

August 10, 2009

Supporting Statement for Paperwork Reduction Act Submissions

OMB Control Number: 1660 – 0009

Title: The Declaration Process: Requests for Preliminary Damage Assessment (PDA), Requests for supplemental Federal disaster assistance, Appeals, and Requests for Cost Share Adjustments.

Form Number(s): None

Specific Instructions

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. Provide a detailed description of the nature and source of the information to be collected.

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5207 (the Stafford Act), requires that all requests for a declaration by the President that a major disaster exists shall be made by the Governor of the affected State. Section 401 of the Act stipulates that such a request shall be based on a finding that the disaster is of such severity and magnitude that effective response is beyond the capabilities of the State and the affected local government, and that Federal assistance is necessary. Section 401 further stipulates that as a part of such request, and as a prerequisite to major disaster assistance under this Act, the Governor shall take appropriate response action under State law and direct the execution of the State's emergency plan and shall furnish specific information that must be included in a request for a major disaster declaration. Section 501(a) stipulates specific information on the nature and amount of State and local resources which have been or will be committed to alleviate the results of the disaster. Section 403 (c) of the Act stipulates that in the aftermath of an incident that may qualify under title IV of this Act, the Governor may request the President to direct the Secretary of Defense to utilize resources of the Department of Defense for the purposes of performing on public and private lands any emergency work which is essential to save lives and protect property. Information required to process a request under this section is set forth in 44 C.F.R. § 206.34. In the event that a Governor's request for supplemental Federal assistance is denied, the Governor may appeal this denial under the provisions set forth in 44 C.F.R. § 206.46. Pursuant to 44 C.F.R. §206.47, a Governor may request an adjustment of the 75 percent Federal share of the eligible cost of permanent restorative

work under Section 406 of the Stafford Act and for emergency work under Section 403 and Section 407 of the Stafford Act.

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. Provide a detailed description of: how the information will be shared, if applicable, and for what programmatic purpose.

The information contained in the Governor's request to the President for supplemental Federal assistance, through the appropriate Regional Administrator, combined with the finding of the joint FEMA, State and local Preliminary Damage Assessment (PDA) is analyzed and provides the basis for the Regional Summary, Analysis, and Recommendation that is submitted to the Assistant Administrator of the Disaster Assistance Directorate. The information is submitted to the President for consideration of a declaration.

Pursuant to Section 569 of the Consolidated Appropriations Act, 2008 (Public Law 110-161) that Congress is informed of PDA information used in the declaration process. The provision in the FY08 Omnibus requires a report 30 days after a determination is made on a declaration request or appeal. The information contained in the Regional Summary, Analysis, and Recommendation is not releasable under FOIA Exemption 5, 5 U.S.C. § 552(b) (5). Documents that are inter-agency or intra-agency, which would not be available by law to a party other than an agency in litigation with the agency, are exempt from disclosure. These records are part of the Deliberative Process in that they are Pre-decisional in nature.

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.

Information for the collection is received electronically via e-mail. All documentation is submitted in PDF format. Original signatures are required to be maintained for each request, and are mailed in separately.

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.

This information is not collected in any other form, and therefore is not duplicated elsewhere.

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.

This information collection does not have an impact on small businesses or other small entities.

6. Describe the consequence to Federal/FEMA program or policy activities if the collection of information is not conducted, or is conducted less frequently as well as any technical or legal obstacles to reducing burden.

If the information stipulated is not provided in a Governor's request for supplemental Federal assistance, the process of declaring a disaster is delayed until such time as the required information is provided through clarification or an amended Governor's request.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

(a) Requiring respondents to report information to the agency more often than quarterly.

Requests for supplemental Federal assistance are submitted each time a Governor determines that the required response to an event is beyond the capabilities of the State and affected local governments to respond. It is not uncommon for a State to submit multiple requests within a three to four month time-frame.

(b) Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it.

When an incident occurs or threatens to occur in a State, the Governor, or the Acting Governor in his/her absence, may request that the President declare an emergency. The request should be submitted to the appropriate Regional Director and must be submitted within five days after the need for assistance under Title V of the Stafford Act becomes apparent, but no more than 30 days after the occurrence of the incident, in order to be considered. Similarly, a request for a major disaster declaration must be submitted within 30 days of the occurrence of the incident in order to be considered. Both of these time periods may be extended provided that a written request for such an extension is made by the Governor, or the Acting Governor during the 30-day period immediately following the incident. The request must stipulate the reason for the delay.

(c) Requiring respondents to submit more than an original and two copies of any document.

NOT APPLICABLE. There is no requirement to submit more than an original and two copies of any document.

(d) Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years.

NOT APPLICABLE. There is no recordkeeping requirement involved in this collection.

(e) 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.

NOT APPLICABLE. This collection does not employ statistical surveys or related methodology.

(f) Requiring the use of a statistical data classification that has not been reviewed and approved by OMB.

NOT APPLICABLE. This collection does not require the use of any statistical data classification.

(g) 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.

NOT APPLICABLE. This collection does not include any pledges of confidentiality.

(h) 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.

NOT APPLICABLE. There are no requests for proprietary or secret information.

8. Federal Register Notice:

a. Provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice 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.

A 60-day Federal Register Notice inviting public comments was published on March 13, 2009, Volume 74, Number 48, pp. 10956. No comments were received. See attached copy of the published notice included in this package.

b. 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.

