



STONE BRAVO

OUTPOST LLC

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Stone Bravo Outpost LLC
Killeen, Texas

August 1, 2026

ATF Rulemaking Comments
Mail Stop 6N-518, Office of Regulatory Affairs
Enforcement Programs and Services
Bureau of Alcohol, Tobacco, Firearms, and Explosives
99 New York Ave. NE
Washington, DC 20226
ATTN: RIN 1140-AA82

Via electronic submission to the Federal eRulemaking Portal, <https://www.regulations.gov>

Re: Notice of Proposed Rulemaking
Revising Firearms Transaction Record, "Form 4473"
Docket No. ATF-2026-0001; ATF 2025R-01P
RIN 1140-AA82
Federal Register Document No. 2026-09182
91 Fed. Reg. 25,432 (May 8, 2026)
Comments due August 6, 2026

Greetings:

Stone Bravo Outpost LLC is a Texas limited liability company with an interest in the regulatory category addressed by the Proposed Rule. The company submits these comments in response to ATF's solicitation in Part IV.A of the preamble, in which "ATF specifically requests comments on the clarity of this proposed rule and how it may be made easier to understand."

I. Scope of this comment

The company is not a federal firearms licensee and does not seek to become one. It does not produce, execute, hold, or transmit ATF Form 5300.9, Firearms Transaction Record ("Form 4473"), and it takes no position on the contents of the Form as a licensee instrument. These comments are confined to proposed § 478.124(e) — which states the first definition of a "private-party transfer" in federal regulation — and to the relationship between that paragraph and 28 C.F.R. part 25.

II. The company supports proposed § 478.124(e)(1)

Proposed § 478.124(e) provides, in relevant part:

(e) *Private-party transfers.* To the extent permitted by 28 CFR part 25, a licensee may facilitate a background check for private-party transfers.

(1) A private-party transfer is a transfer between two persons who are not licensed importers, manufacturers, or dealers under the Gun Control Act, and does not involve the licensee in the transfer. Under this provision, the licensee provides services solely to facilitate the background check, not the transfer.

Paragraph (e)(3) completes the boundary:

(3) A licensee facilitating a background check may not take the firearm into the licensee's inventory, nor may the licensee sell, deliver, or otherwise transfer the firearm to the transferee or facilitate the transfer in any other way.

Paragraphs (e)(2), (e)(4), and (e)(5) address, respectively, the designation box and paragraph (c) information collection, transfers federal law requires to pass through a licensee, and compliance with other applicable law. The company addresses paragraph (e)(2) separately in Part IV.

The company supports these provisions as correct and well drawn. They state a distinction the regulations have not previously drawn — facilitating a background check is a distinct activity from facilitating a transfer — and until now the practice existed only in guidance. The preamble's Background acknowledges that licensees today use Form 4473 "when the FFL is facilitating a private-party transfer between two unlicensed persons," a workflow set out in ATF Procedure 2020-2 rather than in part 478.

The company also supports how the Proposed Rule draws that line. Paragraph (e)(1) separates the two activities by reference to the activity performed: the party facilitating the check provides "services solely to facilitate the background check, not the transfer," takes no possession, adds nothing to inventory, and does not sell, deliver, or otherwise participate in the transfer. ATF should retain that formulation. It is administrable and it is enforceable against conduct. What separates check facilitation from transfer facilitation is the activity performed — not the identity or license status of the person performing it.

III. The support stated in Part II is conditioned: the definition creates no authority over the private parties

A private-party transfer, as proposed § 478.124(e)(1) defines it, is a transfer "between two persons who are not licensed importers, manufacturers, or dealers under the Gun Control Act." Neither party to such a transfer holds a license, and neither is engaged in the business of dealing in firearms. The recordkeeping obligations of part 478 run to licensees: 18 U.S.C. § 923(g)(1)(A) requires licensed importers, licensed manufacturers, and licensed dealers to maintain records. Except where federal law requires the transfer itself to pass through a licensee — the case proposed paragraph (e)(4) preserves — the transaction between the two private parties is not federally licensed commerce and is not conduct part 478 regulates. Paragraph (e) reaches the licensee who facilitates the check. It reaches no one else.

