

February 25, 2013

## **Supporting Statement for Paperwork Reduction Act Submissions**

**OMB Control Number: 1660 – 0009**

**Title: The Declaration Process: Requests for Preliminary Damage Assessment (PDA), Requests for Supplemental Federal Disaster Assistance, Appeals, and Requests for Cost Share Adjustments**

**Form Number(s): FEMA Form 010-0-13**

### **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 Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5207 (the Stafford Act), requires that all requests for a declaration by the President that a major disaster or emergency exists shall be made by the Governor of the affected State. Section 401 of the Act stipulates that such a request shall be based on a finding that the disaster is of such severity and magnitude that effective response is beyond the capabilities of the State and the affected local government, and that Federal assistance is necessary. Section 401 further stipulates that as a part of such request, and as a prerequisite to major disaster assistance under this Act, the Governor shall take appropriate response action under State law and direct the execution of the State's emergency plan and shall furnish specific information that must be included in a request for a major disaster declaration. Section 401 stipulates that the request must include specific information on the nature and amount of State and local resources which have been or will be committed to alleviate the results of the disaster. Section 501(a) requires the same information to be provided in requests for declarations of an emergency. The processes for requests for emergency or major disaster declarations are set forth in further detail in 44 C.F.R. §§ 206.35 and 206.36. Section 403 (c) of the Act stipulates that in the aftermath of an incident that may qualify under title IV of this Act, the Governor may request the President to direct the Secretary of Defense to utilize resources of the Department of Defense for the purposes of performing on public and private lands any

emergency work which is essential to save lives and protect property. Information required to process a request under this section is set forth in 44 C.F.R. § 206.34. In the event that a Governor's request for supplemental Federal assistance is denied, the Governor may appeal this denial under the provisions set forth in 44 C.F.R. § 206.46. Pursuant to 44 C.F.R. § 206.47, a Governor may request an adjustment of the 75 percent Federal share of the eligible cost of permanent restorative work under Section 406 of the Stafford Act and for emergency work under Section 403 and Section 407 of the Stafford Act.

As a result of passage of Section 1110 of the Sandy Recovery Improvement Act of 2013 (P.L. 113-2), federally recognized tribes may also submit requests for disaster declarations. The same form is used for both states and tribes. Previously, a state could make requests on behalf of tribes.

**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.**

This collection includes a FEMA Form 010-0-13, Request for Presidential Disaster Declaration Major Disaster or Emergency which asks for the same data that were stated and required in the previous narrative Governor's requests to the President requesting for supplemental Federal assistance, through the appropriate Regional Administrator, combined with the findings of a joint FEMA, State and local Preliminary Damage Assessment (PDA). This form was approved for use in June 2012 via emergency processing request. The PDA is analyzed and provides the basis for a Regional Summary, Analysis, and Recommendation, which is submitted to the Assistant Administrator of the Disaster Assistance Directorate. The information is reviewed and evaluated and the Administrator formulates a recommendation which is submitted to the President for consideration of a disaster or emergency declaration. The new FEMA form eliminates the need for follow-up communications and reporting during a declaration request.

Information gathered for the PDA is done primarily by state employees with the assistance of FEMA. Most of the information gathered for and comprising the PDA is observations of damages and statistics gathered by the state for other purposes such as number of people without electricity or water. The state already gathers this information irrespective of its PDA and declaration request. Information related to Public Assistance and Individual Assistance is collected through separate damage assessments teams and processes. The Preliminary Damage Assessment (PDA) for Individual Assistance is a part of this collection but is not subjected to the Paperwork Reduction Act and there is no burden on the public. There are four (4) official FEMA PDA forms:

**Detailed Street Sheet** – To be used during a windshield/foot PDA when the inspectors have the capability of capturing addresses and surveying the damage on the ground.

**Summary Sheet** – To be used in conjunction with the Street Sheet to add multiple

pages into one total result.

**Tick Sheet** – To be used during an aerial PDA or when the volume of homes is such that the street sheet is unnecessarily time consuming.

**Narrative Report** – To be used during the briefing with the State, Tribal, and local officials to capture information that paints the full picture of the disaster. This form is just as important as recording the hard count numbers. All four of these forms will be completed by FEMA personnel or contractors only. See attached document title: Preliminary Damage Assessment for Individual Assistance Operations Manual.

FEMA publishes PDA information on its website within 30 days after a determination is made on a declaration request or appeal. The information contained in the Regional Summary, Analysis, and Recommendation, is only releasable to the extent it contains factual information; all opinions, recommendations, conclusions and otherwise deliberative information are protected under FOIA Exemption 5, 5 U.S.C. § 552(b) (5). Documents that are inter-agency or intra-agency, which would not be available by law to a party other than an agency in litigation with the agency, are exempt from disclosure. These records are part of the deliberative process in that they are pre-decisional in nature.

