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DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms, and Explosives

27 CFR Part 478

[Docket No. ATF 19F; AG Order No. -]

RIN 1140-AA34

**Elimination of Firearms Transaction Record, ATF Form 4473 (Low Volume)
(2008R-21P)**

AGENCY: Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), Department of Justice.

ACTION: Final rule.

SUMMARY: The Department of Justice is amending the regulations of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) by eliminating the Firearms Transaction Record, ATF Form 4473 (Low Volume (LV)), Parts I and II. Federally licensed firearms dealers used this form as an alternate record for the receipt and disposition of firearms. Because licensees rarely use Form 4473 (LV), ATF has determined that continued use of this form is unwarranted and it should be eliminated. Licensees will be required to use the standard Form 4473 for all dispositions and maintain a record of the acquisition and disposition of firearms in accordance with the regulations.

DATES: This rule is effective [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

FOR FURTHER INFORMATION CONTACT: Denise Brown, Enforcement Programs and Services, Bureau of Alcohol, Tobacco, Firearms, and Explosives, U.S. Department of Justice, 99 New York Avenue, NE., Washington, DC 20226; telephone: (202) 648-7070.

SUPPLEMENTARY INFORMATION:

I. Background

The Attorney General is responsible for enforcing the provisions of the Gun Control Act of 1968 (“the Act”), 18 U.S.C. Chapter 44. Among other things, the Act authorizes the Attorney General to establish license and recordkeeping requirements. The Attorney General has delegated authority to administer and enforce the Act to the Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), subject to the direction of the Attorney General and the Deputy Attorney General. 28 CFR 0.130(a). Regulations that implement the provisions of the Act are contained in 27 CFR Part 478.

Section 478.125(e) requires that each federally licensed firearms dealer enter into a record each receipt and disposition of a firearm. Licensed dealers must maintain the record in bound form under the format prescribed in the regulations. Regarding the purchase or other acquisition of a firearm by a licensed dealer, the record must show the date of receipt, the name and address or the name and license number of the person from whom it was received, the name of the manufacturer and importer (if any), the model, serial number, type, and the caliber or gauge of the firearm. Licensed dealers must also record certain information regarding the sale or other disposition of a firearm, e.g., the

date of the sale or other disposition of the firearm, the name and address of the person to whom the firearm is transferred, or the name and license number of the person to whom the firearm is transferred if such person is a licensee.

Section 478.124a, which became effective August 1, 1988, provides for alternate records for the receipt and disposition of firearms by licensed dealers. This section generally provides that a licensed dealer acquiring firearms and contemplating the disposition of not more than 50 firearms within a succeeding 12-month period to licensees or nonlicensees could maintain a record of the acquisition and disposition of such firearms on a firearms transaction record, Form 4473 (LV) Part I, Firearms Transaction Record Part I—Low Volume—Over-The-Counter, or Form 4473 (LV) Part II, Firearms Transaction Record Part II Low Volume—Intrastate Non-Over-The-Counter, in lieu of the records prescribed by § 478.125(e). A licensed dealer who maintains alternate records pursuant to § 478.124a, but whose firearms dispositions exceeded 50 firearms within a 12-month period, is required to make and maintain the acquisition and disposition records required by § 478.125(e) with respect to each firearm exceeding 50.

The standard Form 4473, Firearms Transaction Record, is the form commonly used by firearms licensees to record distributions of firearms to nonlicensed individuals. This form is supplemented by the licensee's acquisition and disposition record. The Form 4473 (LV) combined the acquisition and disposition record into the form for use by low volume licensees (*i.e.*, dealers distributing not more than 50 firearms per year).

II. Notice of Proposed Rulemaking

On August 5, 2010, ATF published in the **Federal Register** a notice of proposed rulemaking (NPRM) soliciting comments from the public on the Department's proposal to amend the regulations to eliminate the Firearms Transaction Record, Form 4473 (Low Volume (LV)), Parts I and II (Notice No. 30P, 75 FR 47254). The NPRM noted that firearms licensees rarely use Form 4473 (LV), and that the costs of updating and printing Form 4473 (LV) were not an efficient use of ATF's resources.

The NPRM also noted that if the proposed rule was adopted, licensees would be required to use the standard ATF Form 4473 for all dispositions and maintain a record of the acquisition and disposition of firearms in accordance with the provisions of § 478.125. The comment period for the NPRM closed on November 3, 2010.

III. Analysis of Comments and Decision

Seven comments were received in response to the Department's proposal to eliminate Form 4473 (LV). Of those, three offered either general or specific support for the Department's proposal. One of the commenters stated that all nonessential paperwork and recordkeeping should be eliminated. One commenter stated that the Form 4473 (LV) was confusing and "borderline obsolete" without offering any further explanation. One commenter stated that having multiple systems of recording acquisitions and dispositions unnecessarily complicated the recordkeeping process, and that requiring all licensees to use a single system of records (the standard Form 4473 and bound book) would reduce confusion and improve recordkeeping accuracy. This commenter went on to state that a single recordkeeping system would make enforcement of firearms regulations simpler. All three commenters concurred with the proposed elimination of Form 4473 (LV).

