5320.3)
Application for Tax-Exempt Transfer of Firearm
and Registration to Special Occupational Taxpayer

A. JUSTIFICATION

1. The ATF Form 3 (5320.3) is required to apply for the transfer and registration of a National Firearms Act (NFA) firearm subject to the exemption from the transfer tax provided by 26 U.S.C. § 5852(d). Under the provisions of 26 U.S.C. § 5812, an NFA firearm shall not be transferred until the transferor has applied for and received approval from the Attorney General (delegated to ATF) and paid the applicable transfer tax. The transfer of an NFA firearm is subject to a tax of \$200 or \$5 (for a firearm classified as an “any other weapon”) except for specific exempted transactions. The statutory requirements are implemented in § 479.88, Title 27, Code of Federal Regulations.

This form is filed by Federal firearms licensees who have paid the special (occupational) tax to import, manufacture or deal in NFA firearms to transfer an NFA firearm to a similarly qualified licensee.

2. ATF Form 3 (5320.3) is required to be submitted and approved by ATF prior to the transfer of a National Firearms Act weapon from one Special Occupational Tax paying Federal firearms licensee to another Special taxpaying licensee. The form is required whenever such a transfer is to be made. The information on this form is used by NFA Branch personnel to determine the legality of the application under Federal, State and local law. Section 5822 provides that an application shall not be approved if the making or possession would place the person making the firearm in violation of law.

The application is submitted in duplicate. The approval of the application effectuates the registration of the firearm to the transferee. Both copies of the application are noted to reflect the approval – one copy is returned to the applicant for transmission to the transferee as proof of registration and the other is retained by ATF as part of the National Firearms Registration and Transfer Record. The information is used to verify any subsequent transfer and registration of the firearm. In addition, registration information is used to determine the non-registration of a firearm, a violation as specified in § 5861.

3. ATF F 3 (5320.3) is available on the ATF website to download and print. The form can also be faxed to ATF provided the transferor filed an affidavit with the NFA Branch in accordance with ATF Industry Circular 89-6. Forms can be filed electronically as of August 2013.
4. ATF uses a subject classification system 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. The information on this form is unique to the person supplying it and would have minimal or no impact on small businesses or other small entities.
6. The consequence of not conducting this collection of information would be a violation of the Gun Control Act. ATF has no control over the frequency of the submissions. Respondents submit the form only as often as is necessary to comply with statutory and regulatory requirements.
7. This collection is conducted in a manner consistent with the requirement in 5 CFR 1320.6.
8. The ATF industry liaison was consulted during the creation of this information collection. A 60-day and 30-day notice was published in the Federal Register in order to solicit comments from the public. No comments were received.
9. No payment or gift is associated with this collection.
10. Respondents' confidentiality is assured by 26 U.S.C. §§ 5848 and 6103 and 5 U.S.C. §§ 552 and 552a, and as indicated by the Privacy Act Notice contained on the form. No other means of confidentiality is available.
11. No questions of a sensitive nature are asked.
12. The number of respondents is 6,000. Each respondent completes the form. The total number of annual responses for this information collection is 70,500. It takes 30 minutes to complete the form. The total number of burden hours is 35,250.
13. The cost to the respondent is postage. It is estimated that half of the respondents send the form back to ATF. 3,000 respondents will mail their completed form. The cost to the respondent is \$4.50.
14. The estimate of annual cost to the Federal Government is as follows:

Printing	\$350
Distribution	<u>400</u>
Total	\$750

15. The adjustments for this information collection are an increase in the number of respondents by 3,479, and an increase in the number of responses by 46,800. As a result of these increases, the annual burden hours has increased by 23,400 hours.
 16. The results of this collection will not be published.
 17. ATF does not request approval to not display the expiration date of the OMB approval for this collection.
 18. There are no exceptions to the certification statement.
- B. Collections of Information Employing Statistical Methods.
- None.