Consultations with officials at various levels of government occur as a result of disaster activity. All information collected as a result of these consultations are used to monitor the effectiveness of the declaration process.

c. Describe consultations with representatives of those from whom information is to be obtained or those who must compile records. Consultation should occur at least once every three years, even if the collection of information activities is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

Consultation with Federal, State and local officials takes place each and every time a request for a PDA is submitted by a State. This is necessary to obtain accurate information about the incident and affected area/s in order to prepare for and conduct the joint PDA.

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

FEMA does not provide payments or gifts to respondents in exchange for a benefit sought.

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

The information contained in the Regional Summary, Analysis, and Recommendation is not releasable under FOIA Exemption 5, 5 U.S.C. § 552(b) (5). Documents that are inter-agency or intra-agency, which would not be available by law to a party other than an agency in litigation with the agency, are exempt from disclosure.

11. Provide additional justification for any question 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.

There are no questions of sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

a. Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated for each collection instrument (separately list each instrument and describe information as requested). 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 desired. 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.

It is estimated that 56 respondents will complete 6 requests a year, and each request will average 33 hours to complete. The estimated total annual burden hours will be 11,088.

b. 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.

c. Provide an estimate of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost to the respondents 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.

Table A.12: Estimated Annualized Burden Hours and Costs

Type of Respondent	Form Name / Form Number	No. of Respondents	No. of Responses per Respondent	Avg. Burden per Response (in hours)	Total Annual Burden (in hours)	Avg. Hourly Wage Rate	Total Annual Respondent Cost
State, Local or Tribal Government	Governor's Request / No Form	56	6	9	3,024	\$65.67	\$198,586.08
State, Local or Tribal Government	Initial Data Gathering for Governor's Request / No Form	56	6	24	8,064	33.64	\$271,272.96
Total		56			11,088		\$469,859.04

According to the U.S. Department of Labor, Bureau of Labor Statistics website (www.bls.gov) the wage rate category for State Government Chief Executive is estimated to be \$65.67 per hour (including the 1.4 modifier representing wage plus benefit), therefore, the estimated burden hour cost to respondents State Government Chief Executive is estimated to be \$198,586.08 annually. According to the U.S. Department of Labor, Bureau of Labor Statistics website (www.bls.gov) the wage rate category for State Administrative Support Workers (BLS 43-1011) is estimated to be \$33.64 per hour (including the 1.4 modifier representing wage plus benefit), therefore, the estimated burden hour cost to respondents State Government Chief Executive is estimated to be \$271,272.96 annually.

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. (Do not include the cost of any hour burden shown in Items 12 and 14.)

There are no record keeping, capital, start-up or 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 have been incurred without this collection of information. You may also aggregate cost estimates for Items 12, 13, and 14 in a single table.

Table 3. ANNUALIZED COST TO THE FEDERAL GOVERNMENT

Item	Cost (\$)
Staff Salaries: 5 FEMA Headquarter Senior Officials (GS 15 Step 5) earning \$91.87 (65.62 base salary times 1.4 multiplier) per hour with an average of 48 hours of review for each response. There are a total of 336 responses (56 respondents times 6 responses per respondents). The total cost to the Federal government is 336 responses times 48 hours per response to review times \$91.87 per hour wage equaling \$1,481,679.36.	\$1,481,679.36
Total	\$1,481,679.36

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I in a narrative form. Present the itemized changes in hour burden and cost burden according to program changes or adjustments in Table 5. Denote a program increase as a positive number, and a program decrease as a negative number.

Itemized Changes in Annual Burden Hours
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Data collection Activity/Instrument	Program Change (hours currently on OMB Inventory)	Program Change (New)	Difference	Adjustment (hours currently on OMB Inventory)	Adjustment (New)	Difference
Governor's Request				13,224	3,024	-10,200
Initial Data Gathering for Governor's Request				0	8,064	+8,064
Total(s)				13,224	11,088	-2,136

Explain: The overall decrease in the annual burden hours is due to the more accurate estimation of hour burden per response as a result of the past historical data available to review. There has been a lessening of the overall decrease due to increased disaster activity (and related increase in responses) and the disaster declaration requests that result from this. Also, the actual data collection work has been separated to more accurately reflect the burden hours for each activity.

Itemized Changes in Annual Cost Burden						
Data collection Activity/Instrument	Program Change (cost currently on OMB Inventory)	Program Change (New)	Difference	Adjustment (cost currently on OMB Inventory)	Adjustment (New)	Difference
Governor's Request				\$631,314.00	\$198,586.08	-\$432,727.92
Initial Data Gathering for Governor's Request				\$0	\$271,272.96	+ 271,272.96
Total(s)				\$631,314.00	\$469,859.04	-161,454.96

Explain: The decrease in Annual Cost Burden results from the overall decrease in the total number of burden hours as explained above and the associated cost reduction from less hours burden multiplied by the wage rate category (now updated to include the 1.4 multiplier) amount. Also, the actual cost burden associated with each data collection activity has been separated to more accurately reflect the totals for each.

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.

There are no outline plans for tabulation and publication of data for this information collection.

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

This collection does not seek approval to not display the expiration date for OMB approval.

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

This collection does not seek exception to Certification for Paperwork Reduction Act Submissions.