

**Supporting Statement
for
Advance Notice of Vessel Arrival**

OMB No.: 1625-0100
COLLECTION INSTRUMENTS: Instruction

A. Justification.

1) Circumstances that make the collection of information necessary.

The Ports and Waterways Safety Act of 1972, as amended by the Port and Tanker Safety Act of 1978, authorizes the Secretary of the department in which the Coast Guard is operating to require the receipt of pre-arrival message from any vessel destined for a port of place in the United States. This requirement is found in 33 U.S.C. 1223(a)(5) and promulgated in 33 CFR 146 and 160 Subpart C. The responsibility to immediately report a hazardous condition is found at 33 CFR 160.216.

Senate Report (103-150) on the 1994 appropriation bill for the Department of Transportation and related agencies directed the Coast Guard to implement procedures designed to eliminate substandard ships for U.S. waters. This made it necessary for the advance notice of arrival to be expanded to cover additional vessels. In April 1994, the Coast Guard's Port State Control Program (PSCP) was put in place to pursue the directive's goal. A comprehensive risk-based targeting scheme was developed to establish vessel examination priorities. The primary factors in this analysis are the vessel's flag, classification ("class") society, owner, operator, age, and operating history. The PSCP's success hinges on the service's ability to target and examine those ships that appear to pose the greatest risk to life, property, and the environment. By requiring vessels to provide additional arrival information, Coast Guard field units can target vessels and allocate inspection resources efficiently.

On September 11, 2001, terrorists attacked the United States. To ensure port safety and security and to ensure the uninterrupted flow of commerce, the Coast Guard amended regulations in 2001-2005 relating to the Notice of Arrival (NOA) requirements. Changes to the requirements included: (1) earlier receipt of the notice of arrival—96 hours vice 24 hours, (2) submission of reports to a central clearinghouse--the National Vessel Movement Center (NVMC), (3) additional information such as--crew lists, passenger lists, and a general description of cargo, and (4) additions to the Certain Dangerous Cargoes list.

This information collection supports the following strategic goals.

Department of Homeland Security

- Awareness
- Prevention
- Protection
- Response

Coast Guard

- Maritime Safety
- Maritime Security
- Maritime 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) Purpose of the information collection.

Captains of the Port (COTPs) use the advance notice of arrival information for vessel traffic control; denying entry to unsafe vessels; targeting vessels for boarding and examination; planning for oil and hazardous substances spills; counter terrorism; and firefighting contingencies; controlling the port entry of vessels which may constitute a threat to the safety or security of U.S. ports.

Vessel traffic control is accomplished by establishing safety or security zones near vessels or waterfront facilities, issuing various types of COTP orders, and escorting vessels. The Coast Guard escorts certain vessels carrying explosives, liquefied gases, and other particularly dangerous cargoes carried in large quantities, and establishes moving safety zones around the vessels to keep smaller vessels away while in restricted channels. Safety zones are also maintained around certain vessels during unloading. Without up-to-date arrival information, COTP personnel would not be present during the critical times of the port transit and transfer.

The COTP uses the advance notice of arrival information to deny certain vessels entry into a port. A vessel may be denied entry to a port because of dangerous conditions on the vessel or because they have previously been identified by another COTP as posing a threat to the safety or environment of U.S. ports. Denial of vessel entry is an important enforcement device used by the COTP to encourage unsafe vessels to correct vessel deficiencies.

Upon receiving an advance notice of arrival, Coast Guard personnel examine the vessel's violation and discrepancy history on the Marine Information for Safety and Law Enforcement (MISLE) database, and determine whether the vessels should be boarded and examined. Vessels which have a history of safety or pollution violations, have unresolved discrepancies, or have not had recent pollution prevention or safety examinations, are targeted for examination. Without the advance notice of arrival information, a vessel that poses a threat to port may enter and transfer cargo in spite of existing deficiencies, posing a threat to port safety and the environment.

Arrival information is also used for long-range and short-range contingency planning. Planners and duty officers focus Coast Guard resources on certain areas of the port because of vessels with hazardous conditions, the cargoes transported, the country of registry, the time of arrival, and other reasons. During a marine emergency, such as a grounding or collision, duty officers base their initial response on type of cargo carried, the amounts, and the stowage location. It is critical that this cargo information be available before the emergency occurs because it may be difficult or impossible to obtain during the emergency. This is especially important for bulk chemical and container vessels, which carry many different dangerous cargoes that may interact to intensify an emergency situation.

Since September 11th--in the maritime context--extra time is needed for security checks, and vessels bound for U.S. ports could experience delays in entering port if required arrival information is not received early enough. The information now required on the notification of arrival (NOA) should provide sufficient data for security measures to protect our nation's ports and waterways. Timely receipt of this security information will minimize vessel delays.

The applicant requesting a waiver of the advance notice of arrival requirements is required to submit, with the waiver request, reasons for the waiver and proposed alternative procedures or methods. Without this information, the COTP cannot determine the effects of granting or denying the waiver.

Hazardous conditions may exist either onboard a vessel or result from the vessel's operation. When a hazardous condition occurs, the vessel's crew must contact the nearest Coast Guard Sector Office, Marine Inspection Office, or Coast Guard Group Office as soon as safely possible. Information on the event is usually transmitted electronically via VHS radio, cell phone, or satellite phone. The Coast Guard will use this information to initiate a response to the condition. Examples of response activities include, but are not limited to, broadcasting messages to other vessels in the area to warn them of the hazard, providing assistance to the involved vessels and facilities, and activating pollution response plans.

