

**Supporting Statement
for
Navigation Safety Information and Emergency Instructions
for Certain Towing Vessels**

A. JUSTIFICATION

1. Circumstances that make the collection of information necessary.

This information collection has 2 parts. Whereas the first part concerns navigation safety, as addressed in 33 CFR Section 164, the second part concerns inspected towing vessel safety as addressed in 46 CFR Section 199.80.

Part 1) Navigation Safety Information:

The Ports and Waterways Safety Act (Pub. L. 92-340) requires that increased supervision of vessel and port operations is necessary in order to insure that vessels operating in the navigable waters of the United States shall comply with all applicable standards and requirements for vessel equipment and operational procedures. The Navigation Safety Information collection requirements described in this supporting statement are necessary to comply with 33 CFR Part 164.

Part 2) Muster List and Emergency Instructions:

According to 46 CFR Section 199.80, a muster list and emergency instructions are required for certain inspected vessels, which include inspected towing vessels. The need for the muster list and emergency instructions are to provide a plan of action in the event of an emergency. This plan of action would 1) reduce the risk of personnel injuries during an emergency; and 2) increase the crew's fire fighting capability so that the likelihood of a small fire jeopardizing a towing vessel's propulsion is decreased.

This information collection supports the following strategic goals:

Department of Homeland Security

- Prevention
- Protection

U.S. Coast Guard

- Safety
- Protection of the Natural Resources

Prevention Directorate (CG-3P)

- Safety: Eliminate deaths, injuries, and property damage associated with commercial maritime operations.
- Economic Growth and Trade/Mobility: Reduce interruptions and impediments that restrict the economical flow of goods and people, while maximizing safe, effective, and efficient waterways for all users.

- Human and Natural Environment: Eliminate environmental damage associated with maritime transportation and operations on and around the nation's waterways.

2. By whom, how, and for what purpose the information is to be used.

Navigation Safety Information:

Sections 164.70 through 164.82 apply to each towing vessel¹ of 12 meters (39.4 feet) or more in length operating in the navigable waters of the U.S. other than the St. Lawrence Seaway; except that a towing vessel is exempt from the requirements of Section 164.72 if it is:

- (1) Used solely within a limited geographic area, such as a fleeting-area for barges or a commercial facility, and used solely for restricting service, such as making up or breaking up larger tows;
- (2) Used solely for assistance towing as defined by 46 CFR 10.103;
- (3) Used solely for pollution response; or
- (4) Any other vessel exempted by the Captain of the Port (COTP). The COTP, upon written request, may, in writing, exempt a vessel from Section 164.72 for a specified route if he or she decides that exempting it would not allow its unsafe navigation under anticipated conditions.

Section 164.72 has both equipment and information requirements. In addition to the chart/map requirements for areas to be transited, the information requirements are:

- (A) For towing vessels that tow exclusively on Western Rivers:
 - (1) U.S. Coast Guard Light List.
 - (2) Notices to Navigation or Local Notices to Mariners.
 - (3) River-current Tables.
- (B) For towing vessels that do not tow exclusively on Western Rivers:
 - (1) U.S. Coast Guard Light List.
 - (2) Local Notices to Mariners.
 - (3) Tidal-current Tables or River-current Tables.
 - (4) Tide Tables.
 - (5) U.S. Coast Pilot.

Section 164.74 concerns towline and terminal gear for towing astern, and has three information collection requirements:

- (1) A record of the towline's minimum breaking strength (as determined by the manufacturer, by a classification society authorized in Section 157.04 of this chapter, or by a tensile test) must be kept either on board the towing vessel or in company files.
- (2) A record of each re-test of the towline's minimum breaking strength as determined by a class society or tensile test must be kept on board the towing vessel or in the company files if a towline is re-tested for any reason.
- (3) A record of the material condition of the towline when inspected must be kept either on board the towing vessel or in company files.

¹ According to Section 164.70, a towing vessel means a commercial vessel engaged in or intending to engage in pulling, pushing or hauling alongside, or any combination of pulling, pushing, or hauling alongside.

Section 164.78 concerns when towing vessels are underway, and has one information collection requirement:

- (1) Results of tests and inspections must be entered in the log or other record carried on board. The owner, master, or operator or each vessel towing shall ensure that the tests and inspections required by Section 164.80 are conducted and that the results are entered.

