

**Supporting Statement
for
Security Plans for Ports, Vessels, Facilities, and Outer Continental Shelf Facilities
and Other Security-Related Requirements**

[w/ proposed changes per USCG-2013-1087; RIN 1625-AC15]

OMB No.: 1625-0077
COLLECTION INSTRUMENTS: CG-6025, CG-6025A & Instruction

A. Justification

1. Explain the circumstances that make collection of information necessary.

In the aftermath of the terrorist attacks of September 11, 2001, the Commandant reaffirmed the Coast Guard's Maritime Homeland Security mission and its lead role—in coordination with the Federal Departments, State and local agencies; owners and operators of vessels and maritime facilities; and others with interests in our nation's maritime transportation system—to detect, deter, disrupt, and respond to attacks against U.S. territory, population, vessels, facilities, and critical maritime infrastructure by terrorist organizations.

Public Law 107-295, the Maritime Transportation Security Act of 2002 (MTSA), was signed into law on November 25, 2002. MTSA and the parallel international requirements—SOLAS amendments and the International Ship & Port Facility Security Code (ISPS Code), as adopted by the International Maritime Organization's Diplomatic Conference in December 2002—provided the framework for developing a new maritime security regime.

The Coast Guard implemented new maritime security regulations in Title 33 Code of Federal Regulations Subchapter H (33 CFR Parts 101, 103, 104, 105 & 106). A prime element of these requirements is the requirement for security assessments and plans, as well as communication procedures, for U.S. ports, facilities, vessels and maritime areas. These Security Assessments, Security Plans, and Declarations of Security (DoS) involve collections of information that are vital to securing the safety of maritime areas. These requirements are critical in determining appropriate security measures to reduce the risk of a Transportation Security Incident (TSI).

Certain security requirements were in place before September 11, 2001, and are also accounted for in this collection. These requirements related to cruise ship and terminal security. The regulations governing the Security of Passenger Vessels are in 33 CFR 120 and regulations on the Security of Passenger Terminals are in 33 CFR 128.

This information collection supports the following strategic goals:

Department of Homeland Security

- Awareness
- Prevention
- Protection
- Response
- Recovery

Coast Guard

- Maritime Safety
- Maritime Security
- Stewardship

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

- 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. By whom, how, and for what purpose the information is to be used.

The Coast Guard requires Security Assessments, Security Plans and DoS from the affected population of U.S. ports and maritime areas. This collection affects owners, operators, and personnel operating in the U.S. Maritime Transportation System. The respondents are regulated public and private stakeholders as specified in 33 CFR parts 101, 103, 104, 105, 106, 120 and 128.

The primary need for information is to determine if stakeholders are in compliance with security standards. The required collection of information is also important for stakeholders to determine and design appropriate security measures for their own safety and for the safety of their assets. The information can also help determine, in the case of TSI, whether failure to meet these regulations contributed to the TSI.

3. Consideration of the use of improved information technology.

Security plans, assessments, amendments and audits, and related material, can be submitted electronically via <http://homeport.uscg.mil/> or as an attachment to an e-mail to securityplaninfo@uscg.mil. DoSs and MARSEC Level postings may be done electronically. We estimate that 33% of the reporting and recordkeeping 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 date, no other equivalent State or local programs have been identified that require similar information.

5. Methods to minimize the burden to small entities if involved.

Because of the nature of the information collection requirements, the level of effort to prepare a port, vessel or facility security plan is estimated to vary directly with the size and complexity of the entity. As a result, smaller entities should incur a lesser burden than larger entities.

6. Consequences to the Federal program if collection were not done or conducted less frequently.

The Coast Guard recognizes the need to minimize the burden of any information collection to the extent permitted under MTSA. Under the regulation, existing MTSA ports, vessels and facilities need to conduct annual reviews and resubmit plans on a 5-year cycle. Only new MTSA entities must follow the full planning requirements.

The Coast Guard has determined that requiring entities to review and update their plans less frequently than once a year would undermine the intent of MTSA, which is to ensure that all entities have an up-to-date plan at all times, because plans are used to reduce the risk of a TSI.

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.

The Coast Guard published on December 29, 2014, a Notice of Proposed Rulemaking (NPRM) entitled “Seafarers’ Access to Maritime Facilities” [USCG-2013-1087; RIN 1625-AC15; 79 FR 77981]. The rulemaking proposes—

- require each owner or operator of a facility regulated by the Coast Guard to implement a system that provides seafarers and other individuals with access between vessels moored at the facility and the facility gate, in a timely manner and at no cost to the seafarer or other individual. Generally, transiting through a facility is the only way that a seafarer or other individual can egress to shore beyond the facility to access basic shoreside businesses and services, and meet with family members and other personnel that do not hold a Transportation Worker Identification Credential. This proposed rule would help to ensure that no facility owner or operator denies or makes it impractical for seafarers or other individuals to transit through the facility, and would require them to document their access procedures in their Facility Security Plans. This proposed rule would implement section 811 of the Coast Guard Authorization Act of 2010.

