

**DEPARTMENT OF JUSTICE****Federal Bureau of Investigation**

[OMB Number 1110-0043]

**Criminal Justice Information Services Division; National Instant Criminal Background Check System Section; Agency Information Collection Activities: Existing Collection, Comments Requested**

**ACTION:** 60-Day Notice of Information Collection Under Review: Approval of a existing collection; The Voluntary Appeal File (VAF) Brochure.

The Department of Justice (DOJ), FBI, Criminal Justice Information Services (CJIS) Division's National Instant Criminal Background Check System (NICS) Section will be submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for 60 days until June 30, 2008. This process is conducted in accordance with Title 5, Code of Federal Regulations (CFR), § 1320.10.

If you have comments (especially on the estimated public burden or associated response time), suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Natalie N. Snider, Management and Program Analyst, FBI, Criminal Justice Information Services Division, National Instant Criminal Background Check System Section, Module A-3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306, or facsimile at (304) 625-7540.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency/component, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's/component's estimate of the burden of the proposed collection of the information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

**Overview of This Information**

(1) *Type of Information Collection:* Approval of an Existing Collection.

(2) *Title of the Form:* The Voluntary Appeal File (VAF) Brochure.

(3) *Agency Form Number, if any, and the applicable component of the department sponsoring the collection:* Form Number: 1110-0043.

*Sponsor:* Criminal Justice Information Services (CJIS) Division of the FBI, Department of Justice (DOJ).

(4) *Affected Public who will be asked or required to respond, as well as a brief abstract:*

*Primary:* Any individual requesting entry into the FBI's Criminal Justice Information Services (CJIS) Division's National Instant Criminal Background Check System (NICS) Section's Voluntary Appeal File (VAF).

*Brief Abstract:* Under 28 CFR, § 25.9(b)(1), (2), (3), the NICS must destroy all identifying information on allowed transactions within 24 hours of the Federal Firearm Licensee (FFL) being notified of the transaction's proceed status. If a potential purchaser is delayed or denied a firearm, then successfully appeals the decision, the NICS Section cannot retain a record of the overturned appeal or the supporting documentation. If the record cannot be updated, the purchaser continues to be delayed or denied, and if that individual appeals the decision, the documentation must be resubmitted for every subsequent purchase. As such, the Voluntary Appeal File (VAF) was mandated to be created and maintained by the NICS Section for the purpose of preventing future lengthy delays or erroneous denials of a firearm transfer. An individual wishing to request entry into the VAF may obtain a VAF brochure from the NICS Section, an FFL, or the NICS Section Web site at the Internet address: <http://www.fbi.gov/programs/nics/index.htm>.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:*

It is estimated that 12,500 individuals will request entry into the VAF. It takes an average of 5 minutes to read and complete all areas of the application, an estimated 2 hours for the process of fingerprinting including travel, and 25 minutes to mail the form for a total of

2.5 hours estimated burden to the respondent.

(6) *An estimate of the total public burden (in hours) associated with the collection:*

The number of persons requesting entry into the VAF is estimated to be 12,500 individuals. The time it takes each individual to complete the process is 2.5 hours. The total public burden hours is 12,500 respondents multiplied by 2.5 hours which equals 31,250 total burden hours.

If additional information is required, contact: Ms. Lynn Bryant, Department Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 1600, Patrick Henry Building, 601 D Street, NW., Washington, DC 20530.

Dated: April 23, 2008.

**Lynn Bryant,**

*Department Clearance Officer, United States Department of Justice.*

[FR Doc. E8-9031 Filed 4-28-08; 8:45 am]

**BILLING CODE 4410-02-P**

**DEPARTMENT OF LABOR****Employment Standards Administration****Proposed Extension of the Approval of Information Collection Requirements**

**ACTION:** Notice.

**SUMMARY:** The Department of Labor (DOL), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment Standards Administration is soliciting comments concerning the proposal to extend OMB approval of the information collection: Employee Polygraph Protection Act Regulations 29 CFR part 801. A copy of the proposed information collection request can be obtained by contacting the office listed below in the addresses section of this Notice.

**DATES:** Written comments must be submitted to the office listed in the

addresses section below on or before June 30, 2008.

