

## Supporting Statement for **Vessel Reporting Requirements**

### **A. Justification.**

1. Circumstances that make the collection necessary. 46 U.S.C. 2306(a) requires the owner, charterer, managing operator or agent of a vessel of the United States to immediately notify the Coast Guard if there is reason to believe that the vessel may have been lost or imperiled. Further, the owner, charterer, managing operator or agent of a vessel required to report to the United States Flag Merchant Vessel Location Filing System (USMER) must immediately notify the Coast Guard if more than 48 hours pass since last receiving communication from the vessel. These reports must be followed by written confirmation submitted to the Coast Guard within 24 hours. 46 U.S.C. 2306(c) gives the Secretary of the Department of Homeland Security authority to prescribe regulations to carry out 46 U.S.C. 2306(a), which became effective April 17, 1985. The Secretary has delegated rulemaking authority to the Commandant of the Coast Guard in 33 CFR 1.05. The Coast Guard's implementing regulations are in 46 CFR Part 4.

The purpose for these reports is:

(a) to increase the likelihood of timely assistance to vessels in distress, especially those that cannot communicate their distress to the vessel's owner or others in a position to help, and

(b) to place a burden of responsibility upon the owner, charterer, managing operator or agent for the safety of the vessels. This is of the utmost importance since these persons are often the only ones with knowledge of the vessels' intended movements.

2. Information Use. The information obtained from these reports will be used by the Coast Guard to determine if the vessel reported on is in distress and if so, to take action to provide needed assistance.

3. Use of Improved Technology. The information specified above is vessel specific, is on-occasion reporting of a vessel being in possible distress. E-mail is not an acceptable form of notification in search and rescue, as the SAR system is not equipped for timely receipt and/or response to email. Only follow-up reports may be submitted via electronic mail.

4. Efforts to Identify Duplication. This information is not collected in any form, and therefore is not duplicated elsewhere.

5. Small Entities. These reporting requirements may affect businesses that are small entities and individual citizens, specifically small fishing vessels, small passenger vessels, many recreational vessels and some tug and towboats. To decrease the burden

imposed by these requirements on the owners and operators of these vessels, two things have been done. First the regulations allow the report to be filed with the local Coast Guard search and rescue authority rather than requiring it to be filed with a more centralized Coast Guard facility such as a Coast Guard Rescue Coordination Center (RCC). This will relieve, in most cases, these owners and operators of small vessels from having to place a long distance phone call and further, they will not have to spend the time necessary to locate the RCC.

The second concerns the information required to be provided in the report. 46 U.S.C. 2306(a)(3) specifies that the report must contain the name and identification of the vessel as well as the names of the individuals on board and any additional information the Coast Guard may request. 46 U.S.C. 3502 requires passenger vessels to only keep a passenger count rather than a list of their individual names. The Coast Guard has interpreted the passenger count as fulfilling the requirement under 46 U.S.C. 2306(a)(3) and the implementing regulation allow for it to be provided instead of their individual names. The purpose of providing names of the individuals on board in the report is for search and rescue purposes. In the event a rescue operation must be mounted for a vessel in distress, the information will aid the Coast Guard in determining when and if the rescue operation can be suspended. A passenger count accomplishes this purpose.

6. Effect of Less Frequent Collection. The information is an on-occasion submission to the Coast Guard and only recurs as vessels are thought to be in distress. If required less frequently, the Coast Guard would be incorrectly implementing 46 U.S.C. 2306.

7. Special Circumstances Regarding Collection. This information collection is conducted in manner consistent with the guidelines in 5CFR 1320.5(d)(2).

8. Consultations Outside the Agency. A 60-day Notice was published in the *Federal Register* to obtain public comment on this collection (see [USCG-2012-0173]; March 27, 2012; 77 FR 18253). Additionally, a 30-day Notice was published in the *Federal Register* to obtain public comment on this collection (June 14, 2012, 2012; 77 FR 35703). The Coast Guard has not received any comments on this information collection.

