

**Supporting Statement
for
Security Plans for Ports, Vessels, Facilities, and Outer Continental Shelf Facilities
and Other Security-Related Requirements**

A. Justification

1. Explain the circumstances that make collection of information necessary.

In the aftermath of the terrorist attacks of September 11, 2001, the Commandant reaffirmed the Coast Guard's Maritime Homeland Security mission and its lead role—in coordination with the Federal Departments, State and local agencies; owners and operators of vessels and maritime facilities; and others with interests in our nation's maritime transportation system—to detect, deter, disrupt, and respond to attacks against U.S. territory, population, vessels, facilities, and critical maritime infrastructure by terrorist organizations.

Public Law 107-295, the Maritime Transportation Security Act of 2002 (MTSA), was signed into law on November 25, 2002. MTSA and the parallel international requirements—SOLAS amendments and the International Ship & Port Facility Security Code (ISPS Code), as adopted by the International Maritime Organization's Diplomatic Conference in December 2002—provided the framework for developing a new maritime security regime.

The Coast Guard implemented new maritime security regulations in Title 33 Code of Federal Regulations Subchapter H (33 CFR Parts 101, 103, 104, 105 & 106; see Appendix A). A prime element of these requirements is the requirement for security assessments and plans, as well as communication procedures, for U.S. ports, facilities, vessels and maritime areas. These Security Assessments, Security Plans, and Declarations of Security (DoS) involve collections of information that are vital to securing the safety of maritime areas. These requirements are critical in determining appropriate security measures to reduce the risk of a Transportation Security Incident (TSI).

Certain security requirements were in place before September 11, 2001, and are also accounted for in this collection. These requirements related to cruise ship and terminal security. The regulations governing the Security of Passenger Vessels are in 33 CFR 120 and regulations on the Security of Passenger Terminals are in 33 CFR 128.

This information collection supports the following strategic goals:

Department of Homeland Security

- Awareness
- Prevention
- Protection
- Response
- Recovery

Coast Guard

- Maritime Safety

- Maritime Security
- Stewardship

Marine Safety, Security and Stewardship Directorate (CG-5)

- Safety: Eliminate deaths, injuries, and property damage associated with commercial maritime operations.
- Security: Eliminate marine transportation and coastal security vulnerability.
- Human and Natural Environment: Eliminate environmental damage associated with maritime transportation and operations on and around the nation's waterways.
- Economic Growth and Trade/Mobility: Reduce interruptions and impediments that restrict the economical movement of goods and people, while maximizing safe, effective, and efficient waterways for all users.

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

The Coast Guard requires Security Assessments, Security Plans and Declarations of Security from the affected population of U.S. ports and maritime areas. This collection affects owners, operators, and personnel operating in the U.S. Maritime Transportation System. The respondents are regulated public and private stakeholders as specified in parts 101, 103, 104, 105, 106, 120 and 128.

The primary need for information is to determine if stakeholders are in compliance with security standards. The required collection of information is also important for stakeholders to determine and design appropriate security measures for their own safety and for the safety of their assets. The information can also help determine, in the case of TSI, whether failure to meet these regulations contributed to the TSI.

3. Consideration of the use of improved information technology.

Security plans, assessments, amendments and audits, and related material, can be submitted electronically via <http://homeport.uscg.mil/> or as an attachment to an e-mail to securityplaninfo@uscg.mil. DoSs, MARSEC Level postings, markings, as well as the drills, meetings and exercises necessary for port security, are not as easily done electronically. Therefore, we estimate that 5% of the reporting and recordkeeping requirements are done electronically.

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 other equivalent State or local programs have been identified that require similar information.

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

Although the Coast Guard MTSA regulations have certain reduced requirements for smaller entities, these are primarily not paperwork related. However, because of the nature of the information collection requirements, the level of effort to prepare a port, vessel or facility security plan is estimated to vary directly with the size and complexity of the entity. As a result,

smaller entities should incur a lesser burden than larger entities (i.e., the paperwork burden is not constant across sizes and types of affected entities).

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

The Coast Guard recognizes the need to minimize the burden of any information collection to the extent permitted under MTSA. Under the regulation, existing MTSA ports, vessels and facilities need to conduct annual reviews and resubmit plans on a 5-year cycle. Only new MTSA entities must follow the full planning requirements.

The Coast Guard has determined that requiring entities to review and update their plans less frequently than once a year would undermine the intent of MTSA, which is to ensure that all entities have an up-to-date plan at all times, because plans are used to reduce the risk of a TSI.