**ADDRESSES:** Mr. Steve Andoseh, U.S. Department of Labor, 200 Constitution Ave., NW., Room S-3201, Washington, DC 20210, telephone (202) 693-0373, fax (202) 693-1451, *E-mail* [andoseh.steven@dol.gov](mailto:andoseh.steven@dol.gov). Please use only one method of transmission for comments (mail, fax, or E-mail).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The Employee Polygraph Protection Act of 1988 (EPPA), 29 U.S.C. 2001 *et seq.*, prohibits most private employers from using any lie detector tests either for pre-employment screening or during the course of employment. See 29 CFR 801.1(a). Federal, State and local government employers are exempted from the Act. *Id.* EPPA section 7 contains several limited exemptions authorizing polygraph tests under certain conditions, including testing: (1) By the Federal Government of experts, consultants or employees of Federal contractors, to name a few, engaged in national security intelligence or counterintelligence functions [29 U.S.C. 2006(b)-(c); 29 CFR 801.11]; (2) of employees the employer reasonably suspects of involvement in a workplace incident resulting in economic loss or injury to the employer's business [29 U.S.C. 2006(d); 29 CFR 801.12]; (3) of some current and prospective employees of certain firms authorized to manufacture, distribute or dispense controlled substances [29 U.S.C. 2006(f); 29 CFR 801.13]; and (4) of some prospective employees of private armored car, security alarm and security guard firms [29 U.S.C. 2006(e); 29 CFR 801.14]. The DOL's Wage and Hour Division may assess civil money penalties of up to \$10,000 per violation against employers who violate any EPPA provision. See 29 U.S.C. 2005(a); 29 CFR 801.40(a)(2). EPPA section 5 requires the Secretary of Labor to promulgate such rules and regulations as may be necessary to carry out the Act and to require the recordkeeping necessary or appropriate for administration of the Act. See 29 U.S.C. 2004(a); 29 CFR 801.1(a), 801.30. Appendix A of Regulations 29 CFR part 801 contains a written statement setting forth both the examinee's and employer's legal rights for use in satisfying the EPPA section 8(b)(2)(d) disclosure requirement. Employers may use optional Form WH-1481 to provide this notice. This information collection is currently approved for use through October 31, 2008.

##### II. Review Focus

The DOL is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

##### III. Current Actions

The DOL seeks approval for the extension of this currently approved information collection in order to carry out its responsibility to ensure that individuals subjected to polygraph testing are afforded the rights and protections contained in the EPPA.

*Type of Review:* Extension.

*Agency:* Employment Standards Administration.

*Title:* Employee Polygraph Protection Act.

*OMB Number:* 1215-0170.

*Agency Number:* WH-1481.

*Affected Public:* Business or other for-profit, not-for-profit institutions, farms.

*Total Respondents:* 328,000.

*Total Annual Responses:* 328,000.

*Estimated Time per Response:* Varies from 1 minute to 30 minutes, depending on the notice.

*Estimated Total Burden Hours:* 68,738.

*Frequency:* On occasion (recordkeeping, reporting, third-party disclosure).

*Total Burden Cost (capital/startup):* \$0.

*Total Burden Cost (operating/maintenance):* \$0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: April 24, 2008.

**Steve Andoseh,**

*Acting Chief, Branch of Management Review and Internal Control, Division of Financial Management, Office of Management, Administration and Planning, Employment Standards Administration.*

[FR Doc. E8-9308 Filed 4-28-08; 8:45 am]

**BILLING CODE 4510-27-P**

#### DEPARTMENT OF LABOR

##### Employment Standards Administration

##### Proposed Extension of the Approval of Information Collection Requirements

**ACTION:** Notice.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment Standards Administration is soliciting comments concerning its proposal to extend OMB approval of the information collection: Miner's Claim for Benefits Under the Black Lung Benefits Act (CM-911), and Employment History (CM-911a). A copy of the proposed information collection request can be obtained by contacting the office listed below in the **ADDRESSES** section of this Notice.

**DATES:** Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before June 30, 2008.

**ADDRESSES:** Mr. Steven M. Andoseh, U.S. Department of Labor, 200 Constitution Ave., NW., Room S-3201, Washington, DC 20210, telephone (202) 693-0373, fax (202) 693-1451, *E-mail* [andoseh.steven@dol.gov](mailto:andoseh.steven@dol.gov). Please use only one method of transmission for comments (mail, fax, or E-mail).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Title IV of the Federal Mine Safety and Health Act of 1977 as amended by the Black Lung Benefits Reform Act of 1977 and subsequent amendments, 30