

**Supporting Statement  
for  
Crewmember Identification Documents  
[w/ proposed reg change per USCG-2007-28648]**

Table of abbreviations

CBP	U.S. Customs and Border Protection
CFR	Code of Federal Regulations
DHS	Department of Homeland Security
GRT	Gross Registered Tonnage
INA	Immigration and Nationality Act
MMD	Merchant Mariner Document
MTSA	Maritime Transportation Security Act of 2002
OMB	Office of Management and Budget
PRA	Paperwork Reduction Act
TSA	Transportation Security Administration
U.S.C.	United States Code

**A. Justification.**

1) Circumstances that make the collection of information necessary.

In the Maritime Transportation Security Act of 2002 (MTSA), Congress directed the Secretary of the Department in which the Coast Guard is operating to require all crewmembers on vessels calling at U.S. ports to carry and present on demand any identification the Secretary decides is necessary. The Act also directed the Secretary to develop forms and processes for the identification and verification of crewmembers. Sec. 102 of Public Law 107-295, 116 Stat. 2064, 2080-81. In section 103 of the MTSA, Congress indicated the objective of requiring crewmember identification to be able to establish authoritatively, the identity of any seafarer aboard a vessel within U.S. jurisdiction, including U.S. territorial waters. 116 Stat. 2084, and 46 U.S.C. 70111, note.

Congress directed the Secretary to consult with the Attorney General and Secretary of State when developing these crewmember identification requirements. 46 U.S.C. 70111. The Secretary of the Department of Homeland Security delegated this rulemaking authority to the Commandant of the Coast Guard and directed the Commandant to develop these requirements in cooperation with U.S. Customs and Border Protection (CBP) and the Transportation Security Administration (TSA). Section 2 (97)(g) of DHS Delegation No. 0170.1, Delegation to the Commandant of the U.S. Coast Guard. A copy of this delegation is available in the docket. Accordingly, we have collaborated with CBP and TSA and we have consulted with the Attorney General and Secretary of State in the development of this proposed rule.

On October 13, 2006, Congress revised 46 U.S.C. 70111 through the Security and Accountability for Every Port Act of 2006 (SAFE Port Act) and established a deadline for these

requirements to be in place not later than October 13, 2007. Sec. 110 of Public Law 109-347, 120 Stat. 1891, 1893.

Therefore, in the proposed rule that is the subject of this information collection, the Coast Guard seeks to fulfill Congress' mandate to require that crewmembers on vessels calling at U.S. ports must carry and present on demand an identification that allows the identity of crewmembers to be authoritatively validated.

This information collection supports the following strategic goals:

Department of Homeland Security

- Awareness
- Prevention
- Protection
- Response

U.S. Coast Guard

- Maritime Safety
- Maritime Security
- Maritime Stewardship

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

- Security: Eliminate marine transportation and coastal security vulnerability.

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

Under the proposed rule, crewmembers would be required to possess and present on demand an acceptable identification. This would allow the Coast Guard to authoritatively verify crewmember identity in order to improve maritime domain awareness and control vessel and crewmember movement when warranted under the Coast Guard's maritime security and law enforcement responsibilities.

3) Consideration of the use of improved information technology.

This information collection is not amenable to the use of improved information technology. We estimate that 0 percent of the recordkeeping requirements can be accomplished electronically as valid forms of identification are not yet available in electronic format.

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

When determining the list of acceptable identification, the Coast Guard carefully reviewed existing types of identification required by other Coast Guard and DHS regulations, and applicable international conventions to coordinate requirements as much as possible. In addition, the Coast Guard does not plan to institute a new enforcement program whereby Coast Guard personnel would routinely duplicate the efforts of CBP personnel, who already verify the

identification of crewmembers on foreign and U.S. commercial vessels under existing regulations and policies.

The proposed rule would impose a requirement that crewmembers have in their possession at least one of five acceptable identification documents while in U.S. navigable waters. This requirement is independent of whether the crewmember seeks shore leave when calling at a U.S. port. Currently there is no such express requirement for crewmembers to possess and present on demand an acceptable identification when in U.S. navigable waters.

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

Reporting and recordkeeping requirements are generally proportionally less for small entities due to the smaller number of vessels they operate, smaller number of vessel trips, and fewer crewmembers per vessel. The Coast Guard has also made every effort to align the requirements of the proposed rule with existing regulations and customary business practices. We expect that vessel operators already look for an acceptable identification from each crewmember in order to record the document number on the notice of arrival and comply with U.S. Customs and Border Protection regulations. Otherwise, the burdens proposed by this rule fall on crewmembers and not on “small entities” as that term is defined in the Regulatory Flexibility Act.

