

SUPPORTING STATEMENT

Section 80.59 --Compulsory Ship Inspections, and Ship Inspection Certificates,
FCC Forms 806, 824, 827, and 829

A. Justification:

The Federal Communications Commission (FCC) seeks to promote efficiency in the Commission's service to the public and to encourage the use of private sector organizations to take over government operations whenever possible.

1. The requirements contained in Section 80.59 are necessary to implement the provisions of Section 362(b) of the Communications Act of 1934, as amended, which require the Commission to inspect the radio installation of large cargo ships and certain passenger ships at least once a year to ensure that the radio installation is in compliance with the requirements of the Communications Act.

Additionally, the Communications Act requires the inspection of small passenger ships at least once every five years.

The Safety Convention (to which the United States is a signatory) also requires an annual inspection.

However, the Safety Convention permits an Administrator to entrust the inspections to either surveyors nominated for the purpose or to organizations recognized by it. Therefore, the United States can have other parties conduct the radio inspection of vessels for compliance with the Safety Convention.

The Commission allows FCC-licensed technicians to conduct these inspections. FCC-licensed technicians certify that the ship passed an inspection and issue a safety certificate. These safety certificates (FCC Forms 806, 824, 827 and 829) indicate that the vessel complies with the Communications Act and the Safety Convention. These technicians are required to provide a summary of the results of the inspection in the ship's log. In addition, the vessel's owner, operator, or ship's master must certify in the ship's log that the inspection was satisfactory.

Inspection certificates issued in accordance with the Safety Convention must be posted in a prominent and accessible place on the ship.

Further, Section 80.59(d) states that the Commission may, upon a finding that the public interest would be served, grant a waiver of the annual inspection required by Section 362(b) of the Communications Act, for a period of not more than 90 days for the sole purpose of enabling a United States vessel to complete its voyage and proceed to a port in the United States when an inspection can be held. An information application must be submitted by a ship's owner, operator or authorized agent. The application must be submitted to the Commission's District Director or Resident Agent in charge of the FCC office nearest the port of arrival at least three days before the ship's arrival. The application must provide specific information that is contained in rule Section 80.59.

The Commission is now revising this information collection by merging these two information collections under one comprehensive OMB control number (currently approved by OMB under OMB Control Nos. 3060-0228 and 3060-0835). We will retain OMB Control No. 3060-0228 as the active OMB control number and discontinue 3060-0835 upon OMB approval. There are no other changes in reporting, recordkeeping and/or third party disclosure requirements in rule section 80.59 or the FCC Forms 806, 824, 827 and/or 829.

Statutory authority for this collection of information in Sections 4, 303, 307(e) 309, and 332 48 Stat. 1066, 1082, as amended; 47 U.S.C. sections 154, 303, 307(e), 309, and 332, unless otherwise noted.

As noted on the Form OMB 83-I, this collection of information does not affect individuals or households; thus, there are not impacts under the Privacy Act.

2. The purpose of the information is to ensure that the inspection was successful so that passengers and crewmembers of certain United States ships have access to distress communications in an emergency. If the collection were not conducted, the Commission would be unable to grant eligible vessels waivers and such ships would be unable to sail until an inspection was performed. This, in turn, would require an increased expenditure for agency travel funds and/or additional personnel, as well as additional operating costs for vessels required to remain in port until an inspection can be completed. The waiver request information is used by FCC personnel to determine the eligibility of a vessel for a waiver of the required annual radio station inspection, pursuant to Section 362(b) of the Communications Act.
3. Portions of this collection cannot be done electronically. The Wireless Telecommunications Bureau conducts an analysis to ensure that improved information technology may be used to reduce the burden on the public. Copies of the FCC forms are available on the FCC website for printing at: <http://www.fcc.gov/formpage.html>. This analysis considers the possibility of obtaining and/or computer-generating the required data from existing data bases in the Commission or other Federal agencies.
4. The Commission decided to merge these two information collections together because they are related, i.e., one information collection contained the rule section requirements and the other information collection contained in the ship safety certificates that are issued by FCC-licensed technicians.
5. In conformance with the Paperwork Reduction Act of 1995, the Commission is making an effort to minimize the burden on all respondents, regardless of size. The Commission has limited the information requirements to those absolutely necessary.
6. If the inspections were not conducted, it would adversely affect the safety of crews and passengers on certain United States vessels and be in violation of the Communications Act and the Safety Convention. Further, as for the waiver requests, the information is collected only when a licensee requests a waiver to operate beyond the expiration of a radio safety certificate. Therefore, a less frequent collection equates to no collection of such information and the concomitant inability to issue such waivers with the affects indicated in paragraph 2 above.

