

**Supporting Statement
for
Certificates of Compliance, Boiler/Pressure Vessel Repairs,
Cargo Gear Records, Shipping Papers, and NFPA 10 Certificates**

[w/ changes by USCG-2012-0196; RIN 1625-AB59]

OMB No.: 1625-0037

COLLECTION INSTRUMENTS: CG-3585, CG-5437A CG-5437B & Instruction

A. Justification

1. Circumstances that make the collection necessary.

The requirement for reporting Boiler and Pressure Vessel Repairs, and the requirements for maintaining Cargo Gear Records, Shipping Papers, Certificate of Compliance (CG-3585), and NFPA¹ 10: 2010 certification are a part of the Coast Guard's Marine Safety Program of Titles 46 and 33, Code of Federal Regulations. They are prescribed or authorized by one or all of the following laws: 46 USC 3301, 3305, 3306, 3702, 3703, 3711, 3714, 4302, and 4502.

These requirements provide the marine inspector with information regarding the condition of a vessel and its equipment, a list of the type and amount of cargo that has been or is being carried on a vessel, plus information about the owner of the vessel. Each of these requirements relate to the promotion of safety of life at sea and protection of the marine environment.

This information collection supports the following strategic goals:

Department of Homeland Security

- Prevention
- Protection

Coast Guard

- Maritime Safety
- Protection of the 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.

Cargo Gear Records (46 CFR 31.10-16, 71.25-25, & 91.25-25). Cargo gear records are a recordkeeping requirement and are maintained to ensure the availability of unique vessel information that is needed by Coast Guard boarding personnel. Cargo gear records must be maintained by tank vessels carrying combustible or liquid cargo in bulk (Subchapter D), passenger vessels greater than 100 gross tons (Subchapter H), and cargo and miscellaneous vessels (Subchapter I). The owners of these vessels must provide all registers of cargo gear upon request to the Officer in Charge, Marine Inspection.

Shipping Papers (46 CFR 35.01-10). Shipping Papers are a recordkeeping requirement and are maintained by tank vessels to ensure the availability of unique vessel information that is needed by Coast Guard boarding personnel. Each loaded tank vessel shall have on board a bill of lading, manifest, or shipping document giving the name of the consignee and the location of the delivery point, the kind, grades, and approximate quantity of each kind and grade of cargo, and for whose account the cargo is

¹ NFPA – National Fire Protection Association.

being handled. In the case of unmanned barges where shipping papers are not available, an entry in the logbook of the towing vessel is sufficient.

Certificate of Compliance (46 CFR 30-40, 153 & 154). Certificates of Compliance (CG-3585), and its associated Port State Control Report of Inspection – Form A² and Form B³ (CG-5437A and CG-5437B), are a recordkeeping requirement, as the documents are issued by the Coast Guard and maintained by foreign vessel owners to ensure the availability of unique vessel information that is needed by Coast Guard boarding personnel. A foreign vessel owner may apply for a Certificate by submitting information to the Commanding Officer at the Marine Safety Center (§154.22(a)). A Certificate of Compliance is issued by the Coast Guard to document a foreign flag vessel has been examined and found to comply with the regulations. Certificates of Compliance must be renewed every 2 years.

Boiler/Pressure Vessel Repairs (46 CFR 35.25-5, 78.33-1, & 97.30-1). The purpose of the reporting requirement regarding boiler and pressure vessel repairs is to ensure that work completed on these Coast Guard certified devices has been properly accomplished without compromising safety. Before making any repairs to boilers or unfired pressure vessels, the chief engineer shall notify the Officer in Charge, Marine Inspection, at the nearest port where the repairs are to be made. Repair records must be maintained by tank vessels carrying combustible or liquid cargo in bulk (subchapter D), passenger vessels greater than 100 gross tons (subchapter H), and cargo and miscellaneous vessels (subchapter I).

NFPA 10: 2010 Certification (sections 33 CFR 145.01 and 149.408; and 46 CFR 25.30-10; 31.10-18; 71.25-20; 91.25-20; 107.235; 169.247; 176.810; and 189.25-20). The rule requires that vessel owners and/or operators ensure that inspection, maintenance and recharging of fire extinguishers are carried out in accordance with NFPA 10: 2010. NFPA 10 requires that the annual maintenance and recharging of fire extinguishers be done by certified persons. As such, vessel owners and/or operators are required to keep on file a copy of the NFPA 10 certificate for the individual conducting the annual maintenance.

If these above requirements were no longer permitted, many items critical to the safety of personnel, their vessels, our ports, and the marine environment would be jeopardized.

