

SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT SUBMISSION

Information Collections under the Final Regulations Governing the Student Assistance General Provisions – Annual Fire Safety Report.

A. Justification

1. Necessity of Information Collected

As provided by the Higher Education Opportunity Act, the final regulations would implement changes requiring institutions to collect statistics on fires in on-campus student housing facilities, including the number and cause of each fire, the number of injuries related to each fire that require treatment at a medical facility, the number of deaths related to each fire, and the value of property damage caused by each fire. Institutions must also publish an annual fire safety report containing the institution's policies regarding fire safety and the fire statistics information. Further, the HEOA requires institutions to maintain a fire log that records the date, time, nature, and general location of each fire in on-campus student housing facilities (see section 485(i) of the HEA).

The final regulations are a result of regulatory review of the program regulations to provide benefits to students, and protect the taxpayers' interest. This request is for approval of reporting requirements contained in the attached final regulations related to the administrative requirements of the annual fire safety report. The information collection requirements in these final regulations are necessary to prevent fraud and abuse of program funds.

General Provisions: (OMB control number: 1845-NEW3)

Section 668.49 contains information collections requirements. Under the Paperwork Reduction Act of 1995 (44U.S.C. 3507(d)), the Department of Education is submitting a copy of this section to the Office of Management (OMB) for its review. We are making the following changes to that section:

Section 668.49(b) – Annual fire safety report

The final regulations identify the minimum information that must be included in the annual fire safety report for institutions that have on-campus housing, beginning on October 1, 2010.

Section 668.49(c) – Fire statistics

The final regulations identify the required statistics and the time frame that must be reported for the specified data.

Section 668.49(d) – Fire log

The final regulations specify the information that must be included in the fire log, how it must be maintained and provides for its accessibility to the public.

2. Purpose and Use of Information Collected

Under the final regulations, institutions that maintain on-campus housing are required to gather and distribute the required fire safety information to both inform current and prospective students and employees of incidences meeting the fire reporting requirements. This can be achieved through appropriate publications mailed or directly provided or posted to the Internet or an Intranet web site. This annual fire safety reporting information will inform the campus community and be provided to the Secretary to be disseminated to the public as well as being reported to Congress.

3. Consideration of Improved Information Technology

The institution may provide this information to the general public via an Internet or Intranet web site. The Secretary must make this information available to the general public as well as providing an annual report to Congress.

4. Efforts to Identify Duplication

There is no duplication of data as a result of the collection of this information.

5. Burden Minimization as Applied to Small Business

No small businesses are impacted by this collection.

6. Consequences of Less Frequent Data Collection

Per statute, the information must be collected annually.

7. Special Circumstances Governing Data Collection

The information collection requirements require no special circumstances.

8. Consultation Outside the Agency

These regulations were discussed with members of the higher education community and other interested parties in a series of Negotiated Rulemaking sessions in March, April and May of 2009. Additionally, we published 60 and 30-day *Federal Register* notices allowing the public to provide their comments.

9. Payment or Gift to Respondents

There are no payments or gifts to respondents.

10. Assurance of Confidentiality

These requirements do not cover any confidential information.

11. Questions of a Sensitive Nature

ED is not requesting any sensitive data.

12. Annual Hour Burden for Respondents/Recordkeepers

We estimate the hours required for institutions with on-campus housing to meet the regulatory requirements to report this fire safety information will be approximately 2 hours per institution annually.

Affected Entities and Burden:

Establishing/maintaining required fire log –

	# of Respondents	# of Responses	# of Hours Burden
Institutions:			
Public	1,897	1,897	X .5 hour = 949 hours
Private	1,744	1,744	X .5 hour = 872 hours
TOTAL	3,641	3,641	1,821 hours for recordkeeping

Gathering data for and creating annual fire safety report –

	# of Respondents	# of Responses	# of Hours Burden
Institutions:			
Public	1,897	1,897	X 1.50 hours = 2,846 hours
Private	1,744	1,744	X 1.50 hours = 2,616 hours
TOTAL	3,641	3,641	5,462 hours for reporting

Annual Cost of Burden to Respondents

We estimate that the cost to the institutional respondent will be:

	# of Respondents	Est. \$/ Hour	Est. \$ Burden
Institutions:			
Public	1,897 X	\$15 X 2 hours =	\$56,910
Private	1,744 X	\$15 X 2 hours =	\$52,320
TOTAL	3,641		\$109,230

13. Start-up Cost Burden to the Respondent

There is no new system start-up costs associated with these regulations.

14. Estimated of Annual Cost to the Federal Government

There are no additional costs to the Federal government as a result of the regulation.

15. Reasons for Changes to Burden Hour Estimated

The changes to the burden hour estimates are a result of regulatory changes to implement the statutory changes made by the Higher Education Opportunity Act (HEOA) (Pub. L. 110-315) to the Higher Education Act of 1965, as amended (HEA). A summary is provided below:

	# of Respondents	# of Responses	# of Hours Burden
Institutions:			
Public	3,794	3,794	3,795 hours
Private	3,488	3,488	3,488 hours
TOTAL	7,282	7,282	7,283 hours

16. Collection of Information with Published Results

This information is required under statute and regulation to be reported to the general public and Congressional committees or subcommittees.

17. Approval to Not Display Expiration Date

ED is not seeking this approval.

18. Exception to the Certification Statement

ED is not requesting any exceptions to the “Certification for Paperwork Reduction Act Submissions” of OMB Form 83-1.