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

This information collection 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-2008-0081], February 27, 2008, 73 FR 10458). The USCG has not received any comments on this information collection.

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

Neither payments nor gifts are given to respondents.

10. Describe any assurance of confidentiality provided to respondents.

The information will be kept private or anonymous to the extent allowable by law. Confidentiality/security of information contained in port, vessel, facility, and OCS facility security assessments and plans is of vital importance. The ISPS Code, part A, sections 9 and 16, and the MTSA (46 U.S.C. section 70101(d)) require documents related to security, especially security assessments and plans, to be kept in a manner that is protected from unauthorized access or disclosure. Understanding the imperative need to safeguard maritime security material to ensure its dissemination does not make the vessel, facility, or port vulnerable to a TSI, the Coast Guard has included provisions in these regulations noting that this type of material is to be designated as sensitive security information (SSI) in accordance with 49 CFR part 1520. Information designated as SSI is generally exempt under FOIA, and the Coast Guard believes that State disclosure laws that conflict with 49 CFR part 1520 are preempted by that regulation.

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

There are no questions of a sensitive nature in this information collection process.

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

Post 9/11 Security Regulations

The collections of information for the MTSA security regulations are primarily contained in the AMS/vessel/facility security assessment & plans, and in the Declarations of Security. The resulting burden hours are therefore for planning, developing and writing these security assessments and plans. In calculating the cost of the burden hours, the Coast Guard used a “loaded” labor rate, which means it includes the costs of employee benefits (vacation, health insurance, other overhead costs). We assume each hour of planning and writing costs an average of \$71/hour. While some employees cost more than this and some cost less, we believe \$71/hour is a reasonable average cost of the employees who would conduct this work, as the required experience and education is typically commensurate with that of a GS-12. The wage rate is derived from COMDTINST 7310.1K.

Collections of information under each part, together with tabular summaries, are described below. Following these sections is a summary sheet consolidating the burdens for all portions (i.e., post and pre-9/11) of this collection.

A. Implementation of National Maritime Security Initiatives (33 CFR 101) -- This part establishes the general regulations for Subchapter H, and contains the provisions that pertain to all parts described below. As mentioned previously, the collections of information in this section are addressed in each applicable part, as described below.

B. Port Security or Area Maritime Security (33 CFR 103) -- This part establishes US Coast Guard Captains of the Port as Federal Maritime Security Coordinators, and establishes requirements for Area Maritime Security Committees. The AMS plan is based on planning meetings, administrative drills and management exercises. These meetings, drills and exercises are considered collections of information as they are predominantly information-gathering events. Costs to stakeholders, therefore, are determined by the “loaded” labor rate and total hours each type of labor will be involved in each activity. The responsibilities of personnel involved in these committees are analogous to a GS-12, so we apply a labor rate of \$71/hour in accordance with COMDTINST 7310.1K.

The frequency with which meetings, management exercises and administrative drills must be conducted is detailed, and the calculation of the number of responses is complex. We expect some stakeholders to participate only partially, but our calculation is made with the assumption of 100% participation, and is thus a conservative estimate. We expect that, on average, stakeholders will annually participate in four meetings per year, four exercises per year, and two drills per year, for a total of ten annual responses per respondent. On average, each response carries a burden of five hours. To obtain the number of responses, we multiplied the frequency of responses by the number of respondents. The number of respondents is 9,400 (there are 47 maritime areas, each with an average of 200 stakeholders).

# Respondents	9,400
# Annual Responses	94,000
Hour Burden/Response	5
Total Hour Burden	470,000
Wage Rate	\$71
Total Cost Burden	\$33,370,000

C. Vessel Security (33 CFR 104) -- This part provides security measures for certain vessels calling on U.S. ports. It requires the owner to designate a company security officer, and the owner or operator of a vessel to designate security officers for the vessel. Owners or operators are also required to develop vessel security plans based on security assessments and surveys, and implement security measures specific to the vessel’s operation. The administrative drills and exercises required under vessel security regulations are accounted for in the burden-hour calculation for port security above (section B), as ports and vessels conduct these drills and exercises in conjunction with each other. Burden-hours and costs associated with the DoS, for vessels, are accounted for under facility security below (section D), as they are signed by both the facility and the vessel and need to be calculated only once.

For Vessel Security Assessments (VSAs) and Vessel Security Plans (VSPs), we assume each company will prepare the core documents, and there will be an incremental cost for each vessel included in the assessment or plan. The incremental cost added to each plan will be a function of the number and type of vessels, with the number of additional hours by vessel type. We assume each hour of planning costs \$71/hour, the “loaded” labor rate in accordance with COMDTINST 7310.1K.