That distinction governs how the paragraph must be read once it is final. Proposed § 478.124(e)(1) states the first definition of a private-party transfer in federal regulation. A definition placed in 27 C.F.R. part 478 identifies a transaction type. It does not enlarge the class of persons subject to part 478, it does not bring

private conduct within ATF's recordkeeping or reporting authority, and it does not convert a transfer between two unlicensed persons into an activity ATF regulates. The company supports the definition on that understanding, and on no other.

The company's support is further conditioned on the definition never being used toward a system of registration. Title 18 U.S.C. § 926(a) provides that no rule or regulation prescribed after the enactment of the Firearms Owners' Protection Act "may require that records required to be maintained under this chapter or any portion of the contents of such records, be recorded at or transferred to a facility owned, managed, or controlled by the United States or any State or any political subdivision thereof, nor that any system of registration of firearms, firearms owners, or firearms transactions or dispositions be established." ATF states the rulemaking authority for this Proposed Rule by reference to that same section. 91 Fed. Reg. at 25432. The section that supplies the authority to define the transaction is the section that forecloses using the definition to build a registry of the persons who engage in it.

The company requests that ATF state expressly in the final-rule preamble that:

1. defining "private-party transfer" at § 478.124(e)(1) creates no authority over the private parties to such a transfer;
2. the definition imposes no recordkeeping obligation and no reporting obligation on either private party; and
3. the definition is not a predicate for any future recordkeeping, reporting, or registration requirement directed at private parties or at private-party transfers, consistent with 18 U.S.C. § 926(a).

As with Part V, this request seeks no change to the regulatory text. It asks that the final rule say what the proposed text already does — that the paragraph defines a transaction and governs a licensee's conduct within it — so that the first appearance of the term in federal regulation is not later treated as the foundation of an authority this rulemaking neither claims nor proposes.

IV. Proposed § 478.124(e)(2) should not be finalized

Proposed § 478.124(e)(2) provides:

(2) If facilitating a background check for a private-party transfer, the licensee must check the appropriate box at the top of Form 4473 to designate the form is for that purpose. The licensee must comply with paragraph (c) of this section to ensure the licensee collects all the appropriate information for a background check.

The company requests that ATF not finalize the first sentence of that paragraph. The second sentence, which directs the licensee to paragraph (c) so that the information required to initiate a check is collected, should be retained. The remainder of paragraph (e) — the opening permission, the definition at (e)(1), and the limits at (e)(3), (e)(4), and (e)(5) — should be finalized, and the company supports each of them for the reasons stated in Parts II and III.

The first sentence of paragraph (e)(2) is the only part of paragraph (e) that operates on the Form rather than on the licensee. The opening clause permits the licensee to facilitate a check to the extent 28 C.F.R. part 25 allows. Paragraph (e)(1) states what a private-party transfer is. Paragraph (e)(3) bars the licensee from taking the firearm into inventory and from selling, delivering, or otherwise transferring it. Paragraph (e)(4) bars facilitation where federal law requires the firearm to pass first to a licensee. Paragraph (e)(5) preserves other applicable law. Each governs what the licensee may and may not do, as does the second

sentence of paragraph (e)(2), which directs the licensee to paragraph (c). The first sentence of paragraph (e)(2) governs nothing the licensee does in the transaction; it places a transfer-type designation on a federal form.

That designation does not correspond to what Form 4473 records. The Form is the record a licensee makes of the licensee's own disposition of a firearm. Proposed paragraph (c)(9) provides that the licensee "must then sign and date the form and then may transfer the firearm described on the form," and proposed paragraph (c)(11) provides that "after the licensee transfers the firearm, the licensee must comply with Form 4473 records retention requirements in this section and in § 478.129." In a paragraph (e) transaction the licensee disposes of nothing, because paragraph (e)(3) forbids it. A box designating the Form as the record of a private-party transfer marks it as the record of a transaction the same paragraph bars the licensee from participating in.

The purpose ATF states for the box is administrative. Describing paragraph (e), the preamble states that "ATF proposes that licensees check a box at the top of the form to indicate that the form will be used for this purpose, which in turn would immediately inform ATF and the licensee that the form would not be subject to inspection by ATF." 91 Fed. Reg. at 25436. Footnote 9, quoted in Part VI below, gives the same account in operational terms: the box permits ATF to confirm "that a NICS check entry on an audit log from FBI correlates with the number on a private-party transfer form so the licensee does not appear to have run a NICS check without completing a Form 4473." Both statements describe identification and reconciliation. Neither requires that the identification be made on the Form. The same result is obtained if the check is identified in the licensee's own records, in the NICS transaction record, or by any notation ATF prescribes that does not establish a transfer-type category on the Form. ATF should adopt one of those means in place of the designation.

