

DEPARTMENT OF TRANSPORTATION

**INFORMATION COLLECTION
SUPPORTING STATEMENT**

**Cruise Vessel Security and Safety Training Provider Certification
[Information Collection: 2133- NEW]**

INTRODUCTION

This is to request the Office of Management and Budget's (OMB) issue a three-year approved clearance for the information collection entitled, "**Cruise Vessel Security and Safety Training Provider Certification**".

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.

Section 3508 of the Cruise Vessel Security and Safety Act of 2010, Public Law 111-207 (July 27, 2010, as codified at 46 U.S.C. sections 3507-3508 (CVSSA) provides the Maritime Administrator with the discretionary authority to certify cruise vessel training providers that comply with training standards developed by the USCG, FBI and the Maritime Administration (MARAD). The certification process necessarily requires applicants to provide supporting information to evidence their compliance with the CVSSA training standards. The associated information collection supports DOT Strategic Goals relating to Safety, Mobility, and National Security.

2. Indicate how, by whom, and for what purpose is 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 sought under this Information Collection (IC) request will be used as follows:

Who: The Office of Environment and Compliance (MAR-400), MARAD, is prepared to implement a voluntary training-provider certification program.

Purpose: The purpose of the program will be to help assure the general public that passenger vessel security and safety personnel have received proper training consistent with the model standards developed by USCG, MARAD, and the FBI.

How: Training providers seeking to be certified by MARAD will be required to submit training plans and supporting information to MAR-400 for review. If the training provider's plans meet the model course criteria, the Maritime Administrator or his designee will offer certification, subject to the training provider entering into an agreement which, in addition to other terms, will subject the organization to periodic program audits.

Required Elements Applicants must Include in their Submission:

1. Training Provider Information:

- Company name;
- Business address;
- State of incorporation;
- Articles of Incorporation;
- Name, address, and contact information of the individual who will be the training provider's point of contact with MARAD; and
- Signed Training Provider Agreement.

2. Instructor Information: Include a list of instructors with a description of their experience, background, and qualifications that demonstrate that they have the subject matter expertise to answer student questions, as well as the instructional capability to impart the required information to students. Where cruise lines are applying for certification of in-house training, cruise lines must provide the names, positions, and backgrounds of shore side and shipboard staff members who will evaluate, review, and monitor any element of the CVSSA course. Independent training organizations must provide this information if known.

3. Course Schedule: Include a course schedule, including the length of each lesson and indicate whether the lesson is presented through a classroom lecture, distance E-learning, practical demonstration, or simulator exercise, and the particulars of how the

assessment of students will be administered. For each lesson, where applicable, indicate the number of the corresponding subject area from the CVSSA Model Course.

4. Syllabus and Instructor Manual: Include a course outline, containing a summary of the teaching syllabus and learning objectives by subject area indicating the number of hours to be allocated for each lecture, practical demonstration, or simulation program. A detailed instructor manual must be submitted. Submissions should demonstrate the focus of the course while highlighting how the course conforms to the standards and content contained in the Model Course.

5. E-Learning Requirements: For E-Learning courses, include an estimate of the time required for a student to complete the lesson and any applicable time limits for lesson completion. Also, include information describing the method for distance learners to obtain prompt feedback and assistance from someone meeting the same qualification standards as an instructor in a “live” course.

6. Course Evaluation Form: Include the course evaluation form that will be used to obtain student feedback on the effectiveness of the instruction and instructors.

7. Training Facility Information: For live training courses, include the following information for the training facility:

- Address;
- Description of the training facility rooms including capacity of rooms; and
- Description of the equipment that will be used during the course, including all equipment to be used during hands-on training and/or testing, and any simulators or

simulation programs to be used. If a simulator or simulation program is to be used, include technical specifications and brochures provided by the manufacturer.

8. Class Size Information: Provide the maximum class size for classroom lessons and, if appropriate, for practical demonstrations or simulation exercises and assessments, including the number of the students per simulator. State the maximum student to instructor ratio to be allowed.

9. Visual Aids: Include copies of all visual aids and a discussion of how audiovisual and other aids will be used during the training course, and which performance objectives they will impact. (This information may be a part of the curriculum documentation that discusses the make-up of the lesson plans.)

10. Written Teaching and Testing Materials: Include copies of all student handouts, homework assignments, workbooks, and a bibliography of textbooks to be used. Include copies of all tests and examinations. Describe the grading procedure to be used and what will be considered a passing score.

11. Practical Testing Materials: Include a detailed description of any practical or simulator assessments, tests, or exercises that will be conducted. For these exercises, describe the situation presented to the student; what the students must do to successfully complete each assessment, and how each student's performance will be evaluated and recorded. Include a separate checklist to evaluate each practical assessment. Indicate what is considered a passing score. This checklist must indicate the condition under which the practical demonstration will occur, the behavior to be observed, and the criteria for successful completion of the demonstration. Include a discussion of how the

instructor(s) will determine final grades by proportioning written and practical examination scores as appropriate.

12. **Re-testing:** Include a description of the training provider's policy on re-tests of failed assessments.

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.

Data collection will primary be through email submissions although fax and regular mail is anticipated to be another means of obtaining certification requests. Because the information to be submitted is not limited to a particular format, applicants are free to submit information in any form or by any method they choose. The agency will provide a form of agreement (MARAD Form MA-1078) that each applicant will enter into prior to certification. This form of agreement MA-1078 will be available for download on the agency's website. This is a new collection; therefore, it is estimated that 90% of the data will be submitted electronically.

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.

