

May 12, 2010

Supporting Statement for Paperwork Reduction Act Submissions

OMB Control Number: 1660-0033

Title: Residential Basement Flood Proofing Certification

Form Number: FEMA form 086-0-24

General Instructions

A Supporting Statement, including the text of the notice to the public required by 5 CFR 1320.5(a)(i)(iv) and its actual or estimated date of publication in the Federal Register, must accompany each request for approval of a collection of information. The Supporting Statement must be prepared in the format described below, and must contain the information specified in Section A below. If an item is not applicable, provide a brief explanation. When Item 17 or the OMB Form 83-I is checked “Yes”, Section B of the Supporting Statement must be completed. OMB reserves the right to require the submission of additional information with respect to any request for approval.

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 National Flood Insurance Program (NFIP) is authorized by Public Law 90-448 (1968) and expanded by Public Law 93-234 (1973) and requires that the Federal Emergency Management Agency (FEMA) provided flood insurance. Title 44 CFR 60.3(c)(2), requires that all new construction and substantial improvements of residential structures within Zones A1-30, AE and AH zones have the lowest floor, including the basement, elevated to or above the base flood level unless an exception is granted. Title 44 CFR 60.6(a)(7) and 44 CFR 60.6(b)(1), allow communities to apply for an exception when circumstances present a hardship that would not allow for adherence to the requirement for elevation above the base flood level. This exception must meet the conditions set forth in 44 CFR 60.6(c). When residential structures in these zones are seeking flood insurance, they must be certified that the structural design is floodproof.

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.

FEMA form 086-0-24 is used to certify that the basement design and methods of construction for residential structures in communities that have been granted an exception by FEMA are in accordance with floodplain management ordinances. A registered professional engineer or architect completes FEMA form 086-0-24 to certify that the floodproofing conforms with minimal floodproofing specifications. If the certification is granted, the residential structure is eligible for lower flood insurance rates.

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.

The Residential Basement Floodproofing Certificate, FEMA Form 086-0-24, can be downloaded from the Internet as a text file or PDF file. The form can be completed electronically but the architect or engineer completing the form is required to provide his or her license information and to affix his or her seal in certifying the information on the form so a hard copy must be submitted via mail. The Residential Basement Floodproofing Certificate is available for downloading from the FEMA website at <http://www.fema.gov/library/viewRecord.do?id=2743>

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 information submitted on the Residential Basement Floodproofing Certificate is unique for each building and 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.

Architects or engineers of small businesses will complete the form. The information required has been reduced to the smallest amount necessary to minimize the impact.

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 this information is not collected, FEMA could not verify that proper construction and flood proofing techniques are being utilized in Special Flood Hazard Zones, and FEMA's requirement to provide flood insurance would not be possible for residential structures within these zones.

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.

There is no requirement to report information more often than quarterly.

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

There is no requirement for a written response in fewer than 30 days.

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

There is no requirement to submit more than an original and two copies of documents.

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

There is no requirement to retain records for more than three years.

(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.

This collection does not employ statistical methodology.

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

The information collection will not use 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 other pledge, or which unnecessarily impedes sharing of data with agencies for compatible confidential use.

There is no pledge of confidentiality that is not supported by authority.

(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.

There is no requirement for respondents to submit proprietary trade secrets or other confidential 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 29, 2010, Volume 75 pp 15445. Two comments were received. See attached copy of the published notice included in this package.

The first comment, from Michael Powell, indicated that the use of the term "NGVD" was not needed in two sections of FEMA Form 086-0-24. FEMA considered this comment and has removed this term from two sections of the form.

