

Supporting Statement for Oil and Hazardous Materials Transfer Procedures

OMB No.: 1625-0030
COLLECTION INSTRUMENTS: Instructions

A. Justification

1) Circumstances that make the collection of information necessary.

The Port and Tanker Safety Act (33 U.S.C. 1221 *et seq.*) authorizes the Coast Guard to develop regulations for equipment, methods, and procedures to prevent discharges of oil and hazardous materials from vessels, onshore facilities, and offshore facilities into the navigable waters of the United States. Consequently, the Coast Guard published oil pollution prevention requirements in 33 CFR Parts 154-156. This collection of information addressed the requirements for vessels in 33 CFR 155.720-820.

Under the Federal Enterprise Architecture Business Reference Module, the Line of Business is **Transportation** and the Subfunction is **Water Transportation**.

This information collection supports the following strategic goals:

Department of Homeland Security

- Prevention
- Protection

Coast Guard

- Protection of the Natural Resources
- Marine Safety

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) Purpose of the information collection.

Vessel personnel are required to follow the vessel's transfer procedures each time an oil or a hazardous material is transferred to or from the vessel or from tank to tank within the vessel. The purpose is to ensure that proper procedures are followed and to prevent the discharge of oil or hazardous material.

3) Consideration of the use of improved information technology.

The information required is particular and unique to each vessel. Due in part to the harsh and hazardous working environment, the regulations require that the transfer procedures be (1) legibly printed, and (2) permanently posted or available at a place where the procedures can be easily seen and used by all members of the crew when engaged in transfer operations. Thus, this collection is not amenable to the use of improved information technology.

4) Efforts to identify duplication.

There are no State or local regulations relating to this issue. No similar information collection is conducted by other Federal agencies. Similar information does not exist.

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

Owing to the nature of the industry, recordkeeping requirements for small entities are generally

proportionately less. This can be attributed to smaller vessels, simpler transfer systems, and smaller numbers of people involved. The procedures are in a narrative form and no particular format is specified.

6) Consequences to the Federal program if collection were conducted less frequently.

If this information were not recorded, vessel personnel would be unfamiliar with the vessel's transfer systems procedures, which might result in the accidental discharge of oil or hazardous materials, fire, or explosion. This information is a one-time requirement and revised whenever the vessels' transfer system is modified. If the information were recorded less frequently, the procedures would become outdated and a hazard to all concerned parties.

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-2017-0109], August 2, 2017, 82 FR 35980) and 30-Day Notice (November 3, 2017, 82 FR 51283) were published in the Federal Register to obtain public comment on this collection. The Coast Guard received three comments from two commenters to the 60-day Notice. The first comment was about the language used in our Notice. The commenter stated that the 33 CFR 155.720 transfer procedure requirements apply to a vessel with a capacity of 250 barrels or more of oil or hazardous materials, rather than our Notice language of a vessel with a cargo capacity of 250 barrels or more of oil or hazardous materials (emphasis added). We agree and have revised the language in our 30-day Notice to correct the error. While the language we used in the 60-day Notice was inaccurate, our burden calculation did include vessels with a capacity of 250 barrels or more of oil or hazardous materials.

The second and third comments were about the lightering requirements in 33 CFR 156.210(b). While these comments relate to ICR 1625-0042 "Requirements for Lightering of Oil and Hazardous Material Cargoes" and not the subject of this ICR Notice, we have responded to the comments below. The second comment stated that the Coast Guard should update the Headquarters point of contact (POC) in the regulations for submitting hazardous material lightering operation requests. We agree that the POC is unclear; submissions should be made to Commandant (CG-ENG) vice Commandant (CG-5). We will revise this item in an upcoming technical amendment rulemaking. The third comment requested that the Coast Guard update the regulation that they consider outdated. We will consider updating this requirement in a future rulemaking. The comments result in no changes to the 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 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) Estimates of annual hour and cost burdens to respondents.

- The estimated number of annual respondents is 297.
- The estimated number of annual responses is 297.
- The estimated hour burden is 149 hours.
- The estimated cost burden is \$18,476.

The burden to respondents is provided in Appendix A. We estimate that it takes a vessel representative about xx hours to prepare a vessel's transfer procedures. The position of a vessel representative is analogous to a Lieutenant (LT, O-3). The wage rate used is in accordance with the current edition of COMDTINST 7310.1(series) for "Out-Government" personnel.

The frequency of response is not on a set schedule, but happens whenever a revision is made. The Coast Guard estimates that five percent of the population annually revises these plans.

13) Estimate of annualized capital and start-up costs.

There are no capital, start-up or maintenance costs associated with this information collection.

14) Estimate of annualized Federal Government costs.

The estimated annual Federal Government cost is \$9,048 (see Appendix B). Coast Guard enlisted personnel typically review transfer procedures during transfer monitor boardings. We estimate that a Petty Officer (e-5) will take about 0.15 hours (9 minutes) for each review. The wage rate shown is 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 (i.e., decrease) is an ADJUSTMENT due to a decrease in the estimated annual number of responses. The 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) 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.