

**Supporting Statement  
for  
Ports and Waterways Safety – Title 33 CFR Subchapter P**

[with proposed changes per USCG-2015-0926; RIN 1625-AC27]

OMB No.: 1625-0043  
COLLECTION INSTRUMENTS: Instruction

**A. Justification**

1. Circumstances that make the collection of information necessary.

Certain vessels are subject to a variety of requirements in Subchapter P of Title 33 Code of Federal Regulations. This action allows any person directly affected by these regulations to request a deviation from any of the requirements as long as the level of safety is not reduced. Additionally, this collection includes the District 8 Hurricane Operations Plan submission requirement. These requirements are issued under the authority of 33 U.S.C. 1223, 33 U.S.C. 1231 and 46 U.S.C. Chapter 701.

This information collection supports the following strategic goals:

Department of Homeland Security

- Awareness
- Prevention
- Protection

Coast Guard

- Maritime Safety
- Maritime Security
- Protection of the Natural Resources

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

- Maritime Safety: Eliminate deaths, injuries, and property damage associated with commercial maritime operations.
- Maritime Security: Protect our maritime borders from all intrusions by halting the flow of illegal drugs, aliens, and contraband into this country through maritime routes; preventing illegal fishing; and suppressing violations of federal law in the maritime region.
- 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 described above, any affected party, such as the master of a ship, may request of the Coast Guard a deviation from any of the requirements contained in the regulations. The information the respondent supplies is then evaluated by the Coast Guard to determine if it justifies the respondent's request for deviation. Without the deviation process, under certain circumstances, absolute compliance with the regulations would place an excessive burden on some system users, and could subsequently degrade waterway safety.

3. Consideration of the use of improved information technology.

The information may be provided in written (e.g., mail, facsimile, e-mail) or in verbal (e.g., phone, radio) form. We estimate that 100% of the reporting requirements can be done electronically. At this time, we estimate that approximately 95% of the responses are collected electronically, either by fax or by e-mail.

4. Efforts to identify duplication.

The Coast Guard monitors State and local regulatory activity in this 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.

Deviations are entirely at the discretion of the persons affected by the Title 46 CFR Subchapter P requirements. There is no mechanism that the Coast Guard could use to reduce the number of deviations.

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 July 11, 2016, a Notice of Proposed Rulemaking (NPRM) entitled “Tankers—Automatic Pilot Systems in Waters Subject to 33 CFR Parts 166 and 167” (TAPS) [USCG-2015-0926; RIN 1625-AC27; 81 FR 44817]. The rulemaking proposed—

- to permit tankers with automatic pilot systems that meet certain international standards to operate using those systems in waters subject to the shipping safety fairway or traffic separation scheme controls specified in 33 CFR parts 166 and 167. The proposed amendments would remove an unnecessary regulatory restriction, update the technical requirements for automatic pilot systems, and promote the Coast Guard’s maritime safety and stewardship (environmental protection) missions by enhancing maritime safety.

The NPRM 90-day comment period closed on October 11, 2016.

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.

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.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 857.
- The estimated annual number of responses is 857.
- The estimated annual hour burden is 2,033.
- The estimated annual cost burden is \$207,267.

The burden to respondents is provided in Appendix A. The reporting requirements are “on–occasion” reports made when—

- (a) a vessel requests a deviation from the requirements in 33 CFR Subchapter P, and
- (b) when a fishing vessel owner/operator desiring to enter and fish in the security zone around the Phillips Petroleum LNG Pier submit information to the Captain of the Port, Western Alaska as required in 33 CFR 165.1709.
- (c) for a vessel or facility operating on the Inner Harbor Navigation Canal, for Hurricane Operations Plans as required in 33 CFR 165.838.

a. LETTER OF DEVIATION--We estimate that the preparation of a letter of deviation request takes about 1.7 hours of senior management time and .5 hours of clerical time per response. The position of senior management is analogous to a Lieutenant Commander (LCDR), and the position of a clerical specialist is analogous to a GS-4.

b. COTP WESTERN ALASKA SECURITY ZONE ENTRY REQUEST--We estimate that preparation of an entry request takes about .5 hours of technical specialist per response. The position of a technical specialist is analogous to a Lieutenant (LT).

c. D8 HURRICANE OPERATIONS PLANS--We estimate that preparation of a Hurricane Operations Plan (initial submission) takes about 12 hours of technical specialist time per response, and any subsequent annual submission takes about 2 hours of technical specialist time per response. The position of a technical specialist is analogous to a LT.

The wage rates used are in accordance with the current edition of COMDTINST 7310.1(series) for “Out-Government” personnel.

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

There are no recordkeeping, 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 \$61,603 (see Appendix B). For a letter of deviation request, we estimate that it will take the actions of several CG individuals to process a request. Thus we estimate it will take 0.6 hours by a LCDR and 0.5 hours by a GS-4 to complete and process each response. For a COPT Western Alaska Security Zone entry request, we estimate it will take about .33 hours by a LT to complete and process each response. Finally, for Hurricane Operations Plans, we estimate that a LT will spend about 2 hours reviewing and initial submission and 1 hour reviewing any subsequent annual submission. The rates shown are 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 in burden is a PROGRAM CHANGE due to the TAPS rulemaking.

16. Plans for tabulation, statistical analysis, and publication.

This information collection 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.

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The Coast Guard does not request an exception to the certification of this information collection.

**B. Collection of Information Employing Statistical Methods**

This information does not employ statistical methods.