

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 Fair Housing and Equal Opportunity</p>	<p>2. OMB Control Number: a. 2529-0013 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 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: Affirmative Fair Housing Marketing (AFHM) Plan – Multifamily Housing, Affirmative Fair Housing Marketing (AFHM) Plan – Single-Family Housing, and Affirmative Fair Housing Marketing (AFHM) Plan – Condominiums or Cooperatives</p>																							
<p>8. Agency form number(s): (if applicable) HUD 935.2A, HUD 935.2B, and HUD 935.2C</p>																							
<p>9. Keywords: Housing, Fair Housing, Equal Opportunity</p>																							
<p>10. Abstract: Applicants for participation in Federal Housing Administration (FHA) programs for the development of Multifamily, Single-Family, or Condominium/Cooperative Housing use these forms to describe the marketing and outreach activities that they will use to attract prospective buyers and renters that are least likely to apply. Owners/managers of FHA-insured Multifamily Housing projects must review these plans every five years (or sooner if there have been significant changes in their housing market area) and update these plans, if needed.</p>																							
<p>11. Affected public: (mark primary with "P" and all others that apply with "X")</p> <p>a. <input type="checkbox"/> Individuals or households e. <input type="checkbox"/> Farms</p> <p>b. <input checked="" type="checkbox"/> Business or other for-profit f. <input type="checkbox"/> Federal Government</p> <p>c. <input checked="" type="checkbox"/> Not-for-profit institutions g. <input type="checkbox"/> 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. <input type="checkbox"/> Voluntary</p> <p>b. <input checked="" type="checkbox"/> Required to obtain or retain benefits</p> <p>c. <input type="checkbox"/> 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;">8,080</td> </tr> <tr> <td>b. Total annual responses</td> <td style="text-align: right;">8,080</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;">25,540</td> </tr> <tr> <td>d. Current OMB inventory</td> <td style="text-align: right;">25,540</td> </tr> <tr> <td>e. Difference (+,-)</td> <td style="text-align: right;">0</td> </tr> </table> <p>f. Explanation of difference: 1. Program change: 2. Adjustment:</p>	a. Number of respondents	8,080	b. Total annual responses	8,080	Percentage of these responses collected electronically	0	c. Total annual hours requested	25,540	d. Current OMB inventory	25,540	e. Difference (+,-)	0	<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;">0</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;">0</td> </tr> </table> <p>f. Explanation of difference: 1. Program change: 2. Adjustment:</p>	a. Total annualized capital/startup costs	0	b. Total annual costs (O&M)	0	c. Total annualized cost requested	0	d. Current OMB inventory	0	e. Difference	0
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<p>15. Purpose of Information collection: (mark primary with "P" and all others that apply with "X")</p> <p>a. <input checked="" type="checkbox"/> Application for benefits e. <input checked="" type="checkbox"/> Program planning or management</p> <p>b. <input checked="" type="checkbox"/> Program evaluation f. <input type="checkbox"/> Research</p> <p>c. <input type="checkbox"/> General purpose statistics g. <input checked="" type="checkbox"/> Regulatory or compliance</p> <p>d. <input type="checkbox"/> 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 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 colspan="2">8. <input checked="" type="checkbox"/> Other (describe): 935.2A: At initial application and a minimum of every 5 years thereafter. 935.2B and 935.2C: At initial application.</td> </tr> </table>	1. <input 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 checked="" type="checkbox"/> Other (describe): 935.2A: At initial application and a minimum of every 5 years thereafter. 935.2B and 935.2C: At initial application.														
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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: Krista Mills Phone: 202-402-6577</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:

Date:

X

Signature of Senior Officer or Designee:

Date:

X
Wayne Eddins, Departmental Paperwork Reduction Act Officer,
Office of the Chief Information Officer

Supporting Statement for Paperwork Reduction Act Submissions

Affirmative Fair Housing Marketing (AFHM) Plan – Multifamily Housing HUD-935.2A

Affirmative Fair Housing Marketing (AFHM) Plan – Single Family Housing HUD-935.2B

Affirmative Fair Housing Marketing (AFHM) Plan – Condominiums or Cooperatives HUD-935.2C

The Department of Housing and Urban Development (HUD) is requesting that the Office of Management and Budget (OMB) approve the extension of forms: HUD-935.2A Affirmative Fair Housing Marketing Plan – Multifamily Housing, HUD-935.2B Affirmative Fair Housing Marketing Plan – Single Family Housing, and HUD-935.2C Affirmative Fair Housing Marketing Plan – Condominiums or Cooperatives.

