

**Supporting Statement
for
Commercial Diving Operations – Title 46 CFR Part 197**

(w/ new requirements per USCG-1998-3786; RIN 1625-AA21)

OMB No.: 1625-new
COLLECTION INSTRUMENTS: Instructions

A. Justification

1) Circumstances that make the collection necessary.

The authority for commercial diving operation regulations are 33 U.S.C. 1509(b), which requires safety regulations for deepwater ports; 43 U.S.C. 1333(d)(1), which permits safety regulations for Outer Continental Shelf (OCS) facilities and their equipment; 46 U.S.C. 3306, which requires regulations to implement subtitle II of Title 46 of the U.S. Code with respect to inspected vessels, including offshore supply vessels (OSVs) and their equipment; 46 U.S.C. 3703, which requires safety and environmental protection regulations for liquid bulk dangerous cargo carriers and their equipment, to be issued after consultation with Federal, State, and local governments and with private sector entities; and 46 U.S.C. 6101, which requires regulations for reporting and investigating marine casualties. These statutes confer regulatory authority on the Secretary of Homeland Security, who has delegated this authority to the Coast Guard; DHS Delegation No. 0170.1(75), (90), and (92). The statutory authorities for the Coast Guard to prescribe, change, revise or amend regulations are provided for under: 33 U.S.C. 1903(b); 43 U.S.C. 1333; 46 U.S.C. 2103, 3306, 3703, 4102, 4302, 4502, 6101; E.O. 12234, 45FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1.

This information collection supports the following strategic goals:

Department of Homeland Security

- Prevention
- Protection

Coast Guard

- Maritime Safety
- Protection of Natural Resources

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.

The Coast Guard will use the information to verify that commercial diving operations meet the requirements of 46 CFR 197. The information is for the administration and enforcement of the commercial diving safety improvement initiatives. The types of reporting and recordkeeping requirements include—

- Notification to the Coast Guard Officer in Charge, Marine Inspection (OCMI) in advance of dive operations and in advance of an external audit.
- Documentation by logbook entry of emergency drills and equipment maintenance.
- Written operations manual and designation of each employee's individual roles and responsibilities for each diving operation.
- Development and retention of casualty-related records.

Respondents are owners and operators of commercial diving operations that are required to complete various forms, reports and keep records.

3) Consideration of the use of improved information technology.

This information collection includes both reporting and recordkeeping requirements. The reporting requirements may be done by mail, phone, fax or electronically submitted via e-mail.¹ The recordkeeping requirements may be maintained in hard copy or electronic format. We estimate that 95% of the requirements can be done electronically. At this time, we estimate that about 67% of the responses are collected electronically.

4) Efforts to identify duplication.

The commercial diving requirements apply to diving operations undertaken in connection with commercial construction and monitoring operations conducted from deepwater ports (such as offshore liquefied natural gas facilities), or OCS activities related to oil and natural gas extraction and transportation, or from vessels that are required to have a Coast Guard certificate of inspection; 46 CFR 197.202. There are no other Federal agencies with similar programs in deepwater ports or in the OCS that collect similar information. The Coast Guard is the only agency collecting this information for use as described above.

5) Methods to minimize the burden to small business if involved.

A number of commercial diving operations are owned and operated by small entities. The Coast Guard has taken steps to provide these owners and operators with flexibility and options to comply with requirements.

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

Reducing the frequency of collection would hinder or degrade the administration of the commercial diving operation regulations.

7) Special collection circumstances.

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 February 19, 2015, a Notice of Proposed Rulemaking (NPRM) entitled "Commercial Diving Operations" [USCG-1998-3786; RIN 1625-AA21; 80 FR 9152]. The rulemaking proposes—

- to amend its regulations for commercial diving that is conducted from deepwater ports or deepwater port safety zones, or in connection with Outer Continental Shelf (OCS) activities, or from vessels that are required to have a Coast Guard certificate of inspection. The regulations would be revised and updated to improve safety and to reflect current industry best practices. The proposed regulations would also allow the Coast Guard to approve independent third-party organizations to assist with ensuring regulatory compliance of commercial diving regulations. The proposed amendments promote the Coast Guard's maritime safety mission.

The NPRM 90-day comment period closes on May 20, 2015.

9) Provide any payments or gifts to respondents.

There is no offer of monetary or material value for this information collection.

10) Describe any assurance of confidentiality provided to respondents.

¹ Reports are sent to the Coast Guard OCMI. A comprehensive list of contact info for Coast Guard units can be found at: <http://www.uscg.mil/top/units/>.

There are no assurances of confidentiality provided to respondents for this information collection.

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

There are no questions of sensitive language.

12) Estimate of annual hour and cost burdens to respondents.

- The estimated number of annual respondents is 87.
- The estimated number of annual responses is 6,191.
- The estimated hour burden is 9,266 hours.
- The estimated cost burden is \$205,095.

The burden to respondents is provided in Appendix A. Respondents are owners and operators of commercial diving operations. The reporting and recordkeeping requirements, the annual frequency (responses/respondents per year), burden per response, hour and cost burdens are detailed in Appendix A. For the wage rate, we use the mean industry loaded hourly wage of \$33.13/hour from the "Occupational Employment and Wages for Commercial Divers" published by the U.S. Bureau of Labor Statistics² We applied the 1.47 load factor to the median income of \$22.54 to estimate \$33.13 loaded hourly wage rate (\$22.54/hour mean wage/hour x 1.47 benefit multiplier).

13) Total 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 estimated annual Federal Government cost is \$28,530 (see Appendix B). The reporting and recordkeeping requirements, the annual frequency (responses/respondents per year), burden per response, and cost are detailed in Appendix B. For wage rate, we used the rate for commercial divers (noted in section 12 of this supporting statement) and the rate for a GS-13. The GS rate shown is in accordance with the current edition of COMDTINST 7310.1(series) for "In-Government" personnel.

15) Reasons for the change in burden.

The change in burden is a PROGRAM CHANGE due to the new 1625-AA21 Commercial Diving Operations rulemaking.

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.

² <http://bls.gov/oes/2010/may/oes499092.htm> and <http://data.bls.gov/cgi-bin/dsrv>