



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 1140-0017, 1140-0039, and 1140-0098 pursuant to the requirements of the Paperwork Reduction Act (PRA).

This letter requests emergency approval of these information collections by November 30, 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 all three forms expires 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 December 15, 2026, in the case of 1140-0017 and 1140-0039, and January 1, 2027, in the case of 1140-0098. 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 December 15, 2026, in the case of 1140-0017 and 1140-0039, and January 1, 2027, in the case of 1140-0098, 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 November 30, 2026.

(3) The agency needs these three 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 20-35-day period during which they would be expired and the current clearance process would be continuing to OMB review.

An essential part of ATF's mission is protecting the public from violent crime, preventing illicit trafficking, and ensuring compliance with federal firearms and tobacco laws. In furtherance of this mission, statutes and ATF regulations require businesses to collect, report, and maintain information concerning firearms manufacturing and exporting, firearms thefts and losses, and businesses engaged in the delivery sales of cigarettes, smokeless tobacco, and electronic nicotine delivery systems. These responsibilities require ATF to obtain accurate and timely information to monitor regulated activities, identify potential violations, support criminal investigations, assist federal and state enforcement efforts and prosecutions of criminals and traffickers, including those supporting international terrorism, and safeguard public safety.

(a) OMB 1140-0017. Pursuant to 18 U.S.C. § 923(g)(5)(A) of the Gun Control Act (GCA), licensed manufacturers must submit annual production and export data to ATF, which enables ATF to monitor firearms manufacturing and exporting activity, compile and publish national production statistics, and provide reliable data to government agencies for a wide range of commerce, law enforcement, civil rights, and other policy decisions, and to researchers, industry stakeholders, and the public. ATF uses **ATF Form 5300.11, Annual Firearms Manufacturing and Exportation Report (AMFER)**, to collect information regarding firearms manufactured, sold, and exported by federally licensed manufacturers throughout the United States. The collection supports regulatory transparency, informed policymaking, research, market decisions, and ATF's broader mission of promoting accountability and public safety. Because it is statutorily required, ATF industry operations inspectors verify that licensees are complying with the reporting requirement.

If 1140-0017 expires on November 30, ATF and licensees would be unable to comply with the statutory mandate for this information. Licensees would no longer have to track and compile this information after the expiration date, which would impair ATF's, other government agencies', firearms industry groups, advocacy organizations, and manufacturers', researchers', and others' ability to obtain comprehensive, standardized firearms manufacturing and exporting data. Without these reports, ATF would be unable to maintain accurate national production statistics, identify emerging manufacturing trends, or provide reliable information necessary for government research, industry analysis, and informed regulatory decision-making. It would also impair market research licensees rely on,

disrupt ongoing research, and result in incorrect annual data. The resulting gaps or incorrect data would reduce transparency, weaken ATF's ability to assess changes within the firearms industry, and limit the availability of information used to evaluate federal firearms policies for some time, since the information is often compared against other years to determine trends and projections. These deficiencies would harm segments of the public and the government, undermine effective regulatory oversight, and impede ATF's ability to fulfill its statutory responsibilities and public safety mission.

(b) OMB 1140-0039. The Violent Crime Control and Law Enforcement Act of 1994 (The Crime Bill) amended the GCA in 1994 to require each licensee to report stolen or lost firearms from their inventory within 48 hours after they discover the theft or loss. 18 U.S.C. § 923(g)(6), 27 CFR 478.39a and 479.141. Licensees must report such thefts or losses by calling ATF's national reporting number and by submitting **ATF Form 3310.11, Federal Firearms Licensee/Firearms in Transit Theft/Loss Report** and its continuation sheet, as needed. ATF uses the information to identify missing firearms, initiate timely investigative action, assess patterns of theft or loss, and support coordination with federal, state, and local law enforcement agencies. The collection is essential to maintaining firearms accountability, preventing the diversion of firearms to illegal commerce, and conducting ATF's statutory responsibilities and public safety mission.