Section 164.82 concerns the maintenance, failure and reporting of navigational-safety equipment, and has two information collection requirements:

- (1) Enter failure of any navigational-safety equipment required by Section 164.72 in the log or other record carried on board the towing vessel.
- (2) Report to the Vessel Traffic Center (VTS) while towing vessel is operating within a VTS Area if:
 - a. Any absence or malfunction of vessel-operating equipment for navigational safety,
 - b. Any condition on board the vessel likely to impair navigation, or
 - c. Any characteristics of the vessel that affect or restrict the maneuverability of the vessel.

Notify the Captain of the Port (COTP) and seek from the COTP both a deviation from the requirements of Section 164.82 and an authorization for continued operation in the area if towing vessel is unable to repair within 96 hours an inoperative marine radar as required by Section 164.72(a). The initial notice and request for a deviation may be spoken, but the request must also be written. The written request must explain why immediate repair is impracticable, and state when and who will make the repair. The deviation is handled in a separate collection of information (1625-0043).

The above information ensures that the towing vessel operator record information that is necessary for the safe operation and maintenance of the vessel. It also serves as a way for Coast Guard inspectors to determine if a vessel is in compliance or in the case of a casualty, whether failure to meet these regulations contributed to the casualty. This information is very important to the Coast Guard's integrated risk management program (which combines risk assessments and risk management).

Muster List and Emergency Instructions:

According to 46 CFR 199.80, "Copies of the muster list must be posted in conspicuous places throughout the vessel included on the navigating bridge, in the engine room, and in crew accommodation spaces."

3. Consideration of the use of improved information technology.

Navigational Safety Information:

Marine maps, charts, and general publications can be in printed format, and a future rulemaking may permit electronic charts. The record of a towline's material condition, initial minimum breaking strength and record of retest can be kept on board or in a company's files. This information can be stored either on paper or electronically. Similarly, the results of the tests and inspections required by Section 164.80 can be entered in the vessel's log or otherwise recorded and carried on board.

Muster List and Emergency Instructions:

Copies of the muster list and emergency instructions must be conspicuously displayed in multiple places. Typically, this means they are in paper form.

For the entire collection, we estimate that 30% of the recordkeeping requirements can be done electronically. At this time, we estimate that 10% are done electronically.

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

No other Federal agency requires similar information. No State or local governments have regulations that provide similar information.

5. Methods to minimize the burden to small businesses if involved.

The Navigation Safety Information collection was designed to give vessel owners to minimize the burden without compromising the safety of the vessels and their crews. Similarly, the requirements for the muster list and emergency instructions have been designed to minimize the burden to all owners/operators.

6. Consequences to the Federal program if collection were not done or conducted less frequently.

Navigation Safety Information:

If information collection were conducted less frequently, compliance to the navigation safety requirements may not be verifiable. Although the Coast Guard believes that most prudent operators already employ most of these safety tools, these regulations are intended to codify these requirements, and force compliance by those vessels not conforming to the safety practices of the majority of the industry. Without frequent information collection, there would be no means for the owner or operator of a towing vessel to be held accountable for adequate navigational safety equipment.

Muster List and Emergency Instructions:

A muster list can be developed that would be effective during the operational life of the towing vessel. Similarly, emergency instructions can be developed that require few changes over time. If the collection were conducted less frequently, it would not meet the requirements of the law, and pose risks to vessels and crews in the event that they were either not informed or

misinformed on how to act during an emergency. Muster list and emergency instructions provide an effective plan for assigning vessel personnel stations and duties during times of emergency. The requirement to maintain and post the muster lists provides a quick visual reference which crew members can view to find out where to go in an emergency situation.

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 60-day Notice was published in the Federal Register to obtain public comment on this collection. (See [USCG-2007-27923]; May 3, 2007; 72 FR 24594). The USCG has not received any comments on this information collection.

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 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 reporting and recordkeeping hour and cost burdens of the collection of information.

Table 12. 1 displays the hourly and cost burden associated with this collection.

