


MEMORANDUM TO: Melody Braswell
Department Clearance Officer
United States Department of Justice

FROM: Joey L. Hixenbaugh 
Acting Section Chief
Biometric Services Section
Federal Bureau of Investigation

SUBJECT: Revision of the currently approved, Voluntary Appeal File
Application Form (OMB 1110-0043)

Attached is the information collection request (ICR) pertaining to the Voluntary Appeal File (VAF) Application Form (OMB 1110-0043) for approval and submission to the Office of Management and Budget (OMB). The authorities for this collection are prescribed by Title 28, Code of Federal Regulations, Part 25.10(g). This collection is necessary to further identify firearm purchasers by descriptive data for entry into the VAF database.

The following documents are contained in this ICR package:

1. Supporting Statement for Paperwork Reduction Act Submission with burden statement
2. Legal authority for the information collection
3. Paperwork Certification
4. OMB form 83-I Paperwork Reduction Act Submission
5. VAF Application Form used to collect the information
6. 60-day ICR notice that will be published in the Federal Register
7. 30-day ICR notice that will be published in the Federal Register

If there are any questions concerning this ICR, please contact Larry Cotton-Zinn via telephone, (304) 625-2873 or email, lecotton-zinn@fbi.gov.

Thank you

Supporting Statement for Paperwork Reduction Act Submissions

OMB Control # 1110-0043

Part A. Justification

1. Necessity of Information:

Title 28, Code of Federal Regulations (C.F.R.), Part 25.9(b)(1), (2), (3), outlines that the National Instant Criminal Background Check System (NICS) Section must destroy all identifying information on allowed transactions within 24 hours of the Federal Firearms Licensees (FFL) being notified of the transaction's proceed status. If a potential purchaser is delayed or denied a firearm and successfully appeals the decision, the NICS Section cannot retain a record of the overturned appeal or the supporting documentation. If the record is not able to be updated or the fingerprints are non-identical to a disqualifying record used in the evaluation, the purchaser continues to be delayed or denied, and if that individual appeals the decision, the documentation/information (e.g., fingerprint cards, court records, pardons) must be resubmitted for every subsequent purchase. The Voluntary Appeal File (VAF) was established per 28 C.F.R., Part 25.10(g), for this reason. By this process, applicants can voluntarily request the FBI's NICS Section maintain information about themselves in the VAF to prevent future extended delays or denials of a firearm transfer. The VAF is maintained by the NICS for the purpose of preventing future erroneous denials or extended delays of a firearm transfer. The VAF will remain under the purview of the NICS; however, the VAF application process will be completed by the FBI's Biometric Services Section's (BSS) Criminal History Information and Policy Unit (CHIPU) through the electronic Departmental Order (eDO) System. With the VAF process, potential firearm purchasers will have the option to complete the VAF application form to supply the CHIPU with mandatory information such as last name, first name, mailing address, state of residence, country of citizenship, date of birth, place of birth, sex, race, and ethnicity. In addition, the applicant's signature on the application is mandatory, to authorize the NICS to retain the information in the VAF.

2. Needs and Uses:

The information collected with the VAF application form will serve to further identify firearms purchasers by descriptive data. The descriptive data will be used to query various Criminal Justice Information Services Division systems to determine if the applicant is a match to any subjects in those systems/databases. The regulation requires written consent to be included in the VAF. An applicant statement has been included on the form that explains to what the applicant is agreeing. If at any time the individual wishes their information to be removed from the VAF, a written letter should be submitted to the BSS to have the information removed.

3. Use of Technology:

The VAF online process is an outward-facing Web page that allows the VAF applicant to establish a self-service account. The applicant obtains a link to electronically submit a VAF application securely online using the same fields as included in the hard copy application form.

As more users move toward the electronic submission of the VAF application, the need for the hard copy application form will become obsolete. However, the current process does still allow for manual submission.

4. Efforts to Identify Duplication:

This is the only means for entry into the VAF per the regulation. No other agency would be offering this service and no other method would be accepted.