A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

The Fair Housing Act (the Act) requires the Department of Housing and Urban Development (HUD) to administer its programs and activities relating to Housing and Urban Development in a manner to affirmatively further fair housing. Executive Order 11063 requires Federal agencies to take all necessary and appropriate steps to eliminate discriminatory practices involving federally insured and subsidized housing. This collection of information is necessary to promote compliance with these requirements by ensuring that builders/developers who are benefiting from HUD programs provide information on housing opportunities to prospective buyers and renters that are least likely to apply for the housing because of their race, color, religion, sex, national origin, disability, or familial status. Under the Affirmative Fair Housing Marketing (AFHM) Regulation (24 CFR Part 200, Subpart M) issued pursuant to these provisions, all applicants for participation in Federal Housing Administration (FHA) subsidized and unsubsidized housing programs for the development or rehabilitation of multifamily projects or manufactured home parks of five or more lots, units, or spaces must submit an AFHM Plan on a prescribed form. In addition, builders/developers of single family housing or condominium or cooperative units that intend to sell five or more properties in the next year, or sold five or more properties in the past year, and where a lender is submitting initial applications for HUD mortgage insurance, must submit one of several agreements or statements, among which is an AFHM Plan on a prescribed form.

a. Statutory and Executive Authority

- (i) The Fair Housing Act (42 U.S.C. 3601 et seq.), Section 808 (e)(5), requires the Secretary of HUD to administer its programs and activities relating to Housing and Urban Development in a manner to affirmatively further fair housing. Section 808 (e)(6) of the Act requires HUD to report to Congress annually and make available to the public data on the race, color, religion, sex, national origin, age, disability and family characteristics of persons and households who are applicants for, participants in, or beneficiaries or potential beneficiaries of programs administered by HUD. This provision also requires the Secretary to collect such information relating to these characteristics as the Secretary determines to be necessary and appropriate.
- (ii) To assess the extent of compliance with Federal fair housing requirements, Section 562 of the Housing and Community Development Act of 1987 requires the Secretary to collect data on the

racial and ethnic characteristics of persons eligible for, assisted, or otherwise benefiting from any community development, housing assistance, mortgage and loan insurance, and guarantee program administered by the Secretary. This Section also requires the Secretary to send to Congress a summary and evaluation of the data collected.

- (iii) Executive Order 11063, as amended, which provides that no person in the United States because of race, color, religion (creed), sex or national origin, shall be denied equal opportunity in housing or related facilities owned, operated or insured by the Federal government or provided with federal financial assistance; and that all Federal Executive Departments and agencies shall take action to promote the abandonment of discriminatory practices for: (1) Residential property and related facilities endowed with federal financial assistance, and (2) The lending practices connected with such property and facilities insofar as such practices relate to loans insured or guaranteed by the Federal Government.

b. Regulatory Authority

- (i) Affirmative Fair Housing Marketing Regulation (24 CFR Part 200, Subpart M).
- (ii) Compliance Procedures for Affirmative Fair Housing Marketing (24 CFR Part 108).
- (iii) Fair Housing Poster Regulations (24 CFR Part 110).
- (iv) Single Family Regulation (24 CFR 203.12(b)(3)).

