



REVISED ATF F 4473

What's changed, and
what you need to
know

2023 Firearm Industry
Compliance Webinar Series



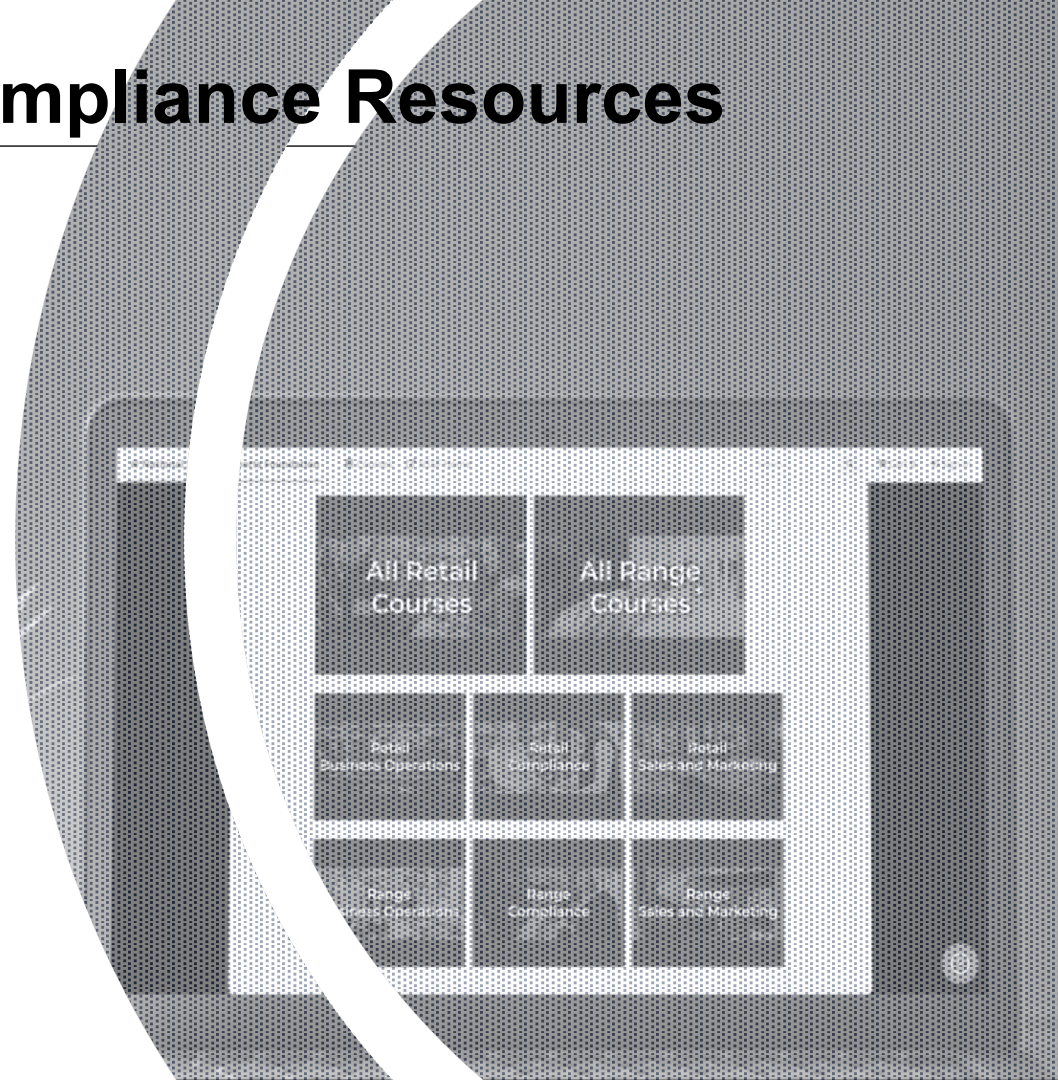
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REVISED ATF F 4473

- Revisions due to new statutory requirements set forth in both the NICS Denial Notification Act (NDNA) and the Bipartisan Safer Community Act (BSCA), and to reflect the implementation of ATF Final Rule 2021R-05F
- The Office of Management and Budget provided ATF emergency authorization to revise the Form 4473 to implement the provisions in the BSCA, NDNA, and Final Rule.

