

**Department of Transportation
Maritime Administration
Information Collection Request (ICR)
2133-0526**

Information to Determine Seamen's Reemployment Rights – National Emergency

SUPPORTING STATEMENT

Introduction: This submission is to request a three-year approval from the Office of Management and Budget (OMB) for the renewal of the information collection entitled OMB 2133-0526 (Information to Determine Seamen's Reemployment Rights – National Emergency), which expires on July 31, 2023. There are no changes so this renewal request will be submitted as *an extension of a previously approved collection*.

A. JUSTIFICATION

1. Circumstances Making the Collection of Information Necessary

OMB 2133-0526 (Information to Determine Seamen's Reemployment Rights – National Emergency) 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 a national emergency, the number of United States (U.S.) flag ships in operation will increase, which results in an increased demand for qualified mariners. A rapid increase in mariner demand may require additional credentialed mariners who are not actively sailing on their credential and are working ashore. By law, such mariners are entitled to re-employment protection similar to the protection offered to members of reserve components of the U.S. Armed Forces and 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 for reemployment is expected to increase. However, because such protection is also extended to mariners who volunteer for activation drills of MARAD's Ready Reserve Force (RRF0 vessels in reduced operating status, such drills occur separate from and independently of national emergency.

46 United States Code (U.S.C.) 52101 provides the procedures by which MARAD must certify that certain merchant seamen are entitled to reemployment rights, upon application to the agency, 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. An individual 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 requires that respondents submit a copy of their U.S. Coast Guard discharge form showing the completion of duty date and service time, as well as a copy of their U.S. Coast Guard-issued merchant

mariner credential. There are no forms associated with this collection. MARAD will determine eligibility for certification and inform the mariner of the Agency's decision by letter.

2. Purpose and Use of the Information Collection

MARAD will only use the information compiled for this collection during a national emergency, to determine if U.S. merchant mariners are eligible for reemployment rights under the Maritime Security Act of 1996. MARAD personnel will transmit the eligibility decision through a formal letter.

3. Automation and Use of Information Technology (IT)

MARAD provides a total electronic option for submitting required information for this collection. However, mariners are allowed to submit their requests in writing.

4. Efforts to Identify Duplication

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

5. Impacts on Small Businesses or Other Small Entities

This collection of information does not impact small businesses or other small entities. This information is collected from individual mariners. Businesses cannot provide this information under the existing regulations.

6. Impact of Not Conducting or Less Frequent Collection of Information

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

7. Special Circumstances Relating to the Guidelines 5 CFR 1320.5

There are no special circumstances requiring the information to be collected in any other manner as described below:

- Requiring respondents to report information to MARAD more often than quarterly;
- Requiring respondents to prepare a written response in fewer than 30 days after receipt of a collection instrument;
- Requiring respondents to submit more than one original copy 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;
- Requiring the use of statistical data 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;
- Requiring a pledge of confidentiality; or
- Requiring respondents to submit any proprietary or trade secrets

8. Public Comments in Response to the Federal Register Notice and Outside Consultation

MARAD published a 60-day notice and request for comments on this information collection in the Federal Register (FR 27580, Vol 88, No. 84) on May 2, 2023, indicating comments should be submitted on or before July 3, 2023. No comments were received. A 30-day notice will now be published in the Federal Register to solicit public comments.

9. Explanation of Any payment or Gifts to Respondents

No payments or gifts are provided to respondents.

10. Assurance of Confidentiality and Protection of Privacy

Applicants will be advised that any documentation they provide will be held in strictest confidence, not releasable to entities outside of the Federal Government.

11. Justification for Sensitive Questions

There are no questions of a sensitive nature.

12. Estimate of Annualized Burden Hours and Cost

a. Estimated Annualized Burden Hours

An estimated 10 respondents will take approximately 1 hour to respond to this collection once annually. Therefore, the total estimated annual burden for this collection is 10 hours. These estimates are based on existing data for this collection, and the calculations are illustrated in the table below:

Type of Respondent	Total Respondents		Total Responses per Respondent	=	Total Responses		Average Time Taken to Respond (Hour)	=	Total Burden Hours
U.S. Merchant Seamen	10	*	1	=	10	*	1	=	10

b. Estimated Annualized Cost to Respondents

The estimated hourly wage of \$ 39.52 for water transportation workers – Occupation Code 53-5000 to collect, copy, file, and electronically submit the required information for employment protection as part of this collection, was taken from BLS May 2022 occupation table ¹.

As such, the estimated annualized cost burden to respondents is \$ 543.76, and can be calculated as shown in the table below:

	Rate	*	Total Annualized Burden Hours	=	Total Annualized Burden Cost	*	Benefit Multiplier	=	Total Annualized Burden
Water Transportation Worker (OC 53-5000)	\$ 39.52	*	10	=	\$ 395.20	*	1.4	=	\$ 553.28

13. Estimate of the Total Annual Cost Burden to Respondents and/or Record Keepers

There are no capital, start-up, operation, or maintenance cost associated with this collection.

14. Estimates of Federal Government Costs

It is estimated that two Federal government employees (i.e., GS-9 step 5)² will spend 4.25 hours of their time collecting and assimilating information submitted for the 10 applications associated with this collection. The average hourly wage rate for the DC locality is \$ 35.27. Therefore, the total annual cost to the Federal government are the loaded wages, which includes the benefits multiplier of 1.4, is \$4,003.16 and can be calculated as follows:

Quantity of Employees	*	Hourly Wage Rate (GS-9, Step 5)	=	Combined Wages	*	Total Hours	=	Total Combined Wages Associated With this Collection	*	Total Responses	=	Total Combined Wages to Process All Responses
2	*	\$ 35.27	=	\$ 70.54	*	4.25	=	\$ 299.795/ \$ 299.80	*	10	=	\$2,998.00

Total Combined Wages to Process All Responses	Benefits Multiplier	Total Loaded Wages to Process All Responses
\$ 2,998.00	1.4	\$ 4,197.20

¹ https://www.bls.gov/oes/current/oes_nat.htm

² https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/23Tables/html/DCB_h.aspx

15. Explanation of Program Changes or Adjustments

There are no program changes or adjustments associated with this collection.

16. Publication of Data Collection Results

MARAD projects about 10 cases of reemployment requests per year, based on recent program records, and can provide a simple status report on all cases annually. This project will not commence without a declaration of national emergency or unmet need during other readiness testing or activations of RRF vessels.

17. Display of the OMB Expiration Date

Approval is not requested to omit the expiration date for this collection.

18. Exception to the Certification Statement

There are no exceptions to the certification statement.