3) Considerations of the use of improved information technology.

The Coast Guard mandates that all submission of notices of arrival (NOA) are done electronically. The preferred method for submission is through the electronic Notice of Arrival and Departure application (eNOAD) located on the NVMC website at <http://www.nvmc.uscg.gov>. Submitters can also submit the NOA electronically through email or through a third party application. Additionally, the information on the hazardous condition is sent from the vessel to the Coast Guard electronically via INMARSAT-C, TELEX, e-mail, cell phone, or VHF radio as soon as safely possible. Thus, 100% of the reporting requirements are done electronically.

4) Efforts to identify duplication.

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

To eliminate duplication, the Advance Passenger Information System (APIS) Final Rule, published on April 7, 2005 (70 FR 17820), requires APIS manifests to be submitted through the United States Coast Guard (USCG) & Customs and Border Protection (CBP) electronic Notice of Arrival/Departure (eNOAD) application (www.nvmc.uscg.gov) for all commercial vessels arriving from or departing for a foreign port or place. Compliant eNOA/D submissions through this interface work to fulfill both USCG (Notice of Arrival) and CBP (APIS) reporting requirements. Additionally, vessels report their transit through the St. Lawrence Seaway by submitting arrival notices to the St. Lawrence Seaway Development Corporation (SLSDC). 33 CFR 401.79. Similar to the arrangement with CBP, vessels submit their NOA for the SLSDC through the e-NOA/D. SLSDC has the ability to directly access this information reducing the potential for duplicate reporting for vessels transiting through and to ports or places in the Coast Guard Marine Safety Unit Massena area of responsibility.

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

Reporting requirements for small entities are generally proportionately less due to the fewer numbers of vessels they operate. Additionally, small entities often operate smaller-size vessels that may be exempt from the reporting requirements. The notification of hazardous conditions only occurs as needed. Therefore, 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.

This information is reported whenever certain vessels arrive in U.S. ports, and whenever vessels carrying certain dangerous cargoes arrive in U.S. ports. If it were reported less frequently, the COTP would not have a timely picture of what vessels or cargoes were entering the port, and in what condition. Without this knowledge, the COTP could not take the actions described in section 2 to protect the port and the environment.

The waiver information is reported whenever a vessel requests a waiver. Requests are evaluated on a case-by-case basis. Without this information, the COTP cannot grant or deny a waiver.

Hazardous conditions in U.S. ports and waterways pose a threat to commercial vessels, recreation vessels, shore side facilities and the environment. Failure of the involved vessel to report a hazard either onboard the vessel or caused by the vessel would hinder the Coast Guard's missions to promote safe navigation and protect the environment.

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-2016-1001], December 27, 2016, 81 FR 95159) and 30-Day Notice (September 19, 2017, 82 FR 43779) 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 payment or gift to respondents.

There is no offer of monetary or material value for this information collection.

10) Describe any assurances 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 Notice of Arrival/Departure (NOAD) Privacy Impact Assessment (PIA) and System of Records Notice (SORN). Links to the NOAD PIA and SORN are provided below:

- <https://www.dhs.gov/publication/dhs-uscg-pia-006b-vessel-requirements-noad-and-ais-rulemaking>
- <https://www.gpo.gov/fdsys/pkg/FR-2015-11-27/html/2015-30303.htm>

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

There are no questions of sensitive nature.

12) Estimates of annual hour and cost burdens to respondents.

- The estimated annual number of respondents is 13,624.
- The estimated annual number of responses is 247,102.
- The estimated annual hour burden is 104,560.
- The estimated annual cost burden is \$3,696,910.

The burden to respondents is provided in Appendix A. The wage rates used are in accordance with the current edition of COMDTINST 7310.1(series) for "Out-Government" personnel.

We¹ estimate that a crew member or shore side agent will take about 62 minutes (1.03 hours) to prepare and submit an initial NOA, and about 12 minutes (0.2 hours) to submit an NOA update. The position of a crew member or shore side agent is analogous to a GS-04. Also, we estimate that the annual number of NOAs (initial and update) are based on the past 3 full calendar years of NOAs received by the NVMC.

We estimate that a shore side technical specialist will take about one (1.0) hour to prepare and submit a waiver request. The position of a shore side technical specialist is analogous to a Lieutenant Junior Grade (LTJG, O-2). Also, we estimate that the annual number of waiver requests is about 1% of the annual number of NOA initial submissions (rounded to the nearest hundred).

We estimate that a senior crew member will take about 30 minutes (0.5 hours) to prepare and submit a notice of hazardous condition. The position of a senior crew member is analogous to a GS-09.

13) Total 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 cost to the Federal Government.

¹ The term "we" refers to the Coast Guard.

The estimated annual Federal Government cost is \$1,540,330 (see Appendix B). The cost is based on 2 elements. First, the cost is based on the cost to operate the NVMC. Second, the cost is based on Coast Guard personnel time to evaluate waiver requests and process notices of hazardous condition. We estimate that it takes a Lieutenant (LT, O-3) about 30 minutes to evaluate a waiver request. We estimate that it takes a Petty Officer (E-4) about 15 minutes to process a notice of hazardous condition. The wage rates used are in accordance with the current edition of COMDTINST 7310.1(series) for "In-Government" personnel.

15) Reasons for change in the burden.

The change in burden is an ADJUSTMENT due to a change (i.e., decrease) in the estimated annual number of initial NOAs. This ICR was also revised to account for NOA updates and notices of hazardous condition. The addition of these 2 elements result in an increase in the estimated annual number of responses. The reporting 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) 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.