

Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives
Information Collection Request

OMB Number 1140-0081
Appeals of Background Checks

A. Justification

1. Necessity of Information Collection

ATF is charged with the responsibility for enforcing Title XI of the Organized Crime Control Act (the Act) of 1970 and the implementing regulations contained at 27 CFR, Part 555. Subtitle C of Public Law No. 107-296, the Safe Explosives Act, enacted November 25, 2003, amended the Act to require that an application for a Federal explosives license or permit include certain information on responsible persons and persons authorized to possess explosives in the course of their duties as an employee of the applicant.

18 U.S.C. Section 843(h) requires the Attorney General to conduct background checks on the persons whose names and descriptions accompany the above applications. This section further requires that the Attorney General is to provide notification to any person determined to be disabled under Section 842(i) of this Chapter, as well as information on how the disability may be relieved. The regulations at 27 CFR, Section 555.33 state that an individual who wishes to challenge a determination may direct their challenge to the Director. Further, such appeals must be accompanied by two properly completed fingerprint cards.

2. Needs and Uses

This information will be used by ATF to reexamine determinations of disability accompanying applications for explosives licenses and permits. A responsible person or employee may challenge the adverse determination set out in the letter of denial, in writing and within 45 days of issuance of the determination, by directing his or her challenge to the basis for the adverse determination, or to the accuracy of the record upon which the adverse determination is based, to the Director. The appeal request must include appropriate documentation or record (s) establishing the legal and/or factual basis for the challenge. Any record or document of a court or other governmental entity or official furnished in support of an appeal must be certified by the court or other government entity or official as a true copy. In the case of an employee, or responsible person who did not submit fingerprints, such appeal must be accompanied by two properly completed FBI Forms FD-258 (fingerprint card). The Director will advise the individual in writing of his decision and the reasons for the decision.

3. Use of Information Technology

Submissions will contain certified copies of court documents and fingerprint cards. Therefore, it is impractical to use automated, electronic, or other mechanical collection techniques.

4. Efforts to Identify Duplication

ATF uses a uniform 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. Minimizing Burden on Small Businesses

This collection will not affect small businesses.

6. Consequences of Not Conducting or Less Frequent Collection

This collection allows applicants, employees, or other affected personnel the opportunity to appeal the results of background checks. Without this collection there would be no means of getting a second opportunity to possess explosive materials.

7. Special Circumstances

There are no special circumstances regarding this collection.

8. Public Comments and Consultations

ATF consulted with the explosives industry. A 60-day and 30-day Federal Register notice was published in order to solicit comments from the general public. No comments were received.

9. Provision of Payments or Gifts to Respondents

No payment or gift is associated with this collection.

10. Assurance of Confidentiality

All documentation related to this information collection will be kept in a secured location. Confidentiality is not assured.

11. Justification for Sensitive Questions

No questions of a sensitive nature are asked.

12. Estimate of Respondent's Burden

We estimate that there are a total of 500 respondents that will be associated with this information collection request. The total number of responses is 500. We estimate that each respondent will spend approximately 2 hours completing the required documentation for the appeal. The total annual burden hours associated with this burden request will be 1000 hours. There are no changes in burden hours from the previous submission.

13. Estimate of Cost Burden

There is no cost burden to the respondents.

14. Cost to Federal Government

There is no cost to the Federal government.

15. Reason for Change in Burden

There are no program changes or adjustments associated with this collection.

16. Anticipated Publication Plan and Schedule

The results of this collection will not be published.

17. Display of Expiration Date

ATF does not request approval to not display the expiration date of OMB approval for this collection.

18. Exception to the Certification Statement

There are no exceptions to the certification statement.

B. Collections of Information Employing Statistical Methods.

This collection of information employs no statistical methods.