5. Methods to Minimize Burden on Small Businesses:

The collection of information will not have a significant economic impact on small business. The collection audience is individual potential firearm purchasers.

6. Consequences of Less Frequent Collection:

If the data from the VAF application form is not collected, the CHIPU will not be able to initiate the VAF application process as required by the final rule, 28 C.F.R., Part 25.9 (b)(1), (2), (3) and Part 25.10(g). The VAF application form includes the "applicant statement" signature and the date giving the FBI authority to enter the individual into the VAF. Without the collection of this data, the NICS would not be able to retain supporting documentation and/or information in the VAF of a potential firearm purchaser that may have had an extended delay or been erroneously denied a firearm transfer. This would be in violation of the regulation. The potential purchaser would continue to be delayed or denied if the record could not be updated and would be required to appeal the decision and resubmit documentation/information to overturn the appeal on subsequent purchases.

7. Special Circumstances Influencing Collection:

The special circumstances associated with the VAF are due to requirements in the Regulation, 28 C.F.R., Part 25.10(g), regarding the VAF. The application form is a one-time collection. Applicants are not required to submit more than one original of the form. However, if the applicant wishes to send documentation along with the application, he or she is encouraged to do so. All information is collected in accordance with the Privacy Act of 1974. Information in the VAF will be utilized by the NICS solely in connection with firearm background checks, explosives or associated permits conducted through the Brady Act and the regulations promulgated thereunder. There is no information collection in connection with a statistical survey.

8. Public Comments and Consultations:

30 and 60 day Notices of Information Collection are published in the Federal Register.

9. Payment of Gift to Claimants:

There is no payment made or gift given to an individual who provides the required information to the BSS.

10. Assurance of Confidentiality:

All information will be held confidential in accordance with Title 42, United States Code,

Section 3789(g). Information in the VAF will be utilized by the NICS solely in connection with firearm background checks, explosives, and associated permits conducted through the Brady Act and the Regulations promulgated thereunder.

11. Justification for Sensitive Questions:

There are no sensitive questions as defined by this section.

12. Estimate of Hour Burden:

Number of respondents	3737
Frequency of response	Normally Once
Total annual responses	3737
Minutes per response	30 minutes
Annual hour burden	1868.5

It is estimated the time it takes to read, complete, and upload documents is 30 minutes. Travel time to the fingerprinting facility and post office is not factored in the time estimate. The NICS Section estimates 3737 respondents yearly. This is open to anyone who may be experiencing erroneous denials/extended delays. Individuals can download the VAF application form from the NICS and eDO public websites. With 3737 applicants responding, the formula for applicant burden hours would be as follows: (3737 respondents x .5 hours) = 1868.5 hours.

13. Estimate of Cost Burden:

Respondents will not incur any costs other than their time to respond. Respondents will not incur any capital, start up, or system maintenance costs associated with this information collection.

14. Estimated Annualized Costs to Federal Government:

Personnel Salaries:	\$ 2,147,414.88
Analysis of incoming information:	\$ 0
Conversion to electronic format:	\$ 0

Total Cost: \$ 2,147,414.88

The VAF application process is performed on average by 24 GS 10 Step 5 employees. The 2022 OPM GS Salary Table (for the locality pay area of rest of US) indicates a GS 10 Step 5 employee makes \$68,302.00 per year. As a standard when calculating cost, thirty-one percent is added for benefits. This brings the annual cost per employee to \$89,475.62. Twenty-four employees at this rate would total \$2,147,414.88 in salaries.

15. Reasons for Change in Burden:

Cost to the government has decreased due to the ability to refer applicants to the NICS and eDO public websites to obtain copies of the VAF application form. The online process will decrease the time burden and financial burden on the applicants.

Reasons for Change in Annualized Costs to Federal Government: The formula for calculating the annual costs to government was changed since the last collection. The new formula includes personnel costs and is consistent with other forms tracked by the OMB.

16. Plans for Publication:

The data collected will be utilized by the BSS solely in connection with determining eligibility for entry into the VAF to be utilized with firearm background checks conducted through the Brady Act and the regulations promulgated thereunder. This information will not be published.

