

**Supporting Statement  
for  
Plan Approval and Records for  
U.S. and Foreign Tank Vessels Carrying Oil in Bulk**

OMB No.: 1625-0017  
COLLECTION INSTRUMENTS: Instruction

**A. Justification.**

1) Circumstances that make the collection of information necessary.

Title 46 United States Code (U.S.C.) 3703 provides the Coast Guard with general authority to regulate the design, construction, alteration, repair, maintenance, operations and equipping of vessels carrying oil in bulk. Title 46 U.S.C. 3703a requires that new tank vessels carrying oil be fitted with double hulls or retired in accordance with a phase-out schedule that began January 1, 1995, and ends on January 1, 2015. Title 46 U.S.C. 3705-3707 prescribes minimum standards for design, construction and equipment for crude oil tankers and product tankers. These regulations state that vessels must be equipped with segregated ballast tanks (SBT), dedicated clean ballast tanks (CBT), or crude oil washing (COW). Title 46 U.S.C. 3710-3711 requires a Certificate of Inspection (COI) for each U.S. vessel, or a Certificate of Compliance for each foreign vessel, to indicate compliance with the regulations issued under Chapter 37 of 46 U.S.C. as a condition of operation. All collections of information in 33 CFR Part 157 pertaining to these requirements are outlined in detail in Appendix A.

This information collection supports the following strategic goals:

Department of Homeland Security

- Protection
- Prevention

Coast Guard

- Maritime Safety
- Maritime Stewardship

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

- Safety: Eliminate deaths, injuries, and property damage associated with commercial maritime operations.
- 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.

*General – Requirements for Classification Societies*

Under the provisions of 33 CFR 157.04, the Coast Guard may authorize classification societies to perform certain plan reviews, certifications and inspection functions on the vessels they classify. The purpose of the application is to ensure that the classification society has sufficient information available to properly certify compliance with the Coast Guard standards and that information regarding the vessel will, if necessary, be available to the Coast Guard. The Coast Guard also requires the submission of copies of all the plans, calculations, records of inspections, and other documents used by the classification societies.

*Submission of Plans, Technical Information and Operating Manuals*

Current regulations covering both U.S. and foreign tank vessels carrying oil in bulk are outlined in 33 CFR Part 157. To show that a new U.S. or foreign vessel complies with the double-hull, SBT, CBT and COW requirements, it must submit the following documentation before it enters the navigable waters of the United States or the U.S. Exclusive Economic Zone:

- Calculations to substantiate compliance with the tank arrangement and size requirements under Section 157.19, or a letter from the government of the vessel's flag state that certifies compliance with:
  - a. Section 157.19, OR
  - b. Regulation 24 of Annex I of the International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL).
- Plans and calculations to substantiate compliance with applicable segregated ballast and double hull requirements in Sections 157.09, 157.10, 157.10a, 157.10b, or 157.10d, or certification from the government of the vessel's flag state that the vessel complies with the segregated ballast and double hull requirements in:
  - a. Sections 157.09, 157.10, 157.10a, 157.10b, or 157.10d, as applicable; OR
  - b. For a vessel to which Section 157.10d does not apply, Regulations 13 and 13E of MARPOL.

A majority of the requirements for both U.S. and foreign tank vessels are similar and we discuss them together where overall requirements, recordkeeping, appeals and exemptions address both U.S. and foreign tank vessels. We discuss the two separately where the specific requirements for COW and CBT are outlined, as seen below.

#### **A. U.S. Tank Vessels**

This information is required to determine if a vessel's construction, arrangement and/or equipment meet the applicable standards in 33 CFR Part 157. While the regulations presently require the information to be submitted to the Coast Guard for approval, the Coast Guard recognizes that classification societies may, in some instances, perform essentially the same review for classification purposes.<sup>1</sup>

In those instances where the Coast Guard receives information for technical review (because the vessel owner chooses to use the documentation from a classification society or because the Coast Guard/classification society agreements do not cover the particular information), the plans submitted would normally be developed by a shipyard or equipment manufacturer for fabrication and/or operation of the vessel and its equipment. All such submissions are nonrecurring; they are normally made during vessel construction. Duplicate sets of plans are not required when more than one vessel is built to the same plans.

If this information were not required, compliance could still be determined by detailed inspections after completion. However, such inspections would be labor intensive (both to the Coast Guard and to vessel owners) and could result in costly modifications being required and associated delays to the vessels involved, but by submitting plans for review prior to vessel construction, the vessel owner is assured that the vessel's design substantially complies with the applicable standards prior to fabrication. Specific requirements for the submission of plans, technical information and operating manuals are contained in:

- 33 CFR 157.24 and 157.24a (Submission of calculations, plans and specifications)
- 33 CFR 157.10b(d) (Application for special ballast arrangement)
- 33 CFR 157.100, 157.108, 157.144, 157.146, 157.148, 157.150 (Requirements for crude oil washing)
- 33 CFR 157.200, 157.206, and 157.218 (Requirements for dedicated clean ballast systems)

