

Supporting Statement for CVSSA Requirements

[w/ new requirements per USCG-2011-0357; RIN 1625-AB91]

OMB No.: 1625-new
COLLECTION INSTRUMENTS: Instructions

A. Justification

1. Circumstances which make the collection of information necessary.

The Cruise Vessel Security and Safety Act of 2010 (CVSSA, Pub. L. 111-207, 124 Stat. 2243) was passed by Congress to address serious incidents,¹ including sexual assault and the disappearance of passengers at sea, that have occurred on cruise vessel voyages. Congress found that passengers lack adequate understanding of their vulnerability to crime onboard cruise vessels, that inadequate resources are available to assist cruise vessel crime victims, and that detecting and investigating cruise vessel crimes is difficult. Specific mandatory CVSSA elements include—

- 46 U.S.C. 3507(a)(1)(D) requires that vessels install systems to detect or capture fall overboard incidents. Any surveillance data from these systems is required to be maintained for the entire voyage and at least 120 days after to assist in the investigation of any man overboard incidents.
- 46 U.S.C. 3507(b) requires vessel owners to maintain a video surveillance system to assist in documenting any serious crimes, as defined in section 3507(g)(3)(A), that take place on the vessel and to allow law enforcement officials investigating those crimes access to video records.
- 46 U.S.C. 3507(f) requires vessel owners establish procedures and restrictions regarding crewmember access to stateroom.
- 46 U.S.C. 3507(g) requires vessel owners to maintain a record book of all complaints of theft of property valued in excess of \$1,000, and all complaints of other crimes. They must also post the number of incidents on their website.

This information collection supports the following strategic goals:

Department of Homeland Security

- Prevention
- Protection

Coast Guard

- Maritime Safety
- Maritime Stewardship

Prevention Policy & Response Policy Directorates (CG-5P & CG-5R)

- 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. Purposes of the information collection.

As stated above, the information collected via video surveillance and recordkeeping will be used to assist in documenting crimes and investigating criminal activity on board cruise vessels. The man overboard data will be used to investigate such incidents as necessary. The addendum or memo will be used to outline procedures and restrictions of crewmember access to staterooms to protect the privacy of cruise vessel passengers and the security of their staterooms. The recordkeeping of alleged crimes will be used to assist in documenting crimes.

¹ CVSSA sec. 2, codified at 46 U.S.C. 3507 note.

The information to be collected via video surveillance and recordkeeping logs for use by appropriate law enforcement agencies in the event of an incident onboard a cruise vessel. The addendum or memo will be used by the crew to ensure that vessel crew members are limited in their access to passenger staterooms, and respect the privacy of passengers and the security of their staterooms.

The video surveillance and recordkeeping information collected will only be used when necessary to investigate a crime that took place on board a cruise vessel or a man overboard incident. The recordkeeping log will also be uploaded periodically on the company website to provide transparency to the public regarding alleged crimes onboard a cruise vessel. The addendum or memo will be checked during inspections to see if crewmember protocols and restrictions to staterooms have been implemented. If the information is not requested by law enforcement officials in this capacity in a predetermined period, the surveillance video and recordkeeping logs may be deleted. Furthermore, the recordkeeping logs provide transparency to the public regarding alleged crimes onboard a cruise vessel. Finally, the crewmember procedures and restrictions ensure that vessel crew members are limited in their access to passenger staterooms, and respect the privacy of passengers and the security of their staterooms.

3. Considerations of the use of improved technology.

Video surveillance data will be collected and stored electronically via video recording systems appropriate to capture data to be used in criminal investigations. Recordkeeping logs may be collected via paper or stored electronically. Addendums or memos will be reviewed either on paper or electronically. We estimate that 90% of all reporting and recordkeeping requirements will be done electronically.

4. Efforts to identify duplication.

There is no other Federal, State or local agency that requires this information collection. Therefore, there is no duplication of information collection efforts by the government. The information collected from this effort may be used by other agencies in support of their own goals.

5. Methods to minimize burden to small businesses involved.

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

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

If video surveillance and recordkeeping logs are not recorded and maintained, criminal investigations could become more difficult and it could increase the likelihood that criminal cases on board cruise vessels may not be resolved.