REVISED ATF F 4473

- NSSF encourages all federal firearms licensees (FFLs) to begin using the Revised Form immediately. The Revised Form is available on ATF's website and can be downloaded and printed for immediate use.
- Note that the entire Form, including instructions, must be printed, and stored together. Hard copies of the Revised Form will be available through the ATF Distribution Center beginning February 1, 2023. The ATF eForm 4473 application is also being revised and ATF will send notification when it is ready for use.
- Beginning April 1, 2023, use of the revised form is mandatory. Discontinue use of the May 2020 version!

REVISED ATF F 4473

The [Bipartisan Safer Community Act \(BSCA\)](#) was enacted on June 25, 2022. Intended to increase public safety, prevent firearms trafficking, and to prevent prohibited persons from receiving/possessing firearms.

- Expanded background checks for gun purchasers under 21 years old
- Clarified definition of gun sellers “engaged in the business of selling firearms”
- Makes it a federal crime to traffic in firearms
- Increased term of imprisonment for firearms traffickers and straw purchasers from 10 to 15 years
- Closed the “boyfriend loophole” for persons convicted of a misdemeanor crime of domestic violence.

REVISED ATF F 4473

NICS Denial Notification Act was enacted on October 1, 2022

- FBI is required by law to report National Instant Criminal Background Check (NICS) denied transactions to state, local, or tribal law enforcement within 24 hours.
- Notification will include city, state, county, and zip code combination of the FFL's location AND city, state, county, and zip code combination of the attempted transferee's (purchaser/recipient) home address, when different from the FFL location.

REVISED ATF F 4473

ATF FINAL RULE 2021R-05F enacted August 24, 2022. Intended to identify and trace firearms.

- Amended definition of “frame and receiver” and identification of firearms to reflect technological advancements and judicial developments
- Defined a firearm made by a non-licensee as a Privately Made Firearm (PMF), and sets forth marking requirements for gunsmiths/FFL’s
- Amended firearm marking requirements for manufacturers and importers
- Amended recordkeeping and retention requirements from 20 years to “until the business or licensed activity is discontinued”

REVISED ATF F 4473 – WHAT’S CHANGED?

General

- Added § to every U.S.C. reference.
- Page 1, top right: deleted “serial” from this box. It now reads:
Transferor’s/Seller’s Transaction Number (if any)

Transferor’s/Seller’s Transaction Number (if any)

REVISED ATF F 4473 – WHAT’S CHANGED?

Warning Statement: The second sentence of the statement was changed from “Certain violations of the Gun Control Act, 18 U.S.C. 921 et. seq., are punishable by up to 10 years imprisonment and/or up to a \$250,000 fine” to **“Certain violations of the Gun Control Act, 18 U.S.C. 921 et. seq., are punishable by up to 15 years imprisonment and/or up to a \$250,000 fine”.** (BSCA)

WARNING: The information you provide will be used to determine whether you are prohibited by Federal or State Law from receiving a firearm, or whether Federal or State Law prohibits the sale or disposition of a firearm to you. Certain violations of the Gun Control Act, 18 U.S.C. § 921 et. seq., are punishable by up to 15 years imprisonment and/or up to a \$250,000 fine. Any person who exports a firearm without a proper authorization from either the Department of Commerce or the Department of State, as applicable, is subject to a fine of not more than \$1,000,000 and up to 20 years imprisonment.

Read the Notices, Instructions, and Definitions on this form. Prepare in original only at the licensed premises (including business temporarily conducted from a qualifying gun show or event in the same State in which the premises is located) unless the transaction qualifies under 18 U.S.C. § 922(c). **All entries must be handwritten in ink unless completed under ATF Rul. 2016-2.** PLEASE PRINT.

REVISED ATF F 4473 – WHAT’S CHANGED?

SECTION A

Firearm description now includes Privately Made Firearm (PMF).

