

**Supporting Statement
for
Regulated Navigation Area; Reporting Requirements for Barges Loaded with
Certain Dangerous Cargoes, Inland Rivers, Eighth Coast Guard District and the
Illinois Waterway, Ninth Coast Guard District**

OMB No.: 1625-0105
COLLECTION INSTRUMENTS: Instruction

A. Justification

1. Circumstances that make the collection of information necessary.

Terrorist attacks on September 11, 2001, inflicted catastrophic human casualties and property damage. These attacks highlighted terrorists' abilities to utilize multiple means in different geographic areas, increasing their opportunities to maximize destruction by using multiple terrorist acts. In response, the Coast Guard established Regulated Navigation Areas (RNAs) within the inland rivers of the Eighth Coast Guard District and Ninth Coast Guard District in order to safeguard vessels, ports and waterfront facilities from sabotage or terrorist acts. The RNAs apply to barges loaded with Certain Dangerous Cargoes (CDC) operating on the Illinois Waterway System in the Ninth Coast Guard District, and in the Eighth Coast Guard District on the Mississippi River above mile 235.0, Above Head of Passes, including all its tributaries; the Atchafalaya River above mile 55.0 including the Red River; the Ohio River and all its tributaries; and the Tennessee River from its confluence with the Ohio River to mile zero on the Mobile River and all other tributaries between these two rivers. The RNAs affect vessels transporting CDCs that can be used as weapons of terrorism resulting in substantial loss of life, loss of property, environmental damage, and grave economic consequences. In their current form, the RNAs require operators of barges loading or loaded with CDCs within the RNAs to periodically report their position and other specified information to the Coast Guard only when directed by the District Commander or a designated representative to protect the infrastructure and citizens of the United States against sabotage and terrorist acts. Originally, reports were made through the Inland River Vessel Movement Center (IRVMC) but recent interim rules effected administrative changes removing or revising references to the IRVMC, as it is no longer operational, replacing them with the new Coast Guard offices within the Eighth and Ninth Coast Guard Districts known as CDC Reporting Units (D8 CDCRU and D9 CDCRU), which when activated will be responsible for collecting reported information. Title 33 CFR 165 requirements are issued under the authority of 33 U.S.C. 1231 and 50 U.S.C. 191.

This information collection supports the following strategic goals:

Department of Homeland Security

- Prevention

Coast Guard

- Maritime Security

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

- Security: Eliminate marine transportation and coastal security vulnerability.

2. Purpose of the information collection.

Title 33 CFR 165.10 defines a regulated navigation area as a defined boundary for which regulations for vessels navigating within the area have been established. The purpose of collecting information within the RNA is to allow the Coast Guard to maintain continuous maritime domain awareness on the inland rivers when needed and as directed by the District Commander or designated representative based on assessment of prevailing safety and security conditions to ensure and enhance maritime domain awareness to ensure port safety and security, and ensure the uninterrupted flow of commerce within the Eighth and Ninth Coast Guard Districts. This awareness will help the Coast Guard respond appropriately

to actual or threatened terrorist actions and enhance maritime security by escorting CDC barges in the vicinity of high-density population areas as necessary based on the existing circumstances.

3. Considerations of the use of improved information technology.

The Coast Guard originally established a center and now replaced by one centralized unit within each district to accept reporting in one location vice requiring reports to be made to each Captain of the Port (COTP) in which the CDC barge was operating. This alleviates the burden on the operator of a CDC barge from having to determine which COTP zone they are operating in and maintaining a contact list for each COTP. Reports are accepted via telephone, facsimile, and e-mail transmissions. Persons subject to this requirement may utilize the means that most efficiently meets their needs, provided that the information and timeliness requirements are met. We estimate that 100% of the reporting requirements are done electronically.¹

4. Efforts to identify duplication.

The Coast Guard monitors regulatory activity in this field. To date, no equivalent State and local programs have been identified that require similar information.

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 as reports can be made by the operator of the vessel without impeding safe navigation.

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

Less frequent collection would significantly impact the Coast Guard's ability to maintain maritime domain awareness on the inland rivers when needed based on necessary response to a specific, credible threat, as the Coast Guard would not have a timely and accurate picture of where CDCs were on defined segments of the inland rivers. Again, as re-established via interim rulemaking, this is a targeted collection of information in response to a specific, credible threat.

7. Special collection circumstances.

This information collection is conducted in a manner consistent with the guidelines in 5 CFR 1320(d)(2).

8. Consultation.

A 60-Day Notice (see USCG-2016-0125, March 22, 2016, 81 FR 15325) and 30-Day Notice (June 21, 2016, 81 FR 40338) were published in the *Federal Register* to obtain public comment on this collection. The Coast Guard has not received any comments on this information collection.

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 is 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>

¹ Via phone, fax or e-mail.

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

There are no questions of sensitive language.

12. Estimates of information collection burden.

- The estimated annual number of respondents is 5.
- The estimated annual number of responses is 31.
- The estimated annual hour burden is 4 hours.
- The estimated annual cost burden is \$96.

The burden to respondents is provided in Appendix A. Based on the D8 & D9 administrative changes to the reporting requirements, published in December 2015,² we anticipate that only one CDCRU will need to be activated per year for a total of one week. We estimate that it takes a vessel crewmember about 6 minutes (0.1 hours) to make a report. The position of crewmember is analogous to a GS-6. The wage rate used is in accordance with the current edition of COMDTINST 7310.1(series) for "Out-Government" personnel.

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 cost to the Federal Government.

The estimated annual Federal Government cost is \$9.828 (see Appendix B). We estimate that upon activation, the CDCRU will be a 24-hour/day watch and that the watch standers are marine transportation specialists (Coast Guard or civilian personnel) equivalent to an E-6 or a GS-11.³ The wage rates shown are in accordance with the current edition of COMDTINST 7310.1(series) for "In-Government" personnel.

15. Reasons for change in burden.

The change in burden is an ADJUSTMENT due to a change (i.e., decrease) in the estimated annual number of responses. The change in responses is due to recent D8 & D9 administrative changes to the reporting requirements. The methodology for calculating burden remains unchanged.

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 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 See D8 Interim Rule [USCG-2013-0760; 1625-AA11; 80 FR 79477; December 22, 2015] and D9 Interim Rule [USCG-2013-0849; 1625-AA11; 80 FR 81186; December 29, 2015].

³ For calculation purposes, we show one 12-hour watch stood by an E-6, and one 12-hour watch stood by a GS-11. As the CDCRUs are co-located w/ the Eighth and Ninth Coast Guard District Offices, we assume no facility cost.