

## Supporting Statement for Advance Notice of Vessel Arrival

### A. Justification.

#### 1. Circumstances that make the collection of information necessary.

The Ports and Waterways Safety Act of 1972, as amended by the Port and Tanker Safety Act of 1978<sup>1</sup>, authorizes the Secretary of the department in which the Coast Guard is operating to require the receipt of pre-arrival message from any vessel destined for a port of place in the United States. This requirement is found in 33 U.S.C. 1223(a)(5)<sup>2</sup> and promulgated in 33 CFR 160 Subpart C<sup>3</sup>.

Senate Report (103-150)<sup>4</sup> on the 1994 appropriation bill for the Department of Transportation and related agencies directed the Coast Guard to implement procedures designed to eliminate substandard ships for U.S. waters. This made it necessary for the advance notice of arrival to be expanded to cover additional vessels. In April 1994, the Coast Guard's Port State Control Program (PSCP) was put in place to pursue the directive's goal. A comprehensive risk-based targeting scheme was developed to establish vessel examination priorities. The primary factors in this analysis are the vessel's flag, classification ("class") society, owner, operator, age, and operating history. The PSCP's success hinges on the service's ability to target and examine those ships that appear to pose the greatest risk to life, property, and the environment. By requiring vessels to provide additional arrival information, Coast Guard field units can target vessels and allocate inspection resources efficiently.

**Table 1.  
Requirements Covered by OMB 1625-0100 and Respective CFR Citations**

| Requirement.  | 33 CFR                       |
|---|------------------------------|
| <ul style="list-style-type: none"> <li>• <b>Notice of Arrival: Vessels bound for (or from) ports of places in the United States.</b><br/>Each commercial vessel (US and foreign) greater than 300 gross tons. Each foreign recreational vessel greater than 300 tons. Each foreign recreational vessel arriving in District 7.</li> </ul> | Table 160.206, column 2      |
| <ul style="list-style-type: none"> <li>• <b>Notice of Arrival: Vessels carrying certain dangerous cargo.</b><br/>Each vessel (US and foreign-carrying certain dangerous cargo, and towing vessels controlling vessels carrying CDC.</li> </ul>  | Table 160.206, columns 3 & 4 |

<sup>1</sup> Located at [http://www.access.gpo.gov/uscode/title33/chapter25\\_.html](http://www.access.gpo.gov/uscode/title33/chapter25_.html)

<sup>2</sup> Located at <http://frwebgate1.access.gpo.gov/cgi-bin/waisgate.cgi?WAIIdocID=531383463334+0+0+0&WAIAction=retrieve>

<sup>3</sup> Located at [http://www.access.gpo.gov/nara/cfr/waisidx\\_06/33cfr160\\_06.html](http://www.access.gpo.gov/nara/cfr/waisidx_06/33cfr160_06.html)

<sup>4</sup> Not available at <http://thomas.loc.gov/cp110/cp110query.html>

On September 11, 2001, terrorists attacked the United States. To ensure port safety and security and to ensure the uninterrupted flow of commerce, the Coast Guard amended regulations in 2001-2003 relating to the Notifications of Arrival requirements. Changes to the requirements included: (1) earlier receipt of the notice of arrival—96 hours vice 24 hours, (2) submission of reports to a central clearinghouse--the National Vessel Movement Center (NVMC), and (3) additional information such as--crew lists, passenger lists, and a general description of cargo.

This information collection supports the following strategic goals.

Department of Homeland Security

- Awareness
- Prevention
- Protection
- Response

Coast Guard

- Maritime Safety
- Maritime Security
- Maritime Stewardship

Prevention 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. Purpose of the information collection.**

Captains of the Port (COTPs) use the advance notice of arrival information for vessel traffic control; denying entry to unsafe vessels; targeting vessels for boarding and examination; planning for oil and hazardous substances spills; counter terrorism; and firefighting contingencies; controlling the port entry of vessels which may constitute a threat to the safety or security of U.S. ports.

Vessel traffic control is accomplished by establishing safety or security zones near vessels or waterfront facilities, issuing various types of COTP orders, and escorting vessels. The Coast Guard escorts certain vessels carrying explosives, liquefied gases, and other particularly dangerous cargoes carried in large quantities, and establishes moving safety zones around the vessels to keep smaller vessels away while in restricted channels. Safety zones are also maintained around certain vessels during

unloading. Without up-to-date arrival information, COTP personnel would not be present during the critical times of the port transit and transfer.