Because information submitted is unique to a particular training provider's methods of training cruise vessel personnel, there is no issue of duplication which the Federal Government can control. MARAD is simply asking for a clear and accurate account of how the training provider intends to instruct personnel consistent with the CVSSA. If the applicant can show that its process meet the standards, the agency can issue a certificate.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

It is difficult to project with any accuracy how many or whether any small training providers will apply. However, it is important to note that this policy will impact both Cruise Lines as well as individual training businesses. With respect to the Cruise Lines, because the statutory training requirements are applicable to passenger vessels that carry at least 250 passengers and have onboard sleeping facilities for each passenger it is fair to state that those businesses are not small but very sophisticated enterprises. We believe that Cruise Lines will seek training certification of their own where they plan to perform some or all safety and security training in-house. In other cases, we may have individual businesses that specialize in maritime training, many of

which are already existing large and sophisticated business but there may be a possibility for new smaller businesses to grow from this niche market although it is hard to predict. In either case, Cruise Lines or training companies of any size, all applicants must show the same information in order to evidence their ability to perform the training. The information MARAD will seek is so inherent to the business that its production should require minimal effort. For example, the agency will need to have a copy of the training curriculum, the credentials of the trainers, and specific information relating to how the training will be provided. We believe this and all required training provider information is basic information which cannot be waived if the government is to issue its certification.

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.

MARAD has considered for how long certification should remain valid as well as how often training provider audits should take place based on accepted industry standards. Any fewer audits or any longer period of time for certification to remain valid could adversely impact the quality of the certification and ultimately its reliability and value to the general public and the USCG. Accordingly, the agency has decided that a 5 year certification with at least 3 routine audits is the most prudent schedule. Over the course of the three year approval period, it is estimated that two audits will occur.

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 of 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.**

MARAD provides the following responses as the only ones that apply:

- Applicants will be required to provide information more often than quarterly only

when they decide to change information on which MARAD relied in issuing its certification. If this kind of information is changed, the certified training provider has a duty to inform MARAD of the change. This is necessary to ensure that the change does not have an adverse effect on the quality of the security and safety training provided by the applicant.

- Applicants may be required to respond to MARAD in fewer than 30 days if a nonconformity is discovered by an audit or other credible means that places the security and safety training provider certification in question. This is necessary to ensure the quality of MARAD certifications and their reliability to the public and USCG.
- MARAD will require training providers to maintain records of training for the period of the certification (5 years). This is necessary to support the audit process. If information were allowed to be disposed of prior to the full 5 year period, audits would be limited and the agency would not be able to understand the training providers full performance during the certification period.

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 those 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 3 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.

On May 23, 2013, the agency published a notice in the FR (78 FR 30956, (See attached)) seeking public comment on the CVSSA Training Provider Certification information collection and provided a 60 day period to obtain comments. The period closed on July 22, 2013. Comments relating to the CVSSA policy were received and addressed in the 30-day Federal Register Notice.

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

Not applicable. No decision to provide any payment or gift to respondents was considered.

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

MARAD applies DOT processes with respect to the protection of confidential information. To that end, and with respect to this program, the agency will rely on the Freedom of Information Act (FOIA) and DOT FOIA implementing regulations at 49 CFR Part 7.

11. Justification for collection of sensitive information. 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.

The agency does not request information of a sensitive nature with respect to this certification.

12. Estimate of burden hours for information requested. 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 hour 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.**
- **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.**

The agency anticipates 35 submissions each year. Certification is anticipated to span a period of 5 years before expiration and renewal. However, the agency does anticipate the collection of information annually from the same estimated number of training providers seeking to maintain their certification by complying with agency audits. We project the annual burden to be equal to 40 hours per program participant. The annual burden per participant includes completing and filing the application and recordkeeping (8 hours for recordkeeping.)

	Number of Respondents		Responses Per Respondent	=	Total Responses Annually	x	Hours Per Response	=	Total Hours Annually
Application	35	x	1	=	35	x	32	=	1120
Recordkeeping	35	x	1	=	35	x	8	=	280
Total									1400

Total Annual Burden Hr. Costs:

Annual Burden Hr. Costs: One Manager @ \$55.22 per hr. x 1400 Hrs. = \$77,308

Responses Number of Respondents		Cost Per Respondent	Hours		Total Per Hour	x	Per Response	=	Total Cost Annually
35	x	1	x		\$55.22	x	40	=	\$77,308

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information.

- The cost estimates 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 costs 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.

(a) Total Capital and Start-Up Costs Estimate: There are no capital or start-up costs associated with this information collection.

(b) Total Operation and Maintenance and Purchase of Services Estimate: There are no operational and maintenance or purchase of service 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 costs, 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.

<u>Number of Employees</u>	<u>Hourly Wage</u>		<u>Project Time</u>		<u>Cost Per Application</u>
(2) GS-15	\$75.28	x	20	=	\$ 3,012
(1) GS-14	\$66.19	x	20	=	\$ 1,324
Total					\$ 4,336
Overhead at 85%				=	\$ 3,686
Subtotal				=	\$ 8,022
Times 35 responses per year				=	\$280,770

Maximum Total Annual Costs to the Federal Government: \$280,770

*Include salary costs based on hours, overhead, printing, etc..

15. Explain the reasons for any program changes or adjustments reported in questions 12 or 13.

This is a new information collection; therefore, no changes or adjustments reported in questions 12 or 13.

16. Publication of results of data collection. 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.

There are no plans to publish the results of the information collection for statistical purposes.

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.

Display would not be inappropriate.

18. Explain each exception to the certification statement "certification for paperwork reduction act submissions."

There are no exceptions to the certificate statement.