

**Supporting Statement
for
Regulated Navigation Area; Reporting Requirements for Barges
Loaded with Certain Dangerous Cargoes, Inland Rivers, Eighth Coast
Guard District and the Illinois Waterway, Ninth Coast Guard District**

A. Justification.

1. Circumstances that make the collection of information necessary.

Terrorist attacks on September 11, 2001, inflicted catastrophic human casualties and property damage. These attacks highlighted terrorists' abilities to utilize multiple means in different geographic areas, increasing their opportunities to maximize destruction by using multiple terrorist acts.

Since the September 11, 2001, terrorist attacks on the World Trade Center in New York, the Pentagon in Arlington, Virginia and Flight 93, the Federal Bureau of Investigation (FBI) has issued several warnings concerning the potential for additional terrorist attacks within the United States. The threat of maritime attacks is real as evidenced by the October 2002 attack on a tank vessel off the coast of Yemen and the prior attack on the USS COLE. These attacks manifest a continuing threat to U.S. assets as described by the President's finding in Executive Order 13273 of August 21, 2002 (67 FR 56215, September 3, 2002). The President found that the security of the U.S. was endangered by the September 11, 2001, attacks and that terrorist attacks continue to endanger the international relations of the United States. *See also Continuation of the National Emergency with Respect to Certain Terrorist Attacks*, (67 FR 58317, September 13, 2002); *Continuation of the National Emergency With Respect To Persons Who Commit, Threaten To Commit, Or Support Terrorism*, (67 FR 59447, September 20, 2002). The U.S. Maritime Administration (MARAD) in Advisory 02-07 advised U.S. shipping interests to maintain a heightened state of alert against possible terrorist attacks. MARAD more recently issued Advisory 03-03 informing maritime interests of increased threat possibilities to vessels and facilities and of a higher risk of terrorist attacks to the transportation community in the United States. The ongoing hostilities in Afghanistan and heightened tensions in Iraq have made it prudent for U.S. ports and waterways to be on a higher state of alert due to the Al Qaeda organization and other similar organizations that have declared intentions to conduct attacks on U.S. interests worldwide.

Therefore, on April 16, 2003, the Coast Guard established temporary Regulated Navigation Areas (RNAs) within the inland rivers of the Eighth Coast Guard District and Ninth Coast Guard District in order to safeguard vessels, ports and waterfront facilities from sabotage or terrorist acts. The RNAs apply to barges loaded with Certain Dangerous Cargoes (CDC) operating on the Illinois Waterway System in the Ninth Coast Guard District, and in the Eighth Coast Guard District on the Mississippi River

above mile 235.0, Above Head of Passes, including all its tributaries; the Atchafalaya River above mile 55.0 including the Red River; the Ohio River and all its tributaries; and the Tennessee River from its confluence with the Ohio River to mile zero on the Mobile River and all other tributaries between these two rivers. The RNAs affect vessels transporting CDCs that can be used as weapons of terrorism resulting in substantial loss of life, loss of property, environmental damage, and grave economic consequences. The temporary RNAs require operators of barges loading or loaded with CDCs within the RNAs to periodically report their position and other specified information to the Inland River Vessel Movement Center (IRVMC) to protect the infrastructure and citizens of the United States against sabotage and terrorist acts. The temporary final rules establishing the RNAs were published May 2, 2003, in the Federal Register (68 FR 23393 & 68 FR 23399) and expire on October 31, 2003.

The Coast Guard, due to the continued threat of terrorism has determined that there is a need to continue the reporting requirements for barges loading or loaded with CDCs operating on the inland rivers of the Eighth and Ninth Coast Guard Districts.

This information collection supports the following strategic goals:

Department of Homeland Security

- Prevention

Coast Guard

- Maritime Security

Prevention Directorate (G-M)

- Security: Eliminate marine transportation and coastal security vulnerability.

2. Purpose of the information collection.

Title 33 CFR 165.10 defines a regulated navigation area as a defined boundary for which regulations for vessels navigating within the area have been established. The purpose of collecting information within the RNA is to allow the Coast Guard to maintain continuous maritime domain awareness on the inland rivers to ensure port safety and security, and ensure the uninterrupted flow of commerce within the Eighth and Ninth Coast Guard Districts. This awareness will help the Coast Guard respond appropriately to actual or threatened terrorist actions and enhance maritime security by escorting CDC barges in the vicinity of high-density population areas.

3. Considerations of the use of improved information technology to reduce the burden.

The Coast Guard established the Inland River Vessel Movement Center (IRVMC) to accept reporting in one location vice requiring reports to be made to each Captain of the Port in which the CDC barge was operating. This alleviates the burden on the operator of a CDC barge from having to determine which COTP zone they are operating in and maintaining a contact list for each COTP. The IRVMC accepts telephone (toll free), facsimile (toll free), and e-mail transmissions as means of reporting the information.

