

Supporting Statement for VA Form 40-4970 (Request for Disinterment)

A. Justification

1. Interments made in National Cemeteries are permanent and final. Disinterments will be permitted for cogent reasons, and then with prior written authorization only, usually by the Cemetery Director. Approval can be made when all immediate family members of the decedent, which includes the person who initiated the interment (whether or not he/she is a member of the immediate family), give their written consent. (Next-of-kin are generally initiators of disinterment requests.) An order from a court of local jurisdiction can be accepted in lieu of submitting VA Form 40-4970. The form also serves as a control mechanism that ensures compliance with VA disinterment regulations.
2. The purpose of the VA Form 40-4970 is to allow a person who has a sincere wish and cogent reason to request removal of remains from a national cemetery for interment at another location. VA Form 40-4970 is an affidavit that requires signatories to execute the document before a notary. This document then becomes a permanent record. Federal programs are unaffected since this is not an advocated action. This requirement is for a specific purpose peculiar to a particular circumstance. Regulations, policies and procedures provide uniform methods for a disinterment since national cemeteries are located in many states. VA Form 40-4970 provides decision-making data for approving or disapproving the disinterment request.
3. Present format and procedures are effective. This form is available on the One VA website.
4. Duplication does not exist. A disinterment request is a unique circumstance unassociated with any other available information.
5. Neither small business nor other small entities are involved; this is a personal matter instituted by a next-of-kin of a decedent interred in a national cemetery.
6. Requests for disinterments are generally made by the next-of-kin of a decedent interred in a national cemetery. Frequency of such requests cannot be regulated.
7. There are no special circumstances requiring that the collection be conducted in a manner inconsistent with the guidelines in 5 CFR Section 1320.6.
8. Collection of data is consistent with guidelines in 5 CFR 1320.8(d). The only public contact made is with the veteran, next-of-kin, or person making the final arrangements, and this is done for each disinterment. Other public contact is unnecessary. Data collected is done solely by the National Cemetery Administration (NCA) to ensure

disinterments made in national cemeteries are in compliance with public laws, and VA regulations, policies and procedures.

The Department notice was published in the Federal Register on May 20, 2013, page 29438 (Volume 78, Number 97). No comments were received during the 60-day Federal Register Notice.

9. There are no payments made or gifts given to respondents.

10. The information collection conforms to the Privacy Act of 1994 and is subject to the conditions of disclosure contained therein. The records are maintained in the system identified as (42VA41), Veterans Dependents National Cemetery Interment Records – VA, as published in the Federal Register as 40FR38095, August 26, 1995.

11. Some information given by the requester may be of a sensitive or personal nature. This is provided voluntarily in order that permission will be granted for the disinterment. Questions are basic. Disinterment requests are not scheduled. Requests fluctuate, and it is impossible to determine the amount from year-to-year. Requests are made at the volition of the requester.

12. In 2012, 1106 respondents requested disinterment of loved ones from VA national cemeteries for an annual burden of 111 hours, as a normal routine request for disinterment averages 10 minutes with the person making arrangements unless there are complications. Estimating \$23.00 per hour for the time the respondents use to complete VA Form 40-4970, the estimated cost to the respondent is \$ (Estimated time is 10 minutes x 329 respondents divided by 60 minutes = 55 hours x \$23.00 = \$4232). There is no need to use outside parties to complete VA Form 40-4970.

13. Annual costs burdens are covered in Paragraphs 12 and 14. There are no capital or start-up costs. There are no operational or maintenance costs, and no cost associated with the purchase of service equipment.

14. The burden related to the number of requests for disinterments made in a national cemetery is unpredictable. Additionally, cost and burden to process a Request for Disinterment differ as each request has its own characteristics, which can be simple or complex. Annual cost and burden depends on the number of: requests received, completed documents returned, additional requests for data, telephone calls, and if a complex situation exists. There were 1106 disinterments made in 2012. Our estimate of the annualized cost to the Government based on a normal request is as follows:

Clerical, managerial and administrative costs to the Government:

Clerical Costs

30 minutes to read, log, evaluate, prepare correspondence, and review = (\$18.50 hourly (GS 5/5) x .5 (1/2 hrs.) = \$8.25 Burden Hours = 30 mins x 1106 respondents = 33,180 divided by 60 = 553 Burden Cost = \$9.25 x 1106 = \$10,230.50.

Management and Administrative Costs

10 minutes to review and implement a decision = (\$ 33.92 hourly (GS 11/5) \$33.92 x 0.1667 (1/6 hr) = \$5.65 Burden Hours = 10 mins x 1106 respondents = 11060 divided by 60 = 184 Burden Cost = \$5.65 x 1106 respondents = \$6248.90

Total Cost to the Government = \$16,479.40

15. The number of requests for disinterments is unpredictable. There are a number of reasons for the increase in disinterment actions from 326 in 2006, to more than 1100 in the current period of review. Please see the following:

1. The decedent's family relocates to another area and disinters their loved one to be at a nearby cemetery.
2. Family/next of kin (NOK) disinters the remains and relocates the remains to a private cemetery where other family members are buried.
3. Cemetery disinters remains and reinters at another gravesite within the same cemetery (i.e. family member is interred in the columbaria, garden niche, or an in-ground location. The subsequent interment is a casketed burial, the cremated remains are disinterred and the remains are joined in the casket site. Each Veteran authorized one gravesite).

16. The results of the information collection are not for publication or used as a statistical report

17. Not applicable.

18. No exceptions

B. Collection of Information Employing Statistical Methods:

19. As stated above this is a voluntary action initiated by a next-of-kin. Statistical methods to obtain data are neither used nor required.