7. There are no special circumstances which would require collections to be conducted in a manner not consistent with the guidelines in 5 CFR 1320.6.
8. The Commission initiated a 60-day public comment period which appeared in the Federal Register on April 25, 2012 (77 FR 24710). No PRA comments were received as a result of the Notice.
9. Respondents will not receive any payments.
10. There is no need for confidentiality.
11. This does not address any private matters of a sensitive nature.
12. The Commission estimates that there are 3,770 ships requiring mandatory ship radio inspections. Of the 3,770 ships, approximately 570 require annual inspections. The remaining 3,200 ships require mandatory ship radio inspections once every 5 years. (approximately 640 annually). This result yields a total number of **1,210** respondents required to complete "ship inspection" forms annually. The actual inspection will take approximately **4 hours** to complete. Each ship inspection certificate will take approximately **0.084 hours (5 minutes)** to complete. Providing a summary in the ship's log will take approximately **0.25 hours (15 minutes)** to complete. These estimates are based on FCC staff's knowledge and familiarity with the availability of the data required.

Approximately 100 requests for a waiver of the required annual inspection are received each year from the licensees of large oceangoing vessels returning from a foreign port. The decrease in the number of requests for waiver is a direct result of the American Bureau of Shipping hiring more inspectors at foreign ports all over the world, thereby decreasing the number of vessels by 130. From a review of past submissions, it is estimated that an engineer or communications specialists would spend **two hours** preparing such a waiver request. The burden is de minimized compared to the cost of holding a large oceangoing vessel in port even on extra day while awaiting an annual radio station inspection

Reporting requirement:

1,210 respondents x 4 hours (per ship inspection) = 4,840 hours.

Certification requirement:

1,210 respondents x 0.084 hours (per 3rd party certification) = 101.64 hours. (102 rounded off)

Recordkeeping requirement:

1,210 respondents x 0.25 hours (ship log entry) = 302.5 hours. (303 rounded off)

Waiver Requests:

100 respondents x 2 hours = 200 hours

Total Annual Burden: 4,840 + 102 + 303 + 200 = **5,445 hours.**

13. Estimate of cost to respondents: Regarding the cost of inspecting the ships, the respondents' costs are absorbed into the cost of doing business. As for the waiver

requests, we assume that the respondent would use internal personnel (engineer) at the GS-11/5 level to prepare the information. Therefore:

$200 \text{ (hours)} \times \$36.26/\text{hr. (engineer)} = \$7,252.00 + \$725.20 \text{ (+10\% overhead)} = \$7,977.20.$

The Total Annual In-House Cost Burden is: \$7,977.20

14. Estimated annual cost to the Federal Government: Ship inspections are conducted by private sector technicians licensed by the FCC. There is no cost to the federal government. As for the waiver requests, we assume that a GS 11/5 engineer would spend 2 hours to review the waiver request.

$200 \text{ hours} \times \$36.26/\text{hr. (engineer)} = \$7,252.00$

15. This is a program adjustment resulting in an increase of 5,245 hours to the total annual burden in this information collection due to the consolidation of OMB Control Number 3060-0835 into this existing information collection.

16. The data will not be published for statistical use.

17. The Commission is requesting a waiver to not display the OMB expiration date on each of the FCC forms. This is necessary so that the forms do not have to be revised each time this collection is submitted to OMB for renewal.

18. There are no exceptions to Item 19.

B. Collections of Information Employing Statistical Methods:

No statistical methods are employed.