Persons subject to this requirement may utilize the means that most efficiently meets their needs, provided that the information and timeliness requirements are met. The Coast Guard has also made a reporting form and an e-mail link available on the Internet at <http://www.uscg.mil/d8/Divs/M/IRVMC.htm>.

We estimate that 100% of the reporting requirements can be done electronically. Based upon operational experience with the IRVMC, we estimate that approximately 10% of the responses are collected electronically.

The Coast Guard has developed an alternative reporting methods to be used by the responsible person to meet any reporting requirements if: (1) the responsible person submits a written request for the alternative to Commander, Eighth Coast Guard District (m), Hale Boggs Federal Bldg., 501 Magazine Street, New Orleans LA 70130; and, (2) the alternative provides an equivalent means of meeting the reporting requirements, which is documented in the request. See paragraph 12 for further information.

4. Efforts to identify duplication. Why similar information cannot be used.

The Coast Guard monitors state and local regulatory activity in this field. To date, no equivalent State and local programs have been identified that require similar information on a national basis, and no other Federal agencies have equivalent regulatory requirements. Other sources of reported information have been considered, including Notice of Arrival regulations (33 CFR 160) and Army Corps of Engineers. These sources do not provide the specific vessel and cargo information that is required. The Coast Guard will also continue to research integration of existing systems used by marine transportation companies that currently use the inland rivers.

5. Methods used to minimize the burdens, to small businesses, if involved.

This information collection will not have a significant economic impact on a substantial number of small entities. Reporting requirements for small entities are generally proportionately less due to the smaller number of vessels they operate and transit distances for those vessels. The required reports may be in verbal form and no particular format is specified although a reporting form is available for use.

6. Consequences to the Federal program if collection were conducted less frequently.

Less frequent collection would significantly impact the Coast Guard's ability to maintain maritime domain awareness on the inland rivers, as the Coast Guard would not have a timely and accurate picture of where CDCs were on defined segments of the inland rivers. Without this knowledge the Coast Guard could not take the actions described in paragraph 2 to protect the port and the environment.

7. Explain any special circumstances that would cause the information collection to be conducted in a manner inconsistent with guidelines.

Information is collected in a manner that is consistent with the guidelines.

8. Consultation.

A request for comment was published in the Federal Register on May 30, 2006, in Volume 71, page 30682, no comments were received.

9. Explain any decision to provide payment or gift to respondents.

No payments or gifts of any kind are provided to respondents.

10. Describe any assurance of confidentiality is provided to respondents.

No assurance of confidentiality is provided to respondents.

11. Additional justification for any questions of a sensitive nature.

There are no issues of a sensitive nature involved in this information collection.

12. Estimates of information collection burden.

<i>Average number of respondents:</i>	151
<i>Total number of annual responses for reporting requirements:</i>	29,376
<i>Estimated annual hour burden for reporting requirements:</i>	1,179
<i>Total annual cost burden to respondents for reporting requirements:</i>	\$ 141,372

The average number of respondents is 151. This was based on the number of companies (73) and barges (124) that transport CDCs and who made reports to the IRVMC during the months of February 2006 and March 2006. The number of companies was calculated from the two-month average baseline data; the number of barges was calculated from the two-month daily average baseline data.

- a. Maximum number of respondents: Calculated by adding the number of barges to the number of companies. This method assumed that a towing vessel pushed only one barge at a time. The maximum number of respondents is 197.
- b. Minimum number of respondents: Calculated by adding an average number of barges to the number of companies. This method assumed that a towing vessel pushed four barges at a time. The minimum number of respondents is 104.
- c. Average number of respondents: Calculated by averaging the maximum and minimum number of respondents. The average number of respondents is 151.

a. Reporting requirements for barges loaded with CDC.

The annual number of CDC reports is 29,376. This is based on the number of reports received by the IRVMC over a two-month period. That value was extrapolated to determine the annual report estimate.

The estimated number of burden hours for CDC reports is 1,179. Based upon data collected by the IRVMC, it was determined that 7% of all reports were advance notices, 7% of all reports were initial reports, and the remaining 86% were update reports.

- a. Maximum number of burden hours: Calculated by multiplying the average initial reporting time by the number of annual responses for reporting requirements, and then converting that value to hours. It was found that the longest initial reporting time was eight minutes, and the shortest initial reporting time was four minutes. Therefore, an average initial reporting time of six minutes per report to the IRVMC was calculated. Update reports to the IRVMC took approximately two minutes. Because the update report value is less than the initial report value, it was not considered during the calculation of the maximum number of burden hours. The maximum number of burden hours is 2,448.
- b. Estimated number of burden hours: Calculated by applying data obtained by the IRVMC that showed 7% of all reports (29,376) were advance notices, 7% of all reports were initial reports, and the remaining 86% were update reports. We then used the time values for the average advance notices and initial reports (5 minutes) and the update reports (2 minutes) to determine the actual number of burden hours. The number of burden hours for advance notices was calculated to be 169 hours. The number of burden hours for initial reports was calculated to be 163 hours. The number of burden hours for update reports was calculated to be 847 hours. By adding the number of burden hours for advance reports, initial reports, and update reports together, we obtained the estimated number of burden hours. The estimated number of burden hours is 1,179.