The respondents are the Company Security Officers (CSOs) and the Vessel Security Officers (VSOs). The Coast Guard estimates that the average company owns four vessels, so we assume that there are a total of 2,500 CSOs and VSOs.

The applicable regulations require both an annual response and a periodic response to occur every five years. The estimated hourly burden for the annual and 5-year periodic reviews (per response) are 8 and 12 hours respectively. The burden is higher for new vessels, because new VSAs and VSPs must be generated, and we estimate this burden to be 80 hours per vessels.

Each VSA and VSP is tailored to meet the different needs of each vessel, so the number of annual responses is equal to the total number of vessels affected by this rule, 9,823. The number of periodic responses is estimated by dividing 9,823 by five (as the periodic response occurs every five years), resulting in 1,965. To determine the number of new vessels, we averaged the annual number of new vessels from 2004 to 2006. These population figures were derived from the Coast Guard’s MISLE¹ database. A summary of this burden follows:

	New Vessels	Annual Burden	5-year Burden	TOTAL
# Respondents	-----2,500-----			2,500
# Annual Responses	269	9,823	1,965	12,057

¹ Marine Information for Safety and Law Enforcement

Hour Burden/Response	80	8	12	
Total Hour Burden	21,520	78,584	23,580	123,684
Wage Rate	\$71	\$71	\$71	
Total Cost Burden	\$1,527,920	\$5,579,464	\$1,674,180	\$8,781,564

D. Facility Security (33 CFR 105) -- This part requires Facility Security Officers or another designated person to develop facility security assessments (FSAs) and facility security plans (FSPs) for all port facilities. Planning costs will be incurred initially and annually, with more costs incurred initially as facilities develop security plans. DoS costs are incurred annually. We estimate each facility will complete about 2 DoS per day or 700 per year, and that each DoS will take 15 minutes to complete. Burden hours and costs associated with the DoS, for vessels, are also accounted for here as they are signed by both the facility and the vessel and need to be calculated only once.

We assume each hour of planning and writing costs an average of \$71/hour, the “loaded” labor rate according to COMDTINST 7310.1K. The respondents are the Facility Security Officers and number 3,556 – which is the total number of facilities. We assume that, on average, there are 25 new facilities or facilities that change ownership, and require development of new FSAs and FSPs. The number of respondents for the annual burden is derived from the Coast Guard’s MISLE system, and the number of respondents for the 5-year burden is found by dividing the total number of facilities by five. The average burden for new facilities², the existing facility annual burden, and the existing facility 5-year burden is estimated as 100, 10, and 15, respectively. A summary of this burden is provided below:

	New Facilities	Annual Burden	DoS	5-year Burden	TOTAL
# Respondents		-----3,556-----		711	3,556
# Annual Responses	25	3,556	2,489,200	711	2,493,492
Hour Burden/Response	100	10	0.25	15	
Total Hour Burden	2,500	35,560	622,300	10,665	671,025
Wage Rate	\$71	\$71	\$71	\$71	
Total Cost Burden	\$177,500	\$2,524,760	\$44,183,300	\$757,215	\$47,642,775

E. Outer Continental Shelf Facility Security (33 CFR 106) -- This part provides security measures, including FSAs and FSPs, for mobile offshore drilling units (MODUs) not subject to the International Convention for the Safety of Life at Sea (SOLAS) and certain fixed and floating facilities on the Outer Continental Shelf (OCS) other than deepwater ports. For FSAs and FSPs, we assume the company with the CSO will prepare the core documents. Companies operating more than one OCS facility with the threshold characteristics listed above will be required to have separate FSOs, FSAs, FSPs, for each OCS facility. For the purposes of our analysis, we assume each owner operates a single facility. There are 64 OCS facilities affected by this rule, so we estimate that there are 64 respondents. DoS costs are incurred annually. We estimate each facility will complete about 2 DoSs per day or 700 per year, and that each DoS will take 15

² The new facility security plan burden estimate includes the time required to fill out forms CG-6025 and CG-6025A.

minutes to complete. Again, we assume each hour of planning and paperwork costs \$71/hour, the “loaded” labor rate for a GS-12 per COMDTINST 7310.1K.