(Final Rule 2021R-05f/new recordkeeping requirement and to assist in identifying and tracing firearms)

Section A - Must Be Completed By Transferor/Seller Before Transferee/Buyer Completes Section B

1. Manufacturer and Importer (if any), or Privately Made Firearm (PMF) (If the Manufacturer and Importer are different, include both.)	2. Model (if designated)	3. Serial Number	4. Type	5. Caliber or Gauge
1.				
2.				
3.				
6. Total Number of Firearms to be Transferred (Please spell total number e.g., one, two, etc. Do not use numerals.)		7. Check if any part of this transaction is a pawn redemption. <input type="checkbox"/>		
		Record Line Number(s) From Question 1: <input type="text"/>		
		8. Check if any part of this transaction is to facilitate a private party transfer. <input type="checkbox"/>		

REVISED ATF F 4473 – WHAT’S CHANGED?

SECTION A

Question 8 Private Party Transfers:

The words “if any” were added after Check. Question 8 now reads: Check if any part of this transaction is to facilitate a private party transfer.

6. Total Number of Firearms to be Transferred (Please spell total number e.g., one, two, etc. Do not use numerals.)					7. Check if any part of this transaction is a pawn redemption. <input type="checkbox"/>				
					Record Line Number(s) From Question 1: <input type="text"/>				
					8. Check if any part of this transaction is to facilitate a private party transfer. <input type="checkbox"/>				

REVISED ATF F 4473 – WHAT’S CHANGED?

SECTION B – Question 10

The transferee/buyer is now asked to answer whether they “*Reside in City Limits?*” regarding their residence address. For example, if a transferee lists their residence city/state as Phoenix, Arizona but they actually reside outside of the city, they will answer “no” to this item. **(NDNA/FFLs are now required to provide this information to NICS when conducting background checks)**

Section B - Must Be Completed Personally By Transferee/Buyer

9. Transferee’s/Buyer’s Full Name (If legal name contains an initial only, record the initial followed by “IO” in quotes. If no middle initial or name, record “NMN”.)

Last Name (including suffix, e.g., Jr, Sr, II, III)	First Name	Middle Name

10. Current State of Residence and Address (U.S. postal abbreviations are acceptable. Cannot be a post office box.)

Number and Street Address	City	Reside in City Limits?	State	ZIP Code	County/Parish/Borough
		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown			

REVISED ATF F 4473 – WHAT’S CHANGED?

SECTION B – Question 21.a Actual Transferee/Buyer

The first sentence of Question 21a. has been changed from “Are you the actual transferee/buyer of the firearm(s) listed on this form and any continuation sheet(s) (ATF Form 5300.9A)?” to **“Are you the actual transferee/buyer of all the firearm(s) listed on this form and any continuation sheet(s) (ATF Form 5300.9A)?”**

21. Answer the following questions by checking or marking either the “yes” or “no” box to the right of the questions:		Yes	No
a.	Are you the actual transferee/buyer of all of the firearm(s) listed on this form and any continuation sheet(s) (ATF Form 5300.9A)? Warning: You are not the actual transferee/buyer if you are acquiring any of the firearm(s) on behalf of another person. If you are not the actual transferee/buyer, the licensee cannot transfer any of the firearm(s) to you. Exception: If you are only picking up a repaired firearm(s) for another person, you are not required to answer 21.a. and may proceed to question 21.b.	<input type="checkbox"/>	<input type="checkbox"/>

REVISED ATF F 4473 – WHAT’S CHANGED?

SECTION B – Two New prohibiting person questions

New Question 21.b:

- Do you intend to purchase or acquire any firearm listed on this form and any continuation sheet(s) or ammunition, for sale of other disposition to any person described in questions 21(c)-(m) or to a person described in question 21.n.1 who does not fall within a nonimmigrant exception?

To clarify: Question 21b is asking the transferee (customer) if they intend to sell or distribute any of the firearms, they are acquiring, to a person prohibited from receiving or possessing firearms? The prohibited categories are listed in questions 21(c) – (m) and 21.n.1 (unless that person falls within a nonimmigrant exception).

REVISED ATF F 4473 – WHAT'S CHANGED?

SECTION B – Two New prohibiting person questions

New Question 21.c:

- Do you intend to sell or otherwise dispose of any firearm listed on this form and any continuation sheet(s) or ammunition in furtherance of any felony or other offense punishable by imprisonment for a term of more than one year, a Federal crime of terrorism, or a drug trafficking offense?