#### **B. Foreign Tank Vessels**

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<sup>1</sup> To eliminate duplication of efforts, the Coast Guard has issued three Navigation and Vessel Inspection Circulars (NVICs), "Guidance for Enforcement of the Requirements of the Port and Tanker Safety Act of 1978 (PTSA) Pertaining to SBT, CBT, COW, IGS, Steering Gear, and Navigation Equipment for Tank Vessels," (NVIC 1-81), "Acceptance of Plan Review and Inspection Tasks Performed by the American Bureau of Shipping (ABS) for New Construction or Major Modification of U. S. Flag Vessels" (NVIC 10-82, CH-2), and "The Alternate Compliance Program (ACP)" (NVIC 2-95, CH-2), that indicate those areas where Coast Guard Officers in Charge, Marine Inspection, should accept documentation from classification societies as evidence of compliance.

The owner, operator, or master of a new foreign tank vessel is, as described above, subject to the specific requirements for the submission of plans, technical information, and operating manuals contained in:

- 33 CFR 157.24, 157.24a (general)
- 33 CFR 157.102, 157.110, 157.147, 157.148 and 157.150 (COW requirements for foreign tank vessels)
- 33 CFR 157.202, 157.208, 157.218 (dedicated clean ballast tanks for foreign tank vessels)

Each and every new foreign vessel must submit evidence that it complies with the double-hull, segregated-ballast, crude-oil-washing-system, and/or dedicated-clean-ballast-tank requirements before operating in U.S. waters and entering U.S. ports. According to the Coast Guard's MISLE database, 100% of the new foreign vessels are flagged in countries that comply with Annex I/II of MARPOL 73/78. Consequently, we expect all new vessels will have letters or documents from their governments or classification societies specifying compliance with equipment and construction requirements. In recent years, the Coast Guard has begun to rely more on classification societies to validate ship plans. Thus as long as the vessel's SOLAS documentation is valid and/or they are certified by a recognized classification society the Coast Guard's inspecting official will usually write the Certificate of Compliance during an onboard inspection. As such, the burden hours to the vessel and the government only consist of the period of time that an average vessel inspection takes.

#### Recordkeeping

##### **All tank vessels, both U.S. and foreign**

The Coast Guard has found that it is administratively necessary to provide letters to the vessels indicating compliance with certain of the various standards. Those letters must be maintained on board the vessel for enforcement purposes. This is because technical review of a vessel's plans may precede by several months the inspection of the vessel and final approval (if required) of the systems, and/or amendment of the Certificate of Inspection for a U.S. tank vessel, or a Certificate of Compliance for a foreign tank vessel. Specific requirements for documentation are designed to ensure that sufficient information is provided to vessel personnel for the safe and proper operation of the vessel and its required equipment. As such, an instruction manual is required to be available on board.

- 33 CFR 157.23, 157.49.
- 33 CFR 157.116, and 157.118 to indicate approval or design compliance of COW system.
- 33 CFR 157.214, and 157.216 to indicated approval or design compliance of CBT.
- 33 CFR 157.310(e) and 157.310(f), evidence of exemption from the standards as allowed by 33 CFR 157 Subpart F.

If this information were not available Coast Guard inspection personnel would not be assured that the technical aspects of the required systems were satisfactory prior to conducting vessel inspections.

#### Appeals

##### **All tank vessels, both U.S. and foreign**

These regulations provide a means of appealing requirements or applying for waivers or exemptions from the regulatory standards or requirements. These are "on occasion" reports. They must be made in writing except that provision is made for an initial oral appeal if the delay involved in presenting a written appeal would have an adverse impact on the appellant. Provisions for such reports are contained in:

- 33 CFR 157.06 for appeal of any decision made by the Coast Guard under 33 CFR Part 157. The appeal is initially made to the Coast Guard official who made the decision.

#### Exemptions

##### **All tank vessels, both U.S. and foreign**

Applications for exemption from the rules are permitted and outlined in:

- 33 CFR 157.302, which allows for application for exemption from the requirements for CBT, SBT, or COW as provided by 46 USC 3709. The application is made only one time per vessel.

If this information were not collected, administrative appeal of Coast Guard decisions would be hampered.

3) Consideration of the use of improved information technology.

Information may be submitted in writing or electronically via e-mail, to the CG Officer in Charge, Marine Inspection (OCMI) at the local Sector Office, or the CG Marine Safety Center (MSC). Contact info for CG OCMI's can be found at— <http://www.uscg.mil/top/units/>. For information on submitting information to the CG MSC, go to— <https://homeport.uscg.mil/msc> > Contact Us > Mail Address, Telephone Contacts, and E-Commerce Info. We estimate that 100% of the reporting requirements can be done electronically. At this time, we estimate that 60% of responses are collected electronically.

4) Efforts to identify duplication.

The Coast Guard is the only Federal agency that requires or collects this information from foreign and U.S. ships. In cases where a foreign vessel is duly certified as meeting an equivalent international standard, plan submission is not required. The regulations contain procedures for Coast Guard acceptance of certification by flag States or classification societies. This decreases the paperwork submitted to the Coast Guard.

