

Paperwork Reduction Act Submission

Please read the instruction before completing this form. For additional forms or assistance in completing this forms, contact your agency's Paperwork Reduction 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 Seventeenth St. NW, Washington, DC 20503.

<p>1. Agency/Subagency Originating Request: U.S. Department of Housing and Urban Development Office of the Inspector General</p>	<p>2. OMB Control Number: a. 2535-0119 b. <input type="checkbox"/> None</p>																																		
<p>3. Type of information collection: (check one)</p> <p>a. <input type="checkbox"/> New Collection</p> <p>b. <input type="checkbox"/> Revision of a currently approved collection</p> <p>c. <input checked="" type="checkbox"/> Extension of a currently approved collection</p> <p>d. <input type="checkbox"/> Reinstatement, without change, of previously approved collection for which approval has expired</p> <p>e. <input type="checkbox"/> Reinstatement, with change, of previously approved collection for which approval has expired</p> <p>f. <input type="checkbox"/> Existing collection in use without an OMB control number</p> <p>For b-f, note item A2 of Supporting Statement instructions.</p>	<p>4. Type of review requested: (check one)</p> <p>a. <input checked="" type="checkbox"/> Regular</p> <p>b. <input type="checkbox"/> Emergency - Approval requested by</p> <p>c. <input type="checkbox"/> Delegated</p> <p>5. Small entities: Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>6. Requested expiration date: a. <input checked="" type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other (specify)</p>																																		
<p>7. Title: Subpoenas and Production in Response to Subpoenas or Demands of Courts or Other Authorities</p>																																			
<p>8. Agency form number(s): (if applicable) None</p>																																			
<p>9. Keywords: Housing, subpoenas, testimony</p>																																			
<p>10. Abstract: The requested information will detail the issues and reasons why a review of the Counsel's decision denying a request for documents or testimony is appropriate.</p>																																			
<p>11. Affected public: (mark primary with "P" and all others that apply with "X")</p> <p>a. P Individuals or households e. Farms</p> <p>b. X Business or other for-profit f. Federal Government</p> <p>c. X Not-for-profit institutions g. X State, Local or Tribal Government</p>	<p>12. Obligation to respond: (mark primary with "P" and all others that apply with "X")</p> <p>a. Voluntary</p> <p>b. P Required to obtain or retain benefits</p> <p>c. Mandatory</p>																																		
<p>13. Annual reporting and recordkeeping hour burden:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 80%;">a. Number of respondents</td> <td style="text-align: right;">5</td> </tr> <tr> <td>b. Total annual responses</td> <td style="text-align: right;">10</td> </tr> <tr> <td> Percentage of these responses collected electronically</td> <td style="text-align: right;">0%</td> </tr> <tr> <td>c. Total annual hours requested</td> <td style="text-align: right;">50</td> </tr> <tr> <td>d. Current OMB inventory</td> <td style="text-align: right;">80</td> </tr> <tr> <td>e. Difference (+,-)</td> <td style="text-align: right;">-30</td> </tr> <tr> <td colspan="2">f. Explanation of difference:</td> </tr> <tr> <td> 1. Program change:</td> <td></td> </tr> <tr> <td> 2. Adjustment:</td> <td style="text-align: right;">30</td> </tr> </table>	a. Number of respondents	5	b. Total annual responses	10	Percentage of these responses collected electronically	0%	c. Total annual hours requested	50	d. Current OMB inventory	80	e. Difference (+,-)	-30	f. Explanation of difference:		1. Program change:		2. Adjustment:	30	<p>14. Annual reporting and recordkeeping cost burden: (in thousands of dollars) Do not include costs based on the hours in item 13.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 80%;">a. Total annualized capital/startup costs</td> <td style="text-align: right;">0</td> </tr> <tr> <td>b. Total annual costs (O&M)</td> <td style="text-align: right;">0</td> </tr> <tr> <td>c. Total annualized cost requested</td> <td style="text-align: right;">12</td> </tr> <tr> <td>d. Current OMB inventory</td> <td style="text-align: right;">0</td> </tr> <tr> <td>e. Difference</td> <td style="text-align: right;">12</td> </tr> <tr> <td colspan="2">f. Explanation of difference:</td> </tr> <tr> <td> 1. Program change:</td> <td style="text-align: right;">12</td> </tr> <tr> <td> 2. Adjustment:</td> <td></td> </tr> </table>	a. Total annualized capital/startup costs	0	b. Total annual costs (O&M)	0	c. Total annualized cost requested	12	d. Current OMB inventory	0	e. Difference	12	f. Explanation of difference:		1. Program change:	12	2. Adjustment:	
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<p>15. Purpose of Information collection: (mark primary with "P" and all others that apply with "X")</p> <p>a. Application for benefits e. Program planning or management</p> <p>b. Program evaluation f. Research</p> <p>c. General purpose statistics g. P Regulatory or compliance</p> <p>d. Audit</p>	<p>16. Frequency of recordkeeping or reporting: (check all that apply)</p> <p>a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure</p> <p>c. <input checked="" type="checkbox"/> Reporting:</p> <table style="width: 100%; border: none;"> <tr> <td>1. <input checked="" type="checkbox"/> On occasion</td> <td>2. <input type="checkbox"/> Weekly</td> <td>3. <input type="checkbox"/> Monthly</td> </tr> <tr> <td>4. <input type="checkbox"/> Quarterly</td> <td>5. <input type="checkbox"/> Semi-annually</td> <td>6. <input type="checkbox"/> Annually</td> </tr> <tr> <td>7. <input type="checkbox"/> Biennially</td> <td>8. <input type="checkbox"/> Other (describe)</td> <td></td> </tr> </table>	1. <input checked="" type="checkbox"/> On occasion	2. <input type="checkbox"/> Weekly	3. <input type="checkbox"/> Monthly	4. <input type="checkbox"/> Quarterly	5. <input type="checkbox"/> Semi-annually	6. <input type="checkbox"/> Annually	7. <input type="checkbox"/> Biennially	8. <input type="checkbox"/> Other (describe)																										
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<p>17. Statistical methods: Does this information collection employ statistical methods? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>18. Agency contact: (person who can best answer questions regarding the content of this submission) Name: Bryan Saddler Phone: 202-708-1613</p>																																		