Due to the addition of the two new questions in Section B, the questions are now renumbered from 21.d. through 21.n.

REVISED ATF F 4473 – WHAT’S CHANGED?

SECTION B – Questions 21b. and 21c.

These questions were added due to the BSCA to detect Straw Purchasers and firearm traffickers

21. Answer the following questions by checking or marking either the “yes” or “no” box to the right of the questions:		Yes	No
a.	Are you the actual transferee/buyer of all of the firearm(s) listed on this form and any continuation sheet(s) (ATF Form 5300.9A)? Warning: You are not the actual transferee/buyer if you are acquiring any of the firearm(s) on behalf of another person. If you are not the actual transferee/buyer, the licensee cannot transfer any of the firearm(s) to you. Exception: If you are only picking up a repaired firearm(s) for another person, you are not required to answer 21.a. and may proceed to question 21.b.	<input type="checkbox"/>	<input type="checkbox"/>
b.	Do you intend to purchase or acquire any firearm listed on this form and any continuation sheet(s), or ammunition, for sale or other disposition to any person described in questions 21(c)-(m), or to a person described in question 21.n.1 who does not fall within a nonimmigrant alien exception?	<input type="checkbox"/>	<input type="checkbox"/>
c.	Do you intend to sell or otherwise dispose of any firearm listed on this form and any continuation sheet(s) or ammunition in furtherance of any felony or other offense punishable by imprisonment for a term of more than one year, a Federal crime of terrorism, or a drug trafficking offense?	<input type="checkbox"/>	<input type="checkbox"/>

REVISED ATF F 4473 – WHAT’S CHANGED?

SECTION B – Questions 21.n.1 and 21.n.2 (formerly 21.1.1 and 21.1.2)

A parenthesis was added at the end of 21.n.2 that reads (U.S. citizens/nationals leave 21.n.1 and 21n.2. blank).

These questions should be left blank if the transferee/purchaser is a U.S. Citizen.

21.n.1.	Are you an alien who has been admitted to the United States under a nonimmigrant visa?	<input type="checkbox"/>	<input type="checkbox"/>
21.n.2.	If you are such an alien do you fall within any of the exceptions stated in the instructions? (U.S. citizens/nationals leave 21.n.1 and 21.n.2 blank)	<input type="checkbox"/>	<input type="checkbox"/>

REVISED ATF F 4473 – WHAT’S CHANGED?

SECTION B – TRANSFEREE/BUYER CERTIFICATION

Changes were made to the certification statement at the end of the prohibiting person questions due to the enactment of the **BSCA and is intended to protect public safety, prevent prohibited persons from receiving/possessing firearms, and detect firearms traffickers.**

I certify that my answers in Section B are true, correct, and complete. I have read and understand the Notices, Instructions, and Definitions on ATF Form 4473. I understand that answering “yes” to question 21.a. if I am not the actual transferee/buyer is a crime punishable as a felony under Federal law, and may also violate State and/or local law. I understand that a person who answers “yes” to any of the questions 21.b. through 21.m. is prohibited from receiving or possessing a firearm. I understand that a person who answers “yes” to question 21.n.1. is prohibited from receiving or possessing a firearm, unless the person answers “yes” to question 21.n.2. and provides the documentation required in 26.d. I also understand that making any false oral or written statement, or exhibiting any false or misrepresented identification with respect to this transaction, is a crime punishable as a felony under Federal law, and may also violate State and/or local law. I further understand that the repetitive purchase of firearms for the purpose of resale to predominantly earn a profit without a Federal firearms license is a violation of Federal law.

22. Transferee’s/Buyer’s Signature	23. Certification Date		
	Month	Day	Year

REVISED ATF F 4473 – WHAT’S CHANGED?

SECTION B – TRANSFEREE/BUYER CERTIFICATION

Now includes any person who answers “yes” to any of the questions 21.b – 21.m is prohibited from receiving or possessing a firearm, and any person who answers “yes” to question 21.n.1 is prohibited from receiving or possessing a firearm unless the person answers “yes” to question 21.n.2 and provides the documentation required in 26d (supplemental government issued ID).