17. Expiration Date Approval:

The expiration date should be displayed on the application form to assure the newest version is being used.

18. Exceptions to the Certification Statement:

There are no exceptions to the certification statement.

Code of Federal Regulations
Title 28. Judicial Administration
Chapter I. Department of Justice
Part 25. Department of Justice Information Systems (Refs & Annos)
Subpart A. The National Instant Criminal Background Check System

28 C.F.R. § 25.10

§ 25.10 Correction of erroneous system information.

Currentness

(a) An individual may request the reason for the denial from the agency that conducted the check of the NICS (the “denying agency,” which will be either the FBI or the state or local law enforcement agency serving as a POC). The FFL will provide to the denied individual the name and address of the denying agency and the unique transaction number (NTN or STN) associated with the NICS background check. The request for the reason for the denial must be made in writing to the denying agency. (POCs at their discretion may waive the requirement for a written request.)

(b) The denying agency will respond to the individual with the reasons for the denial within five business days of its receipt of the individual's request. The response should indicate whether additional information or documents are required to support an appeal, such as fingerprints in appeals involving questions of identity (i.e., a claim that the record in question does not pertain to the individual who was denied).

(c) If the individual wishes to challenge the accuracy of the record upon which the denial is based, or if the individual wishes to assert that his or her rights to possess a firearm have been restored, he or she may make application first to the denying agency, i.e., either the FBI or the POC. If the denying agency is unable to resolve the appeal, the denying agency will so notify the individual and shall provide the name and address of the agency that originated the document containing the information upon which the denial was based. The individual may then apply for correction of the record directly to the agency from which it originated. If the record is corrected as a result of the appeal to the originating agency, the individual may so notify the denying agency, which will, in turn, verify the record correction with the originating agency (assuming the originating agency has not already notified the denying agency of the correction) and take all necessary steps to correct the record in the NICS.

(d) As an alternative to the above procedure where a POC was the denying agency, the individual may elect to direct his or her challenge to the accuracy of the record, in writing, to the FBI, NICS Operations Center, Criminal Justice Information Services Division, 1000 Custer Hollow Road, Module C-3, Clarksburg, West Virginia 26306-0147. Upon receipt of the information, the FBI will investigate the matter by contacting the POC that denied the transaction or the data source. The FBI will request the POC or the data source to verify that the record in question pertains to the individual who was denied, or to verify or correct the challenged record. The FBI will consider the information it receives from the individual and the response it receives from the POC or the data source. If the record is corrected as a result of the challenge, the FBI shall so notify the individual, correct the erroneous information in the NICS, and give notice of the error to any Federal department or agency or any state that was the source of such erroneous records.

(e) Upon receipt of notice of the correction of a contested record from the originating agency, the FBI or the agency that contributed the record shall correct the data in the NICS and the denying agency shall provide a written confirmation of the

correction of the erroneous data to the individual for presentation to the FFL. If the appeal of a contested record is successful and thirty (30) days or less have transpired since the initial check, and there are no other disqualifying records upon which the denial was based, the NICS will communicate a “Proceed” response to the FFL. If the appeal is successful and more than thirty (30) days have transpired since the initial check, the FFL must recheck the NICS before allowing the sale to continue. In cases where multiple disqualifying records are the basis for the denial, the individual must pursue a correction for each record.

(f) An individual may also contest the accuracy or validity of a disqualifying record by bringing an action against the state or political subdivision responsible for providing the contested information, or responsible for denying the transfer, or against the United States, as the case may be, for an order directing that the contested information be corrected or that the firearm transfer be approved.

(g) An individual may provide written consent to the FBI to maintain information about himself or herself in a Voluntary Appeal File to be established by the FBI and checked by the NICS for the purpose of preventing the future erroneous denial or extended delay by the NICS of a firearm transfer. Such file shall be used only by the NICS for this purpose. The FBI shall remove all information in the Voluntary Appeal File pertaining to an individual upon receipt of a written request by that individual. However, the FBI may retain such information contained in the Voluntary Appeal File as long as needed to pursue cases of identified misuse of the system. If the FBI finds a disqualifying record on the individual after his or her entry into the Voluntary Appeal File, the FBI may remove the individual's information from the file.