The annual cost of CDC reports to the respondents is approximately \$141,372. This is based on the following:

	Cost/Adv.Notice	Cost/Initial Call	Cost/Update Call	Total
Personnel	\$5,070	\$4,890	\$25,410	\$35,370
Operating Expenses	\$15,165	\$14,625	\$76,212	\$106,002
Total	\$20,235	\$19,515	\$101,622	\$141,372

Assuming: (1) the number of burden hours for advance reports is 169; (2) the number of burden hours for initial reports is 163; and (3) the number of burden hours for update reports is 847.

Assuming: (1) the average merchant mariner's hourly rate is \$30; (2) the average advance notice call is 5 minutes; (3) the average initial call is 5 minutes; (4) the average update call is 2 minutes; (5) 7% of all responses are advance notices to the IRVMC; (6) 7% of all responses are initial reports to the IRVMC; and (7) 86% of all responses are update reports to the IRVMC.

Assuming: (1) the average cost per cell phone call is \$1.50 per minute; (2) the average advance notice call is 5 minutes; (3) the average initial report call is 5 minutes; (4) the average update call is 2 minutes; (5) 7% of all responses are advance notices to the IRVMC; (6) 7% of all responses are initial reports to the IRVMC; and (7) 86% of all responses are update reports to the IRVMC.

The average cost per respondent is \$936 if the average number of respondents is used to calculate this value.

b. Alternative reporting requirements for barges loaded with CDC.

This regulation allows companies that transport CDCs by barge to submit a request for alternative reporting requirements (ARR). At this time only one company has submitted and been approved for an ARR. It is estimated that the time and cost burdens associated with the one company’s ARR are similar to the burdens associated with the normal requirements. The number of burden hours for the Coast Guard to review a request, interact with the submitting company and ensure that the alternative meets the regulatory requirements is estimated to be 40.

The costs associated with a company that prepares and submits this request for alternative reporting are estimated below.

- The average hourly rate for a manager preparing a request for alternate reporting is \$50. Using this value, it is estimated that a company would incur \$2,000 in personnel costs per request.

13. Estimates of annualized capital and start-up costs.

There are no annualized capital and start-up costs.

14. Estimates of annualized cost to the Federal Government.

The total cost to the Federal Government is approximately \$1.27 million annually to process reports and operate the IRVMC. The Coast Guard will incur 28,620 hours¹ of burden associated with these activities.

Item	Cost
Personnel for reporting ²	\$ 1,170,000
Operating Expenses ³	\$ 100,000
Total	\$ 1,270,000

a. Reports to IRVMC:

¹ 1 MCPO, 9 hours a day for 260 days/year=2,340 hours to collect reports
12 watchstanders, 24 hours a day (equal to 72 burden hours per day) for 365 days/year=26,280 hours to collect reports

² Assuming that a MCPO with an hourly rate as an E-9 for in government, then the rate is \$62; assuming that a watchstander with an equivalent hourly rate as an E-5 for in government, then the rate is \$39, according to Enclosure (2) to COMDTINST 73101.1I.

³ Estimated costs for GSA offices, electricity, equipment, phones, etc.

Coast Guard enlisted personnel require between 5 and 10 minutes (0.08 hrs-0.17 hrs) to receive and review each report. For the purposes of the time estimates used in this collection, we used a high average of 8 minutes (0.13 hrs) to receive and review each report. For 29,376 reports per year at 8 minutes per report (high average), the burden is 3,917 hours per year.

b. Reviewing requests for alternate reporting:

Coast Guard officer personnel require an estimated 40 hours to review a request, interact with the submitting company, and ensure that the alternative meets the proposed regulatory requirements. At \$39 per hour for officer personnel, the cost to the Federal Government to process one request for alternative reporting is \$1,560.

15. Reasons for change in burden.

The change in burden is an ADJUSTMENT due to a change in the number of vessel transits.

16. For collections of information whose results are planned to be published for statistical use, outline plans for tabulation, statistical analysis and publication.

There is no plan to use statistical analysis or to publish this information.

17. Approval to not display expiration date.

There are no forms associated with this collection.

18. Explain each exception to the certification statement.

There are no exceptions to the certification statement.

B. Collection of Information Employing Statistical Methods.

This information collection does not employ statistical methods.