The COTP uses the advance notice of arrival information to deny certain vessels entry into a port. A vessel may be denied entry to a port because of dangerous conditions on the vessel or because they have previously been identified by another COTP as posing a threat to the safety or environment of U.S. ports. Denial of vessel entry is an important enforcement device used by the COTP to encourage unsafe vessels to correct vessel deficiencies.

Upon receiving an advance notice of arrival, Coast Guard personnel examine the vessel's violation and discrepancy history on the Marine Information for Safety and Law Enforcement (MISLE) database, and determine whether the vessels should be boarded and examined. Vessels which have a history of safety or pollution violations, have unresolved discrepancies, or have not had recent pollution prevention or safety examinations, are targeted for examination. Without the advance notice of arrival information, a vessel that poses a threat to port may enter and transfer cargo in spite of existing deficiencies, posing a threat to port safety and the environment.

Arrival information is also used for long-range and short-range contingency planning. Planners and duty officers focus Coast Guard resources on certain areas of the port because of vessels with hazardous conditions, the cargoes transported, the country of registry, the time of arrival, and other reasons. During a marine emergency, such as a grounding or collision, duty officers base their initial response on type of cargo carried, the amounts, and the stowage location. It is critical that this cargo information be available before the emergency occurs because it may be difficult or impossible to obtain during the emergency. This is especially important for bulk chemical and container vessels, which carry many different dangerous cargoes that may interact to intensify an emergency situation.

Since September 11<sup>th</sup>--in the maritime context--extra time is needed for security checks, and vessels bound for U.S. ports could experience delays in entering port if required arrival information is not received early enough. The information now required on the notification of arrival (NOA) should provide sufficient data for security measures to protect our nation's ports and waterways. Timely receipt of this security information will minimize vessel delays.

The applicant requesting a waiver of the advance notice of arrival requirements is required to submit, with the waiver request, reasons for the waiver and proposed alternative procedures or methods. Without this information, the COTP cannot determine the effects of granting or denying the waiver.

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

No set means for transmitting arrival information is required. The Coast Guard accepts many different means of reporting the information. Persons subject to this requirement may utilize the means that most efficiently meet their needs, including telephone, facsimile, and e-mail transmissions.

We estimate that 100% of the reporting requirements can be done electronically. At this time, we estimate that approximately 91% of the responses are collected 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 eliminate duplication, the Advance Passenger Information System (APIS) Final Rule, published on April 7, 2005 (70 FR 17820), requires APIS manifests to be submitted through the United States Coast Guard (USCG) & Customs and Border Protection (CBP) Electronic Notice of Arrival/Departure (eNOA/D) web portal ([www.nvmc.usgc.gov](http://www.nvmc.usgc.gov)) for all commercial vessels arriving from or departing for a foreign port or place. Compliant eNOA/D submissions through this portal work to fulfill both USCG (Notice of Arrival) and CBP (APIS) reporting requirements. Additionally, vessels report their transit through the St. Lawrence Seaway by submitting arrival notices to the St. Lawrence Seaway Development Corporation (SLSDC). 33 CFR 401.79. Similar to the arrangement with CBP, the SLSDC shares this information with the National Vessel Movement Center through our Coast Guard Marine Safety Unit in Massena to avoid a duplicate reporting burden on the maritime industry. 52FR48264.

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

Reporting requirements for small entities are generally proportionately less due to the smaller number of vessels they operate and vessel arrivals for those vessels. Small businesses often operate smaller vessels that are less than 300 gross tons, and are therefore exempt from the reporting requirements (except in the Seventh District). The required reports may be in a verbal form and no particular format is specified.

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

This information is reported whenever certain vessels arrive in U.S. ports, and whenever vessels carrying certain dangerous cargoes arrive in U.S. ports. If it were reported less frequently, the COTP would not have a timely picture of what vessels or cargoes were entering the port, and in what condition. Without this knowledge, the COTP could not take the actions described in paragraph 2 to protect the port and the environment.

The waiver information is reported whenever a vessel requests a waiver. Requests are evaluated on a case-by-case basis. Without this information, the COTP cannot grant or deny a waiver.

**7. Special circumstances that require collection to be conducted in an inconsistent manner.**

Information is collected in 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-2007-29053]; October 5, 2007; 72 FR 57053). The USCG has not received any comments on this information collection.

**9. Provide any payment or gift to respondents.**

No payments or gifts to respondents.

**10. Assurances 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 information collection burden.**

|  |                |
|--|----------------|
| <b>Total number of annual respondents:</b> | <b>9,206</b>   |
| <b>Total number of annual responses:</b>   | <b>78,388</b>  |
| <b>Total annual burden hours:</b>          | <b>199,889</b> |

a. Notice of Arrival

According to MISLE records, approximately 9,206 vessels, meeting the size and type limitations for advance notice and arrival, will enter U.S. ports each year (see Table 2 for details). These vessels would provide 78,388 notices of arrival.

