

**Supporting Statement
for
Navigation Safety Information and Emergency Instructions
for Certain Towing Vessels**

OMB No.: 1625-0082
COLLECTION INSTRUMENTS: Instruction

A. Justification

1. Circumstances that make the collection of information necessary.

This information collection has 2 parts. Whereas the first part concerns navigation safety, as addressed in 33 CFR Section 164, the second part concerns inspected towing vessel safety as addressed in 46 CFR Section 199.80.

Part 1) Navigation Safety Information:

The Ports and Waterways Safety Act (Pub. L. 92-340) requires that increased supervision of vessel and port operations is necessary in order to insure that vessels operating in the navigable waters of the United States shall comply with all applicable standards and requirements for vessel equipment and operational procedures. The Navigation Safety Information collection requirements described in this supporting statement are necessary to comply with 33 CFR Part 164.

Part 2) Muster List and Emergency Instructions:

According to 46 CFR Section 199.80, a muster list and emergency instructions are required for certain inspected vessels, which include inspected towing vessels. The need for the muster list and emergency instructions are to provide a plan of action in the event of an emergency. This plan of action would 1) reduce the risk of personnel injuries during an emergency; and 2) increase the crew's fire fighting capability so that the likelihood of a small fire jeopardizing a towing vessel's propulsion is decreased.

This information collection supports the following strategic goals:

Department of Homeland Security

- Prevention
- Protection

U.S. Coast Guard

- 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.
- Economic Growth and Trade/Mobility: Reduce interruptions and impediments that restrict the economical flow of goods and people, while maximizing safe, effective, and efficient waterways for all users.
- 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.

Navigation Safety Information:

Sections 164.70 through 164.82 apply to each towing vessel¹ of 12 meters (39.4 feet) or more in length operating in the navigable waters of the U.S. other than the St. Lawrence Seaway; except that a towing vessel is exempt from the requirements of Section 164.72 if it is:

¹ According to Section 164.70, a towing vessel means a commercial vessel engaged in or intending to engage in pulling, pushing or hauling alongside, or any combination of pulling, pushing, or hauling alongside.

- (1) Used solely within a limited geographic area, such as a fleeting-area for barges or a commercial facility, and used solely for restricting service, such as making up or breaking up larger tows;
- (2) Used solely for assistance towing as defined by 46 CFR 10.103;
- (3) Used solely for pollution response; or
- (4) Any other vessel exempted by the Captain of the Port (COTP). The COTP, upon written request, may, in writing, exempt a vessel from Section 164.72 for a specified route if he or she decides that exempting it would not allow its unsafe navigation under anticipated conditions.

Section 164.72 has both equipment and information requirements. In addition to the chart/map requirements for areas to be transited, the information requirements are:

- (A) For towing vessels that tow exclusively on Western Rivers:
 - (1) U.S. Coast Guard Light List.
 - (2) Notices to Navigation or Local Notices to Mariners.
 - (3) River-current Tables.
- (B) For towing vessels that do not tow exclusively on Western Rivers:
 - (1) U.S. Coast Guard Light List.
 - (2) Local Notices to Mariners.
 - (3) Tidal-current Tables or River-current Tables.
 - (4) Tide Tables.
 - (5) U.S. Coast Pilot.

Section 164.74 concerns towline and terminal gear for towing astern, and has three information collection requirements:

- (1) A record of the towline's minimum breaking strength (as determined by the manufacturer, by a classification society authorized in Section 157.04 of this chapter, or by a tensile test) must be kept either on board the towing vessel or in company files.
- (2) A record of each re-test of the towline's minimum breaking strength as determined by a class society or tensile test must be kept on board the towing vessel or in the company files if a towline is re-tested for any reason.
- (3) A record of the material condition of the towline when inspected must be kept either on board the towing vessel or in company files.

Section 164.78 concerns when towing vessels are underway, and has one information collection requirement:

- (1) Results of tests and inspections must be entered in the log or other record carried on board. The owner, master, or operator or each vessel towing shall ensure that the tests and inspections required by Section 164.80 are conducted and that the results are entered.

Section 164.82 concerns the maintenance, failure and reporting of navigational-safety equipment, and has two information collection requirements:

- (1) Enter failure of any navigational-safety equipment required by Section 164.72 in the log or other record carried on board the towing vessel.
- (2) Report to the Vessel Traffic Center (VTS) while towing vessel is operating within a VTS Area if:
 - a. Any absence or malfunction of vessel-operating equipment for navigational safety,
 - b. Any condition on board the vessel likely to impair navigation, or
 - c. Any characteristics of the vessel that affect or restrict the maneuverability of the vessel.