The second comment, from Jody Russell, The comment states "and have been designed so that minimal damage will occur from floods that exceed the floodproofing design elevation" is ambiguous. The commenter believes that by the designer certifying to this, the designer assumes possible liability in extreme, infrequent events. In requesting a basement exception from FEMA, a community must both demonstrate flooding characteristics and adopt a specific, local ordinance that addresses both construction and administrative processes that are required for the basement structure. Thus the residential basement flooding certificate is merely reiterating the performance that is expected and should be provided in the local ordinance. The design professional working in these communities should be aware of the local ordinance and clarification, if needed, should be sought through the local ordinance. Construction of floodproofed basements is neither a common construction practice, nor appropriate in many parts of the country. For this reason, it is especially important that the performance expected of the building be stated. The commenter is concerned about potential liability to the designer by making this certification. Liability to the design professional based on negligence may vary by locality and court. However, FEMA does not believe it is a service to the design professional to provide certification language that could be determined as an inappropriate standard of care in court. FEMA has carefully considered the comment and

does not find the proposed change persuasive. The certification language will remain unchanged.

A 30-day Federal Register Notice inviting public comments was published on June 7, 2010, Volume 75 pp 32201. 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.

The Association of State Floodplain Managers (ASFPM) is an organization of professionals involved in floodplain management, flood hazard mitigation, and flood preparedness, warning and recovery and holds an annual meeting to on these issues. Insurance agents, surveyors, local officials, and others including FEMA NFIP personnel attend this meeting to collaborate and share information on floodproofing and flood-related issues.

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.

The annual meeting of the ASFPM also allows for respondents to this collection to collaborate with FEMA personnel including engineers who have knowledge of the certification process. These engineers consult with local community engineers and architects both at the meeting as well as via telephone contact any time the respondents may have questions or comments.

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

There is no payment or gift provided.

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

A Privacy Impact Assessment was completed and approved on November 26, 2008. A SORN, National Flood Insurance Program Files System of Records was published on December 19, 2008.

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 that are of a 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.

For FEMA Form 086-0-24 it is estimated that 100 architects or engineers will spend an average time of 3.25 hours for completing and submitting this form once for a total of 325 hours burden.

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. NOTE: The wage-rate category for each respondent must be multiplied by 1.4 and this total should be entered in the cell for “Avg. Hourly Wage Rate”. 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.

Estimated Annualized Burden Hours and Costs								
Type of Respondent	Form Name / Form Number	No. of Respondents	No. of Responses per Respondent	Total No. of Responses	Avg. Burden per Response (in hours)	Total Annual Burden (in hours)	Avg. Hourly Wage Rate	Total Annual Respondent Cost

Business or other for-profit	Residential Basement Floodproofing Certificate / FEMA Form 086-0-24	100	1	100	3.25	325	\$48.08	\$15,626
Total		100		100		325		\$15,626

Instruction for Wage-rate category multiplier: Take each non-loaded “Avg. Hourly Wage Rate” from the BLS website table and multiply that number by 1.4. For example, a non-loaded BLS table wage rate of \$42.51 would be multiplied by 1.4, and the entry for the “Avg. Hourly Wage Rate” would be \$59.51.

According to the U.S. Department of Labor, Bureau of Labor Statistics website (www.bls.gov) the wage rate category for Architecture and Engineering Occupations is estimated to be \$34.34 per hour times 1.4 = \$48.08 including the wage rate multiplier, therefore, the estimated burden hour cost to respondents Architects and Engineers is estimated to be \$15,626 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.)

The cost estimates should be split into two components:

a. Operation and Maintenance and purchase of services component. These estimates should take into account cost associated with generating, maintaining, and disclosing or providing 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.

b. Capital and Start-up-Cost should include, among other items, preparations for collecting information such as purchasing computers and software, monitoring sampling, drilling and testing equipment, and record storage facilities.

