

**Supporting Statement
for
Advance Notice of Vessel Arrival and Departure
[w/ proposed changes per USCG-2005-21869]**

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 1978¹, 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)² and promulgated in 33 CFR 160 Subpart C³.

Senate Report (103-150)⁴ 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.

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 2001-2005 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), (3) additional information such as--crew lists, passenger lists, and a general description of cargo, and (4) additions to the Certain Dangerous Cargoes (CDC) list including ammonium nitrate, ammonium nitrate-based fertilizers, in bulk, and propylene oxide, alone or mixed with ethylene oxide.

In the near future, the Coast Guard will propose via a Notice of Proposed Rulemaking (NPRM) an expansion of the Notice of Arrival (NOA) requirements for all foreign commercial vessels down to zero gross tons (GT), U.S. commercial vessels greater

¹ Located at http://www.access.gpo.gov/uscode/title33/chapter25_.html

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

³ Located at http://www.access.gpo.gov/nara/cfr/waisidx_06/33cfr160_06.html

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

than 300 GT excluding recreational vessels and including fishing vessels, and U.S. commercial vessels coming from a foreign port that are less than or equal to 300 GT. The NPRM will also add a Notice of Departure (NOD) requirement for all vessels that are required to submit a NOA. Additionally, the Coast Guard will mandate the submission of NOAs and NODs (NOAD) electronically.

This information collection supports the following strategic goals.

Department of Homeland Security

- Awareness
- Prevention
- Protection
- Response

Coast Guard

- Maritime Safety
- Maritime Security
- Maritime 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. 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 11th--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.

The Coast Guard will mandate the submission of NOADs electronically (eNOAD) via the Internet directly to the NVMC. The Coast Guard expects that submitting NOADs by this format will reduce burden hours imposed on industry. This change will result in

100% of the reporting requirements collected 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) 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, per the St. Lawrence Seaway Development Corporation (SLSDC) SEAWAY NOTICE NO. 06-2008 published on March 11, 2008, and titled "96-Hour Pre-Entry Notification Required from Foreign Flagged Vessels" – All foreign flagged vessels intending to transit the Seaway must submit a complete Notice of Arrival (NOA) 96 hours prior to entering the Seaway at Call In Point 2 (CIP 2). The NOA must be provided electronically following the USCG National Vessel Movement Center's (NVMC) procedures and using either a website (<http://www.nvmc.uscg.gov>), eXtensible Markup Language format (XML schema), or InfoPath application.

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 size and number of vessels they operate and small number of vessel arrivals for those vessels.

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.

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

8. Consultation.

The Coast Guard published a Notice of Proposed Rulemaking entitled “Vessel Requirements for Notices of Arrival and Departure, and Carriage of Automatic Identification System” [USCG-2005-21869]. The proposed rulemaking will—

- Expand the NOA requirements to more vessels
- Require a NOD
- Require electronic submission of the NOAs & NODs.

This change is necessary to enable the Coast Guard to correlate vessel AIS data with NOAD data, enhance our ability to identify and track vessels, detect anomalies, improve navigation safety, and heighten our overall maritime domain awareness. The NPRM will have a 120-day comment period.

9. Provide any payment or gift to respondents.

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

10. Assurances 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 information collection burden.

Total number of annual respondents:	30,850
Total number of annual responses:	157,122
Total annual hour burden:	157,122
Total annual cost burden:	\$6,727,526

a. Notice of Arrival and Departure Hour Burden

According to MISLE/SANS records and information received from representative Captains of the Port (COTPs), approximately 30,850 vessels, meeting the size and type limitations for advance notice of arrival and departure, will transit or move through U.S. ports each year. This total breaks down to 5,566 U.S. vessels and 25,285 foreign-flag vessels. These vessels would provide 157,122 total estimated annual responses: 110,127 from foreign-flag vessels and 46,995 from U.S. vessels. This translates to 157,122 total burden hours as illustrated in the calculations below.

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

Table 1.
Estimate of Time Needed for
Vessel Notice of Arrival and Departure

Elements	Burden
Notice of Arrival	30 minutes (.5 hr)
Notice of Departure	30 minutes (.5 hr)
Total	60 minutes (1 hr)

U.S. Vessels

The Coast Guard estimates that of the 5,566 U.S. vessels affected, 3,099 are greater than 300 GT and 2,467 are less than or equal to 300 GT. For these vessels, the Coast Guard estimates a respective number of NOAD trip responses or “bounces” of 8 and 9. These numbers translate into the following response total:

(3,099 Vessels Greater Than 300 GT) x (8 Average Bounces) = 24,792 Responses
 (2,467 Vessels Less Than or equal to 300 GT) x (9 Average Bounces) = 22,203 Responses
 22,203 + 24,792 = 46,995 Total U.S. Vessel Responses

At a combined 1 hour per NOA and NOD, the **total annual hour burden on U.S. Vessels is 46,995** (46,995 responses x 1 hr/response.)