Pursuant to 44 C.F.R. § 206.46 the Governor may appeal the denial of a major disaster or emergency request. The appeal must be submitted, in writing, within 30 days of the date of the letter denying the original request. This is a one-time request for reconsideration which follows the same process as the original declaration request: the Governor submits the appeal, including any additional relevant information, to the Regional Administrator, the RA makes a recommendation to FEMA HQ, and FEMA HQ makes a recommendation to the President.

**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.**

Information in the Request for Presidential Disaster Declaration Major Disaster or Emergency form is received electronically via e-mail. All documentation is submitted in PDF format. Original signatures are required to be maintained for each request, and are mailed in separately.

**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.**

This information is not collected in any form, and therefore 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.**

This information collection does not have an impact on small businesses or other small entities.

**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 the information stipulated is not provided in FEMA Form 010-0-13, Request for Presidential Disaster Declaration Major Disaster or Emergency for supplemental Federal assistance, the process of declaring a disaster is delayed until such time as the required information is provided through clarification or an amended Governor's request. Any amendments are submitted in a follow-up letter/narrative. With the advent of the new form, we anticipate less need for amendments.

**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.**

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

When a disaster or emergency occurs in a State, the Governor, or the Acting Governor in his/her absence, may request that the President declare an emergency. The request should be submitted to the appropriate Regional Director and must be submitted within five days after the need for assistance, but no more than 30 days after the occurrence of the incident, in order to be considered.

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

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

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

**(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 pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use.**

**(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.**

The special circumstances, a. and c.-h., contained in item 7 of the supporting statement are not applicable to this information collection.

**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 August 7, 2012, 77 FR 47083. No comments were received. See attached copy of the published notice included in this package.

A 30-day Federal Register Notice inviting public comments was published on November 7, 2012, 77 FR 66858. No comments were received. See attached copy of the published notice included in this package.

A 30-day Emergency Change Federal Register Notice inviting public comment was published on May 15, 2012, 77 FR 28615, announcing the implementation of the new FEMA Form 010-0-3. FEMA received one comment on June 15, 2012 and has taken that into consideration for its renewal. Use of the new form went into effect on June 20, 2012.

**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.**

Consultations with officials of the State seeking a declaration for their particular disaster at various levels of government occur as a result of disaster activity. All information collected as a result of these consultations is used to monitor the effectiveness of the declaration process.

**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.**

Consultation with Federal, State and local officials takes place each and every time a request for a PDA is submitted by a State. This is necessary to obtain accurate information about the incident and affected area/s in order to prepare for and conduct the joint PDA. With the advent of the new form, we anticipate less of a need for follow-up consultation.

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

FEMA does not provide payments or gifts to respondents in exchange for a benefit sought.

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

A Privacy Threshold Analysis (PTA) was completed and approved by the DHS Privacy Office on April 30, 2012 for this collection. The final results of the PTA have been adjudicated as a privacy sensitive system.

The Privacy Impact Assessment (PIA) and System of Records Notice (SORN) are not required because information is not retrievable by personal identifier. Information is retrieved by the State having the disaster.

There are no assurances of confidentiality provided to the respondents for this information collection.

**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 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.**

It is estimated that 56 States will complete 6 requests a year, this is based on the average number of requests FEMA receives in a given year. It is estimated it will take approximately 9 hours to complete the FEMA Form 010-0-13. Each request averages 33 hours to complete. The estimated total annual burden will be 11,088 hours. As a result of the new law, federally recognized tribal governments will also submit declaration requests. However, these numbers are much lower on an annual basis. There are 566 tribes that could theoretically request a declaration as a result of passage of section 1110 of the Sandy Recovery Improvement Act of 2013 (P.L. 113-2). However, our data suggests that in an average year, only 20 declaration requests will come from tribes. We calculated this based on damage incurred from disasters on federal Indian tribal lands in a given year over a five year period that met the damage threshold to request a declaration. The form is the same for tribes. Thus, they will expend the same amount of time to fill out a declaration request as states.

**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. 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.**

Table A.12: Estimated Annualized Burden Hours and Costs
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Type of Respondent	Form Name / Form Number	No. of Respondents	No. of Responses per Respondent	Avg. Burden per Response (in hours)	Total Annual Burden (in hours)	Avg. Hourly Wage Rate	Total Annual Respondent Cost
State, Local or Tribal Government	Request for Presidential Disaster Declaration Major Disaster or Emergency / FEMA Form 010-0-13	622	.57	9 hours	3,195	\$65.67	\$209,815.65
State, Local or Tribal Government	Initial Data Gathering for Governor's Request / No Form	622	.57	24 hours	8,520	33.64	\$286,612.80
<b>Total</b>		<b>622</b>			<b>11,715</b>		<b>\$496,428.45</b>

- Note: The "Avg. Hourly Wage Rate" for each respondent includes a 1.4 multiplier to reflect a fully-loaded wage rate.
- Note: Numbers rounded due to rounding in ROCIS.

