

**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.

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.

3. Consideration of the use of improved information technology.

The information may be provided in written (e.g., mail, facsimile, e-mail) or in verbal (e.g., phone, radio) form. 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.

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

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

Deviations are entirely at the discretion of the persons affected by the Title 46 CFR 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 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-2011-0955]; October 13, 2011; 76 FR 63626). Additionally, a 30-day Notice was published in the *Federal Register* to obtain public comment on this collection (December 16, 2011; 76 FR 78287). The Coast Guard has not received any comments 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 estimated annual number of respondents is 1,064
- The estimated annual number of responses is 1,064
- The estimated annual hour burden is 2,447
- The estimated annual cost burden is \$205,139

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

- (a) a vessel requests a deviation from the requirements in 33 CFR Subchapter P, and
- (b) when a fishing vessel owner/operator 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 as required in 33 CFR 165.1709.

a. LETTER OF DEVIATION--There are approximately 1,064 letters of deviation per year.<sup>1</sup> We estimate that the preparation of a request for deviation takes respondents an average of 1.7 hours of senior management time at a \$104/hour,<sup>2</sup> and .5 hours of clerical time at a \$32/hour.<sup>3</sup>

Estimated hour burden: (1,064 letters/year) x [(1.7 hours of senior management time) + (.5 hours of clerical time)] = **2,447 hours/year**.

Estimated cost burden: (1,064 letters/year) x [(1.7 hours of senior management time) x (\$104/hour) + (.5 hours clerical time) x (\$32/hour)] = **\$205,139/year**

b. COTP WESTERN ALASKA SECURITY ZONE ENTRY--There are approximately 0 vessel owners and operators who submit the required information<sup>4</sup> 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 \$90/hour.<sup>5</sup>

Estimated hour burden: (0 reports/year) x (.5 hours of management time) = **0 hrs/year**.

Estimated cost burden: (0 hours/year) x (\$90/hour) = **\$0/year**.

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<sup>1</sup> The average of CY2008-2010, which were 1,211, 962 and 1,017 requests, respectively.

<sup>2</sup> Equivalent to the O-4 level (costing \$104/hour at the out-of-government hourly rate). Wage rates are based on the Commandant Instruction 7310.1M Standards Rates.

<sup>3</sup> Equivalent to the GS-4 level (costing \$32/hour at the out-of-government hourly rate).

<sup>4</sup> Based on the past 2 years.

<sup>5</sup> Equivalent to the O-3 level (costing \$90/hour at the out-of-government hourly rate).

**Total Annual Reporting Hour and Cost Burden to respondents is 2,447 hours (2,447 hrs. + 0 hrs.) and \$205,139 (\$205,139 + \$0).**

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

There are no recordkeeping, 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 \$83/hour,<sup>6</sup> and .5 hours of clerical time at \$30/hour.<sup>7</sup>

Estimated hour burden: (1,064 letters/year) x [(0.6 hours of management time) + (.5 hours of clerical time)] = **1,170 hours/year.**

Estimated cost burden: (1,064 letters/year) x [(0.6 hours of management) x (\$83/hour) + (.5 hours of clerical time) x (\$30/hour)] = **\$68,947/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.<sup>8</sup> We assume someone at the technical level (\$72 per hour<sup>9</sup>) prepares the reviews.

Estimated hour burden: (0 reports/year) x (0.33 hours) = **0 hours/year.**

Estimated cost burden: (0 hours/year) x (\$72/hour) = **\$0/year.**

**Total Burden Hours and Cost to the Federal Government is 1,170 hours (1,170 hrs. + 0 hrs.) and \$68,947 (\$68,947 + \$0).**

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 annual requests. As this is a voluntary reporting requirement, estimates are based on past years experience.

There is no proposed change to the reporting requirements of this collection. The reporting requirements, and the methodology for calculating burden, remain unchanged.

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<sup>6</sup> The O-4 level (costing \$83/hour at the in-government hourly rate).

<sup>7</sup> The GS-4 level (costing \$30/hour at the in-government hourly rate).

<sup>8</sup> See 33 CFR Part 165.1709 "Security Zone; Liquefied Natural Gas Tankers, Cook Inlet, AK" that requires an owner/operator of a vessel fishing in the vicinity (i.e., within 1,000 yards) of the Phillips Petroleum Liquefied Natural Gas (LNG) pier provide information on the owner, operator, and their vessel.

<sup>9</sup> The O-3 level (costing \$72/hour at the in-government hourly rate).

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**

This information does not employ statistical methods.