

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF)
Information Collection Request (ICR)
OMB 1140-0094
Certifying Qualifying State Relief from Disabilities Program
(ATF Form 3210.12)

SUPPORTING STATEMENT

A. JUSTIFICATION

1. Explain the circumstances that make the information collection necessary.

Information about the mental health history of the perpetrator of the April 2007 shooting tragedy at Virginia Tech was unavailable to the National Instant Background Check System (NICS) to facilitate denying purchase of the firearms used in the shooting. The National Instant Check System Improvement Act of 2007 (NIAA), Public Law (Pub. L.) 110-180 sought to address the gap in information about mental health adjudications and commitments that would prohibit purchase of a firearm, as well as other records of prohibited persons.

The NIAA provides grants supporting state initiatives to improve the quality and completeness of criminal record information available to NICS. An applicant state must satisfy certain conditions before being eligible to receive a grant. An authorized state official must provide the Department of Justice with reasonable estimates about certain categories of available records in the state over a 20-year period. Second, the state official must certify to ATF's satisfaction that the state has implemented a qualifying program permitting persons who were adjudicated as a mental defective, or committed to a mental institution, to apply for relief from the federal firearms disabilities imposed because of their adjudication or commitment.

2. Indicate how, by whom, and for what purpose the information will be used.

State officials must use ATF Form 3210.12, Certifying Qualifying State Relief from Disabilities Program, to certify to ATF that it has established a qualifying mental health relief from firearms disabilities program that satisfies certain minimum criteria under § 105 of the NIAA.

ATF keeps copies of the certified or denied ATF Form 3210.12, and returns the original forms to the state officials to include them in their grant application package to the Bureau of Justice Statistics (BJS).

3. Describe whether, and to what extent, the information collection involves using automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decisions for adopting this means of collection.

ATF Form 3210.12 is fillable and available for public download from ATF's public website. ATF does not accept faxed copies because the completed form must contain the certifying state official's original signature. However, the state official can submit a digitally or electronically signed form to ATF by email for processing.

4. Describe efforts to identify duplication.

This information is not duplicative and requires the state to provide information on its mental health firearms disabilities relief program, which isn't collected by another agency. Because ATF returns the approved forms to the applicant states so they can use them when applying for these grants, ATF eliminates the need for the information to be collected again by DOJ, thereby ensuring no duplication occurs. ATF uses a uniform subject classification system for forms to identify duplication and to ensure that any similar information already available cannot be used or modified to use for the purpose of this information collection.

5. If the information collection impacts small businesses or other small entities, described any methods used to minimize burden.

This information collection does not have a significant impact on small entities.

6. Describe the consequence to federal programs or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

ATF must provide a method for state officials to certify that they have a valid relief program in place as it relates to persons prohibited under 18 U.S.C. §§ 922(d)(4) and (g)(4) due to mental health adjudications and commitments. Without this certification, the state official would be unable to apply for grant funding. The state would thus be unable to receive grant funds for updating record-keeping systems that provide information to NICS for background checks. That information helps to keep guns from being sold to individuals prohibited by federal or state laws from receiving or possessing firearms and ammunition. Without this collection, firearms and ammunition transfers to persons prohibited by federal or state laws from receiving or possessing them would increase.

7. Explain any special circumstances that would cause the information collection to be conducted in a manner inconsistent with 5 CFR 1320.6.

There are no special circumstances associated with this information collection, which is conducted in a manner consistent with 5 CFR 1320.6.

8. If applicable, provide a copy, and identify the date and page number, of the agency’s notice published in the *Federal Register*, as required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB.

The 60-Day Notice was published in the *Federal Register* on August 5, 2025 (90 FR 37567). The comment period ended on October 6, 2025. ATF received no comments.

9. Explain any decision to provide any payments or gifts to respondents, other than remuneration of contractors or grantees.

No payment or gift is associated with this information collection.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

This information collection does not collect protected information and ATF has not assured respondents of confidentiality.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

This information collection does not ask questions or require information of a sensitive nature. The form pertains to the legal processes and programs made available by the state concerning persons subject to mental health firearms disabilities (prohibitions).

12. Provide estimates of the information collection’s hour burden.

There are 10 respondents to this collection. It takes each respondent 15 minutes (0.25 hours) to respond one time to this form. Each state that wishes to receive the grant submits this form one time to initiate the grant process, and thereafter only once if the information changes, which has thus far not occurred. The Department therefore often receives no responses to this information collection in a given year. However, because each state could potentially submit the form at some point, the Department uses a default number of 10 annual responses. Using this number, total public burden for this collection is 2.5 hours (10 potential respondents * 0.25 hours per response).

Table 1. Estimated annualized respondent cost and hour burden

Activity	Number of respondents	Frequency	Total annual	Time per response	Total annual	Hourly rate	Monetized value of
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			responses		burden (hours)		respondent time
Complete Form 3210.12	10	1	10	0.25	2.5	\$47.92	\$120

The monetized cost for time burden is \$47.92 per hour.¹ At a total annual burden hour of 13 hours, the overall monetized hourly burden for this ICR is \$623 (13 hours * \$47.92 per hour).

13. Provide an estimate of the total annual cost burden to responders or record-keepers resulting from the information collection. (Do not include cost of any hour burden shown in Items 12 and 14).

There is no additional cost to this ICR.

14. Provide estimates of the annualized cost to the federal government.

ATF estimates no additional costs to the federal government associated with this collection. This is due to the current staffing and administrative capacity already in place to complete any marginal processing required under this information collection, with long-term staffing capacity serving as a sunk cost.

15. Explain the reasons for any program changes or adjustments.

There are no program changes or adjustments. The number of respondents and hourly burden remain the same.

16. For information collections whose results will be published, outline plans for tabulations and publications.

ATF will not publish the results of this collection.

17. If seeking approval to not display the expiration date for the information collection, explain the reasons that display would be inappropriate.

ATF does not request approval to omit the Office of Management and Budget expiration date for this collection.

18. Explain each exception to the certification statement.

There are no exceptions to the certification statement.

B. INFORMATION COLLECTIONS EMPLOYING STATISTICAL METHODS.

¹ https://www.bls.gov/news.release/archives/ecec_06132025.pdf

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This collection does not employ statistical methods.