Credits

[Order No. 2727–2004, 69 FR 43901, July 23, 2004]

SOURCE: 63 FR 58307, Oct. 30, 1998; Order No. 3042–2009, 74 FR 5776, Jan. 30, 2009, unless otherwise noted.

AUTHORITY: Public Law 103–159, 107 Stat. 1536, 49 U.S.C. 30501–30505; Public Law 101–410, 104 Stat. 890, as amended by Public Law 104–134, 110 Stat. 1321.

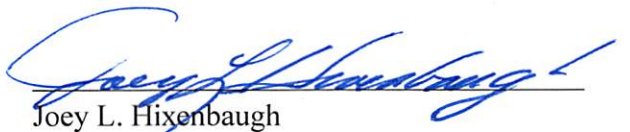
Notes of Decisions (1)

Current through Aug. 23, 2022, 87 FR 51616. Some sections may be more current. See credits for details.

Paperwork Certification

In submitting this request for OMB approval, I certify the Voluntary Appeal File (VAF) Application (OMB 1110-0043) form submitted for approval is necessary for the proper performance of our agency and the proposed data collection represents no burden on respondents consistent with the need for information.

The requirements of the Privacy Act and OMB Directives have been complied with including the paperwork reduction regulations, statistical standards or directives, and any other information policy directives, and other informational policy directives promulgated under the Paperwork Reduction Act of 1995.


Joey L. Hixenbaugh
Acting Section Chief
Biometric Services Section
Criminal Justice Information Services Division

8/31/2022
Date

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the Supporting Statement, and any additional documentation to: **Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.**

1. Agency/Subagency originating request DOJ/FBI	2. OMB control number b. <input type="checkbox"/> None a. <u>1110</u> - <u>0043</u>
3. Type of information collection (<i>check one</i>) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change , of a previously approved collection for which approval has expired e. <input checked="" type="checkbox"/> Reinstatement, with change , of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number <i>For b-f, note Item A2 of Supporting Statement instructions</i>	4. Type of review requested (<i>check one</i>) a. <input checked="" type="checkbox"/> Regular b. <input type="checkbox"/> Emergency - Approval requested by: ___/___/___ c. <input type="checkbox"/> Delegated 5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? Yes No <input checked="" type="checkbox"/> 6. Requested expiration date a. <input checked="" type="checkbox"/> Three years from the approval date b. ___/___
7. Title Voluntary Appeal File (VAF) Application form	
8. Agency form number(s) (<i>if applicable</i>) 1-783	
9. Keywords Voluntary, Appeal, NICS, Denial	
10. Abstract The Voluntary Appeal File prevents delays and erroneous denials of firearm purchases and transfers. Persons can voluntarily submit their fingerprints to add themselves to the file. They receive a unique number that can be used to prevent future delays and/or erroneous denials/delays.	
11. Affected public (<i>Mark primary with "P" and all others with "X"</i>) a. <input checked="" type="checkbox"/> Individuals or households d. <input type="checkbox"/> Farms b. <input type="checkbox"/> Business or other for-profit e. <input type="checkbox"/> Federal Government c. <input type="checkbox"/> Not-for-profit institutions f. <input type="checkbox"/> State, Local, or Tribal Government	12. Obligation to respond (<i>Mark primary with "P" and all others that apply with "X"</i>) a. <input checked="" type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual reporting and recordkeeping hour burden a. Number of respondents <u>3,737</u> b. Total annual responses <u>3,737</u> 1. Percentage of these responses collected electronically <u>0</u> % c. Total annual hours requested <u>1,868.50</u> d. Current OMB inventory <u>2,000</u> e. Difference <u>(131.50)</u> f. Explanation of difference 1. Program change <u>Respondents</u> 2. Adjustment <u>0</u>	14. Annual reporting and recordkeeping cost burden (<i>in thousands of dollars</i>) a. Total annualized capital/startup costs <u>N/A</u> b. Total annual costs (O&M) <u>2,147,414.88</u> c. Total annualized cost requested <u>2,147,414.88</u> d. Current OMB inventory <u>80,000</u> e. Difference <u>2,067,414.88</u> f. Explanation of difference 1. Program change <u>N/A</u> 2. Adjustment <u>Personel</u>
15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>) a. <input type="checkbox"/> Application for benefits e. <input checked="" type="checkbox"/> Program planning or management b. <input type="checkbox"/> Program evaluation f. <input type="checkbox"/> Research c. <input type="checkbox"/> General purpose statistics g. <input checked="" type="checkbox"/> Regulatory or compliance d. <input type="checkbox"/> Audit	16. Frequency of recordkeeping or reporting (<i>check all that apply</i>) a. <input type="checkbox"/> Recordkeeping b. <input checked="" type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting: 1. On occasion 2. <input type="checkbox"/> Weekly 3. <input checked="" type="checkbox"/> Monthly 4. Quarterly 5. Semi-annually 6. <input type="checkbox"/> Annually 7. Biennially 8. Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods? Yes No <input checked="" type="checkbox"/>	18. Agency contact (<i>person who can best answer questions regarding the content of this submission</i>) Name: <u>Larry E. Cotton-Zinn</u> Phone: <u>(304) 625-2873</u>

