

**Supporting Statement
for
Plan Approval and Records for Subdivision and
Stability Regulations -- Title 46 Subchapter S
[as modified by USCG-2007-0030; RIN 1625-AB20]**

A. Justification.

1) Circumstances that make the collection of information necessary.

Under the authority of the Secretary in the department in which the U. S. Coast Guard is operating, the Coast Guard administers and enforces the laws and regulations promoting the safety of life and property in marine transportation. Title 46 USC 3301 and 3305 require that every freight, seagoing motor, and steam vessel, and every seagoing barge, including a mobile offshore drilling unit be inspected to determine that it is in full compliance with applicable marine safety regulations. Title 46 USC 3306 directs the Secretary to make appropriate regulations, including standards for vessel stability. Title 46 USC 3703 directs the Secretary to prescribe additional regulations for vessels which carry liquid bulk dangerous cargoes. In addition, certain vessels must meet the standards of the Safety of Life at Sea Convention (SOLAS). Plan and vessel characteristics submissions by builders/designers and logging requirements by owners/operators are needed to assure the regulations are met.

This information collection supports the following strategic goals:

Department of Homeland Security

- Prevention
- Protection

Coast Guard

- Safety
- Protection of the Natural Resources

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

- Safety: Eliminate deaths, injuries, and property damage associated with commercial maritime operations.
- 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.

Requirements for the submission of plans, technical information, or operating instructions: This information is required by the Coast Guard in order to assure that a vessel meets the applicable stability standards. Plans and other information submitted are normally developed by the shipyard, designer, or manufacturer to assure the construction and safe operation of a vessel. The material and information required is not solely for Coast Guard use, although the material does contain the information necessary to meet Coast Guard regulations. Part of the submissions are nonrecurring; they are made only once at or prior to vessel construction or alteration.

Resubmission of plans is not required when more than one vessel is constructed to the same plans, nor is a stability generally test required. In this case, only a certification of sistership status by an authorized officer of the shipbuilding company is needed. Operators may elect to have a classification society, the American Bureau of Shipping (ABS), review their plans on the Coast Guard's behalf.

Requirements for the stability information to be available to vessel operating personnel and for the logging of stability verification: These requirements are necessary to help ensure the safe operation of each vessel. There are specific requirements for the content of the stability booklet and operating manuals; however, the format will vary with vessel type. Many vessel operators provide manuals to their vessels which meet or exceed any requirements of the Coast Guard. Most, though not all of the information, is reviewed by the Coast Guard. The required operating information is required to be on board the vessel as long as the vessel remains subject to inspection. Recordkeeping requirements will vary for each vessel type and operation and are required by the Coast Guard in order to determine if a vessel meets the appropriate stability and subdivision requirements.

3) Consideration of the use of improved information technology .

Information may be submitted in writing or electronically via e-mail, to the CG Officer in Charge, Marine Inspection (OCMI) at the local Sector Office, or the CG Marine Safety Center (MSC). Contact info for CG OCMI's can be found at—<http://www.uscg.mil/top/units/>. For information on submitting information to the CG MSC, go to— <https://homeport.uscg.mil/msc> > CONTACT US > MAIL ADDRESS, TELEPHONE CONTACTS, AND E-COMMERCE INFO. We estimate that 100% of the reporting requirements can be done electronically. At this time, we estimate that 59% of 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 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 minimal. Small businesses, such as independent naval architects, vessel owners and small shipyards, are favorably affected by these regulations. Subchapter S consolidates standards for all types of vessels into one set of regulations. In addition, these regulations provide clarifications to and interpretations of the previous regulations, as well as policy statements made by the Coast Guard relating to stability standards for specific vessel types, and new stability standards set by SOLAS¹. This enables smaller firms, such as independent naval architects, vessel owners, and smaller shipyards, to better prepare stability plans because they will have a better knowledge and understanding of the requirements. Smaller firms will also be better informed of Coast Guard policy and regulation interpretations,

¹ SOLAS -- International Convention for Safety of Life at Sea, 1974.

in the absence of the large staffs available to major organizations.

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

If information was submitted or recorded less frequently, no assurance could be given that vessels are operating within the applicable stability requirements that ensure marine safety.

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 5 CFR 1320.5(d)(2).

8) Consultation.

The Coast Guard published on August 20, 2008, a Notice of Proposed Rulemaking (NPRM) entitled "Passenger Weight and Inspected Vessel Stability Requirements" (Pax Wt) [USCG-2007-0030; RIN 1625-AB20; 73 FR 49244]. The rulemaking proposed—

- to amend regulations governing the stability of passenger vessels and the maximum number of passengers that may safely be permitted on board a vessel. The average American weighs significantly more than the assumed average weight per person utilized in current regulations, and the maximum number of persons permitted on a vessel is determined by several factors, including an assumed average weight for each passenger. Updating regulations to more accurately reflect today's average weight per person will maintain intended safety levels by taking this weight increase into account.

The Coast Guard received no collection of information-related comments to the NPRM.

On December 14, 2010, the Pax Wt Final Rule was published (75 FR 78064).

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 U.S. Coast Guard Marine Safety Center (MSC) maintains two databases to track plan review information: “MASCOT (for internal work done at the MSC) and PRAS (for work done by classification societies on behalf of the Coast Guard). Except where otherwise noted, the information that follows was derived from these two databases.