The objection to the designation is structural. Once a federal firearms form carries a designated category for transfers between private persons, that category exists as an established instrument for such transfers. A category created for one purpose is available to be given another. The company asks ATF not to create it. Nothing in the rulemaking record identifies a need that the designation meets and that a means of identification outside the Form would not.

The request is severable from the rest of the rulemaking. It removes one sentence. Paragraph (e) is operative without it, and everything in paragraph (e) that the company supports is left as proposed.

V. Requested preamble confirmation

Paragraph (e) opens with the words "To the extent permitted by 28 CFR part 25." By their terms, those words make part 25 the operative limit on background-check facilitation. Paragraph (e)(1) then supplies the definition of the transaction type to which that limit applies.

The company requests that ATF confirm in the final-rule preamble that:

1. § 478.124(e)(1) defines the *transaction type* — a private-party transfer — and does not purport to define who may facilitate a background check; and
2. § 478.124(e) addresses what a licensee may do under part 478 where 28 C.F.R. part 25 permits it, and is not intended to imply that background-check facilitation is an activity only a licensee may perform.

This request seeks no change to the regulatory text. ATF's own opening clause resolves the question; the company asks only that the preamble say so, so that a form-revision rulemaking is not later read to have settled a question that part 25 governs and that this rulemaking does not present.

VI. The referenced pending FBI rule

Footnote 9 of the preamble, appended to ATF's description of paragraph (e) in Part II.D.1, states:

ATF notes that licensees must conduct private-party transfers in accordance with this proposed rule and a pending upcoming FBI rule for such purposes. Although ATF would not routinely inspect Forms 4473 that are used for private-party transfers, ATF retains the authority to review the forms if needed within the 90-day period to clarify regulatory compliance. For example, ATF might need to clarify that a NICS check entry on an audit log from FBI correlates with the number on a private-party transfer form so the licensee does not appear to have run a NICS check without completing a Form 4473, or might need to see the private-party form to clarify that the licensee did not transfer a firearm without running a background check or completing a Form 4473.

The referenced rule is not identified. The balance of the footnote concerns ATF's inspection authority over paragraph (e) forms and the 90-day period within which it would be exercised, and says nothing further about the FBI rule. The rule is not identified by RIN, by docket number, or by title, and the footnote describes it only as "pending upcoming," giving no date and no docket by which the public could confirm it. The company has searched for it and cannot find it.

That search was not cursory, and its result is uniform. The searches described below were run and last verified on July 29, 2026, and each statement in them describes the public record as it stood on that date. As of that date, the FBI had no rulemaking on private-party transfers pending anywhere the public can look:

1. **The Unified Agenda.** As of that date, the FBI had no item in an active stage of rulemaking at all. The Agenda listed five FBI entries, and every one of them appeared under Long-Term Actions. Only two concern 28 C.F.R. part 25 — RIN 1110-AA35 (firearm-handler background checks under the Bipartisan Safer Communities Act) and RIN 1110-AA36 (NICS implementation revisions under the Bipartisan Safer Communities Act and the Consolidated Appropriations Act). Neither addresses private-party transfers. A third item that might once have been thought to encompass the subject, RIN 1110-AA38 (NICS Regulatory Updates), was withdrawn on April 21, 2025.
2. **OMB review.** As of that date, one FBI item was before the Office of Information and Regulatory Affairs: RIN 1110-AA35, received as a final rule on June 3, 2026. It is not this rule.
3. **The Federal Register.** No FBI document published in the Federal Register in the period spanning the Proposed Rule: of the 56 Department of Justice documents published between May 4 and May 15, 2026, not one was an FBI document. Between January 1, 2025 and July 29, 2026, no Federal Register document amended part 25 at all — the single document indexed to that part in the period was a proposed rule, which amends nothing, and it concerned relief from disabilities.

The company therefore states plainly what the record showed on that date: ATF has conditioned the operation of proposed § 478.124(e) on a rule that did not appear in the Unified Agenda, was not before OMB, and had not published in the Federal Register. So far as the public record disclosed as of July 29, 2026, it does not yet exist in any form the public may read. The company has re-run these searches in the days before filing and states this position as of the date of this comment.