Notify the Captain of the Port (COTP) and seek from the COTP both a deviation from the requirements of Section 164.82 and an authorization for continued operation in the area if towing vessel is unable to repair within 96 hours an inoperative marine radar as required by Section 164.72(a). The initial notice and request for a deviation may be spoken, but the request must also be written. The written request must explain why immediate repair is impracticable, and state when and who will make the repair. The deviation is handled in a separate collection of information (1625-0043).

The above information ensures that the towing vessel operator record information that is necessary for the safe operation and maintenance of the vessel. It also serves as a way for Coast Guard inspectors to determine if a vessel is in compliance or in the case of a casualty, whether failure to meet these regulations contributed to the casualty. This information is very important to the Coast Guard's integrated risk management program (which combines risk assessments and risk management).

Muster List and Emergency Instructions:

According to 46 CFR 199.80, "Copies of the muster list must be posted in conspicuous places throughout the vessel included on the navigating bridge, in the engine room, and in crew accommodation spaces."

3. Consideration of the use of improved information technology.

Navigational Safety Information:

Marine maps, charts, and general publications can be in printed format, and in the future may be available as electronic charts. The record of a towline's material condition, initial minimum breaking strength and record of retest can be kept on board or in a company's files. This information can be stored either on paper or electronically. Similarly, the results of the tests and inspections required by Section 164.80 can be entered in the vessel's log or otherwise recorded and carried on board.

Muster List and Emergency Instructions:

Copies of the muster list and emergency instructions must be conspicuously displayed in multiple places. Typically, this means they are in paper form.

For the entire collection, we estimate that 70% of the recordkeeping requirements can be done electronically. At this time, we estimate that 50% are done electronically.

4. Efforts to identify duplication.

No other Federal agency requires similar information. No State or local governments have regulations that provide similar information.

5. Methods to minimize the burden to small businesses 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.

Navigation Safety Information:

If information collection were conducted less frequently, compliance to the navigation safety requirements may not be verifiable. Although the Coast Guard believes that most prudent operators already employ most of these safety tools, these regulations are intended to codify these requirements, and force compliance by those vessels not conforming to the safety practices of the majority of the industry. Without frequent information collection, there would be no means for the owner or operator of a towing vessel to be held accountable for adequate navigational safety equipment.

Muster List and Emergency Instructions:

A muster list can be developed that would be effective during the operational life of the towing vessel. Similarly, emergency instructions can be developed that require few changes over time. If the collection were conducted less frequently, it would not meet the requirements of the law, and pose risks to vessels and crews in the event that they were either not informed or misinformed on how to act during an emergency. Muster list and emergency instructions provide an effective plan for assigning vessel personnel stations and duties during times of emergency. The requirement to maintain and post the muster lists provides a quick visual reference which crew members can view to find out where to go in an emergency situation.

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 60-Day Notice (See [USCG-2017-0126], July 27, 2017, 82 FR 34960) and 30-Day Notice (October 20, 2017, 82 FR 48835) were published in the Federal Register to obtain public comment on this collection. The Coast Guard received one comment.

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

- The estimated number of annual respondents is 5,548.
- The estimated number of annual responses is 33931.
- The estimated hour burden is 369,980 hours.
- The estimated cost burden is \$31,828,280.

The burden to respondents is provided in Appendix A. We estimate that it takes a mariner between 0.08 (about 5 minutes) and 1 hour per response, depending on the task. The position of a mariner is analogous to a Chief Petty Officer (CPO, E-7). The wage rate used is in accordance with the current edition of COMDTINST 7310.1(series) for "Out-Government" personnel.

On average, ten percent of the population of affected vessels submits failure record annually, and five percent must submit a VTS report. Historically, the Coast Guard receives an average of 10 requests for exemptions per year. Additionally we assume that only one vessel will, on average, be required to modify its muster list and emergency instructions per year. The frequency of records by vessel type remained unchanged.

13. Estimate 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.

The estimated annual Federal Government cost is \$12,273 (see Appendix B). We estimate that a Lieutenant Junior Grade (LTJG, O-2) will conduct most requirement reviews, with the exception of exemption requests that are reviewed by a Lieutenant (LT, O-3). The wage rates used are in accordance with the current edition of COMDTINST 7310.1(series) for "In-Government" personnel.

15. Reasons for the change in burden.

The change (i.e., increase) in burden is an ADJUSTMENT due to an increase in the estimated annual number of respondents. The reporting and recordkeeping requirements, and methodology for calculating burden, remain unchanged.

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.

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

B. Collections of Information Employing Statistical Methods

This information collection does not employ statistical methods.