Last calendar year, MSC and Authorized Classification Societies (ACS) (operating under Coast Guard authority) collectively reviewed 2,535 plans and technical documents that were submitted to meet the requirements under 46 CFR Subchapter S (2,296 were reviewed by MSC and 239 by ACS.) Due to the Pax Wt Final Rule, an additional 1,874 plans (1,620 to MSC & 254 to ACS) will be submitted for a total of 4,409. The total number of different respondents (submitting the 4,409 documents) is estimated to be 1,391, based on the known number of respondents submitting to MSC as captured in MASCOT, 191, plus 19 respondents submitting to ACS, and an additional 1,181 respondents (1,021 to MSC & 160 to ACS) due to the new Pax Wt Final Rule.

To determine the time required to submit plans and technical documents, a percentage of the time to develop such plans is used. This is because most of the documents required by the Coast Guard for stability review are prepared by the vessel designer or builder as part of the shipbuilding process. However, some changes and additions are necessary to comply with the Coast Guard requirements. It is estimated that it takes approximately three hours of the respondent’s time per document in order to satisfy the additional requirements of the Coast Guard.

In order to develop the recordkeeping burden, we estimate an additional three percent of plan development hours. The industry personnel performing these operations is a senior technical expert (equivalent to a Captain (O-6)), for which the standard rate is \$129 per hour, in accordance with COMDTINST 7310.1L. Table 12.1 depicts the burden associated with this collection.

Table 12.1

# Annual Plans submitted to MSC	2,296
# Additional plans to MSC due to FR Change	1,620
Total Plans submitted to MSC	3,916
# Respondents submitting to MSC	191
# Additional Respondents due to FR Change	1,021
Total # of MSC Respondents	1,212
# Plans submitted to ACS	239
# Additional plans to ACS due to FR Change	254
Total Plans submitted to ACS	493
# Respondents submitting to ABS	19
# Additional Respondents due to FR Change	160
Total # of ACS Respondents	179

Burden hours per plan for development	3
Hourly wage rate	\$129
TOTAL # of Plans (# Responses)	4,409
TOTAL Burden Hours for development	13,227
TOTAL Cost for development	\$1,706,283
TOTAL Burden Hours for recordkeeping	397
TOTAL Burden Cost for recordkeeping	\$51,213

GRAND TOTAL BURDEN HOURS	13,624
GRAND TOTAL BURDEN COST	\$1,757,496
GRAND TOTAL NUMBER OF RESPONDENTS	1,391
GRAND TOTAL NUMBER OF RESPONSES	4,409

The Pax Wt Final Rule changes the assumed passenger weight for stability calculations purposes. This will require many passenger vessel owners/operators to resubmit stability data to the Coast Guard, causing a one-time increase in industry burden.

We estimate an additional 1,874 responses will need to be submitted – 1,620 submitted to MSC plus 254 responses submitted to ACS. We estimate this additional burden to be 5,622 hours – 1,874 submitted responses times 3 hours for review. Additionally, we estimate hourly recordkeeping burden to equal 169 hours, which is 3% of the response burden. Total hour burden is estimated to be 5,791 hours which is the sum of reporting and recordkeeping. Using a labor rate of \$129/hour, the additional cost is estimated to be \$747,039.

The grand total hour and cost burden is therefore the sum of the recurring burden (7,833 hours) and the one-time burden (5,791 hours), for a total of 13,624 hours and cost of \$1,757,496.

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

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

14) Estimates of annualized Federal Government costs.

The Federal burden covered by this supporting statement is borne by the Coast Guard's Marine Safety Center. This office is responsible for the review and processing of vessel plans and technical submissions. The cost of technical review for current Subchapter S submittals has been calculated by estimating the total number of hours of technical time required for the stability review of each vessel and multiplying it by the cost per hour of technical time, as depicted in Table 12.1. The wage rates are taken from Commandant Instruction 7310.1L for a Lieutenant (O-3), for which the standard rate is \$67 per hour.

Table 14.1

# Annual Plans reviewed by MSC	2,296
# Additional plans due to FR Change	<u>1,620</u>

Total Plans review by MSC	3,916
# MSC Hours per review	1
Hourly wage rate	\$67

TOTAL GOV'T HOURS	3,916
TOTAL GOV'T COST	\$262,372

The one-time increase in burden described in Block 12 would create an additional governmental burden of 1,620 hours. Using a labor rate of \$67/hours, the increased cost burden would be \$108,540.

The grand total hour and cost burden to the government is the sum of the recurring burden and the one-time burden, for a total of 3,916 hours and a cost of \$262,372.

15) Explain the reasons for the change in burden.

The change (i.e., increase) in burden is both a PROGRAM CHANGE and an ADJUSTMENT.

The PROGRAM CHANGE (increase in respondents (+1,181), responses (+1,874) and burden hours (+5,791)) results from the “Passenger Weight and Inspected Vessel Stability Requirements” Final Rule [USCG-2007-0030; RIN 1625-AB20]. The Coast Guard amended its regulations governing the stability of passenger vessels and the maximum number of passengers that may safely be permitted on board a vessel. The average American weighs significantly more than the assumed average weight per person utilized in prior regulations, and the maximum number of persons permitted on a vessel is determined by several factors, including an assumed average weight for each passenger. The updated regulations more accurately reflect today’s average weight per person, maintaining intended safety levels by taking this weight increase into account.

The ADJUSTMENT (increase in respondents (+3), responses (+2,940) and burden hours (+3,294)) is the result of a change in the way the Marine Safety Center tabulates responses. Previously, only plan reviews which culminated with a letter being sent to the submitter were counted, whereas the MSC now tabulates all responses submitted for review.

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

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.

The information collection does not employ statistical methods.