We assume that, on average, one facility per year is created or changes ownership, requiring development of a new FSA and FSP. We assume that this combined burden is 40 hours. The hourly burden for the existing OCS facility annual and the 5-year review is estimated as 4 and 6 respectively. This burden is summarized as follows:

	New OCS Facilities	Annual Burden	DoS	5-year Burden	TOTAL
# Respondents	-----64-----			13	64
# Annual Responses	1	64	44,800	13	44,878
Hour Burden/Response	40	4	0.25	6	
Total Hour Burden	40	256	11,200	78	11,574
Wage Rate	\$71	\$71	\$71	\$71	
Total Cost Burden	\$2,840	\$18,176	\$795,200	\$5,538	\$821,754

Pre 9/11 Security Regulations

Security Plans: Each passenger vessel and passenger terminal affected by this rule must submit one Security Plan. It is estimated that as of January 2003, 140 passenger vessels and 108 passenger terminals have submitted Security Plans, for a total of 248 respondents. We estimate 5 new plans will be submitted each year. The estimated hour burden per response is 108. The wage rate is equivalent to the loaded rate for a GS-12, per COMDTINST 7310.1K. The total burden is summarized below.

Amendments: The Coast Guard expects 50% of the passenger vessels and passenger terminals will submit Amendments each year after submitting a Security Plan the first year. Thus, 124 respondents are expected to submit Amendments each year after the initial year. Each Amendment is expected to take approximately 10 hours of personnel time at a level equivalent to a GS-12. COMDTINST 7310.1K provides a loaded rate of \$71/hour for this pay grade. The total burden is summarized below.

Reports of Unlawful Acts: Using available information, the Coast Guard estimates that 20 reportable unlawful acts will occur each year. One report must be filed for each act. Preparation of a report requires an average of 0.25 hours (or 15 minutes) for an individual to complete. This individual is assumed to be equivalent to a GS-12, for which COMDTINST 7310.1K provide a loaded rate of \$71/hour. The total burden is summarized below.

Summary of Pre 9/11 Existing Security Regulations Burden

	Security Plans	Amendments	Reports of Unlawful Acts	TOTAL
# Respondents	5	124	20	149
# Annual Responses	5	124	20	149
Hour Burden/Response	108	10	0.25	

Total Hour Burden	540	1,240	5	1,785
Wage Rate	\$71	\$71	\$71	
Total Cost Burden	\$38,340	\$88,040	\$355	\$126,735

The following is a summary sheet consolidating the burdens for all portions (i.e., post and pre-9/11) of this collection.

SUMMARY OF BURDENS

	Port/Area Security Plans	Vessel Security	Facility Security	OCS Facility Security	Pre-9/11	TOTAL
# Respondents	9,400	2,500	3,556	64	149	15,669
# Annual Responses	94,000	12,057	2,493,492	44,878	149	2,644,576
Total Hour Burden	470,000	123,684	671,025	11,574	1,785	1,278,068
Total Cost Burden	\$33,370,000	\$8,781,564	\$47,642,775	\$821,754	\$126,735	\$90,742,828

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

No capital start-up cost associated with this collection.

14. Estimates of annualized Federal Government costs.

MTSA vessel and facility plans—new, annual and 5-year resubmission—are conducted by the Coast Guard at separate locations. Vessel plans are reviewed at the U.S. Coast Guard Marine Safety Center. Facility plans are reviewed by the local Coast Guard Sector Office, of which we have 35. The cost of the vessel plan review is approximately \$1.2 million per year. The cost of the facility plan review is approximately \$2.2 million³ per year. Thus the total cost is estimated at \$3.4 million per year.

15. Explain the reasons for the change in burden.

The change (i.e., decrease) in hour burden is an ADJUSTMENT due to the “maturity” of the MTSA regulations. This decrease in hour burden reflects the fact that the initial development of MTSA plans for all ports and the vast majority of vessels, shoreside facilities and OCS facilities has occurred. Thus, this decrease in burden is representative of the natural progression for the reporting and recordkeeping requirements of the maritime security regulations.

The change (i.e., increase) in the number of responses is due to a change in the methodology used to determine number of Declaration of Security (DoS) responses. Previously, the Coast Guard estimated the number of annual DoS responses as equal to the number of MTSA facility respondents. In this periodic renewal, we have changed the methodology to account for the

³ Calculated as follows—35 CG Sectors x .5 LT FTEs/Sector = 35 x \$62/hour X 1,000 hours = \$ 2,170,000, rounded to \$2.2 million.

estimated number of recordkeeping actions taken by each MTSA facility respondent for a year. Thus, instead of 1 response per respondent per year, we are estimating 700 responses per respondent per year. We believe this more accurately reflects the amount of activity needed to comply with the DoS recordkeeping requirement.

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

There are no plans to publish information for statistical use.

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.

B. Collection of Information Employing Statistical Methods

This section does not apply because the collection does not employ statistical methods.