

**Supporting Statement
for
Report of Oil or Hazardous Substance Discharge; and
Report of Suspicious Maritime Activity**

OMB No.: 1625-0096
COLLECTION INSTRUMENTS: Instruction

A. Justification.

1) Circumstances that make the collection of information necessary.

This collection consists of two elements—

- (a) Report of Oil or Hazardous Substance Discharge, and
- (b) Report of Suspicious Maritime Activity.

(a) Prior to the Federal Water Pollution Control Act numerous spills were occurring and not being reported or cleaned up. This was deteriorating the environment and creating potential health risks to the public. The public did not have a central place to report pollution spills that had the resources or authority to take responsible action. Immediate reports to the National Response Center (NRC) of pollution discharges were mandated by section 311(b)(5) of the Federal Water Pollution Control Act¹, section 306(a) of the Outer Continental Shelf Lands Act Amendments² of 1978, section 18(b) of the Deepwater Port Act³ of 1974, and by section 103(a) of the Comprehensive Environmental Response, Compensation, and Liability Act⁴ of 1980 (CERCLA). This mandatory report has been further promulgated in—

- 33 CFR 153.203 for oil or hazardous substances,
- 40 CFR 263.30 and 264.56 for hazardous wastes, and
- 49 CFR 171.15 for hazardous materials.

Failure to report a discharge in any of the foregoing instances may result in a fine and/or imprisonment (see 33 CFR 153.205).

(b) In this post-September 11, 2001, environment, a mechanism for collection reports of suspicious maritime activities is necessary. A national program, branded America's Waterway Watch (AWW), encourages the voluntary reporting of all suspicious activity. Additionally, an owner or operator of a vessel or facility required to have MTSA⁵ security plan must report activities that may result in a transportation security incident (TSI) and breaches of security to the NRC (see 33 CFR 101.305).

The statutory authority is 33 U.S.C. 1321 and 1504, 42 U.S.C. 9601, 43 U.S.C. 1801, and 46 U.S.C. Chapter 701 (§§70101 - 70132). The authority of 33 U.S.C. 1321 is delegated by the Secretary to the Coast Guard via the Department of Homeland Security Delegation No. 0170.1, Revision No. 01.2. (II)(79). The authority of 33 U.S.C. 1504 is delegated by the Secretary to the Coast Guard via the Department of Homeland Security Delegation No. 0170.1, Revision No. 01.2. (II)(75). The authority of 42 U.S.C. 9601 is delegated by the Secretary to the Coast Guard via the Department of Homeland Security Delegation No. 0170.1, Revision No. 01.2. (II)(87). The authority of 43 U.S.C. 1801 is delegated by the Secretary to the Coast Guard via the Department of Homeland Security Delegation No. 0170.1, Revision No. 01.2. (II)(90). The authority of 46 U.S.C. Chapter 701 is delegated by the Secretary to the Coast Guard via the Department of Homeland Security Delegation No. 0170.1, Revision No. 01.2. (II)(70).

2) Purposes of the information collection.

¹ See 33 U.S.C. 1321, (all U.S. Code cites available at – <https://www.govinfo.gov/app/collection/uscode>).

² See 43 U.S.C. 1801

³ See 33 U.S.C. 1504

⁴ See 42 U.S.C. 9601 (The Ocean Thermal Energy Conversion Act of 1980, codified at 42 U.S.C. §§ 9101 *et seq.*)

⁵ MTSA -- Maritime Transportation Security Act of 2002

(a) The information concerning the pollution discharge is reported to the NRC by calling a toll-free telephone number or by submitting a request electronically via the NRC Web site. The discharge report is passed from the NRC to the pre-designated federal on-scene coordinator for the area in which the discharge occurred. This report ensures quick response to the pollution incident from Federal, State, and local governments and the private sector to minimize the hazard to lives, property, and the environment.

(b) With the AWW program, the NRC also serves as the centralized reporting point for suspicious activity as well as actual events in the maritime domain concerning threats, attacks, vulnerabilities and anomalies. In both emergency situations and when receiving reports of suspicious activity in a non-emergency situation, the NRC takes the report from the caller, and logs and forwards the information to the Homeland Security Operations Center and to other agencies as appropriate.

3) Consideration of the use of improved information technology.

Reports to the NRC come in 1 of 2 transmission methods—phone (800-424-8802) or fax (202-267-1322). Thus, 100% of the reporting is done electronically.⁶

4) Efforts to identify duplication.

(a) The Coast Guard monitors State and local regulatory activity in this field. To date there are no similar State or local programs that have been identified that require equivalent information. Furthermore, no other Federal agencies have similar or equivalent regulatory requirements.