7. Special collection circumstances.

This information collection is conducted in a manner consistent with guidelines in 5 CFR 1320.5(d)(2).

8. Consultation.

The Coast Guard published on January 16, 2015, a Notice of Proposed Rulemaking (NPRM) entitled "Cruise Vessel Security and Safety Act of 2010; Implementation" [USCG-2011-0357; RIN 1625-AB91; 80 FR 2350]. The rulemaking proposes—

- amending its passenger vessel regulations to implement the CVSSA with respect to deck rails, systems for detecting or recording falls overboard and for recording evidence of possible crimes, hailing devices, security guides, sexual assault response, and crime scene preservation training.

The NPRM 90-day comment period closed on April 16, 2015.

9. Provide any payments or gifts to respondents.

There is no offer of payment or gift for this information collection.

10. Describe any assurances of confidentiality provided to respondents.

The Coast Guard would only have access to video surveillance recordings if a criminal offense occurred aboard the vessel. The Coast Guard may either receive this information to conduct a preliminary investigation of the crime or pass it directly to another agency for investigation and potentially prosecution. In either case the Coast Guard will not retain the video nor review any video outside the scope of an investigation of allegation of criminal activities. DHS/USCG-013-Marine Information for Safety and Law Enforcement (MISLE) SORN and DHS/USCG/PIA -008 provides coverage for this collection.

11. Additional justification for any questions of a sensitive nature.

There are no questions of sensitive language. Video surveillance is to be placed in public areas of the cruise vessel.

12. Estimates of annual hour and cost burdens to respondents.

- The estimated annual number of respondents is 147.
- The estimated annual number of responses is 220.
 - o 73 for video surveillance and recordkeeping logs and
 - o 147 for a one-time response for addendums/memo.
- The estimated annual hour burden is 716.
- The estimated annual cost burden is \$36,809.

We estimate that annually, half of the 147 respondents will have a 30 minute burden to initialize their video surveillance and man overboard recording systems and ensure proper operation for 36 hours total. Additionally, we estimate that annual there are 73 reported incidents onboard a cruise vessel² that will be documented in a log at 1-hour per incident for 73 hours total. Assuming these tasks are performed by a Vessel Security Officer (VSO) at an hourly rate of \$51.41³, the annual cost burden for this requirement is \$5,603.

We also estimate that there are 23 cruise vessel companies (operating 147 ships) that will take 20 hours to create the addendum or memo. Additionally, each of the 147 ships will take an additional hour to tailor the addendum to the vessel. Thus, the cruise industry will take 607 hours drafting and finalizing the addendum. Assuming these tasks are performed by a Vessel Security Officer (VSO) at an hourly rate of \$51.41, the annual cost burden for this requirement is \$31,206.

13. Total annualized capital and start-up costs.

There are no estimated capital or start-up costs associated with this information collection. Based on analysis of the NPRM, respondents will not need to purchase video surveillance equipment, nor will they incur new costs, to meet the requirements of this collection.

14. Estimates of annualized Federal Government cost.

The annualized Federal Government cost estimate is \$3,750. The cost is based Coast Guard personnel review of the video system operations and recordkeeping logs during periodic inspections and random boardings. This figure is based on the follows— approximately 200 reviews per year, conducted by a CG

² <http://www.uscg.mil/hq/cg2/cgis/CruiseLine.asp>

³ Wage information provided by Bureau of Labor Statistics (http://www.bls.gov/oes/2011/may/naics3_483000.htm) as of 3/1/2012. The wage used for a VSO equals that of Mean Hourly Wage for Captains, Mates, and Pilots of Water Vessels, with a load factor of 1.49 to account for benefits in addition to wages.

1625-new

Lieutenant (O-3)⁴ taking about 15 minutes per review.

15. Reasons for the change in burden.

This is a new collection.

16. Plans for tabulation, statistical analysis and publication.

This collection of information 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. 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.

⁴ Wage rate of \$75/hour per COMDTINST 7310.10 for an O-3 in-gov't rate.