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

The Regulation at 24 CFR 200, Subpart M, states the purpose of Affirmative Fair Housing Marketing as follows:

“... as to achieve a condition in which individuals of similar income levels in the same housing market area have a like range of housing choices available to them regardless of their race, color, religion, sex, disability, familial status or national origin.” (24 CFR 200.610)

To achieve this purpose, HUD requires applicants for insured and subsidized housing to submit an AFHM Plan in which:

- (i) The applicant describes the affirmative steps it plans to take to attract prospective buyers or renters that are least likely to apply for the housing because of their race, color, national origin, religion, sex, disability, or familial status.
- (ii) HUD assesses the potential effectiveness of the methods to be employed by the applicants in marketing their housing in accordance with the statutes and regulations listed above. HUD approves the plan if it determines that it contains appropriate marketing techniques for the size, type, and location of units to be sold or rented to attract groups least likely to apply for housing in the housing market area.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information

technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

Although this information collection has not been automated in the past, HUD is considering automating the forms for the efficiency of the agency and for the benefit of applicants.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purpose described in item 2 above.

There is no similar information submitted by applicants to HUD in other form or application packages that can be used in place of the AFHM Plan. This form is the only instrument that collects information on the methods used by the sponsors and developers of insured and subsidized multifamily, single family, and cooperative and condominium housing to make their housing available to persons least likely to apply because of their race, color, national origin, religion, sex, disability, or familial status.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

To minimize the burden on single family builders/developers, HUD has provided these small entities an exemption from completing the AFHM Plan - Single Family Housing or Condominiums or Cooperatives (HUD-935.2B or 935.2C). Single Family builders/developers can check block 11(d) on the Builder's Certification of Plans, Specifications, and Site form (HUD-92541) to certify compliance with HUD's AFHM Regulation. If a builder opts to check block 11(d), they no longer need to submit an individual AFHM Plan - Single Family Housing (HUD 935.2B) to HUD for approval. Condominium or Cooperative builders/developers can certify compliance with HUD's AFHM Regulation by checking block 2(d) under the "Applicability" Section of the AFHM Plan - Condominiums or Cooperatives (HUD 935.2C). If a builder opts to check block 2(d), they no longer need to submit an AFHM Plan - Condominiums or Cooperatives (HUD 935.2C) to HUD for approval. Single Family and Condominium or Cooperative builders/developers must still maintain records of their affirmative fair housing marketing activities and make them available to HUD upon request.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

If this collection is not conducted or is conducted less frequently, it would hinder HUD's ability to meet its obligations under the Fair Housing Act and Executive Order 11063. Under the AFHM Regulation (24 CFR Part 200, Subpart M) issued pursuant to these provisions, builders/developers who are benefiting from HUD programs are required to provide information on housing opportunities to prospective buyers and renters that are least likely to apply for the housing because of their race, color, religion, sex, national origin, disability, or familial status. In order to determine compliance with this requirement, HUD requires all applicants for participation in Federal Housing Administration (FHA) subsidized and unsubsidized housing programs for the development or rehabilitation of multifamily projects or manufactured home parks of five or more lots, units, or spaces to submit an AFHM Plan on a prescribed form. In addition, builders and developers of single family housing or condominiums or cooperatives that intend to sell five or more properties in the next year, or sold five or more properties in the past year, and where a lender is submitting initial applications for HUD mortgage insurance, must submit one of several agreements or statements, among which is an AFHM Plan on a prescribed form. Without this collection, HUD would be unable to determine compliance with these requirements.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- Requiring respondents to report information to the agency more often than quarterly.

Not applicable.

- Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it.

Not applicable.

- Requiring respondents to submit more than an original and two copies of any document.

Not applicable.

- Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years.

The AFHM Plan for multifamily housing projects remains in effect for the life of HUD's mortgage assistance (24 CFR 200.620(a)). These Multifamily Housing project plans must be reviewed at least every five years and updated as needed to ensure continued compliance with HUD's AFHM Regulation (24 CFR 200.600 Subpart M). Therefore, respondents may need to retain records for more than three years in order to have the data necessary to conduct the mandatory five-year reviews. This would ensure that respondents have the data necessary to determine if there are circumstances that would require them to update their plan, such as data that show that there has been a significant demographic change in the residents of their project, neighborhood, or housing market area, or data that suggest that their marketing activities have not been successful in reaching groups least likely to apply. Respondents may also need to retain records for more than three years in order to demonstrate compliance with the AFHM Regulation over the life of HUD's mortgage assistance.