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9.

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It uses plain, coherent, and unambiguous language that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention periods for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8 (b)(3) about:
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, or mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of the instructions);
- (i) It uses effective and efficient statistical survey methodology (if applicable); and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of these provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

08/13/2022

Voluntary Appeal File (VAF) Application Form

You may apply electronically by visiting <https://www.edo.cjis.gov> or you may complete the following application. The VAF is offered for those who want the FBI to maintain information about themselves to avoid extended delays or erroneous denials with future firearm transfers. The submission of fingerprints is REQUIRED to process all VAF applications. Additionally, if a VAF application is being submitted by an attorney on behalf of their client, an *Authorization to Release* form MUST accompany the VAF application. The *Authorization to Release* form, a downloadable fingerprint card and/or additional VAF information can all be found at <https://www.edo.cjis.gov>.

APPLICANT'S INFORMATION * Denotes Required Fields

*Last Name:		*First Name:	
Middle Name:			Suffix:
*Date of Birth:	*Place of Birth:	*State of Residence:	
*Country of Citizenship:	Social Security Number:	Miscellaneous Number (Driver's License, Military ID):	
Alien or Admissions Number (*mandatory if Country of Citizenship is other than U.S.):			
*Race (please check appropriate box):			
<input type="checkbox"/> Asian or Pacific Islander <input type="checkbox"/> Black <input type="checkbox"/> White <input type="checkbox"/> American Indian or Native Alaskan <input type="checkbox"/> Unknown			
*Ethnicity (please check appropriate box):		*Sex (please check appropriate box):	
<input type="checkbox"/> Hispanic or Latino <input type="checkbox"/> Not Hispanic or Latino		<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Other	

APPLICANT'S ADDRESS

*Address:	
*City:	*State:
*Postal (Zip) Code:	*Country:
Phone Number:	E-Mail:

APPLICANT'S STATEMENT: I give the information on this Voluntary Appeal File (VAF) application, and any supporting documentation provided therewith, voluntarily with the understanding that if my application is approved, I will be entered into the VAF maintained by the National Instant Criminal Background Check System Section of the FBI's Criminal Justice Information Services (CJIS) Division. I further voluntarily consent that the FBI may retain my application, any supporting documentation, and any research information relevant to the approval of my VAF application. I further understand if, at any time, I wish to be removed from the VAF, I can make such a request in writing to the FBI's CJIS Division, at the address below. I also understand if a disqualifying record is discovered after my entry into the VAF, the FBI's CJIS Division may remove my information from the VAF.