3. Consideration of the use of improved information technology.

Information is submitted in writing or electronically via e-mail or phone. Information may be submitted to the CG Officer in Charge, Marine Inspection (OCMI) at the local Sector Office, or the CG MSC. Contact info for CG OCMI's can be found at— <http://www.uscg.mil/top/units/>. For information on submitting information to the CG MSC, go to— <https://homeport.uscg.mil/msc> > Contact Us > Mail Address, Telephone Contacts, and E-Commerce Info.

Cargo Gear Records and Shipping Papers are recordkeeping requirements, and are not restricted to written form. Electronic files are allowed and would reduce the physical volume of records on the vessel. We estimate that many vessels employ an electronic database for their records.

Certificates of Compliance (COC) are maintained on board the vessel for use by the vessel operators and enforcement personnel. A COC is issued by the CG to document a foreign flag vessel has been examined and found to comply with the regulations. The COC—in hard copy format—must be available for CG boarding personnel to annotate—using pen and ink—following completion of subsequent examinations. The form provides instructions to CG Port State Control Officers on how/when the COC should be annotated. The issuance of a COC to a foreign tank vessel is required by 46 U.S.C. 3711.

Before making any repairs to boilers or unfired pressure vessels, the vessel must notify the local OCMI at the nearest port. A phone call will suffice for notification. The repair records are not restricted to written form. Electronic files are allowed and would reduce the physical volume of records on the vessel.

² Form A provides documentation on the outcome of an exam.

³ Form B provides documentation of deficiencies found during an exam.

We estimate that over 90% of the reporting and recordkeeping requirements can be done electronically.

4. Efforts to identify duplication.

The Coast Guard monitors state and local regulatory activity in the field. To date no equivalent state and local programs have been identified that require equivalent information, and no other Federal agencies have similar or equivalent regulatory requirements.

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

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

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

The availability of the information required for cargo gear testing, shipping papers, and Certificates of Compliance, along with reporting requirements for boiler and pressure and vessel repairs are all elements of the Coast Guard's marine safety program. The protection of life and property, our ports and the marine environment would be seriously hindered by the loss of these requirements.

7. Special collection circumstances.

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

8. Consultation.

A Notice of Proposed Rulemaking (NPRM) entitled "Harmonization of Standards for Fire Protection, Detection, and Extinguishing Equipment" (Prong V) was published in the *Federal Register* on January 13, 2014 [USCG-2012-0196, RIN 1625-AB59; 79 FR 2254]. The rulemaking would:

- Harmonize Coast Guard regulations with appropriate national and international consensus standards;
- Address advances in fire protection technologies and standards;
- Update Coast Guard approval processes for fire detection and alarm systems; and,
- Revise Coast Guard regulations for other types of equipment or components, such as spanner wrenches, non-metallic pipes, and sprinkler systems.

The NPRM 90-day comment period closed on April 14, 2014. The Coast Guard received no collection of information comments related to our burden estimate. On July 22, 2016, the Prong V Final Rule was published (81 FR 48220).

9. Explain any decision to provide any 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.

There are no assurances of confidentiality provided to the respondents for this information collection. This information collection request is covered by the Marine Information for Safety and Law Enforcement (MISLE) Privacy Impact Assessment (PIA) and System of Records Notice (SORN). Links to the MISLE PIA and SORN are provided below:

- https://www.dhs.gov/sites/default/files/publications/privacy_pia_uscg_misle.pdf
- <https://www.gpo.gov/fdsys/pkg/FR-2009-06-25/html/E9-14906.htm>

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 15,175 (14,224 + 951)
- The estimated annual number of responses is 38,756 (37,805 + 951)
- The estimated annual hour burden is 14,793 (14,725 + 5 + 63)
- The estimated annual cost burden is \$739,696 (\$736,250 + \$250 + \$3,196)

The estimated burden varies with the reporting or recordkeeping requirement. The total respondents, responses, and burden hours are detailed in the attached tables:

A. *Boiler and Pressure Vessel Repairs (see Appendix, Table 1)*. This requirement dictates that the vessel owners report and record any repairs. The numbers represent the number of boiler and pressure vessel repair deficiencies resolved during the corresponding year by ship type. The average time spent per response was assumed to not have changed from the previous analysis, and therefore was used in this updated analysis. The data was available for years 2009 and 2010 in SANS.⁴ The number of respondents and the number of responses are the same in the “Average Number of Respondents per Year Column” and “Average Number of Responses per Year Column.” This is due to the query being done on an annual basis, which is more accurate than having an aggregate estimate over a given number of years then estimating a yearly rate. Actual annual data is available and was used in this analysis.