REVISED ATF F 4473 – WHAT’S CHANGED?

SECTION B – TRANSFEREE/BUYER CERTIFICATION

The last sentence in the certification has been changed to read “I understand that the repetitive purchase of firearms for the purpose of resale **to predominately earn a profit** without a Federal firearms license is a violation of Federal law. May 2020 form stated for the purpose of resale **for livelihood and profit without a Federal firearms license is a violation of Federal law.**

REVISED ATF F 4473 – WHAT'S CHANGED?

SECTION C - Question 25

Qualifying Gun Show or Event:

Added the address, county and zip code where the gun show takes place.

25. If sale or transfer is at a qualifying gun show or event:

Name of Function: County:

Address:

City, State, ZIP Code:

REVISED ATF F 4473 – WHAT’S CHANGED?

SECTION C – QUESTION 26.b

Supplemental Government Issued Documentation

Changed “if identification document does not show current residence address or full legal name” to “if identification document does not show current residence address or legal name”

26.b. Supplemental Government Issued Documentation (if identification document does not show current residence address or legal name)

REVISED ATF F 4473 – WHAT’S CHANGED?

SECTION C - Question 26.c

Official Military Orders Establishing Permanent Change of Station (PCS)

Changed PCS Base/City and State” to PCS Base, City and State

26.c. Official Military Orders Establishing Permanent Change of Station (PCS):

PCS Base, City and State:

PCS Effective Date:

PCS Order Number (if any):

REVISED ATF F 4473 – WHAT’S CHANGED?

SECTION C - Question 26.d

Exception to the Nonimmigrant Alien Prohibition:

This question now refers to item 21.n.2. NOT 21.l.2.

26.d. Exception to the Nonimmigrant Alien Prohibition: If the transferee/buyer answered “yes” to 21.n.2. record the type of documentation showing the exception to the prohibition and attach a copy to this ATF Form 4473:

REVISED ATF F 4473 – WHAT’S CHANGED?

SECTION C

To comply with the BSCA 10-day waiting period on certain transfers involving transferees under the age of 21, Section C of the Form has been revised as follows:

Prior to the NICS/POC information, an instructional header has been added stating: *“Notice: If transferee/buyer is under 21, a waiting period of up to 10 days may apply where notification from NICS is received within 3 business days to further investigate a possible disqualifying juvenile record. A NICS check is only valid for 30 calendar days from the date recorded in question 27a.”*

REVISED ATF F 4473 – WHAT’S CHANGED?

SECTION C – NOTICE ADDED BEFORE NICS REGARDING 10 DAY WAIT PERIOD AND REMINDER THAT A NICS check is only valid for 30 days.

Notice: If transferee/buyer is under 21, a waiting period of up to 10 days may apply where notification from NICS is received within 3 business days to further investigate a possible disqualifying juvenile record. A NICS check is only valid for 30 calendar days from the date recorded in question 27.a.

27.a. Date the transferee’s/buyer’s identifying information in Section B was transmitted to NICS or the appropriate State agency:

Month	Day	Year

27.b. The NICS or State transaction number (if provided) was:

--

27.c. The response initially provided by NICS or the appropriate State agency was:

☐ Proceed

☐ Denied

☐ Cancelled

☐ Delayed

The firearm(s) may be transferred on _____ if time period is not extended by NICS or the appropriate State agency, and State law allows (optional).

REVISED ATF F 4473 – WHAT’S CHANGED?

SECTION C – Question 27.d - NICS Delayed Response.

Added blocks for the following statements:

- Notice of additional delay of transferee under 21 years of age received on _____ (date) and may be transferred on _____ (date).
- No response was provided within 10 business days after initial delay for transferee/buyer under 21.

27.d. Prior to transfer the following response(s) was/were later provided by NICS or the appropriate State agency:

- ☐ Proceed _____ (date) ☐ Denied _____ (date) ☐ Cancelled _____ (date)
- ☐ Overturned _____ (date) ☐ No response was provided within 3 business days.
- ☐ Notice of additional delay of transferee under 21 years of age received on _____ (date), and may be transferred on _____ (date).
- ☐ No response was provided within 10 business days after additional delay for transferee/buyer under 21 years of age.