***APPLICANT'S SIGNATURE** _____ **DATE** _____

If this form does not include your signature, your VAF application cannot be processed. You may mail the signed VAF application, completed fingerprint card, and any supporting documentation to the following address:

FBI CJIS Division
ATTN: Criminal History Analysis Team 1
BTC 3
1000 Custer Hollow Road
Clarksburg, West Virginia 26306

PRIVACY ACT STATEMENT

Authority: The collection of information on this form is authorized by 28 CFR 25.10(g).

Principal Purpose: The principal purpose of collecting the requested information is to allow the FBI to maintain information about you in the Voluntary Appeal File (VAF) for the purpose of preventing the future erroneous denial or extended delay by the National Instant Criminal Background Check System (NICS) of a transfer of a firearm, explosive, or associated permit. You do not have to provide the requested information to the FBI; however, failure to provide the requested information will result in the FBI's inability to retain your information in the VAF which may, in turn, result in a future erroneous denial or extended delay of a transfer of a firearm, explosive, or associated permit.

Social Security Account Number (SSAN): Your SSAN is requested to keep records accurate because other people may have the same name and date of birth. Your SSAN will be used to verify your identity. You are not required to provide your SSAN and failure to provide your SSAN will not result in a denial of your VAF application. However, failure to provide your SSAN may result in an increase of time to process your VAF application or requests for additional information to verify your identity.

Routine Uses: During the processing of your application and for as long thereafter as your information is retained in the VAF, your information may be disclosed pursuant to your consent, and may be disclosed without your consent as permitted by 28 CFR Part 25, and applicable routine uses as set forth in the System of Records Notice for the NICS, DOI/FBI-018, 63 FR 65223 (Nov. 25, 1998), as amended at 65 FR 78190 (Dec. 14, 2000), 66 FR 6676 (Jan. 22, 2001), 66 FR 8425 (Jan. 31, 2001), 66 FR 12959 (Mar. 1, 2001), and 82 FR 24147 (May 25, 2017). Routine uses include, but are not limited to, disclosures to local, state, tribal, and territorial criminal justice agencies to determine whether transferring a firearm, explosive, or related permit to you is prohibited by state or federal law or whether to grant or deny an appeal from a NICS transaction; and to courts or adjudicative bodies for the purposes of resolving litigation or anticipated litigation.

PAPERWORK REDUCTION ACT STATEMENT

Under the Paperwork Reduction Act, you are not required to complete this form unless it displays a valid OMB control number. The form takes approximately 10 minutes to complete.

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

OMB Number 1110-0043

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a currently approved collection

AGENCY: Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division

ACTION: 60 Day Notice.

SUMMARY: The Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division, is submitting 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.

DATES: The Department of Justice encourages public comment and will accept input until [INSERT DATE 60 DAYS AFTER PUBLICATION IN THE FEDERAL REGISTER]

FOR FURTHER INFORMATION CONTACT: If you have additional 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 Gerry Lynn Brovey, Supervisory Information Liaison Specialist, FBI, CJIS, Resources Management Section, Administrative Unit, Module C-2, 1000 Custer Hollow Road, Clarksburg, West Virginia, 26306; phone: 304-625-4320 or email glbrovey@fbi.gov.

SUPPLEMENTARY INFORMATION: 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:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Federal Bureau of Investigation, Criminal Justice Information Division, 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;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; 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 submission of responses.

OVERVIEW OF THIS INFORMATION COLLECTION:

1. Type of Information Collection: Revision of a currently approved collection
2. The Title of the Form/Collection: Voluntary Appeal File (VAF) Application Form
3. The agency form number, if any, and the applicable component of the Department sponsoring the collection: 1110-0043 The applicable component within the Department of Justice is the Federal Bureau of Investigation, Criminal Justice Information Services Division.
4. Affected public who will be asked or required to respond, as well as a brief abstract: Primary: Potential firearm purchasers. If a potential purchaser is delayed or denied a firearm and successfully appeals the decision, the NICS Section cannot retain a record of the overturned appeal or the supporting documentation. If the record is not able to be updated or the fingerprints are non-identical to a disqualifying record used in the evaluation, the purchaser continues to be delayed or denied, and if that individual appeals the decision, the documentation/information (e.g., fingerprint cards, court records, pardons, etc.) must be

resubmitted for every subsequent purchase. The VAF was established per 28 C.F.R., Part 25.10(g), for this reason. By this process, applicants can voluntarily request the NICS Section maintain information about themselves in the VAF to prevent future extended delays or denials of a firearm transfer.

