

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

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.

The statutory authority is 46 U.S. Code 70001, 70034 and Chapter 701.

2. Purposes of the information collection.

As described above, any affected party (i.e., respondent), 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 is 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 100% of the responses are collected electronically, either by fax or by e-mail.

Regarding Usability Testing, this ICR—

- Public-facing instructions were tested by the staff of the CG Office of Standards Evaluation and Development (CG-REG) to ensure the use of plain language. Usability testing participants reported that they had no difficulty understanding the instructions. As a result, the USCG did not make any changes to the collection.
- Is not related to a public benefit program as detailed in OMB M-22-10 (titled "Improving Access to Public Benefits Programs Through the Paperwork Reduction Act" dated April 13, 2022).
- Does not require the use of a form or specify a reporting format/method.
- Is required, for those that volunteer to participate, by regulations per 33 CFR Subchapter P and 33 CFR 165.838.

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.

A 60-day Notice was published in the Federal Register to obtain public comment on this collection (See [USCG-2024-0337]; May 20, 2024, 89 FR 43866) and 30-Day Notice (August 7, 2024, 89 FR 64474) 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 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). The link to the MISLE PIA is provided below:

- https://www.dhs.gov/sites/default/files/publications/privacy_pia_uscg_misle.pdf

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 666.
- The estimated annual number of responses is 666.
- The estimated annual hour burden is 1,463.
- The estimated annual cost burden is \$96,033.

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) 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 vessel's Captain/Mate time and 0.5 hours of Clerical Specialist time per response. For the wage rate, we used the Bureau of Labor Statistics (BLS) wage rate for Captains, Mates, and Pilots of Water Vessels (53-5021) [May 2022, mean hourly wage, loaded 50%, and rounded]¹ and Information and Record Clerks, All Other (43-4199) [May 2022, mean hourly wage, loaded 50%, and rounded]² respectively. _

b. D8 HURRICANE OPERATIONS PLANS--We estimate that preparation of a Hurricane Operations Plan

¹ <https://www.bls.gov/oes/2022/may/oes535021.htm>

² <https://www.bls.gov/oes/2022/may/oes434199.htm>

(initial submission) takes about 12 hours of Technical Specialist time per response, and any subsequent annual resubmission takes about 2 hours of Technical Specialist time per response. For the wage rate, we used the BLS wage rate for Management Analysts (13-1111) [May 2022, mean hourly wage, loaded 50%, and rounded].³

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 \$58,038 (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 Lieutenant Commander (LCDR, O-4) and 0.5 hours by a Petty Officer (E-4) to complete and process each response. For Hurricane Operations Plans, we estimate that a Lieutenant (LT) will spend about 2 hours reviewing and initial submission and 1 hour reviewing any subsequent annual resubmission. 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 an ADJUSTMENT due to the change (i.e., decrease) in the estimated annual number of responses. The reporting and recordkeeping requirements, and methodology for calculating burden, remain unchanged.

In this information collection request we removed the Western Alaska Security Zone (33 CFR 165.1709) reporting requirement, as that regulation was removed from the CFR by the 04 Aug 2020 Technical Amendments Final Rule (85 FR 47028).

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. Collection of Information Employing Statistical Methods

This information does not employ statistical methods.

³ <https://www.bls.gov/oes/2022/may/oes131111.htm>