REVISED ATF F 4473 – WHAT'S CHANGED?

SECTION C

Questions 27.f. and 27.g. were removed from new form. These were optional blocks to record name and Brady ID of NICS examiner and name of employee completing NICS check.

There were no changes to Section D

REVISED ATF F 4473 – WHAT’S CHANGED?

SECTION E – TRANSFEROR CERTIFICATION

“If this transaction required a NICS check, I further certify that this firearm(s) transfer is within 30 days from the date of the initial contact with NICS.” was added at the end of the certification

The Individual Transferring The Firearm(s) Must Complete Questions 34-36.

For Denied/Cancelled Transactions, The Individual Who Completed Section C Must Complete Questions 34-35.

I certify that: (1) I have read and understand the Notices, Instructions, and Definitions on this ATF Form 4473; (2) the information recorded in Sections A, C and E is true, correct, and complete; and (3) this entire transaction record has been completed at the licensed business premises (“licensed premises” includes business temporarily conducted from a qualifying gun show or event in the same State in which the licensed premises is located) unless this transaction has met the requirements of 18 U.S.C. § 922(c). Unless this transaction has been denied or cancelled by NICS or State agency, I further certify on the basis of — (1) the transferee’s/buyer’s responses in Section B (and Section D, if applicable); (2) the verification of the identification recorded in question 26 (and the re-verification at the time of transfer, if Section D was completed); and (3) State or local law applicable to the firearms business — it is my belief that it is not unlawful for me to sell, deliver, transport, or otherwise dispose of the firearm(s) listed on this form to the person identified in Section B. If this transaction required a NICS check, I further certify that this firearm(s) transfer is within 30 days from the date of the initial contact with NICS.

34. Transferor’s/Seller’s Name (please print)

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35. Transferor’s/Seller’s Signature

--

36. Date Transferred

Month	Day	Year

REVISED ATF F 4473 – WHAT’S CHANGED?

NOTICES, INSTRUCTIONS, AND DEFINITIONS

Changed every law reference from “section” to “18 U.S.C.”

Second Paragraph – changed the instruction to indicate that all forms 4473 must be retained by the FFL.

Changed “Such Forms 4473 must be retained.” To “Such Forms 4473 must be retained until discontinuance of business or licensed activity. Paper forms over 20 years of age may be stored at a separate warehouse, which is considered part of the business premises subject to inspection. (Final Rule 2021R-05F)

REVISED ATF F 4473 – WHAT’S CHANGED?

NOTICES, INSTRUCTIONS, AND DEFINITIONS

Fourth Paragraph - changed the instruction to indicate that all forms 4473 must be retained.

Changed “If the transfer of a firearm is denied/cancelled by NICS, or if for any other reason the transfer is not completed after a NICS check is initiated, the licensee must retain the ATF Form 4473 in his/her records for at least 5 years.”
to

“If the transfer of a firearm is denied/cancelled by NICS, or if for any other reason the transfer is not completed the licensee must retain the ATF Form 4473 in his/her records.”

(Final Rule 2021R-05F)

REVISED ATF F 4473 – WHAT’S CHANGED?

Instructions for Section A: Question 1-6. Firearm(s) Description

First Paragraph

- Added “all firearms manufactured **or made** after 1968 by Federal firearms licenses should be marked with a **licensee’s** serial number.
- Changed (i.e., pre-1968) to (i.e., **certain** pre-1968 firearms).
- Added “Unless already properly marked by another licensee, licensees who take a privately made firearm (PMF) into inventory are required to mark the PMF with an individual serial number that begins with the FFL’s abbreviated license number, which is the first three and last five digits, as a prefix to a unique identification number, followed by a hyphen, e.g., “12345678-unique identification number.”

(Final Rule 2021R-05F)

REVISED ATF F 4473 – WHAT’S CHANGED?

INSTRUCTIONS FOR SECTION A, Question 8 Private Party Transfer

- ATF Procedure 2017-1 changed to 2020-2
- Added at the end of the paragraph, “If the proposed transfer involves a PMF, the PMF must first be taken into inventory and properly marked with a licensee’s serial number.”

