30442

Paperwork Reduction Act of 1995, to direct agencies to permit electronic submission of responses, the agency is to evaluate whether (and if so, to what extent) the burden on respondents can be reduced through the use of automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. Subsequent in the process, proposed §1320.8(d)(1)(iv) requires the agency to seek public comments on this issue, and proposed §1320.5(a)(1)(iii)(D) requires the agency to state, in its eventual submission to OMB, whether (and to what extent) the collection of information involves such techniques, and the agency must explain to OMB the basis for its decision.

Proposed §1320.8 (b) and (c) reflect the legislative changes in 44 U.S.C. 3506(c)(1)(B). Agencies need to ensure that each collection of information is inventoried, displays a currently valid OMB control number, and, if appropriate, an expiration date; and is reviewed by OMB in accordance with the clearance requirements of 44 U.S.C. 3507. As part of the information clearance package (through the means suggested in proposed §1320.8(c)), the agency needs to inform and provide fair notice to potential respondents of the policy reasons for which the information is planned to be and/or has been collected; the way in which such information is planned to be and/or has been used for the proper performance of the functions of the agency; the estimated burden; whether responses are voluntary, required to obtain a benefit, or mandatory; and the fact that an agency may not conduct or sponsor, and the respondent is not required to respond to, a collection of information unless it displays a valid OMB control number. Together with the estimate of burden, agencies are to request that the public direct to the agency any comments concerning the accuracy of this burden estimate and any suggestions for reducing this burden; this request for public comments concerning the burden estimate is equivalent to that included in existing §1320.21(a)(2).

Proposed § 1320.8(d) reflects the legislative changes in 44 U.S.C. 3506(c)(2). Unless the proposed collection of information is contained in a Notice of Proposed Rulemaking and the agency seeks OMB clearance under proposed § 1320.11, or unless exempted under proposed § 1320.13, the agency needs, for each new proposed collection of information or extension of an existing one to provide 60-day notice in the **Federal Register**, and otherwise consult with the members of the public

and affected agencies. In this notice, under paragraph (d)(1) of this section, the agency needs to solicit comment on the need for the information, its practical utility, the accuracy of the agency's burden estimate, and on ways to minimize burden on respondents, including through the use of automated collection techniques or other forms of information technology. Under paragraph (d)(2) of this section, if an agency chooses not to publish the proposed collection of information in the Federal Register, the agency should provide more than a 60-day notice to permit timely receipt of a copy by mail, or should explain how interested persons may obtain a copy (including, if applicable, how to obtain electronic access to the proposed collection of information).

J. Proposed Section 1320.9—Agency Certifications for Proposed Collections of Information

In general, proposed § 1320.9 is new, and reflects the legislative changes in 44 U.S.C. 3506(c)(3). Basically, this proposed section sets forth the content of agency certifications accompanying proposed collections of information submitted for OMB clearance.

As part of an agency's submission of a proposed collection of information to OMB for clearance, an agency needs to send, along with the other information called for by proposed §1320.5(a)(1)(iii)(B)–(E), a certification that the information collection meets certain standards and provide a record supporting such certification. The agency needs to certify that the proposed collection of information, e.g., is needed; not unnecessarily duplicative; reduces to the extent practicable and appropriate the burden on respondents, including, for small business, local government, and other small entities, the use of the techniques outlined in the Regulatory Flexibility Act; is written in unambiguous terminology; is to be implemented in ways consistent with the existing reporting and recordkeeping practices of the respondents; indicates for each recordkeeping requirement the length of time documents are to be retained; informs potential respondents of the information called for under proposed §1320.8(b)(3); has been developed by an office that has planned for the efficient and effective management of the information to be collected; uses effective and efficient statistical survey methodology; and to the maximum extent practicable, uses appropriate information technology to reduce burden and improve data quality.

K. Proposed Section 1320.10— Clearance of Collections of Information, Other Than Those Contained in Proposed Rules or in Current Rules

Proposed § 1320.10 is equivalent to existing § 1320.12, but is amended to reflect the legislative changes in 44 U.S.C. 3507.

Proposed § 1320.10(a): This paragraph is equivalent to existing § 1320.12(a). This paragraph provides that the agency notice in the **Federal Register** required by proposed § 1320.5(a)(1)(iv) request that public comments be submitted within at least 30 days of publication to OMB. OMB is obligated to provide at least 30 days for public comment prior to making a decision under this proposed section under 44 U.S.C. 3507(b), but would like to receive public comments at the end of that period in order to be prepared to make a decision if the need so dictates.

Proposed § 1320.10(b): This paragraph is equivalent to existing § 1320.12(b). Reflecting 44 U.S.C. 3507(c)(2), this paragraph provides that OMB is obligated to make its decision within 60 days after receipt of the proposed collection of information or publication of the notice under paragraph (a) of this section, whichever is later.

Proposed § 1320.10(c): This paragraph is equivalent to existing § 1320.12(c). The maximum time period for OMB review is 60, rather than 90, days, reflecting the legislative change in 44 U.S.C. 3507(c)(3).

Proposed § 1320.10(d): This paragraph is equivalent to existing § 1320.12(d), except that it is expanded to reflect the legislative changes in 44 U.S.C. 3512(a)(2). An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential respondents that such respondents are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Proposed §1320.10(e) is new, and reflects the legislative changes in 44 U.S.C. 3507(h)(1). This paragraph outlines the procedures an agency needs to follow before it seeks to extend an OMB approval for an ongoing collection of information. The agency needs to conduct the review established in proposed §1320.8, including the seeking of comment from the public under §1320.8(d), and submit, no later than 60 days before the expiration date, the collection of information for review and approval under this Part, which shall include an explanation of how the agency has used the information it has