U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms, and Explosives

Office of Assistant Director

Washington, DC 20226

October 26, 2026

VIA EMAIL

Ms. Kathryn Spiering
OMB Desk Officer
Office of Information and Regulatory Affairs
New Executive Office Building
Washington, DC 20530

Dear Ms. Spiering:

As the Assistant Director, Enforcement Programs and Services, Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), I am requesting emergency review and approval – in lieu of a temporary extension while the 60-day notice period completes and the 30-day notice is published -- for OMB 1140-0028, 1140-0070, 1140-0072, and1140-0074, pursuant to the requirements of the Paperwork Reduction Act (PRA).

This letter requests emergency approval of these information collections by October 31, 2026, in accordance with 44 U.S.C. § 3507 and 5 CFR 1320.13, which permits such expedited approvals when an agency needs to collect information before the time periods established by the PRA expire, it is essential to the mission of the agency, would cause public harm if normal clearance procedures are followed, an unanticipated event has occurred, and using normal clearance procedures will prevent or disrupt collecting the information due to the event. *See* 44 U.S.C. §§ 3507(j)(1) and (2).

This emergency processing is essential because complying with normal clearance procedures would cause public harm and harm to ATF's mission if the normal clearance process is followed, in that:

(1) Although the 60-day notices for these information collections have been published, the current renewal period for one of them (1140-0070) expires on October 31, 2026, and three of them (1140-0028, 1140-0072, 1140-0074) expire on November 30, 2026. The 60-day notice periods will not be completed and the 30-day notices able to be submitted to the *Federal Register* until January 1, 2027. As a result, ATF will not be able to publish the 30-day notices and enter these collections into ROCIS before they expire as per the normal clearance process, and thus would not receive the normal automatic extension past the expiration date that occurs while undergoing OMB review.

(2) ATF needs these information collections to continue during the normal clearance process period through at least January 1, 2027, and thereafter until OMB approves renewing them. However, neither would occur unless OMB grants an extension while the remainder of the normal clearance process plays out or authorizes emergency processing by October 31, 2026.

(3) The agency needs these four information collections to continue during the normal clearance time periods that remain, despite their imminent expiration dates, because they are essential to ATF's mission and because public harm is likely to result if they do not continue during the 35-65-day period during which they would be expired and the current clearance process would be continuing to OMB review.

Part of ATF's mission is to protect American communities from violent crime and unlawful use of explosive materials. In furtherance of this mission, ATF is responsible for enforcing federal explosives laws under 18 U.S.C. chapter 40 and implementing regulations at 27 CFR part 555. These laws establish licensing and permitting requirements, mandate accurate explosives inventories, and require background checks to ensure that prohibited individuals do not gain access to explosive materials. Through these statutory responsibilities, ATF regulates manufacturing, importing, distributing, and possessing explosives, safeguards lawful commerce, and works to prevent theft, unlawful diversion, and criminal or terrorist misuse. Continuing to collect this information is essential to maintaining accountability for explosives, allowing explosives businesses to continue, and protecting public safety.

(a) OMB 1140-0028. Explosives licensees and permittees (licensees/permittees or FEL/Ps) conduct physical inventories of their explosive materials to ensure that they are accounting for all the explosives they have acquired or disposed of, and that no explosives have been lost or stolen. This also allows ATF to reconcile the physical inventory with licensee/permittee records during routine inspections of the business, and receive reports from FEL/Ps at other times close to when explosive materials have been lost or stolen. Timely awareness of lost or stolen explosives enables ATF to quickly track down the explosives and hopefully prevent any harm or misuse, as well prosecute criminal or terrorist actors. For this reason, ATF requires FEL/Ps to maintain accurate records of explosive materials in accordance with ATF regulations 27 CFR 555.121 and 27 CFR part 555, subpart G. These inventories, conducted annually and under specified circumstances, enable licensees/permittees to account for explosive materials, reconcile discrepancies, and identify missing or stolen explosives. This information is essential to ATF's regulatory oversight, criminal investigations, efforts to prevent the unlawful diversion and misuse of explosives, and protect public safety.