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

The Congressional mandate in 46 U.S.C. 70111 to require crewmembers on vessels calling at U.S. ports to carry and present on demand any identification the Secretary of DHS decides is necessary would not be met.

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

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

8) Consultation.

On May 14, 2008, the Coast Guard published a Notice of Proposed Rulemaking (NPRM) titled “Crewmember Identification Documents” [USCG-2007-28648; 73 FR 27778]. Our May 2008 NPRM requests comments on the proposed collection of information and provides a 60-day public comment period. Public comments received during the public comment period will be considered and reflected in our Final Rule.

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

USCG does not provide payments or gifts to respondents in exchange for a benefit sought.

10) Describe any assurance of confidentiality provided to respondents.

There are no assurances of confidentiality provide to the respondents for this information collection.

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

There are no questions of sensitive nature.

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

- The number of respondents -- 838,084 (of which 813,403 respondents will incur only negligible burden for possessing an ID and 24,681 respondents will incur burden to acquire an ID)
- The number of responses -- 10,649,843 (of which 10,328,992 responses will entail possessing a valid ID at a negligible burden and 320,851 responses from 24,681 respondents will entail not possessing a valid ID)
- The estimated annual hour burden per response -- 1.4 hours (incurred by 24,681 respondents that need to acquire a valid ID)
- The estimated annual cost burden per response -- \$110 to acquire a valid ID
- The total estimated annual hour burden -- 34,553 (24,681 X 1.4 hours)
- The total estimates annual cost burden -- \$2,714,910 (24,681 X \$110)

DESCRIPTION OF THE RESPONDENTS: The respondents include all crewmembers on a foreign vessel in the navigable waters of the U.S. in route to a U.S. port or place of destination or at a U.S. port or place, and all crewmembers on a U.S. commercial vessel in the navigable waters of the U.S. coming from a foreign port or place of departure to a U.S. port or place of destination. The respondents also include the operators of those foreign and U.S. vessels.

NUMBER OF RESPONDENTS: We estimate the number of respondents is 838,084 persons, comprising crewmembers and vessel operators. The majority (97 percent) of these respondents will incur only negligible burden associated with possessing a valid ID while 3 percent of the respondents (24,861) would incur additional burden to acquire a valid ID. This figure is based on Coast Guard records of the number of affected vessels that enter U.S. ports, Coast Guard estimates of the number of crewmembers on vessels, and estimates of the frequency of crew rotation. Using Coast Guard notice of arrival data, we estimate 10,649,843 responses per year from all crewmembers and operators.<sup>1</sup>

FREQUENCY OF RESPONSE: We estimate, on average, a typical crewmember would respond 13 times per year in the form of possessing an ID.

BURDEN AND COST OF REPONSE: There are two information-related activities associated with the proposed rule that may incur a burden/cost:

- Acquiring an acceptable identification; and

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<sup>1</sup> 10,328,992 responses involve respondents already possessing a valid ID incurring only negligible burden and 320,851 responses involve 24,681 crewmembers that do not have a valid ID.

- Carrying and presenting on demand the identification.

Burden associated with acquiring an acceptable form of identification: We expect that nearly all U.S. crewmembers on vessels impacted by this proposed rule possess an acceptable identification because, under 46 U.S.C. 8701, every crewmember on almost every seagoing vessel of at least 100 GRT must have an MMD. We expect that nearly all foreign crewmembers carry a passport because, under the INA and implementing DHS regulations in 8 CFR 252.1 (d), a passport is required for shore leave. However, a small fraction of crewmembers will be required to obtain a new identification from the list of acceptable forms of identification.

We estimate that 97 percent (10,328,992) of the arrivals from the notice of arrival records for the period of June 2006-June 2007 involved crewmembers with identification that are acceptable under the proposed rule. For these responses and respondents, there is no additional burden associated with acquiring an acceptable identification.

However, the notice of arrival records indicate for 3% of the arrivals, 320,851 responses from 24,681 crewmembers, an identification that would not meet the requirements of the proposed rule were reported. These 24,681 crewmembers might have other identification that does meet the requirements of the proposed rule. To be conservative, however, we assume that all 24,681 crewmembers would need to acquire a new identification that is acceptable under the proposed rule.

