

Attachment A

TABLE 1. ESTIMATED BURDEN HOURS FOR PUBLIC

| Old CFR Section ¹ | New CFR Section | Description of Info Collection Requirement | No. of Respondents (Annual) | Responses per Respondent (Annual) | Hourly Burden per Response | Total Hourly Burden (Annual)* | Current OMB Inventory Hours** | Change in Inventory Hours | Cost Burden @ \$27.38/hour ⁸ | Explanation of Difference |
|------------------------------|-----------------|--|----------------------------------|-----------------------------------|----------------------------|-------------------------------|-------------------------------|---------------------------|---|---|
| --- | 15.9 | Testator affidavit for self-proving will | 1,000 | 1 | 0.5 | 500 | 0 | +500 | \$13,690 | New section allows testators to "self prove" their wills with affidavit |
| --- | 15.9 | Witness affidavit for self-proving will | 2,000 | 1 | 0.5 | 1,000 | 0 | +1,000 | \$27,380 | New section for "self proving" wills requires two witnesses for each testator to file affidavits |
| 15.101 | 15.104 | Reporting req.- death certificate ² | 5,850 | 1 | 5 | 29,250 | 23,400 | +5,850 | \$800,865 | New section requires additional information where a death certificate is not provided. ³ |
| 15.104 | 15.105 | Provide probate documents | 21,235 | 1 | 45.5 | 966,193 | 939,649 | +26,544 | \$26,454,364 | Amendments delete requirement for birth certificate, but add other requirements. |
| *** | 15.203 | Provide tribal information for probate file ⁴ | 562 | 10 | 2 | 11,240 | 0 | +11,240 | \$307,751 | New requirement for tribes to provide enrollment information, upon request. |
| 15.106 | 15.301 | Reporting funeral expenses | 5,850 | 1 | 2 | 11,700 | 11,700 | 0 | \$320,346 | No change. |
| 15.303 | 15.302 | File claim against estate (affidavit) | N/A | N/A | N/A | N/A | 0 | 0 | \$0 | Simple declaration exception. |
| 15.303 | 15.305 | Provide info on creditor claim (6 per probate) | 35,100 | 1 | 0.5 | 17,550 | 63,705 | -46,155 | \$480,519 | Adjustment decrease for 6 claims per probate |
| 15.402 | 15.403 | Provide info for filing appeal | 0 | 0 | 0 | 0 | 53,088 | -53,088 | \$0 | Program change decrease - now only have to file a notice of appeal |
| 15.203 | N/A | Provide response to transmittal | 0 | 0 | 0 | 0 | 2,972 | -2,972 | \$0 | This requirement has been deleted. |
| 15.109 | N/A | Provide disclaimer info (1/4) | 0 | 0 | 0 | 0 | 7,887 | -7,887 | \$0 | Section deleted. |
| | Total | | Respondents ⁵ =64,915 | Responses ⁶ = 76,655 | | 1,037,433 | 1,094,514 ⁷ | -64,968 | \$28,404,915 | -57,080.50 |

*No. of Respondents x Responses per Respondent x Hourly Burden per Response= Total Hourly Burden

** Current OMB O&M/Annualized Cost Inventory is \$0 for each item.

See next page for additional footnotes.

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¹ Note: Part 15 was amended in March 2005; however, it appears that no PRA package for these revisions was submitted. As such, the section cross-references in Attachment A of the Supporting Statement refer to pre-March 2005 sections.

²For the purposes of this part only, we have used the number 5,850 as the number of individual Indian decedents' estates that are probated on the average each year.

³ Specifically, the new section requires the public to provide information concerning the deceased, such as the state, city, reservation, location, date and cause of death, the last known address of the deceased, names and addresses of others who may have information about the deceased, and any other information available concerning the deceased, such as newspaper articles, obituary or death notices or a church or court record.

⁴ For the purposes of this part only, we have assumed that each federally recognized tribe will have approximately 10 decedents per year for which the tribe will have to provide enrollment, family history or other data for heirs and devisees of those decedents during probate.