That presents a notice problem. The opening clause of paragraph (e) — "To the extent permitted by 28 CFR part 25" — makes part 25 the operative limit on the activity the paragraph authorizes, and footnote 9 tells the public that licensees must conduct private-party transfers in accordance with both this Proposed Rule and a pending FBI rule. The consequence is that the full set of obligations attaching to a paragraph (e) transaction is not ascertainable from the Proposed Rule. The company can and does comment on the text ATF has published, as it does in Parts II, IV, V, and VII. What no commenter can address is what the pending FBI rule would require in addition to that text, or how it would bear on the boundary paragraph (e) draws, because that instrument has not been disclosed. Comment on a provision whose announced companion instrument is unidentified and unpublished is comment on an incomplete proposal. The Administrative Procedure Act requires that a notice of proposed rulemaking state "either the terms or substance of the proposed rule or a description of the subjects and issues involved." 5 U.S.C. § 553(b)(3). The purpose that requirement serves is meaningful comment: it is, as the court put it, "a fairly obvious proposition that studies upon which an agency relies in promulgating a rule must be made available during the rulemaking in order to afford interested persons meaningful notice and an opportunity for comment." *American Radio Relay League, Inc. v. FCC*, No. 06-1343, slip op. at 15 (D.C. Cir. Apr. 25, 2008). The company submits that the same purpose is disserved, and for the same reason, where the material withheld is not a study but a companion rule ATF has told the public that licensees must comply with.

The company requests that ATF do one of two things before finalizing paragraph (e). Either identify the referenced rule — by RIN and docket number — and state its relationship to proposed § 478.124(e), affording the public a meaningful opportunity to address the two together through concurrent publication, an extended or reopened comment period, or a supplemental notice. Or, if no such rule is pending, say so in the final-rule preamble and withdraw the footnote's reference to the FBI rule, leaving intact its statement that licensees must conduct private-party transfers in accordance with this rule, so that paragraph (e) is not read to depend on an instrument that does not exist.

The company requests that proposed § 478.124(e) not be finalized while the rule ATF has said its operation depends upon remains unidentified, unpublished, and unavailable for comment. Either course stated above cures that condition, and whichever ATF selects should be completed before paragraph (e) is made final rather than announced together with it. A paragraph made final before the public can read the instrument its operation is conditioned upon has not had the notice and comment the Administrative Procedure Act is designed to secure.

VII. Clarity of proposed § 478.124(e)

Responding to ATF's solicitation, the company identifies four points on which paragraph (e) could be made easier to understand.

A. Whether (e)(1) and (e)(3) are cumulative or definitional. Paragraph (e)(1) states that a private-party transfer "does not involve the licensee in the transfer." Paragraph (e)(3) separately prohibits the licensee from taking the firearm into inventory or facilitating the transfer "in any other way." It is unclear whether (e)(3) states conditions a licensee must observe within a transaction that remains a private-party transfer, or whether conduct contrary to (e)(3) places the transaction outside the (e)(1) definition altogether. The consequences differ, and ATF should state which reading is intended.

B. Whether a licensee facilitating a check under (e) acts as a licensee for other part 478 purposes.

Paragraph (e)(1) provides that the licensee "provides services solely to facilitate the background check, not the transfer," and (e)(3) bars any inventory, sale, or delivery role. Because no transfer by the licensee occurs, ATF should state whether, and to what extent, the obligations part 478 places on a licensee in connection with a transfer attach to a paragraph (e) check.

C. Whether the proposed 90-day retention attaches to paragraph (e) forms. The preamble states that ATF "would also require licensees to generally retain Forms 4473 used for private party transfers for 90 days," but places that requirement in a separate rulemaking it does not identify. Footnote 9 assumes the same period from within this rulemaking, stating that ATF "retains the authority to review the forms if needed within the 90-day period to clarify regulatory compliance" — so paragraph (e) depends on a retention period that the Proposed Rule relies upon but does not itself impose. The company reads the reference as proposed § 478.129(a)(2) in *Firearm Records Retention Periods*, Docket No. ATF-2026-0003; ATF 2025R-08P, RIN 1140-AA95, Federal Register Document No. 2026-08929. Neither notice cross-references the other by RIN or docket number. ATF should identify the companion rulemaking in the final rule and confirm that the retention period for a paragraph (e) form is fixed there.

