

Supporting Statement for Crewmember Identification Documents

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 (DHS) 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.

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.

This information collection and the associated regulations 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. The regulations are in 33 CFR Part 160 Subpart D.

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.

Crewmembers are required to possess and present on demand an acceptable identification. This allows 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.

The information is not submitted to the Coast Guard (CG), rather a crewmember must carry and present on demand an acceptable identification. We estimate that 0 percent of the recordkeeping requirements can be accomplished electronically as valid forms of identification are not 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 regulations 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.

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

This information collection does not have an impact on small businesses or other small entities.

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

If this information collection and associated regulations were not in place, we would not meet the Congressional mandate in 46 U.S.C. 70111.

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

This information collection is conducted in manner consistent with the guidelines in 5 CFR 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-2011-0854]; September 16, 2011; 76 FR 57748). Additionally, a 30-day Notice was published in the *Federal Register* to obtain public comment on this collection (November 21, 2011; 76 FR 71987). The Coast Guard has not received any comments on this information collection.

9) Explain any decision to provide 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 number of respondents – 720,846 (of which 699,221 respondents will incur only negligible burden for possessing an ID and 21,625 respondents will incur burden to acquire an ID)
- The number of responses – 9,371,000 (of which 9,089,870 responses will entail possessing a valid ID at a negligible burden and 281,130 responses from 21,625 respondents will entail not possessing a valid ID)
- The estimated annual hour burden per response – 1.4 hours (incurred by 21,625 respondents that need to acquire a valid ID)
- The estimated hourly cost burden to prepare documents per response – \$13 to acquire a valid ID
- The total estimated annual hourly preparation burden – 30,275 hours (21,625 X 1.4 hours)
- The total estimates annual cost burden (from processing) – \$2,076,000

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 or 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 720,846 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 (21,625) 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 9,371,000 responses per year from all crewmembers and operators.¹

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 RESPONSE: There are two information-related activities associated with the rule that may incur a burden/cost:

- Acquiring an acceptable identification; and
- 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 these requirements 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 a Merchant Mariner Credential. We expect that nearly all foreign crewmembers carry a passport because, under the Immigration and Nationality Act 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 (9,089,870) of the arrivals from the notice of arrival records for the period of June 2009-June 2010 involved crewmembers with identification that are acceptable under regulations. For these responses and respondents, there is no additional burden associated with acquiring an acceptable identification.

However, the historical notice of arrival records indicate for 3% of the arrivals, 281,130 responses from 21,625 crewmembers, an identification that did not meeting the requirements was reported. These crewmembers might have other identification that meet the requirements. To be conservative, however, we assume that all 21,625 crewmembers would need to acquire a new identification.

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. passport². Thus, the burden associated with 21,625 crewmembers acquiring an acceptable identification is 30,275 hours (21,625 crewmembers times 1.4 hours each).

¹ 9,089,870 responses involve respondents already possessing a valid ID incurring only negligible burden and 281,130 responses involve 21,625 crewmembers that do not have a valid ID.

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

We estimate it costs an estimated \$96 for an individual³ from a foreign government office authorized to issue a passport.⁴ The total cost to process is \$2,076,000 (21,625 x \$96). 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 regulations, crewmembers are 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 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 these regulations 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 regulations, if the identification is aboard and can be presented upon demand, there is no additional burden for this activity.

Table 1. Burden and Cost Summary

Category	Acquire ID	Possess ID
Average Annual # of Respondents	21,625	699,221
Hour Burden (Crew) Per Response	1.4 hours	No net burden
Total Hour Burden	30,275	No net burden
Average Annual # of Respondents	21,625	699,221
Cost to Process Per Response	\$96	No net burden
Total Cost Burden to Process Responses	\$2,076,000	No net burden

NOTE: Burden estimate figures are rounded.

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

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

14) Estimates of annualized Federal Government costs.

³ Equivalent to a U.S. GS-11/12 (Out of Government), per Encl (2) of COMDTINST 7310.1M.

⁴ Approx. 1.5 hours per crewmember identification document issuance request.

There is no cost to the Federal Government for this information collection. Coast Guard personnel review crewmember identification documents during periodic inspections, random boardings, and post-casualty investigations. This incremental burden to the Government is negligible, and therefore not herein calculated.

15) Explain the reason for the change in burden.

The change in burden is an ADJUSTMENT due to a decrease in the crewmember populations. The average annual number of respondents changed from 24,681 to 21,625 based on the more recent arrivals data. There is no proposed change to the recordkeeping requirements of this collection.

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

This information collection will not be published for statistical purposes.

17) Approval to not display expiration date.

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

18) Explain each 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.