If 1140-0039 expires on November 30, ATF's ability to obtain timely information concerning stolen or lost firearms would be significantly compromised. Without these telephonic and written reports within 48 hours after discovery, law enforcement agencies would experience critical delays in identifying missing firearms, investigating thefts, and detecting patterns of firearms diversion into criminal, trafficking, and terrorism markets. The resulting gaps in information would hinder investigative coordination, diminish the effectiveness of firearms tracing efforts, and increase the likelihood that stolen firearms remain unaccounted for and available for criminal use. These consequences would weaken ATF's ability both to enforce federal firearms laws and protect the public from violent crime, directly impeding its statutory responsibilities and public safety mission.

(c) OMB 1140-0098. Recognizing that the range in state cigarette and smokeless tobacco taxes created a potential for interstate trafficking of these products to avoid state tax while diverting sales revenue to support criminal and terrorism organizations, Congress enacted federal laws to ensure the state cigarette and smokeless tobacco taxes are paid and law enforcement, including ATF, can track distributors who sell on the black market and support criminal activity with their profits. The Prevent All Cigarette Trafficking Act of 2009, as amended (15 U.S.C. §§ 375-378, 18 U.S.C. § 1716E), requires any person who sells, transfers, or ships for profit cigarettes (including electronic nicotine delivery systems (ENDS)) or smokeless tobacco in interstate commerce to register with ATF and the applicable state tax administrators. ATF uses OMB 1140-0098 and ATF Form 5070.1, **Prevent All Cigarette Trafficking (PACT) Act Registration Form**, to collect business information from individuals and entities engaged in interstate selling, transferring, and shipping cigarettes (including ENDS) and smokeless tobacco.

This information enables ATF to identify regulated businesses, enforce federal registration requirements, assist state authorities in monitoring tobacco distribution and tax compliance, and combat illicit interstate trafficking. The collection is essential to promoting accountability within the tobacco industry, preventing tax evasion, reducing funds that support international criminal and terrorism organizations, and supporting ATF's statutory enforcement responsibilities and public safety mission.

If 1140-0098 expires on November 30, ATF's ability to obtain and maintain accurate registration information concerning businesses engaged in interstate tobacco and ENDS commerce would be significantly compromised. Without a reliable means of identifying covered sellers and their business operations, ATF and state authorities would face substantial obstacles in detecting unregistered distributors, investigating unlawful shipments, and identifying businesses attempting to evade applicable tobacco taxes and regulatory requirements. These deficiencies would facilitate illicit interstate trafficking, undermine state tax enforcement efforts, and weaken safeguards intended to prevent prohibited tobacco and ENDS sales to minors. Consequently, being unable to continue this information collection would diminish federal and state enforcement capabilities, increase opportunities for unlawful commercial activity, and impede ATF's ability to fulfill its statutory responsibilities and protect public safety.

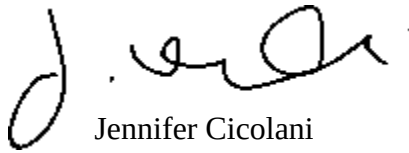
Two of these three information collections (1140-0017 and 1140-0039) are being renewed as extensions without change, and one (1140-0098) is being renewed as a revision with non-substantive changes (such as merging continuation sheets, making minor plain writing edits, and decreasing burden hours). These small or no changes reduce the potential impact of temporarily approving these ICRs 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 December 15, 2026, for 1140-0017 and 1140-0039, and on or about January 1, 2027, for 1140-0098. For 1140-0017 and 1140-0039, the gap period between the expiration date and submitting to OIRA would be approximately 20 days, if there are comments; and approximately 35 days for 1140-0098.

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 December 2026 or 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,

A handwritten signature in black ink, appearing to read "J. Cicolani", with a large initial "J" and a stylized surname.

Jennifer Cicolani
Assistant Director

Enforcement Programs and Services