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.

The information collections specified above are on-occasion, required prior to initial issuance of a Certificate of Inspection or Certificate of Compliance, or as the need arises. They are generally one-time submissions on a per-vessel basis. If the data were collected less frequently, the Coast Guard would not be assured that U.S. and foreign tank vessels operating in U.S. waters comply with the applicable standards

7) Special collection circumstances.

This information collection is conducted in manner consistent with the guidelines in 5 CFR 1320.5(d)(2).

8) Consultation.

On April 4, 2014, we published a 60-day Notice in the *Federal Register* to obtain public comment on this collection [USCG-2014-0151; 79 FR 19105]. We received several comments from one commenter to the 60-day Notice. The comments were not related to the periodic renewal of this information collection. The comments were about a mystery oil spill off the Asbury Park coast several years ago. On August 6, 2014, we published a 30-day Notice in the *Federal Register* to obtain public comment on this collection [79 FR 45827]. We have not received any comments to the 30-day Notice.

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.

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 9,173.
- The estimated number of annual responses is 9,261.
- The estimated hour burden is 2,032 hours.
- The estimated cost burden is \$280,457.

The burden to respondents is provided in Appendices B through D.

Requirements for classification societies.

The Coast Guard estimates that classification societies perform 75% all reviews, certifications and inspections that relate to the requirements in this submission. We assume it takes approximately an hour for the classification societies to make copies to submit to the Coast Guard. The list of class societies delegated authorizations by the Coast Guard is at— <http://www.uscg.mil/hq/cg5/acp/> .

Submission of plans, technical information or operating manuals.

U.S. Tank Vessels: Plan submissions are made during vessel construction or prior to a vessel modification. From informal contacts with the industry it has been determined that the incremental burden of preparing an additional copy of a plan or manual for submission to the Coast Guard (plans are normally submitted by the shipyard or design agent to the vessel owner, and additional copies are made for distribution within the shipyard, etc.) is approximately 1 hour. An hour is assumed for vessels approved by classification societies and for those approved by the Coast Guard, since it is an overall average of the time needed.

Foreign Tank Vessels:

Each and every new foreign vessel must submit evidence that it complies with the double-hull, segregated-ballast, crude-oil-washing-system, and dedicated-clean-ballast-tank requirements before operating in U.S. waters and entering U.S. ports. According to the Coast Guard's database, 100% of the new foreign vessels are flagged in countries that comply with Annex I/II of MARPOL 73/78. Consequently, we expect all new vessels will have letters or documents from their governments or classification societies specifying compliance with equipment and construction requirements.

In recent years, the Coast Guard has begun to rely more on classification societies to validate ship plans. Thus, as long as the vessel's SOLAS documentation is valid and/or they are certified by a recognized classification society, the Coast Guard's inspecting official will usually write the Certificate of Compliance during an onboard inspection. As such, the burden hours to the vessel and the government consist primarily of the time period that an average vessel inspection takes and we estimate it to take approximately **1 hour per vessel** total.

Recordkeeping requirements to ensure availability of information to vessel operating personnel.

These recordkeeping requirements are for maintaining instructions or operating manuals on board a vessel, and to retain evidence of compliance with regulatory standards; none require the periodic tabulation of data. We estimate approximately **12 minutes (0.20 hours)** are taken per recordkeeping item.

Appeals and Exemptions

Appeals, exemption requests and waivers are made "on occasion," as determined by the appellant. It is assumed that the preparation of an appeal requires approximately **4 hours**, and the preparation of an exemption request requires about **8 hours**. The Coast Guard estimates there will be **one appeal** annually and **no applications for exemptions**.

13) Total 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 \$155,980 (see Appendix E). The cost comprises:

- 1) the cost of reviewing the plans and documents relating to CBT, COW, double hull, etc. submitted to the Coast Guard for approval, and
- 2) the cost of checking documents submitted to the Coast Guard for all other vessels approved by the classification societies.

The cost of the FIRST component is determined by deriving the cost to the Coast Guard for processing a single plan submitted for technical review, and estimating the number of plans to be submitted for review under this supporting statement. Since the Coast Guard has, under the provision of 33 CFR 157.04, delegated the plan review required by the applicable regulations to classification societies, the classification societies now review approximately 75% of all plans. Coast Guard's Marine Safety Center (MSC)—which conducts all the reviews—estimates that it takes approximately **10 hours per review** for a new vessel. The SECOND component is smaller since only some parts of the review are checked as it has already been approved by the a classification society, and takes approximately **5 hours per vessel**.

As the MSC has the primary responsibility for review and processing of vessel plans and technical drawings for construction and/or modification of U.S. vessels subject to inspection requirements, virtually all the Federal cost is from the MSC.

15) Reasons for the change in burden.

The change (i.e., increase) in burden is an ADJUSTMENT due to an increase in the tank vessel population. There is no change to the reporting and recordkeeping requirements of this collection. The reporting and recordkeeping requirements and the methodology for calculation 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. Collection of Information Employing Statistical Methods.**

This information collection does not employ statistical methods.