According to the U.S. Department of Labor, Bureau of Labor Statistics website ([www.bls.gov](http://www.bls.gov)) the wage rate category for a State Government Chief Executive is estimated to be \$65.67 per hour including the wage rate multiplier, therefore, the estimated burden hour cost to the State Government Chief Executive is estimated to \$209,815.65 annually.

According to the U.S. Department of Labor, Bureau of Labor Statistics website ([www.bls.gov](http://www.bls.gov)) the wage rate category for State Administrative Support workers is estimated to be \$33.64 per hour (including the 1.4 modifier representing wage plus benefit); therefore, the estimated burden hour cost to for State Administrative Support is estimated to be \$286,612.80 annually.

The total cost is \$496,428.45 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.)**

There are no recordkeeping, capital, start-up or maintenance costs associated with this information collection.

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.

**Annual Cost to the Federal Government**

Item	Cost (\$)
Contract Costs [Describe]	0
Staff Salaries* 5 FEMA Headquarter Senior Officials (GS 15 Step 5) earning \$94.09 (67.21 base salary times 1.4 multiplier) per hour with an average of 48 hours of review for each response. There are a total of 336 responses (56 respondents times 6 responses per respondents). The total cost to the Federal government is 336 responses times 48 hours per response to review times \$94.09 per hour wage equaling \$1,517,483.52. [336 responses x 48 x 94.09 = \$1,517,483.52]	
PDA for Individual Assistance Staff Salaries [For the workload of 50 Joint IA PDA performed annually, 11 FEMA Employees earning \$27.67 per hour (\$19.77 average salary times 1.4 multiplier) spending approximately 100% of time during a 48 hour period to perform an IA Joint PDA, and 100% of time during a 6 hour period to travel, thus totaling 54 hours.] [The current hourly basic rate of a FEMA Disaster Assistance Employee Level B 2 or \$19.77 hourly*. The cost is calculated by multiplying the basic hourly rate of a FEMA Disaster Assistance Employee Level B 2 by the number of staff (11) by the average Joint IA PDA (50). Total Cost = \$821,799.]	
The cost to the Federal Government is \$2,339,282.52. (\$1,517,483.52 + \$821,799 = \$2,339,282.52)	\$2,339,282.52
Facilities [cost for renting, overhead, etc. for data collection activity]	0
Computer Hardware and Software [cost of equipment annual lifecycle]	0
Equipment Maintenance [cost of annual maintenance/service agreements for equipment]	0
Travel - PDA for Individual Assistance Staff [FEMA estimate travel to be about \$1,115 per FEMA employee per deployment. The total cost for travel expenses is 50 IA Joint PDAs times 11 staff per assessment times \$1,115 per person travel equals \$613,250.]	\$613,250
Printing [number of data collection instruments annually]	0
Postage [annual number of data collection instruments x postage]	0
Other	0
<b>Total</b>	<b>\$2,952,532.52</b>

\* Note: The "Salary Rate" includes a 1.4 multiplier to reflect a fully-loaded wage rate.

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.

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
Request for Presidential Disaster Declaration Major Disaster or Emergency / FEMA Form 010-0-13				3,024	3,195	+171
Initial Data Gathering for Governor's Request / No Form				8,064	8,520	+456
<b>Total(s)</b>				<b>11,088</b>	<b>11,715</b>	<b>+627</b>

**Explain:**

This table only reflects the change that the previous open mail in format is now replaced with an official FEMA Form and FEMA Form number, FF 010-0-13.

The time burden on respondents and potential respondents is unchanged. FEMA anticipates receiving more declaration requests a result of the aforementioned new law (Section 1110 of the Sandy Recovery Improvement Act of 2013 (P.L. 113-2)). As a result of the new law, federally recognized tribal governments will also submit declaration requests.

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
Request for Presidential Disaster Declaration Major Disaster or Emergency / FEMA Form 010-0-13				\$198,586.08	\$209,815.65	+11,229.57
Initial Data Gathering for Governor's Request / No Form				\$271,272.96	\$286,612.80	+15,339.84

<b>Total(s)</b>				<b>\$469,859.04</b>	<b>\$496,428.45</b>	<b>+26,569.41</b>
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***Explain:***

There is no change in the cost from the last submission; however the way cost is reported in this table is now changed as it comes from question 13 which has values of zero. Therefore negative costs are now reflected to account for a change in how cost was previously recorded.

We anticipate receiving a few more requests for declaration annually as a result of the new law. This will increase total costs but will not add time burden to respondents when filling out one response.

**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.**

FEMA does not intend to employ the use of statistics or the publication thereof for this information collection.

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

This collection does not seek approval to not display the expiration date for OMB approval.

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

FEMA does not request an exception to the certification of this information collection.

**B. Collections of Information Employing Statistical Methods.**

There is no statistical methodology involved in this collection.