



**Passenger Vessel  
Association**

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October 3, 2011

Document Management Facility (M-30)  
Department of Transportation  
West Building Ground Floor  
Room W 12-140  
1200 New Jersey Avenue, SE  
Washington, DC 20590-0001

Dear Sir/Madam:

**Re: Docket Number USCG-2011-0710 Information Collection Requests for the Office of Management and Budget**

The Passenger Vessel Association (PVA) is pleased to comment on the Coast Guard's proposed submission to the Office of Information and Regulatory Affairs (OIRA) for the reauthorization of the information collection costs associated with the public's submission of Coast Guard Form 2692. Coast Guard Forms 2692, 2692A and 2692B are associated with reporting of marine casualty information and periodic chemical drug and alcohol testing of commercial vessel personnel.

PVA is the principal trade association representing Coast Guard inspected, U.S. flagged passenger carrying vessels. The more than 500 PVA members are engaged in the operation, construction and servicing of vessels providing service as ferries, dinner cruise, excursion, sightseeing, eco-tourism, windjammers, gaming and other on-water experience services.

PVA believes that the draft Paperwork Reduction Act Submission Form OMB 83-1 (Submission) and supporting information in the docket is incomplete and misleading. In the Submission's draft in the docket, renewal of Coast Guard Forms 2692, 2692A and 2692B are not supported. If submitted as drafted, OIRA should return the submission with instructions to produce a more thorough analysis and to correct the flaws—as described below—in the existing Submission. As a result, OIRA should then also insist that the Coast Guard promptly issue instructions clarifying the circumstances in which a Form 2692 should be submitted and when it is not required so that OIRA approval will cover actual usage of CG 2692.

The most serious omission is the fact that the draft Submission form and all related analysis is based on CG 2692 forms related to "reportable" casualties and not to all CG 2692 forms actually

prepared and submitted by the public. As a result, the Submission substantially understates the impact of this reporting requirement.

Why are so many CG 2692 forms received by the Coast Guard? The *Code of Federal Regulations* specifies the definition of a “reportable” casualty. However, the maritime industry has long complained, and the Coast Guard has acknowledged that its field unit policies and practices frequently dictate the submission of CG 2692 forms for “non-reportable” marine incidents and events. This overreaching may be from a misplaced excess of caution, misinterpretation of subjective regulatory language, a lack of trust regarding industry’s faithfulness of disclosure or the field command’s perceived need under Maritime Domain Awareness policies to collect an overabundance of information and data. Regardless of the reason, the result is that the Coast Guard requires the submission of many more CG 2692 forms than is justified by prior OIRA approval. The existing situation of requiring the filing of numerous Form 2692s for non-reportable casualties will continue unabated if OIRA approves the Submission as proposed. As a result, the maritime industry is excessively burdened with turning in paperwork not required by regulation.

At the insistence of PVA and others in the maritime industry, the Coast Guard is working on an information document known as a Navigation and Vessel Inspection Circular (NVIC) to clarify when a CG 2692 form is necessary and when it is not. If properly written and faithfully followed by Coast Guard field units, it may ultimately reduce the number of CG 2692 forms that are unnecessarily and inappropriately prepared and submitted.

Unfortunately, the draft of this NVIC is not available for assessment as to the degree that it might correct the existing problem. Even when the NVIC is published and available, it will be some time before its remedial impact (if any) is known. Therefore, in the context of OIRA review of Form 2692 now, it is essential that the impact be evaluated based on the totality of such paperwork required to be submitted, whether as a result of the provisions of the CFR or because of Coast Guard field practices.

Preparation and submission of a CG 2692 is not a routine form filing. Because it has potentially serious consequences, the vessel owner must take care in how it is filled out. It may be prudent to consult with (and pay for) legal counsel in undertaking this effort, because the document is available for public scrutiny. In the current environment of accountability litigation, the preparation of the CG 2692 must be accurate and complete without opinion, hearsay, speculation or other unfounded information. The submission of the CG 2692 has the potential to lead to formal processes that may result in the suspension or revocation of a mariner’s Coast Guard credential. The document is available to the public for discovery and litigation purposes.

Therefore, a vessel operator must ensure careful preparation that involves the reporting individual, company management, and potential legal counsel. Contrary to the incorrect assertion by the Coast Guard, preparation of a typical Form CG 2692 cannot be accomplished in a single hour at an estimated wage rate of \$28/hour.

The supporting information concludes that there is no impact on small businesses or small entities. The impact on PVA members, nearly all of whom are small businesses or small entities according to federal criteria, is substantial. The submission of a CG 2692 leads to "auditing" exchanges between the investigator and reporting individual, preemptory equipment shut-down, interruption of crew and equipment work schedules, the previously cited involvement of company personnel, and when effecting service to the public, loss of corporate reputation. It is difficult enough to deal with a "reportable" casualty, but when one must account for substantial over-reporting; the burden is punitive and unsupportable.

The Coast Guard must prepare a Submission that accurately identifies current everyday CG 2692 usage. Because of acknowledged differences between what is required by regulation and current practice, the Coast Guard should only seek a short interim approval. Final approval should be sought and granted only after completion of and distribution of the NVIC and an appropriately chartered study of the casualty reporting process, its efficacy, utility, and costs determine that it conforms to the regulation mandated reporting process. An unconditional OIRA approval should be sought only after the Coast Guard can attest that the process is supported by regulation and its costs can be accurately determined.

PVA is available to assist the Coast Guard in any rigorous chartered review of the current reporting process and industry costs.

Your consideration is appreciated. Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay Spence", with a long horizontal flourish extending to the right.

Jay Spence  
President