2133-0529 SUPPORTING STATEMENT

SUPPORTING STATEMENT FOR
PAPERWORK REDUCTION ACT SUBMISSION UNDER 5 CFR PART 1320
INFORMATION COLLECTION: 2133-0529

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.

Section 12121 of Title 46, United States Code authorizes the Secretary of Transportation, in certain circumstances, to waive administratively the U.S.-built and other requirements of the Passenger Services Act, 46 U.S.C. 55103 and 46 U.S.C. 12101, 12132 and 55102, for small passenger vessels or uninspected passenger vessels authorized to carry no more than 12 passengers. In order to fulfill this requirement, it will be necessary for those wishing to receive waivers to inform the Maritime Administration and provide the justification for granting a waiver. This information collection supports the Department of Transportation's strategic goal of economic growth and trade.

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 information will be used by the Maritime Administration to determine if the applicant is entitled to a waiver.

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. Also describe any consideration of using information technology to reduce burden.

Electronic submission of this information collection is 100% available as an option. Respondents can submit an application on Form MA-1023 (which is available on MARAD's website at www.marad.dot.gov under Programs, Small Vessel Waiver Program) or they may submit information in any format they desire. The information is the minimum required to carry out the Government's responsibilities. Approximately 90% of the respondents have responded using an electronic format.

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**.

The Maritime Administration is the only government agency authorized to grant such waivers. Information used to process requests for such waivers is not generally submitted to other agencies.

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

This information collection does not have a significant impact on small businesses.

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 the burden.

If information is not collected, the Maritime Administration will not know to whom to grant waivers and the purpose of the statute will be negated.

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 data with other agencies for compatible confidential use; or**
- **requiring respondents to submit proprietary trade secret, 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 that require the collection of information to be conducted in a manner described above.

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 record-keeping, 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 three 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.

MARAD published a 60-day notice and request for comments on this information collection in the Federal
Register on June 9, 2008, (FR 73 at 32628, copy attached) indicating comments should be submitted on or before August 8, 2008. No comments were received.

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

No payments or gifts are provided to respondents.

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

Respondents were not assured of confidentiality.

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**.

Not applicable. There are no questions of a sensitive nature.

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 burden and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**

- **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.**

- **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 14.**

Number of Respondents		**Responses Per Respondent**		**Total Responses Annually**		**Hours Per Response**		**Total Hours Annually**
100	x	1	=	100	x	1	=	100

A determination of the estimated number of hours required per response was made after consideration of the minimal information requested from respondents.

It is estimated that a small vessel owner would spend one hour of their time preparing an application. Therefore, given an average salary of $25 per hour for each respondent, the one time per application to each respondent is estimated to be $25.

Number of Respondents		Ann. No. per Respondent		Cost per Hour		Number of Hours		Hours Cost Annually		Other Cost Annually		Total Cost Annually
100	x	1	x	$25	x	1	=	$2,500	+	$42	=	$2,542

(Postage at $.42 for 100 respondents = $42)

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

- **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.**

- **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 collection 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.**

- **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**.

(a) <u>Total Capital and Start-Up Costs Estimate</u>:
There are no capital or start-up costs associated with this information collection.

(b) <u>Total Operation and Maintenance and Purchase of Services Estimate</u>:
There are no operation and maintenance costs associated with this information collection.

14. **Provide estimates of annualized cost 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 also may aggregate cost estimates from items 12, 13, and 14 in a single table.**

The total annual cost to the Federal Government for processing the collection is estimated as follows:

<u>Annual Costs:</u> $39,775

# of Employees		Hourly Wage	Project Time	Cost Per Response	# of Responses	Total Cost
2	x	$43	2.5 hours	$215	100	$21,500

Overhead at 85%	=	18,275
Total	=	$39,775

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

Not applicable.

16. For collections of information whose results are planned to be published for statistical use, outline plans for tabulation, statistical analysis, and publication. 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.

Not applicable.

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

Not applicable.

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

Not applicable. There are no exceptions to the certificate statement

The OMB Paperwork Reduction Statement:

This collection of information is voluntary and will be used by the Maritime Administration to determine if the applicant is entitled to a waiver of the U.S.-build and other requirements of the Passenger Services Act. Public reporting burden is estimated to average one hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. No assurances of confidentiality are provided. Please note that an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control number for his collection is 2133-0529.