

**Supporting Statement
Report of Diversion
1651-0025**

A. Justification

1. A change in a vessel's itinerary following its clearance for named ports is dictated usually by sound business consideration. Frequently, it develops that time and circumstances do not permit the master, owner or agent to obtain a diversion under section 4.91 of the Bureau of Customs and Border Protection (CBP) Regulations. In other cases, even where the diversion is timely requested, there is no authority to grant it under the clearance statutes. In either situation, where the revenue is not affected adversely, the primary consideration is vessel control. Secondly, vessel movement records must be corrected promptly. Furthermore, where a change of itinerary results in an unlawful diversion, but there is no loss of revenue and prompt notice is given to the clearing office so that its records may be adjusted, that office would process a penalty case unless a simplified procedure was available. Form CBP-26, "Report of Diversion," may be used to aid the objectives of sufficient vessel control and simplified penalty action pursuant to the requirements of 19 CFR 4.91(a) and (b).
2. CBP uses CBP-26 to track vessels traveling coastwise from U.S. ports to other U.S. ports when a change occurs in scheduled itineraries. This is required for enforcement of the Jones Act (46 U.S.C. App. 883) and for continuity of vessel manifest information and permits.
3. Electronic submission of this information is planned as part of the Automated Commercial Environment (ACE) by 2011.
4. The information on each application is unique and pertains to a particular warehouse. Therefore, this information is not duplicated. This information is not available in any other form or place.
5. This information collection does not involve small businesses.
6. If the information on CBP Form-26 was collected less frequently, CBP would experience reduced enforcement of the Jones Act, and reduced control of vessel manifest continuity necessary for enforcement and security of export control regulations.
7. This information is conducted in a manner consistent with the guidelines of 5 CFR 1320.5(c)(2).
8. Public comments were solicited through two Federal Register notices published on March 25, 2008 (Volume 73, Page 15767) and on June 10, 2008 (Volume 73, Page 32724). As of this submission, no comments were received.

9. There is no offer of a monetary or material value for this information collection.
10. There are no assurances of confidentiality given with this information collection.
11. There are no questions of a personal or sensitive nature.
12. Estimated Annualized Burden on the Public - The estimated burden for this information collection is 233 hours. This is based on an estimated 1,400 respondents who average 2 responses per year for a total of 2,800 responses. Each response is estimated to take 0.0833 hours (5 minutes) to complete.

Estimated Annualized Cost to the Public - The estimated annualized cost to the public is \$4,194.00, based on 233 burden hours at an average estimated cost of \$18.00 per hour.
13. There are no record keeping burden hours or capitalization costs associated with this collection.
14. Estimated Annualized Cost to the Government The estimated cost to the Government associated with collecting, analyzing and processing the information is \$49,630. This is based upon 1418 hours expended at an average hourly rate of \$35.00.
15. There are no changes to this information collection.
16. CBP does not intend to employ the use of statistics or the publication thereof for this collection of information.
17. CBP does not seek approval to not display the expiration date on this form.
18. CBP does not request an exception to the certification of this information collection, except our request not to display the expiration date on the form as stated above.

B. Collection of Information Employing Statistical Methods.

No statistical methods are employed with respect to this information collection.