If 1140-0028 expires on November 30, ATF's ability to verify explosives inventories and identify discrepancies indicating theft, loss, or unlawful diversion would cease, and licensees/permittees would not have to conduct these inventories or maintain these records. Without reliable inventory records, missing or stolen explosives would not be detected, delaying or even preventing criminal investigations, law enforcement's ability to trace materials potentially used in criminal or terrorist activities, and disrupt or halt prosecutions of such acts. The resulting gaps in accountability would undermine regulatory compliance, weaken

safeguards against unlawfully distributing explosives and increase risks to public safety. The loss of this information collection would directly impede ATF's statutory responsibility to regulate explosive materials, prevent their criminal misuse, and protect the public. Although certain explosives inventories are required only once annually, even a brief lapse in this information collection during the final months of the year would have significant consequences. FEL/Ps who have not yet completed their annual inventories would face an unexpected shortened compliance window, which would jeopardize their ability to meet the annual requirement.

(b) OMB 1140-0070. 18 U.S.C. §§ 842(a)(1) and 843 require any person engaged in the business of manufacturing, importing, or dealing in explosive materials to first obtain a license; and all persons who wish to obtain, ship, transport, receive, or possess explosives, even for limited use, to obtain a federal explosives license or permit. ATF has prescribed **ATF Form 5400.13, Application for Federal Explosives License/Permit**, for persons to apply for a license/permit and provide necessary information in accordance with 18 U.S.C. chapter 40 and 27 CFR part 555. ATF uses the information on the application to determine if the applicant is qualified to be an explosives licensee/permittee under the statute. Part of the process of determining whether a person qualifies to be a licensee/permittee includes a background check to ascertain whether the person is prohibited from possessing or otherwise using explosive materials. The information is essential to verifying applicant qualifications, maintaining regulatory oversight, and preventing unauthorized individuals from obtaining access to explosive materials, thereby presenting a risk to public safety.

If 1140-0070 expires on October 31, ATF will not be able to continue receiving or processing applications and conducting required background investigations, which will prevent persons from engaging in the business and existing businesses from renewing their licenses/permits as required, thereby impacting the livelihoods of these persons. Applicants seeking to establish or continue lawful explosives-related activities would be unable to continue selling explosive materials to other businesses or conducting explosives-related activities for industries such as fireworks, oil drilling, avalanche control, automotive and aircraft fuel, construction and demolition, and many more. The inability to collect and evaluate required applicant information would compromise ATF's ability to identify prohibited or otherwise unqualified individuals, increasing the risk of unauthorized access to explosive materials. If this collection expires, it would undermine federal explosives licensing safeguards, jeopardize public safety, and impede ATF's statutory mission to prevent persons from unlawfully acquiring and misusing explosives.

(c) OMB 1140-0072. Along with the application form discussed above, applicants must also submit additional information about employees who are authorized to handle explosives in the course of their duties (employee possessors, EPs), and must subsequently submit this information on proposed EPs when the FEL/P hires new ones. Further, 18 U.S.C. 843(h) requires ATF to conduct background checks on the applicant and any EPs. These requirements help ensure compliance with the provisions of 18 U.S.C 842(i), which prohibits certain persons from possessing explosive materials. ATF uses **ATF Form 5400.28, Explosives Employee**

Possessor Questionnaire (EPQ), to collect identifying information necessary to determine whether potential EPs are legally eligible to possess explosives under 18 U.S.C. § 842(d) and 18 U.S.C. § 843. The information enables ATF to conduct required background checks, identify prohibited persons, and ensure that explosives licensees/permittees authorize only qualified employees to possess explosive materials. This collection is essential to maintaining statutory and regulatory compliance, preventing unauthorized access to explosives, and protecting public safety.

If 1140-0072 expires on November 30, ATF's ability to evaluate EPs and identify individuals prohibited from possessing explosive materials would cease. Without the required information, background checks and eligibility determinations would also have to stop, preventing explosives businesses from authorizing qualified employees to perform essential duties and potentially disrupting lawful operations and threatening livelihoods. Also, gaps in the screening process would increase the risk of prohibited individuals gaining access to explosives, which would create increased opportunities for theft, unlawful diversion, or criminal misuse. If this collection expires, it would jeopardize public safety and impede ATF's statutory mission to prevent explosives-related crime and protect the public.