(Final Rule 2021R-05F)

REVISED ATF F 4473 – WHAT’S CHANGED?

INSTRUCTIONS FOR SECTION B, QUESTION 18.a and 18.b – Ethnicity and Race:

Paragraph 3 – Race, the word “tribal” has been removed from the 1st sentence, Part (1). It now reads “(1) American Indian or Alaska Native – A person having origins in any of the original peoples of North and South America (including Central America), and who maintains an affiliation or community attachment.”

REVISED ATF F 4473 – WHAT’S CHANGED?

Instructions for Section B

Questions 21.b. - 21.l. changed to Questions 21.d. – 21.n.

Question 21.k., First Paragraph

Added “or by a person who has a current or recent former dating relationship with the victim (as defined in 18 U.S.C. 921(a)(37))” after or by a person similarly situated to a spouse, parent, or guardian of the victim,
(BSCA, public safety)

REVISED ATF F 4473 – WHAT’S CHANGED?

SECTION B – QUESTION 22

Transferee/Buyer Certification

Changed “A person is engaged in the business of dealing in firearms if he/she devotes time, attention, and labor to dealing in firearms as a regular course of trade or business through the repetitive purchase and resale of firearms.” to **“A person is engaged in the business of dealing in firearms if he/she devotes time, attention, and labor to dealing in firearms as a regular course of trade or business to predominately earn a profit through the repetitive purchase and resale of firearms.” (BSCA)**

REVISED ATF F 4473 – WHAT’S CHANGED?

INSTRUCTIONS FOR SECTION C

Question 27 NICS Background Checks

First Paragraph

Changed “NICS will advise the licensee whether the system finds any information that the purchaser is prohibited by law from possessing or receiving a firearm” to **“NICS will advise the licensee whether the system finds any information that the transfer to, or receipt by, the transferee is prohibited by law.”**

REVISED ATF F 4473 – WHAT’S CHANGED?

INSTRUCTIONS FOR SECTION C - Question 27 NICS Background Checks

Second Paragraph first sentence:

The licensee should NOT contact NICS and must stop the transaction if there is reasonable cause to believe that the (Added) **sale or disposition of a firearm to the transferee/buyer is prohibited** or the transferee/buyer is prohibited from receiving or possessing a firearm, including if: the transferee/buyer answered “no” to questions 21.a; the transferee/buyer answered “yes” to questions (Changed) **21.b. – 21.m**; the transferee/buyer answered “yes” to question **21.n.1.**, and answered “no” to question **21.n.2.** (BSCA)

REVISED ATF F 4473 – WHAT'S CHANGED?

INSTRUCTIONS FOR SECTION C – Question 27 NICS Background Checks

Second Paragraph Warning has been changed to:

- Any person who transfers a firearm to any person knowing or having reasonable cause to believe the sale or disposition to such person is prohibited violates the law, 18 U.S.C. 922(d), even if the transferor/seller has complied with the Federal background check requirements. (BSCA)

REVISED ATF F 4473 – WHAT’S CHANGED?

INSTRUCTIONS FOR SECTION C – QUESTION 27 - NICS RESPONSES

First paragraph

Added “If within 3 business days NICS or the State notifies the transferor/seller that it has cause to further investigate a possibly disqualifying juvenile record of a transferee/buyer under 21 years of age, the transfer may occur only after 10 business days since the licensee initially contacted NICS, and NICS has not notified the licensee that the transfer is prohibited.”

Second paragraph

Added “If within 3 business days, the licensee receives notice of additional delay (only if transferee/buyer under the age of 21), the licensee must indicate this response in item 27.d. If no response is received after 10 days, the licensee may transfer the firearm assuming State law allows.” (BSCA)

WHAT THIS MEANS FOR YOU?

- Familiarize yourself with these changes.
- Begin using the revised form immediately.
- Ensure you have a system for another person/employee to review the form before transferring a firearm.
- If a person answers “yes” to a prohibiting question “STOP”! Do NOT contact NICS.
- You must retain all records until the discontinuance of business. Records that are more than 20 years old may be stored in a warehouse that will be considered part of your business premises.

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REVISED ATF F 4473 – QUESTIONS?



Additional Questions?

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