19. Certification for Paperwork Reduction Act Submissions

On behalf of the U.S. Department of Housing and Urban Development, 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 collections 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 terminology 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):
 - (i) Why the information is being collected;
 - (ii) Use of the 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 collected (see note in item 19 of the instructions);
- (i) It uses effective and efficient statistical survey methodology; 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 Program Official: X	Date:
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Signature of Senior Officer or Designee: X Lillian L. Deitzer, Departmental Paperwork Reduction Act Officer, Office of the Chief Information Officer	Date:
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Supporting Statement for Paperwork Reduction Act Submissions

Subpoenas and Production in Response to Subpoenas or Demands of Courts or Other Authorities

A. Justification

1. The subject information is necessary for the Office of Inspector General to ensure a thorough review process by the OIG and provides a complete opportunity for a person or party to take formal exception to the OIG's determination. The regulations are found at 24 CFR 2004.
2. The Office of Inspector General will use the information when the OIG reviews its decision denying a request for documents or testimony. The written Notice of Intention to Petition for Review (Notice) and Petition for Review (Petition) will detail the issues and reasons why a review of the Counsel's decision is appropriate.
3. The information is not automated, electronic, mechanical, or technological. Because of the low number of respondents per year, it is not cost-effective to automate the collection of the Notice and Petition.
4. The information is not collected elsewhere.
5. This rule does not significantly affect small entities.
6. Without the information, the OIG would not have sufficient information to conduct a thorough appellate procedure regarding responses to subpoenas issued to OIG employees requesting documents or testimony in legal proceedings where the OIG is not a party.
7. The only special circumstance that would cause an information collection to be conducted in a manner requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt is when a party is aggrieved by an OIG decision denying or restricting the release of documents or testimony. The party must file a written Notice of Intention to Petition for Review within five business days of the date of the decision. The Notice shall identify the petitioner, the adverse decision, and any dates (such as deposition, hearing, or court dates) that are significant to the party. Within five business days of the filing of the Notice, the person or party seeking review shall file a Petition for Review (Petition) containing a clear and concise statement of the issues to be reviewed and the reasons why the review is appropriate. The petition shall include exceptions to any findings or fact or conclusions of law made, together with supporting reasons and arguments for such exceptions based on appropriate citations to such record of law as may exist.
8. A notice of proposed rulemaking was published in the *Federal Register* in December, 2004. A 60-day solicitation for public comment was published in the *Federal Register* on December 28, 2007. The Volume is 72, Number 248 and the page number is 73868.
9. There are no payments or gifts to respondents.
10. Guarantees of confidentiality are provided to those parts of the Notice of Intention to Petition for Review and Petition for Review that are proprietary under the Freedom of Information Act. Part 2004 is a procedure whereby HUD OIG evaluates whether to cooperate with demands for HUD OIG records or testimony in cases in which the United States is not a party. The information collection is the data that HUD OIG seeks in order to make a reasonable analysis of whether it is in the Federal interest to cooperate with the litigation demand or to challenge it. The data sought is largely public information because it relates to the content of the litigation itself, and or the role of HUD OIG. The challenger/appealer need only provide HUD OIG as much data as they are comfortable with; if there is confidential information they need not submit it, and the only potential adverse outcome for non-submission is HUD OIG denying their request for testimony or documents, which would be reviewable for arbitrariness and capriciousness. In the event that a future challenger/appealer makes a legitimate request for confidentiality, HUD OIG will work the challenger/appealer on agreed protocols to protect their information. Such protocols could include HUD OIG reviewing records but never taking custody thereof, returning/destroying the data after review, etc.
11. There are no questions of a sensitive nature.
12. Estimated annual burden.

Section Reference	Number of Respondents	No. of Responses Per Respondent	Est. Burden (in hours)	Estimated Annual Burden Hours
§2004.28(c)	5	2	5	50

13. Respondents will most likely already have obtained an attorney as part of the subpoenas issued to OIG employees requesting documents or testimony. Using an estimated hourly rate of \$250, based on an average attorney rate, it is estimated that the total time needed for a respondent to prepare and file a Notice and a Petition will be 10 hours at a total cost of \$2,500, and the total cost for respondents will be \$12,500.
14. The total annual cost to the federal government is based on approximately 10 hours to review and respond to each Notice and Petition at an average cost of \$45 per hour for a GS 13/15 to process. The cost per Notice and Petition pair would be \$450, or \$22,500 per year.
15. This is a request for extension of a currently approved collection. An adjustment has been made to the number of respondents which is less than five per year. Since the implementation of the procedure, no one has challenged a decision denying a subpoena demand therefore; the number of respondents is just a projection.
16. The information will not be published.
17. There is no approval being sought not to display the expiration date.
18. There are no exceptions to the certification statement.

B. Collections of Information Employing Statistical Methods