

SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT SUBMISSIONS
UNDER 5 CFR PART 1320
Information Collection: 2133-0526

Introduction: This is to request the Office of Management and Budget's (OMB) renewed three year approved clearance for the information collection entitled, Information to Determine Seamen's Reemployment Rights – National Emergency; OMB Control No. 2133-0526, which is currently due to expire on November 30, 2010.

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.

This information supports the DOT National Security Strategic Goal by helping to ensure sufficient qualified mariners are available to operate defense-related ships during a national emergency. During such an emergency, the number of U.S.-flag ships in operation will increase as does the number of mariners. A rapid increase in U.S-flag ships may require additional credentialed mariners who are working ashore. By law, such mariners are entitled to re-employment protection similar to the protection offered to members of the military reserve forces and the National Guard. In the event that an employer is unaware or unwilling to grant such re-employment, the Maritime Administration provides administrative assistance, answering questions from the employer or the mariner. In the event of a major activation, and especially during extended operations, the number of cases is expected to increase; however, because such protection is also extended to mariners who volunteer for activation drills of reduced operating status ships, such drills occur independently of emergency shipping.

46 U.S.C. 52101 provides the procedures by which MARAD is able to certify that certain merchant seamen are entitled to reemployment rights after completion of their service on U.S. vessels during times of national emergency.

With the exception of training evolutions (e.g., RRF "breakout" exercises), these reemployment rights are authorized only in the event of a national emergency. A merchant seaman will be eligible for certification by the Maritime Administration only if a prior employer does not reemploy him/her. To determine eligibility for certification of reemployment rights, MARAD will require a copy of the mariner's U. S Coast Guard discharge form, which shows the date of completion of duty and service time, and a copy of the seaman's U.S. Coast Guard- issued Merchant Mariner's Document (MMD, also known as "Z-card"). MARAD will determine eligibility for certification and inform the mariner of the Agency's decision by letter.

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.

MARAD will only use the information during a national emergency to determine if U.S. civilian mariners are eligible for reemployment rights under the Maritime Security Act of 1996. A formal letter from MARAD will transmit the eligibility decision.

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.

MARAD provides a total electronic option for this collection.

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.

There is no duplication. This information is collected only upon the declaration of a national emergency and only to determine a merchant mariner's eligibility for reemployment rights. It is the responsibility of the applicant to send the documents needed for certification to MARAD. There is no other source that can satisfy the requirement for a mariner's documentation.

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 burden.

This information is collected from individual mariners. Businesses cannot provide this information under the existing regulations.

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 burden.

This information is collected only as needed to determine eligibility of reemployment rights. Without this information, MARAD cannot determine if an applicant is eligible for the reemployment guarantee found in the Maritime Security Act of 1996.

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.**

Not applicable. There are no special circumstances requiring the information to be collected as 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 recordkeeping, 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.

The Maritime Administration published a 60-day notice and request for comments on this information collection in the Federal Register on April 16, 2010, (Vol. 75, No. 73 at 20032 indicating comments should be submitted on or before June 15, 2010. No comments were received.

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

None.

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

Applicants will be advised that any documentation they provide will be held in strictest confidence.

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	x	Hours Per Response	=	Total Hours Annually
10	x	1	=	10	x	1	=	10

In addition, MARAD estimates respondents will spend one hour collecting and reproducing the required information. Therefore, given an estimated figure of \$15.00, the cost per response per year to each respondent is estimated:

Number of Respondents	Per Response	Cost Per Hour	Number Of Hours	Hours Cost Annually	Other Costs Annually	Total Cost Annually
10	x 1	x \$15	x 1	= 150.	+ 0.00	= \$150.00.

(Reproducing the required information includes the time needed to copy, file, fax, or email the various parts of the request for reemployment protection and the results.)

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.**

The annual cost burden to the respondents per response is as follows:

(a) Total Capital and Start-Up Costs Estimate: N/A

(b) Total Operation and Maintenance and Purchase of Services Estimate: N/A

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:

One Time Costs: n/a; there are no one-time costs

It is estimated that two employees in various areas of the Maritime Administration spend 4.25 hours of their time collecting and assimilating information submitted with each application.

Therefore, given an average salary of \$25 per hour for each of the employees and an overhead cost of 85% of the salary, the cost to the Government is estimated as follows:

<u>Number of Employees</u>	<u>Hourly Wage</u>	<u>Project Time</u>		<u>Cost Per Application</u>
2	x \$25	x 4.25	=	\$212.50
Overhead at 85%			=	\$180.63
Sub-total			=	\$393.13
Times <u>10</u> responses per year			=	\$3,931.3
Maximum Total Annual Cost to Federal Government:				\$ 3,931.30

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

No program changes or adjustments are anticipated at this time.

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.

MARAD projects about 10 cases per year, and will provide annually a simple status report on all cases. This project will not commence absent a declaration of national emergency.

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

N/A.

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

There are no exceptions to the certificate statement.