(d) OMB 1140-0074. Along with the application under 1140-0070 and the EPQ under 1140-0072, applicants must also submit additional information about responsible persons (RPs), and must subsequently submit this information on proposed RPs when the FEL/P hires or designates new ones. RPs are persons who have the power to direct a federal explosives licensee/permittee's management and policies pertaining to explosive materials. Further, 18 U.S.C. 843(h) requires ATF to conduct background checks on the applicant and any RPs, and section 843(a) requires that RPs submit fingerprints and a photograph with the form. These requirements help ensure compliance with the provisions of 18 U.S.C 842(i), which prohibits certain persons from possessing explosive materials. ATF uses **ATF Form 5400.27, Explosives Responsible Person Questionnaire**, to collect identifying information necessary to determine whether potential RPs are legally eligible to possess and exercise oversight over explosives under 18 U.S.C. § 842(d) and 18 U.S.C. § 843. In accordance with 27 CFR § 555.57, the information enables ATF to conduct required background checks, evaluate newly designated responsible persons, and identify individuals prohibited from possessing explosive materials. This collection is essential to ensuring that individuals exercising authority over explosives operations meet federal eligibility requirements for public safety and that changes in responsible personnel are properly documented and reviewed.

If 1140-0074 expires on November 30, ATF's ability to evaluate RPs and identify individuals prohibited from possessing explosive materials would cease. Without the required information, background checks and eligibility determinations would also have to stop, preventing explosives businesses from authorizing qualified employees to perform essential duties, preventing qualified persons from assuming positions of authority over explosive materials, and disrupting lawful operations and threatening livelihoods. These gaps in oversight could compromise regulatory compliance, increase the risk of unauthorized access or diversion, and

limit ATF's ability to intervene before prohibited individuals influence explosives operations. Maintaining this collection is therefore critical to preserving the integrity of federal explosives licensing and ensuring that those entrusted with oversight of potentially dangerous materials are properly screened and held accountable, as well as interfering with ATF's ability to carry out its mission.

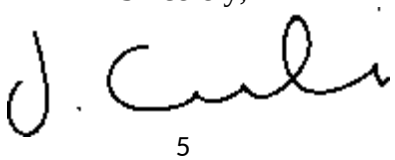
All of these information collections are being renewed as extensions with non-substantive changes (such as address updates, lexico-grammatical plain writing edits, minor title and number updates, and adding electronically submittable versions of the forms), which reduces the potential impact of temporarily approving them on an expedited basis. Although the 60-day notices for these collections have been published, and ATF is pursuing the normal clearance process for them all, emergency processing for these ICRs in the interim would not interfere with or create an issue for public comments. If ATF receives public comments on these ICRs during the 60-day comment periods, it will respond to those comments as part of the 30-day notices and the supporting statements, as usual. ATF anticipates being able to publish the 30-day notices and submit these ICRs to ROCIS on or about January 1, 2027. For the ICR expiring in October (1140-0070), the gap period between the expiration date and submitting to OIRA is approximately 65 days, if there are comments; for those expiring in November, the gap is about 35 days.

ATF had an unusually high number of ICRs to complete this year. In addition, the same people were also working on an unprecedented number of rulemakings: 47 rules, more than the number published over the past four decades combined, that were high Administration priorities. ATF was instructed that these rulemakings -- which included drafting the proposed rules, responding to and revising based on DOJ and OMB multiple rounds of review, preparing for initial publication, monitoring and managing public comment posting, reading and summarizing comments, and developing new final rules all at the same time, took higher priority than any other work. As a result of this unanticipated event, ATF was not able to complete all the ICRs prior to their expiration dates. The listed information collections need only a short extension during the midst of the normal clearance process to offset this problem while continuing the process as usual.

ATF's request that OMB expedite approval of the listed ICRs should be granted because it is a temporary measure to allow licensees to continue conducting their businesses, state, local, and federal government law enforcement missions to continue, and to avoid increasing public safety-related impacts while the normal clearance process finishes. We are therefore requesting temporary emergency approval of the listed information collections, until the ongoing notice periods finish and OIRA may conduct its normal three-year renewal review beginning in January 2027.

Thank you for your prompt consideration of this request. Please contact Kimberly Keravuori, Division Chief, Office of Regulatory Affairs, at 202-674-1332, if you have any questions or need additional information.

Sincerely,



Jennifer Cicolani
Assistant Director
Enforcement Programs and Services