U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms, and Explosives

Office of Assistant Director

Washington, DC 20226

November 18, 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 1140-0049, 1140-0098, and 1140-0099 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, their current renewal periods 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 December 16, 2026, in the case of 1140-0049 and 1140-0099, and until January 1, 2027, for 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 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 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, tobacco, and explosives laws. In furtherance of this mission, statutes and ATF regulations require businesses to collect, report, and maintain information concerning businesses engaged in the delivery sales of cigarettes, smokeless tobacco, and electronic nicotine delivery systems. The mission also necessitates that ATF provide specialized training to law enforcement personnel and investigate firearms and explosives criminal activity and trafficking, including as part of federal task forces, among other actions. 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, hire and train qualified special agents and instructors, collect and maintain accurate training and education information to ensure effective oversight, promote accountability, and safeguard public safety.

(a) OMB 1140-0049. ATF provides specialized training to law enforcement forensic personnel to examine and identify firearms and toolmarks at crime scenes through its National Firearms Examiner Academy (NFEA). **ATF Form 6330.1, Application for National Firearms Examiner Academy**, provides the means by which prospective participants submit the information necessary for ATF to verify eligibility, assess compliance with program prerequisites, and plan training courses. OMB 1140-0049 is the existing information collection covering this program and enables ATF to offer the training to law enforcement, identify the applicants, ensure applicants have the requisite prequalifications, maintain program standards consistent with those of the Association of Firearm and Toolmark Examiners (AFTE), track participant progress, support the professional development of qualified firearms examiners, and verify their credentials when requested as part of criminal prosecutions.

If 1140-0049 expires on November 30, ATF's ability to evaluate applicant qualifications, verify eligibility, and administer the NFEA training program would cease, and ATF would be unable to continue selecting and training qualified forensic personnel. Without a valid standardized application process, law enforcement agencies would face reduced access to specialized training, limiting their ability to develop personnel proficient in firearms and toolmark examinations. These consequences would hinder the timely and accurate examination of firearms evidence, diminish forensic investigative capabilities, and adversely affect ATF's

ability to support criminal investigations, strengthen law enforcement partnerships, and fulfill its public safety mission.

(b) 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.

(c) OMB 1140-0099. ATF uses **ATF Form 6140.3, Adjunct Instructor Data Form**, to collect and evaluate the qualifications, professional experience, and areas of expertise of non-ATF personnel who provide specialized training to ATF and other law enforcement agency special agents, investigators, forensic examiners, inspectors, and others. This information enables ATF to verify instructor credentials, maintain accurate training records, support Federal Law Enforcement Training Accreditation (FLETA) requirements, verify instructor qualifications and witness credentials in criminal prosecutions, and ensure that instruction meets established professional standards. 5 CFR 410 requires federal agencies to maintain a record of training activities and provides the regulatory basis for ATF to collect

and maintain training-related information. ATF cannot conduct these training programs without being able to accept applications from adjunct instructors, verify their qualifications, and retain them to conduct the training.

If 1140-0099 expires on November 30, ATF's ability to verify the qualifications of external instructors and maintain a legally defensible training program would cease. Without documented instructor credentials, ATF would not be able to retain these instructors, which would prevent or reduce ATF's ability to train its law enforcement personnel and those of other law enforcement agencies in highly specialized areas. In addition, ATF would face challenges demonstrating compliance with accreditation standards, substantiating the qualifications of personnel providing instruction, and defending the integrity of its training in legal proceedings. These deficiencies would undermine the quality and consistency of law enforcement training, jeopardize special agent and other law enforcement personnel preparedness, and ultimately impede ATF's ability to carry out its public safety mission effectively.

We are requesting extensions of these information collections without change, 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 December 16, 2026, for 1140-0049 and 1140-0099 and on or about January 1, 2027, for 1140-0098. For the first two ICRs, the gap period between the expiration date and submitting to OIRA is approximately 20 days, if there are comments; for 1140-0098, the gap is about 35 days.

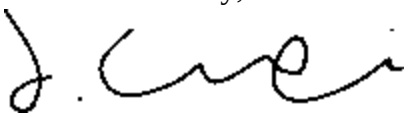
ATF had an unusually high number of ICRs to complete this year. In addition, the same people were also working on an unprecedented number of rulemakings: 47 rules, more than the number published over the past four decades combined, that were high Administration priorities. ATF was instructed that these 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 for emergency extension without change of the listed ICRs should be granted because it is a temporary measure to allow special agent hiring and highly specialized training to continue, as well as state, local, and federal government law enforcement missions relying on these agents and training, 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,



Jennifer Cicolani
Assistant Director
Enforcement Programs and Services