Foreign-Flag Vessels

The Coast Guard estimates that of the 25,284 foreign-flag vessels affected, 16,293 are greater than 300 GT and 8,991 are less than or equal to 300 GT. For these vessels, the Coast Guard estimates a respective number of NOAD trip responses or “bounces” of 4 and 5. These numbers translate into the following response total:

(16,293 Vessels Greater Than 300 GT) x (4 Average Bounces) = 65,172 Responses
 (8,991 Vessels Less Than or equal to 300 GT) x (5 Average Bounces) = 44,955 Responses
 65,172 + 44,955 = 110,127 Total Foreign-Flag Vessel Responses

At a combined 1 hour per NOA and NOD, the **total annual hour burden on foreign-flag vessels is 110,127** (110,127 responses x 1 hr/response.)

Thus, the combined **U.S. and foreign-flag vessel annual hour burden is 157,122 hours.**

b. Notice of Arrival and Departure Annual Cost Burden

The Coast Guard estimates the labor cost of loaded labor rate associated with submitting these reports is approximately \$31.00 per hour. The Coast Guard also estimates the incursion of a \$2.00 transmittal fee and a \$50.00 per year operation and maintenance (O&M) cost. Thus, the cost for U.S. and foreign-flag vessels is as follows:

U.S. Vessels

\$ 1,550,835 Total Estimated Annual Submission Cost = (46,995 trips x 1.0 hour per NOAD x \$31/hour) + (46,995 trips x \$2/transmittal cost)

\$278,300 Total Estimated Annual O&M Cost = (\$50/year x 5,566 U.S. vessels)

Total annual cost to U.S. vessels owners is \$1,829,135 which is the summation of annual O&M costs and submission costs (\$278,300 + \$1,550,835).

Foreign-Flag Vessels

\$3,634,191 Total Estimated Annual Submission Cost = (110,127 trips x 1.0 hour per NOAD x \$31/hour) + (110,127 trips x \$2/transmittal cost)

\$1,264,200 Total Estimated Annual O&M Cost = (\$50/year x 25,284 foreign-flag vessels)

Total annual cost to foreign-flag vessels owners is \$4,898,391 which is the summation of annual O&M costs and submission costs (\$1,264,200 + \$3,634,191).

Total Cost

Based on these estimates, **the total annual NOAD cost** for both U.S. and foreign-flag vessel owners is **\$6,727,526** (\$1,829,135 + \$4,898,391).

c. 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 \$50.00 per hour for management time and \$31.00 per hour for clerical time, the cost for waiver requests is \$6,075 as shown in Table 4.

Table 2.
Hour and Cost Burden of all 150 Waivers

	Hour Burden	Waivers	Cost Burden
Clerical (\$31/hr)	0.5hrs/waiver	150	\$ 2,325
Management (\$50/hr)	0.5hrs/waiver	150	\$ 3,750
Total			\$ 6,075

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

The Coast Guard estimates a \$500/computer initial year cost in addition to first year submission costs.

U.S. Vessels

\$2,783,000 Total Estimated Initial Capital Cost = (5,566 U.S. Vessels) x (\$500/computer)

The **total initial cost to U.S. vessel owners is an estimate \$4,333,835** which is the summation of capital costs and submission costs (\$2,783,000 + \$1,550,835).

Foreign-Flag Vessels

\$12,642,000 Total Estimated Initial Capital Cost = (25,284 foreign-flag vessels) x (\$500/computer)

The **total initial cost to foreign-flag vessel owners is an estimate \$16,276,191 million** which is the summation of capital costs and submission costs (\$12,642,200 + \$3,634,191).

Total Initial Cost

Based on these estimates, **the total initial NOAD cost** for both U.S. and foreign-flag vessel owners is **\$20,610,026 (\$4,333,835 + \$16,276,191)**.

14. Estimates of annualized cost to the Federal Government.

a. Notice of Arrival and Departure

Coast Guard operates the NVMC in Kearneysville, WV, to receive vessel movement information. The cost to the Federal Government for processing notices is approximately \$3 million per year. As the proposed rule would require the electronic submission of all NOADs, the Coast Guard estimates that the Federal Government will not bear any significant change in cost burden.

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 \$67.00 per hour for an O-3 officer time⁵, the annual cost to the Federal Government for waiver requests is \$5,025.

⁵ Assuming that the individual is an O-3 (in government), then the rate is \$62.00 according to Enclosure (2) to COMDTINST 7310.1L.

15. Reasons for change in the burden.

The change in burden is a PROGRAM CHANGE due to a Coast Guard rulemaking [USCG-2005-21869]. The rulemaking will—

- Expand the NOA requirements to more vessels
- Require a NOD
- Require electronic submission of the NOAs & NODs.

The program change is necessary to enhance Maritime Domain Awareness, an essential element for U.S. maritime security.

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

This information collection will not be published for statistical purposes.

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

The Coast Guard will display the expiration date for OMB approval of this information collection.

18. Exception to the certification statement.

The Coast Guard 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.