D. What replaces ATF Procedure 2020-2 on the points the Proposed Rule leaves unaddressed. This is the point on which the company believes clarification would do the most practical good, because it affects the daily conduct of every licensee who offers this service.

The company begins by acknowledging what ATF has already said. The Proposed Rule states: "If this rule is finalized as proposed, it would supersede ATF Rulings 2001-5, 2016-2, 2022-1, Procedure 2020-1, and 2020-2." 91 Fed. Reg. at 25432. The company does not ask whether Procedure 2020-2 survives; ATF has answered that. What follows concerns the consequences of superseding it.

The Proposed Rule changes the custody arrangement on which the existing practice rests, and the preamble says so: "If these rules are finalized, licensees could use Form 4473 to facilitate a private-party background check **only if they do not take possession of the firearm** and, thus, are not selling or delivering a firearm to the transferee." *Id.* at 25436. Proposed § 478.124(e)(3) states the same limit in the regulatory text.

The guidance in force until that supersession takes effect proceeds on the opposite premise. ATF Procedure 2020-2, *Record-keeping and Background Check Procedure for Facilitation of Private Party Firearms Transfers* (Sept. 2, 2020), which by its own terms supersedes ATF Procedure 2017-1 and remains in force, states that "[f]or an FFL to transfer a firearm in compliance with the recordkeeping and background check regulations, the FFL must take the firearm into inventory and record it as an acquisition in the FFL's acquisition and disposition (A&D) record." Under that procedure the licensee takes the firearm, and the consequences of a "denied" response depend on whether the private seller has relinquished possession. Where the seller has left the firearm with the licensee, the procedure directs the licensee to enter the firearm as an acquisition from the seller, complete a Form 4473 to return it, **conduct a NICS background check on the private seller**, and record the return as a disposition.

The company notes one consequence of that difference in particular. Under the practice the existing procedure describes, a "denied" response on the prospective buyer can require a background check on the seller before the seller can retrieve the seller's own firearm — and a seller who is himself denied or delayed cannot retrieve it. Proposed § 478.124(e)(3), by removing the licensee's possession of the firearm

from a paragraph (e) check, appears to eliminate that consequence, because a seller who never relinquishes possession has nothing to retrieve. **To the extent that is ATF's intention, the company supports it, and it is a further reason to finalize paragraph (e)(3).**

Two matters the superseded procedure addressed expressly are not addressed by paragraph (e), and the company asks that the final rule address them:

1. Whether a licensee who takes the firearm may still designate the form as a private-party form.

Paragraph (e)(3) forbids a licensee facilitating a background check from taking the firearm into inventory. A licensee who does take the firearm and then transfers it to the buyer is presumably conducting two ordinary licensee transactions to which paragraph (e) has no application. The company asks ATF to say so expressly, so that the boundary between the two arrangements is stated rather than inferred.

2. What a licensee is to do if a private seller asks the licensee to hold the firearm pending a "delayed" response. Procedure 2020-2 addressed that circumstance expressly, giving the seller the option to leave the premises with the firearm or to allow the licensee to retain it with the licensee's consent. Paragraph (e), read with (e)(3), appears to leave a licensee facilitating a check without an authorized course if the seller asks the licensee to hold the firearm. The company asks ATF to state what the licensee is to do, because a delayed response is the ordinary case in which the question arises and the superseded guidance is the only place it is presently answered.

VIII. Conclusion

Stone Bravo Outpost LLC supports proposed § 478.124(e)(1) and its severance of background-check facilitation from transfer facilitation. That support is conditioned as stated in Part III: the definition of a private-party transfer must not be treated as creating authority over the private parties, as imposing any recordkeeping or reporting obligation on them, or as a predicate for a system of registration of the kind 18 U.S.C. § 926(a) forecloses. The company requests, as stated in Part IV, that proposed § 478.124(e)(2) not be finalized to the extent it requires the licensee to designate Form 4473 as a form for a private-party transfer, and that the balance of paragraph (e) be finalized. The company requests the preamble confirmations described in Parts III, V, and VII — including, as set out in Part VII.D, the two matters the superseded guidance addressed and paragraph (e) does not — and requests that proposed § 478.124(e) not be finalized while the matter described in Part VI remains unresolved.

Respectfully submitted,

/s/ Warren Stone

Warren Stone
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