- In connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study.

Not applicable.

- Requiring the use of a statistical data classification that has not been reviewed and approved by OMB.

Not applicable.

- That includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use.

Not applicable.

- Requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

Not applicable.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years – even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

Comments on this proposed information collection were solicited through Federal Register Notice at 81 FR 87581 dated December 5, 2016.

There was one comment received for this collection of information. The commenter suggested that the single-family form 935.2B be revised to contemplate activities that offer tenants a choice in housing location, such as tenant-based rental assistance or down payment assistance. The commenter further stated that the forms should include the 16 racial categories reported to HUD as required by the Housing and Economic Recovery Act of 2008.

HUD declines to adopt these changes. HUD notes that the forms were not intended for use for tenant-based rental assistance and down payment assistance programs. In regard to the commenter's concern that the form does not include all 16 racial categories that are reported to HUD under other programs, HUD notes that the form includes the five minimum racial categories required by OMB for the collection and presentation of federal data on race.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

There are no payments or gifts provided to respondents in this collection of information.

10. **Confidentiality.** Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

This is protected under The Privacy Act of Freedom of Information Act (FOIA) of 1974, 5 U.S.C s552a.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

There are no questions of a sensitive nature asked in this collection of information.

12. Estimate of the hour's burden and cost to respondents.

Information Collection	Number of Respondents	Frequency of Response	Total Annual Response	Burden Hour Per Response	Total Annual Burden Hours	Hourly Cost	Total Annual Cost
HUD-935.2A AFHM Plan Multifamily Housing	300	1	300	6	1800	20.00	\$36,000.00
New MFH Project Review Only	3,720	1	3,720	2	7,440	20.00	\$148,800.00
Reviews and Updates	4,030	1	4,030	4	16,120	20.00	\$322,400.00
HUD-935.2B-AFHM Plan Single Family Housing and HUD-935-2C-Condominiums/Cooperatives	30	1	30	6	180	20.00	\$3,600.00
Total	8080				25,540		\$510,800.00

Approximate rate for GS-6 Step 5 (\$20.00/hour) based on the salary information available on OPM.gov

13. There are no additional costs to the respondents.

14. Estimate of Annual Cost to the Federal Government

Information Collection	Number of Respondents	Frequency of Response	Total Annual Response	Burden Hour Per Response	Total Annual Burden Hours	Hourly Cost	Total Annual Cost
HUD-935.2A AFHM Plan Multifamily Housing	300	1	300	6	1800	39.19	\$70,542.00
New MFH Project Review Only	3,720	1	3,720	2	7,440	39.19	\$291,573.60
Reviews and Updates	4,030	1	4,030	4	16,120	39.19	\$631,742.80
HUD-935.2B-AFHM Plan Single Family Housing and HUD-935-2C-Condominiums/Cooperatives	30	1	30	6	180	39.19	\$7,054.20
Total	8080				25,540		\$1,000,912.60

Approximate rate for GS-12 Step 5 (\$39.19/hour) based on the salary information available on OPM.gov

One GS-5/5 to perform clerical duties:	Hourly Cost	Hours	Responses	Total
New (MFH): AT \$17.84 per hour for approximately ½ hour:	\$17.84	0.5	300	\$2,676.00
New (SFH/Condo/Co-op): at \$17.84 per hour for approximately ½ hour:	\$17.84	0.5	30	\$267.60
Updates (MFH): at \$17.84 per hour for approximately ½ hour:	\$17.84	0.5	4,030	\$35,947.60
Subtotal				\$38,891.20
Total				\$551,496.40

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the

OMB form 83-I.

None. This is a reinstatement, with change, of previously approved collection for which approval has expired.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

The results of this collection of information will not be published.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

The OMB approval number and expiration date will be displayed on the form.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

There are no exceptions to the certification statement identified in Item 19 of form OMB 83-I.

B. Collections of Information Employing Statistical Methods

The collection of information will not be used for statistical purposes.