⁵ Total respondents = 1,000 testators + 2,000 witnesses (2 per testator) + 5,850 persons who both inform of death and request funeral expenses + 21,235 members of the public + 35,100 creditors + 562 tribes = 64,915

⁶ Total responses= sum of number of responses required (i.e., no. of respondents x responses per respondent) under each section.

⁷ This number (1,094,513.5) is the current OMB inventory, but appears to be the result of an addition error, as the hours for each section add up to 1,102,401. Therefore, while the decrease in hours is noted as 57,080.50, the actual decrease appears to be approximately 64,968.

⁸ The cost of reporting and recordkeeping by the public is estimated to be approximately \$27.38/hour on average. This figure is based on the wages and salaries average of \$19.56 multiplied by 1.4 to address benefits, as reported by Bureau of Labor Statistics, Employer Costs for Employee Compensation – September 2007; USDL: 07-1883 (12/11/07). We have used this figure as a medium figure that would indicate the cost of having a form typed, the cost of taking an hour's time off work or the cost of time at work where providing the information is within the scope of employment, the cost of using one's vehicle, plus time spent on the activity, and other miscellaneous costs that may be associated with obtaining the information needed to fulfill this part's information collection requirements.

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TABLE 2. ESTIMATED BURDEN HOURS FOR THE FEDERAL GOVERNMENT

| Old CFR Section ¹ | New CFR Section | Description of Info Collection Requirement | No. of Responses (Annual) | Hourly Burden per Response | Total Hourly Burden (Annual)* | Cost Burden @ \$29.355 /hour ³ | Explanation of Difference |
|------------------------------|-----------------|--|---------------------------|----------------------------|-------------------------------|---|---|
| --- | 15.9 | Review affidavits | 3,000 | 0.5 | 1,500 | \$44,032.50 | Review of "self-proving" affidavits for completeness |
| 15.101 | 15.104 | Reporting req. - death certificate ² | 5,850 | 4.25 | 24,862.50 | \$729,838.69 | Review of additional information. |
| 15.106 | 15.301 | Reporting funeral expenses | 5,850 | 2.5 | 14,625 | \$429,316.88 | No change. |
| 15.104 | 15.105 | Provide probate documents | 21,235 | 47 | 998,045 | \$29,297,610.98 | Requirement for birth certificate deleted, but add new information to review. |
| 15.109 | | Provide disclaimer info (1/4) | 5,258 | 1 | 0 | \$0 | Section deleted. |
| 15.202 | 15.202 | Include additional documents in the probate file: | 21,235 | 60 | 1,274,100 | \$37,401,205.50 | Increase in number of documents Government must obtain and review |
| 15.203 | N/A | Provide response to transmittal | 0 | 0 | 0 | 0 | Requirement deleted. |
| 15.303 | 15.305 | Provide info on creditor claim (6 per probate) | 127,410 | 0.5 | 63,705 | \$1,870,060.28 | No change. |
| 15.305 | N/A | Provide information for priority claims | 0 | 0 | 0 | \$0 | Requirement deleted. |
| 15.402 | 15.403 | Provide info for filing appeal | 0 | 0 | 0 | \$0 | Requirement deleted. |
| *** | 15.203 | Provide tribal information for probate file ³ | 5620 | 0.50 | 2,810 | \$82,487.55 | New requirement |
| 15.504 | 15.503 | Notice of Recordkeeping | 5,850 | 1 minute | 97.5 | \$2,862.11 | No change. |
| | Total | | | | 2,379,745 | \$69,857,414 | |

¹ Note: Part 15 was amended in March 2005; however, it appears that no PRA package for these revisions was submitted. As such, the section cross-references in Attachment A of the Supporting Statement refer to pre-March 2005 sections.

²For the purposes of this part only, we have used the number 5,850 as the number of individual Indian decedents' estates that are probated on the average each year.

³The estimated average salary for Federal government and tribal compacting employees performing these duties is at the GS-8, Step 5 (\$19.57/hour) level. The salary associated with this grade and step is based on the 2.50% General Schedule Increase 2008. This salary, multiplied by 1.5 to cover benefits, equals a rate of \$29.355/hour. This benefits multiplier is inferred from the Bureau of Labor Statistics, Employer Costs for Employee Compensation – September 2007; USDL: 07-1883 (12/11/07).