B. *Cargo Gear Records (see Appendix, Table 2)*. Cargo gear records are a recordkeeping requirement and are maintained to ensure the availability of unique vessel information that is needed by Coast Guard boarding personnel. The number of cargo gear records for this analysis was estimated using SANS and the corresponding query for this estimate used distinct vessel arrivals into the United States. We assume that all these distinct arrivals keep the required records. The average time spent per response was assumed to be the same as the last COI analysis. The analysis was estimated using years 2008-2010 in MISLE.⁵ The number of respondents and the number of responses are the same in the “Average Number of Respondents per Year Column” and “Average Number of Responses per Year Column.” This is due to the query being done on an annual basis, which is more accurate than having an aggregate estimate over a given number of years then estimating a yearly rate. Actual annual data is available and was used in this analysis.

C. *Shipping Papers (see Appendix, Table 3)*. Shipping papers represent a recordkeeping requirement and the below figures were calculated based on distinct arrivals and bounces. Distinct arrivals were used to determine the number of respondents and bounces to determine the number of responses. Distinct US arrivals, both foreign and United States ships, and bounces for U.S and Foreign were used for these calculations. We assume that all arrivals processed the appropriate shipping paper recordkeeping requirement.

D. *Certificates of Compliance (see Appendix, Table 4)*. Certificates of Compliance are issued once every two years. The number of foreign vessels issued Certificates of Compliance was estimated using SANS and the corresponding query for this estimate used “Compliance” as the search word for the query. The average time spent per response was assumed to be the same as the last COI analysis. The analysis was estimated using years 2008-2010 in SANS. The number of respondents and the number of responses are the same in the “Average Number of Respondents per Year Column” and “Average Number of Responses per Year Column.” This is due to the query being done on an annual basis, which is more accurate than having an aggregate estimate over a given number of years then estimating a yearly rate. Actual annual data is available and was used in this analysis.

E. *NFPA 10: 2010 Certification (see Appendix, Table 5)*. The rule requires that vessel owners and/or operators ensure that inspection, maintenance and recharging of fire extinguishers are carried out in accordance with NFPA 10: 2010. NFPA 10 requires that the annual maintenance and recharging of fire extinguishers be done by certified persons. As such, vessel owners and/or operators are required to keep on file a copy of the NFPA 10 certificate for the individual conducting the annual maintenance.

⁴ SANS – Ship Arrival Notification System.

⁵ MISLE – Marine Information for Safety and Law Enforcement.

The total burden to the public is depicted in Appendix, Table 6. Assuming an average salary of \$50/hour⁶, the annual cost of the reporting and recordkeeping requirements would be \$739,566.

13. Estimates of 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.

Cargo Gear Records Shipping Papers and NFPA 10 Certificates are vessel recordkeeping requirements. Therefore, there is no review or collection required of the Coast Guard unless it is necessary to board the vessel. Certificates of Compliance are the forms that require Coast Guard review. Using a salary estimate of \$72/hour⁷, the annualized cost to the Federal Government would be \$33,120 (see Appendix A, Table 7).

15. Explain the reasons for the change in burden.

The change (i.e., increase) in burden is both an ADJUSTMENT and a PROGRAM CHANGE. The adjustment is due to rounding up of calculations in Appendix A Table 4. The program change is due to the Prong V Final Rule. This rule requires that vessel owners and/or operators ensure that inspection, maintenance and recharging of fire extinguishers are carried out in accordance with NFPA 10: 2010. NFPA 10 requires that the annual maintenance and recharging of fire extinguishers be done by certified persons. As such, vessel owners and/or operators are required to keep on file a copy of the NFPA 10 certificate for the individual conducting the annual maintenance.

16. 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 certificate associated with this collection is prescribed by U.S. Code. This certificate has a specific two year expiration date. The addition of a second expiration date to this certificate—that for OMB approval—may cause problems. It may cause foreign-flag vessel owner/operators to interact with the Coast Guard more frequently than required to reconcile the existence of 2 expirations dates on their ships' certificate. It is for this reason that expiration date for OMB approval is not displayed on the certificate. However, the OMB expiration date will be displayed on the Instruction sheet related to the information collection request.

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.

⁶ Equivalent to a GS-09 "out-of-gov't" rate, per COMDTINST 7310.1M.

⁷ Equivalent to an O-3 "in-gov't" rate, per COMDTINST 7310.1M.