

## DEPARTMENT OF THE TREASURY

## Bureau of Alcohol, Tobacco and Firearms

## 27 CFR Part 178

[Notice No. 849]

RIN 1512-AB66

## Residency Requirements for Persons Acquiring Firearms (97R-687P)

**AGENCY:** Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

**ACTION:** Proposed rulemaking by cross reference.

**SUMMARY:** In the same separate part of this **Federal Register**, the Bureau of Alcohol, Tobacco and Firearms (ATF) is issuing a temporary rule amending the regulations to provide for a firearms purchaser's affirmative statement of his or her State of residence on ATF Form 4473 (Firearms Transaction Record) and ATF Form 5300.35 (Statement of Intent to Obtain a Handgun) in acquiring a firearm from a Federal firearms licensee. The temporary rule also amends the regulations to require that aliens purchasing a firearm provide proof of residency through the use of substantiating documentation, such as utility bills or a lease agreement. In addition, the regulations are being amended to require that licensees examine a photo identification document from aliens purchasing firearms. Finally, the definition of "State of residence" is being amended to eliminate the language allowing aliens to establish residency by obtaining a letter from their embassy or consulate. The definition is also being amended to define more clearly "State of residence." These regulations implement President Clinton's March 5, 1997, announcement of firearms initiatives intended to protect the American public from gun violence. The temporary regulations also serve as the text of this notice of proposed rulemaking for final regulations.

**DATES:** Written comments must be received on or before July 21, 1997.

**ADDRESSES:** Send written comments to: Chief, Regulations Branch; Bureau of Alcohol, Tobacco and Firearms; P.O. Box 50221; Washington, DC 20091-0221; *ATTN: Notice No. 849.*

**FOR FURTHER INFORMATION CONTACT:**

James P. Ficaretta, Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226 (202-927-8230).

## SUPPLEMENTARY INFORMATION:

**Executive Order 12866**

It has been determined that this proposed regulation is not a significant regulatory action as defined in E.O. 12866. Accordingly, this proposal is not subject to the analysis required by this Executive Order.

**Regulatory Flexibility Act**

It is hereby certified that these proposed regulations will not have a significant economic impact on a substantial number of small entities. The proposed regulations are necessary to implement the President's March 5, 1997, announcement of firearms initiatives intended to protect the American public from gun violence. Furthermore, the burden placed on firearms licensees for the collections of information is minimal. Accordingly, a regulatory flexibility analysis is not required.

**Paperwork Reduction Act**

The collections of information contained in this notice of proposed rulemaking have been submitted to the Office of Management and Budget for review in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)). Comments on the collections of information should be sent to the Office of Management and Budget, Attention: Desk Officer for the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Office of Information and Regulatory Affairs, Washington, DC, 20503, with copies to the Chief, Document Services Branch, Room 3450, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW, Washington, DC 20226. Comments are specifically requested concerning:

Whether the proposed collections of information are necessary for the proper performance of the function of the Bureau of Alcohol, Tobacco and Firearms, including whether the information will have practical utility; the accuracy of the estimated burden associated with the proposed collections of information (see below), and; how the burden of complying with the proposed collections of information may be minimized, including through the application of automated collection techniques or other forms of information technology.

The collections of information in this proposed regulation are in 27 CFR 178.124, 178.125, and 178.130. This information is required to ensure that individuals purchasing firearms meet the residency requirements mandated

by law. The likely respondents are individuals.

*Estimated total annual reporting burden:* 1512-0129—1,026,000 hours; 1512-0130—11,843 hours; 1512-0387—43,041 hours; 1512-0520—478,300 hours.

*Estimated average annual burden hours per respondent:* 1512-0129—.171 hours; 1512-0130—.12 hours; 1512-0387—3 hours; 1512-0520—.10 hours.

*Estimated number of respondents:* 1512-0129—6,000,000; 1512-0130—20,900; 1512-0387—14,347; 1512-0520—2,000,000.

*Estimated annual frequency of responses:* 1512-0129—1; 1512-0130—1; 1512-0387—1; 1512-0520—1.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by the Office of Management and Budget.

**Public Participation**

ATF requests comments on the temporary regulations from all interested persons. Comments received on or before the closing date will be carefully considered. Comments received after that date will be given the same consideration if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closing date.

ATF will not recognize any material in comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting a comment is not exempt from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing should submit his or her request, in writing, to the Director within the 90-day comment period. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing is necessary.

The temporary regulations in this issue of the **Federal Register** amend the regulations in 27 CFR part 178. For the text of the temporary regulations, see T.D. ATF-389 published in the same separate part of this issue of the **Federal Register**.

**Drafting Information**

The author of this document is James P. Ficaretta, Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

Signed: April 4, 1997.

**John W. Magaw,**

*Director.*

Approved: April 11, 1997.

**John P. Simpson,**

*Deputy Assistant Secretary, (Regulatory,  
Tariff and Trade Enforcement).*

[FR Doc. 97-10241 Filed 4-18-97; 8:45 am]

BILLING CODE 4810-31-P