The NPRM 60-day comment period closes on February 27, 2015.

9. Explain any decision to provide 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.

The information will be kept private or anonymous to the extent allowable by law. Confidentiality/security of information contained in port, vessel, facility, and OCS facility security assessments and plans is of vital importance. The ISPS Code, part A, sections 9 and 16, and the MTSA (46 U.S.C. section 70101(d)) require documents related to security, especially security assessments and plans, to be kept in a manner that is protected from unauthorized access or disclosure. Understanding the imperative need to safeguard maritime security material to ensure its dissemination does not make the vessel, facility, or port vulnerable to a TSI, the Coast Guard has included provisions in these regulations noting that this type of material is to be designated as sensitive security information (SSI) in accordance with 49 CFR part 1520. Information designated as SSI is generally exempt under FOIA, and the Coast Guard believes that State disclosure laws that conflict with 49 CFR part 1520 are preempted by that regulation.

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 24,997.
- The estimated annual number of responses is 1,949,386.
- The estimated annual hour burden is 1,123,031 hours.
- The estimated annual cost burden is \$79,735,201.

The burden to respondents is provided in Appendix A. This collection accounts for two different methods of tonnage measurement—

- (a) Post-9/11 Security Regulations
- (b) Pre-9/11 Security Regulations

Post 9/11 Security Regulations

The collections of information for the MTSA security regulations are primarily contained in the AMS/vessel/facility security assessment & plans, and in the DoS. The resulting burden hours are therefore for planning, developing and writing these security assessments and plans. We expect that a security specialist conduct the assessments and develop the plans. We estimate that a security specialist's wage rate is equivalent to an individual at pay grade GS-12. The wage rate used is in accordance with the current edition of COMDTINST 7310.1(series) for "Out-Government" personnel. Collections of information under each part are described below.

A. Implementation of National Maritime Security Initiatives (33 CFR 101) -- This part establishes the general regulations for Subchapter H, and contains the provisions that pertain to all parts described below. As mentioned previously, the collections of information in this section are addressed in each applicable part, as described below.

B. Port Security or Area Maritime Security (33 CFR 103) -- This part establishes US Coast Guard Captains of the Port as Federal Maritime Security Coordinators, and establishes requirements for Area Maritime Security Committees. The AMS plan is based on planning meetings, administrative drills and management exercises. These meetings, drills and exercises are considered collections of information as they are predominantly information-gathering events.

The frequency with which meetings, management exercises and administrative drills must be conducted is detailed, and the calculation of the number of responses is complex. We expect some stakeholders to participate only partially, but our calculation is made with the assumption of 100% participation. We expect that, on average, stakeholders will annually participate in four meetings per year, four exercises per year, and two drills per year, for a total of ten annual responses per respondent. On average, each response carries a burden of five hours. To obtain the number of responses, we multiplied the frequency of responses by the number of respondents. The number of respondents is determined by the number of maritime areas times 200 stakeholders per area. See Appendix A for the calculation of burden.

C. Vessel Security (33 CFR 104) -- This part provides security measures for certain vessels calling on U.S. ports. It requires the owner to designate a company security officer, and the owner or operator of a vessel to designate security officers for the vessel. Owners or operators are also required to develop vessel security plans based on security assessments and surveys, and implement security measures specific to the vessel's operation. The administrative drills and exercises required under vessel security regulations are accounted for in the burden-hour calculation for port security above (section B), as ports and vessels conduct these drills and exercises in conjunction with each other. Burden-hours and costs associated with the DoS, for vessels, are accounted for under facility security below (section D), as they are signed by both the facility and the vessel and need to be calculated only once.

For Vessel Security Assessments (VSAs) and Vessel Security Plans (VSPs), we assume each company will prepare the core documents, and there will be an incremental cost for each vessel included in the assessment or plan. The incremental cost added to each plan will be a function of the number and type of vessels, with the number of additional hours by vessel type.

The respondents are the Company Security Officers (CSOs) and the Vessel Security Officers (VSOs).

The applicable regulations require both an annual response and a periodic response to occur every five years. The estimated hourly burdens for the annual and 5-year periodic reviews (per response) are 8 and 12 hours respectively. The burden is higher for new vessels, because new VSAs and VSPs must be generated, and we estimate this burden to be 80 hours per vessels.

Each VSA and VSP is tailored to meet the different needs of each vessel, so the number of annual responses is equal to the total number of vessels affected by the regulation. Vessel population figures were derived from the Coast Guard's MISLE¹ database. We assume that, on average annually, there are

¹ Marine Information for Safety and Law Enforcement

269 new vessels that require development of new VSAs and VSPs. See Appendix A for the calculation of burden.