9. Payment or Gift to Respondents. There is no offer of monetary or material value for this information collection.

10. Assurance of Confidentiality Provided Respondents. There are no assurances of confidentiality provided to the respondents for this information collection.

11. Questions of a Sensitive Nature. There are no questions of sensitive nature.

12. Estimates of the Hour Burden of Collection of Information. One group of respondents are those vessels subject to USMER. A report is required when the owner, agent, etc., has received no communication from the vessel within 48 hours, which is the same time interval for reporting under USMER. Unlike the report of

vessel distress, this is not a report that in the past has been voluntarily filed with the Coast Guard. Therefore, the cost to the government is dependent on the number of reports that will be made under this requirement. The Maritime Administration reports that there is 97% compliance with USMER requirement, thus indicating these vessels are overwhelmingly able to communicate at least once every 48 hours. When the reasons for the missing report were investigated, it was found not to be due to vessel distress or the inability of the vessel to communicate with the owner/operator. The vessels were undergoing repair in a shipyard and simply neglected to log out of USMER. In addition, most owners and agents of these vessels require some form of communication such as position reports fuel reports, weather, etc., at least once every 48 hours. Consequently, the number of additional reports that will be filed with the Coast Guard under this regulatory requirement is estimated to be negligible.

The other group of respondents are those U. S. documented or numbered vessels thought to be lost or imperiled.

The burden on the respondents to fulfill the requirement to report possible vessel distress was estimated using information from Marine Information for Safety and Law Enforcement (MISLE) Search and Rescue (SAR) statistics. Based on historical trends it is estimated that there are approximately 550 cases annually.

Under the law and the regulations, the initial report is required to be nothing more than a phone call to a Coast Guard District Rescue Coordination Center (RCC) or the local Coast Guard search and rescue authority. This report must contain the vessel name and identification, number of individuals on board and any other information required by the Coast Guard. The time required to collect this information is minimal since the owner, agent, etc., knows this information already. Time for this report is estimated to be 15 minutes. This results in a yearly burden of 137 hours for the initial report. (This is based on  $15 \text{ min}/60 \text{ min} \times 550 \text{ reports} = 136.5 \text{ hours}$ ).

There is no burden on the public for the written report designated under this law because waivers will be issued for all incidents. Without any waivers the burden of the written reports are estimated to be 137 hrs/year since it is assumed to take the same amount of time as the verbal report. There is no information gathering time, since it has already been done. Using the same methods of calculating as for the initial report, the amount for the written report would be 137 hours.

The total burden to the public for the reporting requirements required under Section 212 of the Act is therefore estimated to be approximately 137 hours per year. The cost to the respondents is estimated as follows: A wage rate of \$24.15/hour was used to compute the cost to collect the information for the initial report for the incidents. This rate is based on the median household U. S. income reported by the Census Bureau. Since reports are compiled 5 days a week, the annual average wage was divided by the product of 52 week/year and a 40-hour a workweek to arrive at an average hourly wage, then multiplied by 137 annual hours. This results in a cost of \$3309 for the initial report. The same cost would be incurred for the written report, were it ever required.

13. Estimates of Annualized System Cost to Respondents. There are no record keeping, capital, start-up or maintenance costs associated with this information collection.

14. Estimates of Annualized Cost to the Federal Government and the respondents; and Methods Used to Estimate Cost. There are reports required from two groups of vessels under 46 U.S.C. 2306 (see question 1 for description). The cost to the government to receive these reports is estimated to be \$4830.00. Since reports are compiled 7 days a week, the annual average wage was divided by the product of 52 week/year and a 40-hour a workweek to arrive at an average hourly wage of \$24.15, then multiplied by 200 annual hours. The 200 annual hours represent the time allocated annually to prosecute this information

15. Changes in Burden. There are no changes in the estimated annual burden. There are no changes to the information being collected.

16. Plans for Publication. This information collection will not be published for statistical purposes.

17. Approval to Not Display the Expiration Date. USCG will display the expiration date for OMB approval of this information collection.

18. Collections of Information Employing Statistical Methods. The information collection does not employ statistical methods.