Annual Cost Burden to Respondents or Record-keepers

Data Collection Activity/Instrument	*Annual Capital Start-Up Cost (investments in overhead, equipment and other one-time)	*Annual Operations and Maintenance Cost (such as recordkeeping, technical/professional services, ect.)	Annual Non-Labor Cost (expenditures on training, travel and other resources)	Total Annual Cost to Respondents
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	expenditures)			
Residential Basement Floodproofing Certificate / FEMA Form 086-0-24	0	\$35,000	0	\$35,000
Total	0	\$35,000	0	\$35,000

There is fee estimated to be a \$350 charged by the architect or engineer to complete the Residential Basement Floodproofing Certificate. The annual cost for 100 responses x an average cost of \$350 per Floodproofing Certificate is estimated to be approximately \$35,000.

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.

ANNUALIZED COST TO THE FEDERAL GOVERNMENT	
Item	Cost (\$)
Contract Costs: Contractor staff costs to process, manage, and review the forms; 100 forms @12 reviews per hour = 8.33 hours x \$25 per hour contract cost =	\$208.25
Staff Salaries: 1 GS 14 Step 4 employee spending 20 hours annually to review the information and manage the contractor work. GS 14 Step 4 employee = \$55.45 x 1.4 multiplier = \$77.63 x 20 hours = \$1,552.60	\$1,552.60
Facilities: (storage of forms; \$50 per month x 12 months = \$600)	600.00
Computer Hardware and Software	0.00
Equipment Maintenance	0.00
Travel	0.00
Printing: 6,000 copies	210.00
Postage: 6000 x .23 = \$1,380	\$1,380
Other	0.00
Total	\$3,950.85

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.

A "Program increase" is an additional burden resulting from a federal government regulatory action or directive. (e.g., an increase in sample size or coverage, amount of information, reporting frequency, or expanded use of an existing form). This also includes previously in-use and unapproved information collections discovered during the ICB process, or during the fiscal year, which will be in use during the next fiscal year.

A "**Program decrease**", is a reduction in burden because of: (1) the discontinuation of an information collection; or (2) a change in an existing information collection by a Federal agency (e.g., the use of sampling (or smaller samples), a decrease in the amount of information requested (fewer questions), or a decrease in reporting frequency).

"**Adjustment**" denotes a change in burden hours due to factors over which the government has no control, such as population growth, or in factors which do not affect what information the government collects or changes in the methods used to estimate burden or correction of errors in burden estimates.

Itemized Changes in Annual Burden Hours						
Data collection Activity/Instrument	Program Change (hours currently on OMB Inventory)	Program Change (New)	Difference	Adjustment (hours currently on OMB Inventory)	Adjustment (New)	Difference
Residential Basement Floodproofing Certificate / FEMA Form 086-0-24	488	325	-163			
Total(s)	488	325	-163	0	0	0

Explain: The previous burden hours for FEMA Form 086-0-24 were 488 hours. The current estimated Annual hour Burden is 325 hours, resulting in a decrease of 163 hours. The adjustment in burden hours is due to a decrease in the number of FEMA Forms 086-0-24 submitted due to changes in how Special Flood Hazard Areas (SFHA) are determined – the modernization of the mapping process has allowed for much more precise determinations, which reduces that possibility that non flood areas receive a SFHA designation.

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
Residential Basement Floodproofing Certificate / FEMA Form 086-0-24	\$14,108.25	\$11,160.50	-\$2,947.75	0	\$4,465.50	+\$4,465.50
Total(s)	\$14,108.25	\$11,160.50	-\$2,947.75	0	\$4,465.50	+\$4,465.50

Explain: The previous cost burden for this collection was \$14,108.25 and the new annual cost burden before the 1.4 multiplier is applied is \$11,160.50, a decrease of \$2,947.75. The application of the 1.4 multiplier to the wage rate results in an increase of \$4,465.50 (the total annual cost burden of \$15,626 less the \$11,160.50 straight rate calculation)

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.

This collection of information will not have any published results.

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

A valid OMB control number, expiration date and burden disclosure notice will be displayed.

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”. Statistical Survey methodology "is not applicable"

B. Collections of Information Employing Statistical Methods.

THERE IS NO STATISTICAL METHODOLOGY INVOLVED IN THIS COLLECTION.