Table 2.  
Number of Vessels and Arrivals

|                 | <b>2005</b> | <b>2006</b> | <b>Annual Average</b> |
|-----------------|-------------|-------------|-----------------------|
| Vessels         | 9,198       | 9,213       | 9,206                 |
| U.S. Port Calls | 79,565      | 77,211      | 78,388                |

The time needed to report a vessel arrival is estimated in Table 3.

Table 3.  
Estimate of Time Needed for Elements  
of Vessel Notice of Arrival

| <b>Elements</b>  | <b>Burden</b>   |
|--|-----------------|
| Vessel Information   | 5 min.          |
| Voyage Information   | 15 min.         |
| Cargo Information  | 5 min.          |
| Information for each Crewmember<br>Onboard                 | 60 min.         |
| Information for each Person Onboard in<br>Addition to Crew | 60 min.         |
| Operational condition                                      | 2 min.          |
| International Safety Management (ISM)<br>Code Notice       | 3 min.          |
| Cargo Declaration  | *0 min.         |
| International Ship Security Code (ISSC)<br>Notice          | 3 min.          |
| <b>Total</b>   | <b>153 min.</b> |

\* Cargo Declaration requirement suspended (previous est. 3 min.).

At 153 minutes (2.55 hrs.) per notice and 78,388 responses per year, the burden is 199,889 hours. At \$49.00 per hour<sup>5</sup> for clerical time, the cost of this requirement to persons in charge of the vessels is \$9,794,561 per year.

#### b. Waivers

Previous experience indicates that the Coast Guard receives approximately 150 waiver requests annually. We assume each waiver request takes approximately 30 minutes of management time to develop and 30 minutes of clerical time to type for a burden of 1 hour per request. Using 1 hour per request, the total burden is 150 hours per year. At \$75.00 per hour<sup>6</sup> for management time and \$49.00 per hour<sup>7</sup> for clerical time, the cost for waiver requests is \$9,300 as shown in Table 4.

Table 4.  
Hour and Cost Burden of all 150 Waivers

|                    | <b>Hour Burden<br/>(0.5hrs/waiver)</b> | <b>Cost Burden</b> |
|--------------------|--|--------------------|
| Clerical (\$49/hr) | 75                                     | \$ 3,675           |

<sup>5</sup> Assuming that a person with an equivalent hourly rate as an O-1 for out of government, then the rate is \$49.00 according to Enclosure (2) to COMDTINST 7310.1J.

<sup>6</sup> Assuming that a person with an equivalent hourly rate as an O-3 for out of government, then the rate is \$75.00 according to Enclosure (2) to COMDTINST 7310.1J.

<sup>7</sup> Assuming that a person with an equivalent hourly rate as an O-1 for out of government, then the rate is \$49.00 according to Enclosure (2) to COMDTINST 7310.1J.

|                      |            |                 |
|----------------------|------------|-----------------|
| Management (\$75/hr) | 75         | \$ 5,625        |
| <b>Total</b>         | <b>150</b> | <b>\$ 9,300</b> |

**13. Estimate of annual cost to the respondent (capital and start-up).**

There are no annualized capital and start-up costs.

**14. Estimates of annualized cost to the Federal Government.**

a. Notice of Arrival

Coast Guard operates the National Vessel Movement Center in Kearneysville, WV, to receive Notices of Arrival. The cost to the Federal Government for processing arrival notices is approximately \$3 million per year.

b. Waivers

Each waiver request submission requires approximately 30 minutes (.5 hrs.) for a commissioned officer to review. At 30 minutes per request and 150 waiver requests per year the total burden is 75 hours per year. At \$62.00 per hour for an O-3 officer time<sup>8</sup>, the annual cost to the Federal Government for waiver requests is \$4,650.

**15. Reasons for change in the burden.**

The change (i.e., increase) in hour burden is an ADJUSTMENT and is strictly due to an increase in the number of vessel arrivals. The Coast Guard now uses a relatively new data base--MISLE--for estimating vessel arrivals and this allows us to more accurately estimate the vessels impacted by this COI. The methodology for estimating hour burden per respondent per year remains unchanged.

**16. Plans for tabulation, statistical analysis, and publication.**

There are no current plans to use the information for statistical purposes.

**17. Approval for not explaining the expiration date for OMB approval.**

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

**18. 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.

<sup>8</sup> Assuming that the individual is an O-3 (in government), then the rate is \$62.00 according to Enclosure (2) to COMDTINST 7310.1J.