

SUPPORTING STATEMENT
U.S. Department of Commerce
National Technical Information Service Limited Access Death Master File
Limited Access Death Master File Certification Form
OMB Control No. 0692-0013

A. JUSTIFICATION

This is a revision of a currently approved information collection associated with a final rulemaking (Certification Program for Access to the Death Master File/RIN 0692-AA21).

1. Explain the circumstances that make the collection of information necessary.

The National Technical Information Service (NTIS) Limited Access Death Master File Certification Form, Form NTIS FM161 (Certification Form), is used to collect information related to the implementation of Section 203 of the Bipartisan Budget Act of 2013 (Pub. L. 113-67) (Act). Section 203 of the Act prohibits disclosure of Limited Access Death Master File (Limited Access DMF) information during the three-calendar-year period following the death of an individual unless the person requesting the information has been certified under a program established by the Secretary of Commerce. The Act directs the Secretary of Commerce to establish a certification program for such access to the Limited Access DMF. The Secretary of Commerce has delegated the authority to carry out the DMF certification program to the Director, NTIS.

Initially, on March 26, 2014, NTIS promulgated an interim final rule, establishing a temporary certification program (79 FR 16668) for persons who seek access to the Limited Access DMF. Subsequently, on December 30, 2014, NTIS issued a notice of proposed rulemaking (79 FR 78314). NTIS adjudicated the comments received and, on June 1, 2016, published a final rule (81 FR 34822). The final rule requires that Persons and Certified Persons provide information in order for NTIS to determine whether a Person or Certified Person meets the requirements of the Act.

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

Persons seeking certification for access to the Limited Access Death Master File must submit the Certification Form, renewal of which is required annually. NTIS will use the information collected to determine whether the Person or Certified Person has established that it meets the requirements for certification under the final rule. The information collected will not be disseminated to the public, but NTIS will post a list of Certified Persons on its website.

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

NTIS will continue to make the revised Certification Form available online on its website. NTIS encourages Persons and Certified Persons to make use of the online form, but will continue to accept forms submitted through other means, including via fax, mail or as email attachments.

4. Describe efforts to identify duplication.

The certifications and supporting information collected via the Certification Form are unique to this program, as the certifications are related to requirements set forth in the legislation specific to this program.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

Small businesses or other small entities may submit Certification Forms, but NTIS lacks information about the types and sizes of entities impacted by the rule. NTIS included in its notice of proposed rulemaking a request for information from the public about the types of entities impacted by this rule, whether those are small or large entities under SBA's size standards, and the level of or a description of the type of impacts that the rule will have on those entities. NTIS received a few comments addressing these issues. These comments were taken into consideration in drafting the Certification Form.

The Certification Form collects only information necessary for NTIS to conduct the program.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

Pursuant to Section 203 of the Act, NTIS must establish that a Person or Certified Person meets the requirements for certification to access the Limited Access DMF under a program established by NTIS. Section 203 of the Act also requires that NTIS audit, inspect and monitor persons certified under the program. NTIS will use the information collected in the Certification Form in determining whether the Person or Certified Person seeking certification or renewal of certification meets the requirements. Without this information, NTIS cannot satisfy the requirements of Section 203 of the Act.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

Not applicable.

8. Provide information of the PRA Federal Register Notice that solicited public comments on the information collection prior to this submission. Summarize the public comments

received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the 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.

A notice soliciting public comments was published in the Federal Register on November 25, 2019 (Vol. 84, Number 227, pages 64872-64873). No comments were received.

A notice soliciting public comments was published in the Federal Register on January 29, 2020 (Vol. 85, Number 19, page 5202).

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

None.

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

None.

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.

Not applicable.

12. Provide an estimate in hours of the burden of the collection of information.

NTIS estimates that completion of the revised Certification Form to take about 2.5 hours for each respondent per application and expects to receive approximately 250 forms annually, for a total of 625 hours.

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in Question 12 above).

NTIS expects to receive approximately 250 applications annually at a fee of \$2,930 per application, for a total cost of \$732,500.

14. Provide estimates of annualized cost to the Federal government.

The cost to the Federal Government consists of the expenses associated with NTIS personnel reviewing and processing Certification Forms. NTIS estimates that NTIS personnel will require

625 hours to review and process the expected 250 forms, at an average hourly rate of \$100, for an estimated total cost of \$62,500.

15. Explain the reasons for any program changes or adjustments.

Section 203(b)(3)(A) of the Act requires that the Secretary of Commerce “shall establish a program for the charge of fees sufficient to cover (but not exceed) all costs associated with evaluating applications for certification and auditing, inspecting and monitoring certified persons under the program.” Based on its experience in administering certification program, which has resulted in substantial costs to the agency, NTIS has determined that it must increase the certification fee per respondent from \$1,575 to \$2,930. The expected costs associated with processing and verifying the Certification Form are set forth in Section 14. Since NTIS estimates that 250 respondents each year will submit the form, the total annual cost to the public will be \$795,000 (\$732,500 in fees + \$62,500 in staff time = \$795,000).

16. For collections whose results will be published, outline the plans for tabulation and publication.

Not applicable.

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

Not applicable.

18. Explain each exception to the certification statement.

Not applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Not applicable.