

**SUPPORTING STATEMENT FOR
PAPERWORK REDUCTION ACT SUBMISSION UNDER 5 CFR PART 1320
INFORMATION COLLECTION: 2133-0524,
APPLICATION FOR CONVEYANCE OF PORT FACILITY PROPERTY**

Justification

- 1. Explain the circumstances that make the collections of information necessary. Include identification of 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.**

The Secretary of Transportation is authorized to convey surplus Federal property to public agencies provided the property is used and maintained for the development or operation of a port facility. Public Law 103-160, Section 2927, which amends 40 U.S.C. 554 (The Federal Property and Administrative Services Act of 1949) states:

...no transfer of property may be made until the Secretary of Transportation has received ... and approved an economic development plan submitted by an eligible grantee and based on assured use of the property to be conveyed as part of a necessary economic development program ...

This information collection meets two Department of Transportation (DOT) strategic goals: Reduced Congestion and Global Connectivity.

- 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.**

Information is obtained from any State; i.e., the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, or any political subdivision, municipality, or instrumentality thereof. The data obtained from the applicants allows MARAD to approve the conveyance of property and administer the program. Without such data, MARAD is unable to determine whether:

- (1) The community is committed to the redevelopment/reuse plan;
- (2) The redevelopment/reuse plan is viable and in the best interest of the public, and
- (3) The property is being used in accordance with the terms of the conveyance and applicable statutes and regulations.

- 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.**

The information contained within applications are not solely used by MARAD, as applications are forwarded to cooperating Federal agencies for their concurrent review. Some of the information in the applications are generated by engineering-based, non-standard programs such as AutoCAD, SPSS and GIS, which aren't installed on MARAD's computers, but sometimes are

on the computers of the cooperating Federal agencies. These agencies may request either an electronic copy of the application or a physical copy of the application from MARAD, depending on whether they have a need for such data. Therefore, it is imperative that MARAD secure a paper copy of the application in addition to an electronic copy of the application from applicants.

Note: The application goes through an extensive public review process by the Department of Defense(DOD)/General Services Administration (GSA) prior to determining whether the property is suitable for MARAD's public benefit conveyance program. Further, all of the information MARAD requests are compiled by the DOD/GSA and the applicant well before MARAD is brought online, so there is no additional burden to the applicant.

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.

MARAD has contacted the Department of Defense and other Federal agencies to identify if the data needed is presently available. From this search, it was determined that the data being requested from the applicants is unique to this program. There are no duplications.

5. If the collection of information involves small businesses or other small entities (Item 5 of OMB Form 83-I), describe the methods used to minimize burden.

This question is not applicable. Small businesses are not eligible to receive property from the Port Conveyance Program.

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.

The impact would be negligible if data were collected less frequently. However, all of the applicants and grantees annually publish the data MARAD requests as a normal part of conducting business. These documents are normally printed in the form of an annual operational report and an annual audited financial statement. Additionally, collecting data on a yearly basis is standard practice among the sponsoring agencies that administer public benefit conveyance programs.

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 any 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 23, 2010, indicating comments should be submitted on or before August 23, 2010. 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.**

Most requested data is not confidential and can be located on the applicants respective websites. MARAD rarely receives confidential data dealing with business transactions such as leases. MARAD has no intention of releasing business confidential data to the public without first consulting the applicant and following the procedures in the Freedom of Information Act. MARAD has not received any Freedom of Information Act requests relating to the Port Conveyance Program in the last five years.

- 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.**

This question is 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.

MARAD requests data from the applicants (estimated to be 10). The agency estimates there will be one application per applicant with requests for amendments to the terms of the original conveyance and subsequent annual reporting requirements.

<u>Number of Respondents</u>		<u>Responses Per Respondent</u>	=	<u>Total Responses Annually</u>	x	<u>Hours Per Response</u>	=	<u>Total Hours Annually</u>
10	x	1	=	10	x	40	=	400
10	x	1	=	10	x	2.5	=	25
10	x	1	=	10	x	1.5	=	<u>15</u>
Total Burden Hours =								440

Approximately 40 hours for each application x 10 applications = 400 hours total response time for all original applicants.

Approximately 2.5 hours for each application x 10 applications = 25 hours for amendments.
 Approximately 1.5 hours for each application x 10 applications = 15 hours for compliance requirements.

Total Burden Hours = 440

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 estimated annual cost burden to respondents per response is as follows:

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

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: None

Annual costs: **\$16,385.80**

(i)	Prepare copies of letters and mailings:		
	Copies (\$5.00 x 10)	=	\$50.00
	Mailings (\$2.50 x 10)	=	\$25.00
(ii)	<u>Overhead: Time of specialist [440 hours x \$37.07/hour]</u>	=	<u>\$16,310.80</u>
	TOTAL ESTIMATED COST	=	<u>\$16,385.80</u>

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

Disposal agencies have recently sought value for surplus federal properties. Consequently, the number of properties that have been made available for inclusion in the Port Conveyance Program has decreased, which in turn, decreased the number of applications and the overall annual burden hours.

- 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.**

There are no plans to publish any of the data collected. The Port Conveyance Program is an ongoing initiative. The filing of an application is required to obtain property, amendments are required as the original redevelopment plan changes and the yearly filing requirements are for compliance reasons. The conveyance is in perpetuity so the amendments and reporting requirements will continue forever unless the requirement is changed by MARAD.

- 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.**

MARAD is not seeking approval to avoid displaying the expiration date for OMB approval in the form.

- 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 identified in Item 19.