

**Supporting Statement  
for  
Ports and Waterways Safety – Title 33 CFR Subchapter P**

**A. Justification**

1. Circumstances that make the collection of information necessary.

Certain vessels are subject to a variety of requirements in Subchapter P of Title 33 Code of Federal Regulations. This action allows any person directly affected by these regulations to request a deviation from any of the requirements as long as the level of safety is not reduced. Also, 33 CFR Part 165.1709 in the Interim Rule entitled "Security Zone; Liquefied Natural Gas Tankers, Cook Inlet, AK" requires that owners/operators of vessels fishing in the vicinity of the Phillips Petroleum Liquefied Natural Gas (LNG) pier that would penetrate the pier's 1,000-yard security zone provide information on the fishing vessel owners and operators, and their vessels.

This information collection supports the following strategic goals:

Department of Homeland Security

- Awareness
- Prevention
- Protection

Coast Guard

- Maritime Safety
- Maritime Security
- Protection of the Natural Resources

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

- Maritime Safety: Eliminate deaths, injuries, and property damage associated with commercial maritime operations.
- Maritime Security: Protect our maritime borders from all intrusions by halting the flow of illegal drugs, aliens, and contraband into this country through maritime routes; preventing illegal fishing; and suppressing violations of federal law in the maritime region.
- 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.

As described above, any affected party, such as the master of a ship, may request of the Coast Guard a deviation from any of the requirements contained in the regulations. The information the respondent supplies is then evaluated by the Coast Guard to determine if it justifies the respondent's request for deviation. Without the deviation process, under certain circumstances, absolute compliance with the regulations would place an excessive burden on some system users, and could subsequently degrade waterway safety. Also,

the information required by the Captain of the Port, Western Alaska on fishing vessel owners and operators desiring to fish in the security zone around the Phillips Petroleum LNG Pier is used to control vessel traffic, develop contingency plans, and enforce regulations.

3. Consideration of the use of improved information technology.

The information required by this collection may be provided in written (e.g., mail, facsimile, e-mail) or verbal (e.g., phone, radio) form. The majority of requests arrive via facsimile mode.

We estimate that 100% of the reporting requirements can be done electronically. At this time, we estimate that approximately 95% of the responses are collected electronically, either by fax or by e-mail.

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 equivalent information, and no other Federal agencies have similar or equivalent regulatory requirements.

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

It is likely that some of the companies in question would be considered small entities, however the overall impact of the requirement is small. For minor or emergent type situations, the Coast Guard will grant deviations based on oral communications.

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

Deviations are entirely at the discretion of the persons affected by Subchapter P requirements. There is no mechanism that the Coast Guard could use to reduce the number of deviations.

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

This information collection is conducted in manner consistent with the guidelines in 5CFR 1320.5(d)(2).

8. Consultation.

A 60 day Notice was published in the Federal Register to obtain public comment on this collection. (See [USCG-2008-0383], May 20, 2008, 73FR 29141) The USCG has not received any comment on this information collection.

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

There is no offer of monetary or material value for this information collection.

10. Describe any assurance of confidentiality provided to respondents.

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

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

There are no questions of sensitive language.

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

The reporting requirements are “on–occasion” reports made when—

- (a) a vessel requests a deviation (by letter) from the requirements in 33 CFR Subchapter P, and
- (b) when fishing vessel owners and operators desiring to enter and fish in the security zone around the Phillips Petroleum LNG Pier submit information to the Captain of the Port, Western Alaska required in 33 CFR 165.1709.

The total annual **number of respondents is estimated at 1,367**. The total annual **reporting burden is 2,865 hours**.

a. LETTER OF DEVIATION--There are approximately 1,283 letters of deviation per year. We estimate that the preparation of a request for deviation takes respondents an average of 1.7 hours of senior management time at a \$92/hour,<sup>1</sup> and .5 hours of clerical time at a \$31/hour.<sup>2</sup>

Estimated hour burden: (1,283 letters/year) x [(1.7 hours of senior management time) + (.5 hours of clerical time)] = **2,823 hours/year**.

Estimated cost burden: (1,283 letters/year) x [(1.7 hours of senior management time) x (\$92/hour) + (.5 hours clerical time) x (\$31/hour)] = **\$220,548/year**

b. COTP WESTERN ALASKA SECURITY ZONE ENTRY--There are approximately 84 vessel owners and operators who submit the required information to the Captain of the Port, Western Alaska when desiring to enter and fish in the security zone around the Phillips Petroleum LNG pier. We estimate that preparation of a report takes respondents an average of .5 hours per response. We assume someone of management level at \$78/hour.<sup>3</sup>

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<sup>1</sup> Equivalent to the O-4 level (costing \$92/hour at the out-of-government hourly rate). Wage rates are based on the Commandant Instruction 73101.1K Standards Rates.

<sup>2</sup> Equivalent to the GS-4 level (costing \$31/hour at the out-of-government hourly rate).

<sup>3</sup> Equivalent to the O-3 level (costing \$78/hour at the out-of-government hourly rate).

Estimated hour burden: (84 reports/year) x (.5 hours of management time) = **42 hours/year.**

Estimated cost burden: (42 hours/year) x (\$78/hour) = **\$3,276/year.**

**Total Annual Reporting Hour and Cost Burden to respondents is 2,865 hours (2,823 hrs. + 42 hrs.) and \$223,824 (\$220,548 + \$3,276).**

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.

a. LETTER OF DEVIATION--We estimate that the preparation of a response to a letter of deviation takes the Coast Guard 0.6 hours of management time at \$72/hour,<sup>4</sup> and .5 hours of clerical time at \$27/hour.<sup>5</sup>

Estimated hour burden: (1,283 letters/year) x [(0.6 hours of management time) + (.5 hours of clerical time)] = **1,411 hours/year.**

Estimated cost burden: (1,283 letters/year) x [(0.6 hours of management) x (\$72/hour) + (.5 hours of clerical time) x (\$27/hour)] = **\$72,746/year**

b. COTP WESTERN ALASKA SECURITY ZONE ENTRY--We estimate that it takes the Coast Guard an average of 20 minutes (0.33 hours) per entry request to review the information submitted by vessel owners and operators desiring to enter and fish in the security zone around the Phillips Petroleum LNG pier. We assume someone at the technical level (\$62 per hour<sup>6</sup>) prepares the reviews.

Estimated hour burden: (84 reports/year) x (0.33 hours) = **28 hours/year.**

Estimated cost burden: (28 hours/year) x (\$62/hour) = **\$1,736/year.**

**Total Burden Hours and Cost to the Federal Government is 1,439 hours (1,411 hrs. + 28 hrs.) and \$74,482 (\$72,746 + \$ 1,736).**

15. Explain the reasons for the change in burden.

The change in hour burden is an ADJUSTMENT due to a decrease in the estimated number of requests per year. As this is a voluntary reporting requirement, estimates are based on past years experience.

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

<sup>4</sup> The O-4 level (costing \$72/hour at the in-government hourly rate).

<sup>5</sup> The GS-4 level (costing \$27/hour at the in-government hourly rate).

<sup>6</sup> The O-3 level (costing \$62/hour at the in-government hourly rate).

This information collection will not be published for statistical purposes.

17. Explain the reasons for seeking not to display the expiration date for OMB approval of the information collection.

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 does not employ statistical methods.