

Request for Disinterment
OMB 2900-0365
VA Form 40-4970

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.

Interments made in National Cemeteries are permanent and final. Disinterment's 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. 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 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. 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.

Present format and procedures are effective. This form is available on the One VA website.

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

Duplication does not exist. A disinterment request is a unique circumstance unassociated with any other available information.

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.

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. 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.

Requests for disinterment are generally made by the next-of-kin of a decedent interred in a national cemetery. Frequency of such requests cannot be regulated.

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; requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it; requiring respondents to submit more than an original and two copies of any document; requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years; 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; requiring the use of a statistical data classification that has not been reviewed and approved by OMB; 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; or 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.

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. 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.

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 disinterment 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 Tuesday, January 28, 2020, page 5068 (Volume 85, Number 18). No comments were received during the 60-day Federal Register Notice.

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

There are no payments made or gifts given to respondents.

10. Describe any assurance of privacy, to the extent permitted by law, provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

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. 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.

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. Provide estimates of the hour burden of the collection of information. The statement should: Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable.

If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.

In 2019, 1777 respondents requested disinterment of eligible decedents from VA national cemeteries for an annual burden of 296 hours. The average respondent burden to complete VA Form 40-4970 is 10 minutes.

Estimate of Information Collection Burden.

- a. Number of Respondents: 1777
- a. Frequency of Response: Annual
- b. Annual Burden Hours: 296
- c. Estimated Completion Time: 10 minutes
- d. Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 13.

The May 2019 Bureau of Labor Statistics gathers information on full-time wage and salary workers. Accordingly, the median hourly wage earnings of full-time and salary workers is \$7,613.12. Assuming a forty (40) hour work week, the median hourly wage is \$25.72 (burden hour: 296 x \$25.72 wage = \$7,613.12).

Source: The general wage code of "00-0000 All Occupations" may be found by clicking this link: https://www.bls.gov/oes/current/oes_nat.htm#00-0000.

If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.

This request covers one form.

13. Provide an estimate for the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

- a. The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**
- b. If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collections services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
- c. Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.**
 - 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. Provide estimates of annualized costs to the Federal government. Also, provide a description of the method used to estimate cost, which should include

quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies may also aggregate cost estimates from Items 12, 13, and 14 in a single table.

The burden related to the number of requests for disinterment's made in a national cemetery is increasing and can be unanticipated based on the veteran population surrounding that national cemetery. 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. 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 = (\$21.40 hourly (GS 5/5) x .5 (1/2 hrs.) = \$10.70 Burden Hours = 30 mins x 1,777 respondents = 53,310 divided by 60 = 889 Burden Cost = \$10.70 x 1,777 = \$19,013.90.

Management and Administrative Costs

10 minutes to review and implement a decision = (\$ 41.50 hourly (GS 12/1) \$41.50 x 0.1667 (1/6 hr) = \$6.92 Burden Hours = 10 mins x 1,777 respondents = 17,770 divided by 60 = 296 Burden Cost = \$6.92 x 1,777 respondents = \$12,296.84

Total Cost to the Government = \$31,310.74. <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2020/general-schedule-gs-salary-calculator/>

The data source is from the Burial Operation Support System (BOSS). The BOSS is the only source used by NCA recording burial records (GRs) at our national cemeteries.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

The burden related to the number of requests for disinterment made in a national cemetery is increasing and can be unanticipated based on the veteran population surrounding that national cemetery. There are a number of reasons for the increase in disinterment actions to more than 1777 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. Most Veteran authorized one gravesite).

2019 disinterment requests respondents included administrative/operational relocations within the VA national cemeteries that do not require submission of the form.

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 the information collection are not for publication or used as a statistical report

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.

NCA does not seek an exemption from displaying the expiration date.

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

No exceptions

B. Collection of Information Employing Statistical Methods:

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