D. Facility Security (33 CFR 105) -- This part requires Facility Security Officers or another designated person to develop facility security assessments (FSAs) and facility security plans (FSPs) for all port facilities. Planning costs will be incurred initially and annually, with more costs incurred initially as facilities develop security plans. DoS costs are incurred annually. We estimate each facility will complete about 2 DoS per day or 700 per year, and that each DoS will take 15 minutes to complete. Burden hours and costs associated with the DoS, for vessels, are also accounted for here as they are signed by both the facility and the vessel and need to be calculated only once.

The respondents are the Facility Security Officers. We assume that, on average, there are 25 new facilities or facilities that change ownership, and require development of new FSAs and FSPs. The average burden for new facilities², the existing facility annual burden, and the existing facility 5-year burden is estimated as 100, 10, and 15, respectively.

Additionally, there is a one-time FSP modification to address the Seafarers' Access to Maritime Facilities rulemaking. We estimate there are 2,489 respondents that must modify their FRPs, and that it would take 6 hours to update a FSP. See Appendix A for the calculation of burden.

E. Outer Continental Shelf Facility Security (33 CFR 106) -- This part provides security measures, including FSAs and FSPs, for mobile offshore drilling units (MODUs) not subject to the International Convention for the Safety of Life at Sea (SOLAS) and certain fixed and floating facilities on the Outer Continental Shelf (OCS) other than deepwater ports. For FSAs and FSPs, we assume the company with the CSO will prepare the core documents. Companies operating more than one OCS facility with the threshold characteristics listed above will be required to have separate FSOs, FSAs, FSPs, for each OCS facility. For the purposes of our analysis, we assume each owner operates a single facility. DoS costs are incurred annually. We estimate each facility will complete about 2 DoSs per day or 700 per year, and that each DoS will take 15 minutes to complete.

We assume that, on average, one facility per year is created or changes ownership, requiring development of a new FSA and FSP. We assume that this combined burden is 40 hours. The hourly burden for the existing OCS facility annual and the 5-year review is estimated as 4 and 6 respectively. See Appendix A for the calculation of burden.

Pre 9/11 Security Regulations

Security Plans: Each passenger vessel and passenger terminal affected by the regulations must submit one Security Plan. We estimate 5 new plans will be submitted each year. The estimated hour burden per response is 108.

Amendments: The Coast Guard expects 50% of the passenger vessels and passenger terminals will submit Amendments each year after submitting a Security Plan the first year. Each Amendment is expected to take approximately 10.

Reports of Unlawful Acts: Using available information, the Coast Guard estimates that 20 reportable unlawful acts will occur each year. One report must be filed for each act. Preparation of a report requires an average of 0.25 hours (or 15 minutes) for an individual to complete.

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

No capital start-up cost associated with this collection.

14. Estimates of annualized Federal Government costs.

² The FSP burden estimate includes the time required to fill out forms CG-6025 and CG-6025A.

The estimated annual Federal Government cost is \$3.4 million per year. The cost includes Federal personnel costs and contract costs. MTSA vessel and facility plans—new, annual and 5-year resubmission—are conducted by the Coast Guard at separate locations. Vessel plans are reviewed at the U.S. Coast Guard Marine Safety Center. Facility plans are reviewed by the local Coast Guard Sector Offices, of which we have 35. The cost of the vessel plan review is approximately \$1.2 million³ per year. The cost of the facility plan review is approximately \$2.2 million⁴ per year. We estimate that facility plan reviews are done by a Coast Guard Lieutenant (LT). The rate used is in accordance with the current edition of COMDTINST 7310.1(series) for “In-Government” personnel.

15. Explain the reasons for the change in burden.

The change (i.e., increase) in burden is a PROGRAM CHANGE due to the 1625-AC15, Seafarers’ Access to Maritime Facilities rulemaking. The modification of FSP for seafarers’ access is a one-time submission. The methodology for calculation burden remains unchanged. There is no proposed change to the recordkeeping requirements of this collection. The recordkeeping requirements, and the methodology for calculating burden, remain unchanged.

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. Approval to not display expiration date.

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 section does not apply because the collection does not employ statistical methods.

³ The U.S. Coast Guard Marine Safety Center manages vessel security plan reviews. The reviews are done by a contract staff, and the annual contract cost is approximately \$1.2 million.

⁴ Local Coast Guard Sector Offices manage facility security plan reviews. The reviews are done by Federal personnel. Cost calculated as follows—35 CG Sectors x LT hourly rate x .5 LT Annual-staff-time (FTE)/Sector = 35 x \$62/hour X 1,000 hours = \$ 2,170,000, rounded to \$2.2 million.