We use the burden and cost to obtain a U.S. passport as an estimate of the burden and cost associated with crewmembers acquiring an acceptable form of identification. The U.S. State Department estimates that it requires 85 minutes or 1.4 hours to apply for a U.S. passport<sup>2</sup>. Thus, the burden associated with 24,681 crewmembers acquiring an acceptable identification is 34,553.4 hours (24,681 crewmembers times 1.4 hours each). The cost to acquire each additional acceptable identification is estimated as the labor costs for the 1.4 hours plus the filing fee of \$97<sup>3</sup>. We use the global median loaded labor rate for an Able Seaman of \$9/hour<sup>4</sup> to estimate a labor cost of \$13 plus \$97 to file for a U.S. passport, for a total cost of \$110 per crewmember. The total annual cost is estimated at \$2,714,910 associated with acquiring an acceptable form of identification. Since crewmembers acquire an additional identification only once, the annual costs in years following the initial rule implementation may be lower as only new crewmembers lacking acceptable identification will need to undertake this activity.

Burden associated with possessing an acceptable form of identification: Through the proposed rule, crewmembers would be required to carry and present on demand an acceptable identification. This imposes an information related recordkeeping requirement to crewmembers and the vessel operators who are responsible for ensuring that crewmembers comply with this requirement. However, we believe that there is no additional net increase in burden associated with the requirements to possess and present on demand identification as these activities already take place due to other applicable regulations and customary business practices. Specifically, the

<sup>2</sup> Source: U.S. Department of State, Application for a U.S. Passport, Form DS-11, 02-2008.

<sup>3</sup> Source: [http://www.travel.state.gov/passport/get/fees/fees\\_837.html](http://www.travel.state.gov/passport/get/fees/fees_837.html) as of 10/2007

<sup>4</sup> Source: International Shipping Federation, *ISF Annual Survey of Seafarer's Wages and Employment Costs 2005*, 2005. Derivation: Total median monthly compensation of \$1,587 for Able Seaman (base salary + bonuses + social costs (i.e., fringe)) divided by the average hours worked per month of 176 (44 hours per week \* 4 weeks)..

notice of arrival regulations require vessel operators report certain information for each vessel arrival and departure, including crewmember name and type and number of the document used to confirm the identity of the crewmember. Also, U.S. Customs and Border Protection regulations require that crewmembers possess and present identification for inspection upon entry to a U.S. port. Thus, crewmembers are already expected to possess some identification. Possessing the acceptable identification that would be required under the proposed rule would not result in any new burden.

Further, it is a common business practice for crewmembers to secure their identification and other important documents on the vessel with the master. Since we consider this practice as consistent with the requirements of the proposed rule, if the identification is aboard and can be presented upon demand, there is no additional burden associated with the proposed rule for this activity.

Category	Acquire ID	Possess ID
<b>Average Annual # of Respondents</b>	24,681	838,084
<b>Average Annual # of Responses</b>	24,681	10,649,843
<b>Crew Hour Burden Per Response</b>	1.4 hours	No net burden
<b>Total Hour Burden</b>	34,553	No net burden
<b>Labor Cost Per Response</b>	\$13	No net burden
<b>Other Cost Per Response</b>	\$97	No net burden
<b>Total Cost Per Response</b>	\$110	No net burden
<b>Total Cost Burden</b>	\$2,714,910	No net burden

NOTE: Burden estimate figures are rounded.

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

There are no record keeping, capital, start-up or maintenance costs associated with this information collection.

14) Estimates of annualized Federal Government costs.

There is no cost to the federal government for this information collection.

15) Explain the reason for the change in burden.

The change (i.e., increase) in burden is a PROGRAM CHANGE due to a Congressional mandate. In section 103 of the MTSA, Congress indicated the objective of requiring crewmember identification to be able to establish authoritatively, the identity of any seafarer aboard a vessel within U.S. jurisdiction, including U.S. territorial waters. 116 Stat. 2084, and 46 U.S.C. 70111, note. The results is that this is a new collection requirement for a crewmember to possess and present on demand an acceptable identification when in U.S. navigable waters regardless of whether she or he seeks shore leave when arriving at a U.S. port.

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

USCG does not intend to employ the use of statistics or the publication thereof for this information collection.

17) Approval to not display expiration date.

USCG will display the expiration date for OMB approval of this information collection.

18) Explain each exception to the certification statement.

USCG does not request an exception to the certification of this information collection.

**B. Collection of Information Employing Statistical Methods.**

This information collection does not employ statistical methods.