5. An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: It is estimated the time it takes to read, complete, and upload documents is 30 minutes. Travel time to the fingerprinting facility and post office is not factored in the time estimate. The BSS Section estimates 3,737 respondents yearly.
6. An estimate of the total public burden (in hours) associated with the collection: With 3,737 applicants responding, the formula for applicant burden hours would be as follows:
 $(3,737 \text{ respondents} \times .5 \text{ hours}) = 1868.5 \text{ hours}.$

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: [To be completed by Department Clearance Officer]

Melody Braswell,

Department Clearance Officer for PRA,

U.S. Department of Justice.

Billing Code: [To be completed by the Department Clearance Officer]

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation, Criminal Justice Information Services Division

OMB Number 1110-0043

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a currently approved collection

AGENCY: Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division

ACTION: 30 Day Notice.

SUMMARY: The Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division, is submitting 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.

DATES: The Department of Justice encourages public comment and will accept input until [INSERT DATE 30 DAYS AFTER PUBLICATION IN THE FEDERAL REGISTER]

FOR FURTHER INFORMATION CONTACT: If you have additional 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 Gerry Lynn Brovey, Supervisory Information Liaison Specialist, FBI, CJIS, Resources Management Section, Administrative Unit, Module C-2, 1000 Custer Hollow Road, Clarksburg, West Virginia, 26306; phone: 304-625-4320 or email glbrovey@fbi.gov. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to reginfo.gov/public/do/PRAMain.

Find this particular information collection by selecting "Currently under 30-day Review - Open for Public Comments" or by using the search function.

SUPPLEMENTARY INFORMATION: 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:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Federal Bureau of Investigation, Criminal Justice Information Services Division, 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;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; 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 submission of responses.

OVERVIEW OF THIS INFORMATION COLLECTION:

1. Type of Information Collection: Revision of a currently approved collection
2. The Title of the Form/Collection: Voluntary Appeal File (VAF) Application Form

3. The agency form number, if any, and the applicable component of the Department sponsoring the collection: 1110-0043, The applicable component within the Department of Justice is the Federal Bureau of Investigation.
4. Affected public who will be asked or required to respond, as well as a brief abstract: Primary: Potential firearm purchasers. If a potential purchaser is delayed or denied a firearm and successfully appeals the decision, the National Instant Criminal Background Section (NICS) cannot retain a record of the overturned appeal or the supporting documentation. If the record is not able to be updated or the fingerprints are non-identical to a disqualifying record used in the evaluation, the purchaser continues to be delayed or denied, and if that individual appeals the decision, the documentation/information (e.g., fingerprint cards, court records, pardons, etc.) must be resubmitted for every subsequent purchase. The VAF was established per 28 C.F.R., Part 25.10(g), for this reason. By this process, applicants can voluntarily request the NICS Section maintain information about themselves in the VAF to prevent future extended delays or denials of a firearm
5. An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: It is estimated the time it takes to read, complete, and upload documents is 30 minutes. Travel time to the fingerprinting facility and post office is not factored in the time estimate. The BSS Section estimates 3,737 respondents yearly.
6. An estimate of the total public burden (in hours) associated with the collection: With 3,737 applicants responding, the formula for applicant burden hours would be as follows: $(3,737 \text{ respondents} \times .5 \text{ hours}) = 1868.5 \text{ hours}$.

If additional information is required contact: Melody Braswell, Department Clearance Officer,
United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two
Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: [To be completed by Department Clearance Officer]

Melody Braswell,

Department Clearance Officer for PRA,

U.S. Department of Justice.

Billing Code: [To be completed by the Department Clearance Officer]