Table 12.1

	PART ONE									PART TWO	
	Exemption Request	Marine Charts	General Publications	Breaking Strength Record	Retest Record	Condition Record	Inspection Record	Failure Record	VTS Report	Muster List	Emergency Instructions
Hour Burden	1.00	0.33	0.33	0.33	0.33	0.33	0.25	0.25	0.08	1.00	1.00
Frequency/Vessel	1.00	52.00	52.00	16.00	16.00	16.00	52.00	1.00	1.00	1.00	1.00
Hour Burden/Vessel/Year	1.00	17.16	17.16	5.28	5.28	5.28	13.00	0.25	0.08	1.00	1.00
# Affected Vessels/Year (= # respondents)	10	5,743	5,743	5,743	5,743	5,743	5,743	574	287	1	1
Total Annual Hour Burden	10	98,550	98,550	30,323	30,323	30,323	74,659	144	23	1	1
Hourly Wage Rate	\$61	\$61	\$61	\$61	\$61	\$61	\$61	\$61	\$61	\$61	\$61
Total Annual Cost Burden	\$610	\$6,011,550	\$6,011,550	\$1,849,703	\$1,849,703	\$1,849,703	\$4,554,199	\$8,784	\$1,403	\$61	\$61

TOTAL # OF RESPONDENTS:	5,743
TOTAL ANNUAL HOUR BURDEN:	362,907
TOTAL ANNUAL COST BURDEN:	\$22,137,327

Unless otherwise specified in the following three notes, the number of responses for each element of this collection is equal to the total population of U.S. flagged towing vessels,

currently in service and meeting the applicability set forth under 33 CFR 164. The population data was obtained from the Marine Information for Safety and Law Enforcement database.

Note 1: Historically, the Coast Guard receives an average of 10 requests for exemptions per year.

Note 2: On average, the ten percent of the population of affected vessels is required to submit a record of failure, and five percent must submit a VTS report in any given year.

Note 3: We assume that only one vessel will, on average, be required to modify its muster list and emergency instructions per year. This requirement only applies to inspected vessels, of which there are very few and the total number rarely fluctuates.

We assume that a licensed individual on the towing vessels will be responsible for performing these actions. The responsibilities of these individuals are commensurate with that of a Chief Petty Officer (E-7). The wage rates are taken from the current edition of COMDTINST 7310.1(series).

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

There are no annualized capital or start-up costs.

14. Estimates of annualized Federal Government costs.

The total annual hour burden of the Navigational Safety Collection to the Federal Government is provided in Table 14.1.

Table 14.1

	PART ONE									PART TWO	
	Exemption Request	Marine Charts	General Publications	Breaking Strength	Retest Record	Condition Record	Inspection Record	Failure Record	VTS Report	Muster List	Emergency Instructions
# Affected Vessels/Year	10	5,743	5,743	5,743	5,743	5,743	5,743	574	287	38	38
% Documents Reviewed/Year	100%	5%	5%	5%	5%	5%	5%	5%	100%	100%	100%
# Documents Reviewed/Year	10	287	287	287	287	287	287	29	287	38	38
Review Time/Document/vessel (hrs)	0.50	0.08	0.08	0.08	0.08	0.08	0.08	0.08	0.08	0.08	0.08
TOTAL Review Time/Document (hrs)	5	24	24	24	24	24	24	2	24	3	3
Hourly Wage Rate	\$62	\$49	\$49	\$49	\$49	\$49	\$49	\$49	\$49	\$49	\$49
Total Annual Cost Burden	\$310	\$1,176	\$1,176	\$1,176	\$1,176	\$1,176	\$1,176	\$98	\$1,176	\$147	\$147

TOTAL ANNUAL GOV'T HOUR BURDEN:	181
TOTAL ANNUAL GOV'T COST BURDEN:	\$8,934

Note 1: The following documents will be evaluated by the Coast Guard during boardings. We anticipate that, on average, five percent of towing vessels will be boarded per year.

- Marine Charts
- General Publications
- Breaking Strength Records
- Retest Records
- Condition Records

Inspection Records
Failure Records

Note 2: The Coast Guard will evaluate and respond to every exemption request and VTS report.

Note 3: Muster lists and emergency instructions are required for all inspected towing vessel, and the Coast Guard will review each annually during the vessels' scheduled inspections.

Note 4: We estimate that each document will take not more than five minutes to review, except for the exemption request, which will we assume will take approximately thirty minutes.

Note 5: In general, a Lieutenant, Junior Grade (O-2) will review the documents, except for the exemption requests, which will be reviewed by a Lieutenant (O-3). The wage rates shown are in accordance with the current edition of COMDTINST 7310.1 (series).

15. Explain the reasons for the change in burden.

The change in burden is an ADJUSTMENT. The change is due to a decrease in the towing vessel population. The change in population is less than 2%.

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.

We are not seeking such approval. The OMB Number will appear on appropriate PRA disclosure information.

18. Explain each exception to the certification statement.

There are no exceptions to the certification statement.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This information collection does not employ statistical methods.