(b) The Coast Guard will monitor State and local regulatory activity in this field. As a national oversight program, the AWW will support area, district and local commanders. In order to disseminate information to the appropriate agencies and provide security, information provided in the suspicious maritime activity reports is shared with the appropriate party. To date there are no similar State or local programs that have been identified that require equivalent information. Furthermore, no other Federal agencies have similar or equivalent regulatory requirements.

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.

(a) This information is reported whenever there is an oil or hazardous substance discharge. If it were reported less frequently, the federal on-scene coordinator might not learn of the discharge in time to clean up or mitigate its effects. Large spills of oil or hazardous substances could negatively impact the environment and pose serious health threats. This report ensures quick response to the pollution incident from Federal, State, and local governments, and the private sector the ability to further minimize the hazard to lives, property, and the environment.

(b) This information is reported whenever there is a suspicious activity or actual events in the maritime domain concerning threats, attacks, vulnerabilities and anomalies. It is collected to prevent acts of terrorism and other illegal activity that jeopardizes maritime homeland security. The ability to collect this type of information on a 24-hour/day basis is necessary to protect homeland security.

7) Special collection circumstances.

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

⁶ The NRC online submission option was eliminated in February 2014 following a security breach. The online submission website was built in the 1990s, and does not meet modern security standards. At this time, the NRC does not have the funds necessary to build a modern, functional, and secure site. NOTE—In calendar year 2013, the online submission option accounted for only about 10% of all spill notifications.

8) Consultation.

A 60-day Notice was published in the Federal Register to obtain public comment on this collection (See [USCG-2022-0151]; March 10, 2022, 87 FR 13740) and 30-Day Notice (May 23, 2022, 87 FR 31251) 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.

(a) On occasion, a caller reports a discharge that his or her employer has failed to report. These persons often request that their identities be kept in confidence for fear of losing their jobs or being otherwise threatened.

(b) The caller is provided the option to make an anonymous report.

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 annual number of respondents is 24,547.
- The estimated annual number of responses is 24,547.
- The estimated annual hour burden is 3,683.
- The estimated annual cost burden is \$228,346.

The burden to respondents is provided in Appendix A. We estimate that it takes 8.5 minutes (0.15 hours)⁷ to make each contact (call/report). Since we do not know exactly who is notifying the NRC, we estimate that the wage rate of the individual making the report is equivalent to an average of the wage rates of a Technical Specialist (e.g., Manager (shore side) and an Administrative Assistance (e.g., Clerk). For the wage rate, we used the Bureau of Labor Statistics (BLS), wage rate for General and Operations Managers (11-1021) [May 2020, mean hourly wage, loaded 50%, and rounded]⁸ and Information and Records Clerks, All Others (43-4199) [May 2020, mean hourly wage, loaded 50%, and rounded].⁹

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 Federal Government costs.

The estimated annual Federal Government cost is \$1,270,080 (see Appendix B). The NRC receives calls

⁷ Hour burden per response updated this ICR from 5 minute to 8.5 minutes, based on recent NRC data.

⁸ <https://www.bls.gov/oes/2020/may/oes111021.htm>

⁹ <https://www.bls.gov/oes/2020/may/oes434199.htm>

(i.e., incident reports),¹⁰ and makes notifications to the appropriate officials in the field. On average, it takes the NRC approximately 8.5 minutes (0.15 hours) to receive a call, and 12 minutes (0.2 hours) disseminate a verbal notification to the Federal on-scene coordinator/appropriate Federal agency. On average, it takes the NRC approximately 1 minute (0.02 hour) to disseminate a non-verbal notification to the Federal on-scene coordinator/appropriate Federal agency. The tasks are typically performed by a contractor, equivalent to a GS-9. For the wage rate, we used Office of Personnel Management (OPM) data [2022-RUS Salary Table, GS-9-Step 5, hourly basic rate, loaded 65%, and rounded].¹¹

Incident reports generate notifications. Typically, more than one notification is made for the same incident report to inform the various Federal agencies and other interested officials.

15) Reasons for the change in burden.

The change in burden is an ADJUSTMENT due primarily to a change (i.e., increase) in the estimated hour burden per response. The Coast Guard revised the hour burden per response from 5 minutes to 8.5 minutes per response. Based on recent NRC data, the change more accurately reflect the time per response. The reporting requirements 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.

¹⁰ Of oil or other hazardous substances discharges, or suspicious maritime activities.

¹¹ https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2022/RUS_h.pdf