

**Supporting Statement
for
Advance Notice of Vessel Arrival and Departure
[as modified by USCG-2005-21869; RIN 1625-AA99]**

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 146 and 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 Notice of Arrival (NOA) 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 list. Future amendments are described in section 8.

This information collection supports the following strategic goals.

Department of Homeland Security

- Awareness
- Prevention

¹ Located at <http://www.gpoaccess.gov/uscode/browse.html> , select Title 33, then Chapter 25.

² Located at [http://frwebgate.access.gpo.gov/cgi-bin/usc.cgi?ACTION=RETRIEVE&FILE=\\$\\$xa\\$busc33.wais&start=2204937&SIZE=16146&TYPE=TEXT](http://frwebgate.access.gpo.gov/cgi-bin/usc.cgi?ACTION=RETRIEVE&FILE=$$xa$busc33.wais&start=2204937&SIZE=16146&TYPE=TEXT)

³ Located at http://www.access.gpo.gov/nara/cfr/waisidx_08/33cfr160_08.html

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

- 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 mandates that all submission of notices of arrival and departure (NOAD) are done electronically. The preferred method for submission is through the electronic Notice of Arrival and Departure application (eNOA/D) located on the National Vessel Movement Center (NVMC) website at <http://www.nvmc.uscg.gov>. Submitters can also submit the NOAD electronically through email or through a third party application. Thus, 100% of the reporting requirements are done 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) application (www.nvmc.uscg.gov) for all commercial vessels arriving from or departing for a foreign

port or place. Compliant eNOA/D submissions through this interface work to fulfill both USCG (Notice of Arrival) and CBP (APIS) reporting requirements. Additionally, vessels report their transit through the St. Lawrence Seaway by submitting arrival notices to the St. Lawrence Seaway Development Corporation (SLSDC). 33 CFR 401.79. Similar to the arrangement with CBP, vessels submit their NOA for the SLSDC through the e-NOA/D. SLSDC has the ability to directly access this information reducing the potential for duplicate reporting for vessels transiting through and to ports or places in the Coast Guard Marine Safety Unit Massena area of responsibility. t.

5. Methods used to minimize the burdens to small businesses, if involved.

Reporting requirements for small entities are generally proportionately less due to the fewer numbers of vessels they operate. Additionally, small entities often operate smaller-size vessels that may be exempt from the reporting requirements.

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 section 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 on December 16, 2008, an NPRM entitled “Vessel Requirements for Notices of Arrival and Departure, and Carriage of Automatic Identification System” (NOA-AIS) [USCG-2005-21869; RIN 1625-AA99; 73 FR 76295]. The rulemaking proposed to—

- Expand the NOA requirements to include commercial vessels less than 300 gross tons. Require a Notice of Departure (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 had a 120-day comment period that closed on April 15, 2009. The Coast Guard received no collection of information-related comments to the NPRM.

The Coast Guard plans to publish an NOA-AIS Final Rule shortly.

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 nature.

12. Estimates of information collection burden.

Total number of annual respondents:	18,377*
Total number of annual responses:	107,755 (107,605 + 150)
Total annual hour burden:	98,985 (98,835 + 150)
Total annual cost burden:	\$3,460,743 (\$3,450,393 + \$10,350)

*Figure includes 150 waivers annually.

a. Notice of Arrival and Departure

According to MISLE/SANS and National Vessel Movement Center (NVMC) data⁵ and information received from representatives Captains of the Port (COTPs), approximately 18,377 vessels, meeting the size and type limitations for advance notice of arrival and departure will enter and depart U.S. ports each year, and these vessels will provide 107,605 total estimated annual responses, not including waivers.

The time needed to report a vessel arrival and departure (hour burden/response) is estimated in Table 1.

⁵ MISLE/SANS means the Coast Guard's Marine Information for Safety and Law Enforcement/Ship Arrival Notification System database. The National Vessel Movement Center collects all NOA-related data.

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

Elements	Burden
Notice of Arrival;	30 min.
Notice of Departure	30 min.
Total	60 min.

The hour and cost burden are estimated in Table 2.

Table 2.
Estimate of Hour and Cost Burden for
Advance Notice of Vessel Arrival and Departure⁶

Requirement	Vsl Population (respondents)	Vsl Arrivals and Departures (responses)	Hour Burden per response*	Total Hour Burden**	Cost Burden per response*	Total Cost Burden
NOA/NOD (NPRM values)	31,594	170,866	0.5 + 0.5	163,994	\$31.00⁷	\$5,083,814
NOA-AIS (change between NPRM and final rule)	-13,217	-63,261	1.03***	-65,159	\$31.00 (no change in cost)	-\$2,019,929
TOTAL (Final rule values)	18,377	107,605	-	98,835	-	\$3,063,885

*Columns are not additive.

**Note: total includes NOA/OCS and NOA/CDC data. Figures do not include waivers.

***The hour estimate of 1.0 does not represent a change from the NPRM. We still estimate 0.5 hours to submit a NOA and 0.5 hours to submit a NOD for those vessels required to do so. The additional time of .03 hours is a change from the NPRM and accounts for the additional three required NOA fields. If a vessel submits a NOA and a NOD, then the total time will be 1.03 hours including the additional three required NOA fields.

b. 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 \$84.00 per hour⁸ for management time and \$54.00 per hour⁹ for clerical time, the cost for waiver requests is \$10,350 as shown in Table 3.

⁶ Figures in Table are rounded.

⁷ Aligned with hourly cost burden rate in rulemaking documents.

⁸ Assuming that a person with an equivalent hourly rate as an O-3 for out of government, then the rate is \$84.00 according to Enclosure (2) to COMDTINST 7310.1L.

⁹ Assuming that a person with an equivalent hourly rate as an O-1 for out of government, then the rate is \$54.00 according to Enclosure (2) to COMDTINST 7310.1L.

Table 3.
Hour and Cost Burden of all 150 Waivers

	Hour Burden per response	Total Hour Burden	Total Cost Burden
Clerical (\$54/hr)	0.5hrs/waiver	75	\$4,050
Management (\$84/hr)	0.5hrs/waiver	75	\$6,300
Total		150	\$10,350

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

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

14. Estimates of annualized cost to the Federal Government.

a. Notice of Arrival

The Coast Guard operates the National Vessel Movement Center in Kearneysville, WV, to receive vessel movement information. The cost to the Federal Government for processing notices is approximately \$3 million per year.

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 time¹⁰, the annual cost to the Federal Government for waiver requests is \$5,025.

15. Reasons for change in the burden.

The change (i.e., decrease) in burden is a PROGRAM CHANGE.

The PROGRAM CHANGE (decrease in respondents (-13,217) from the NPRM, responses (-63,261) and burden hours (-65,159) results from the "Vessel Requirements for Notices of Arrival and Departure, and Carriage of Automatic Identification System" Final Rule (NOA-AIS) [USCG-2005-21869; RIN 1625-AA99]. We attribute this decrease in the number of respondents/responses/burden to our improved analysis of the number of vessels impacted by this rulemaking. The Coast Guard amended its regulations to—

- Expand the NOA requirements to commercial vessels less than 300 gross tons,
- Require a Notice of Departure (NOD)
- Require electronic submission of the NOAs & NODs.

¹⁰ Assuming that the individual is an O-3 (in government), then the rate is \$67.00 according to Enclosure (2) to COMDTINST 7310.1L.

Additional changes are—

- Changed ICR title from “Advance Notice of Vessel Arrival” to “Advance Notice of Vessel Arrival and Departure” to reflect PROGRAM CHANGE.
- Updated Instruction sheet to account for individual IC burdens.

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.