

Supporting Statement for Vapor Control Systems for Facilities and Tank Vessels

A. Justification.

1) Circumstances that make the collection of information necessary.

Title 33 USC 1225 and 46 USC 3703 authorizes the Coast Guard to develop regulations to promote the safety of life and property of facilities and marine vessels respectively. Certain States have issued requirements to limit hydrocarbon emissions from the loading of tank vessels. Thus, the Coast Guard developed regulations to provide safety standards for vapor control systems. The regulations provide standards to protect facilities from fire and explosion, and to protect vessels from fire, explosion, over/under-pressurization, and overfilling.

The Coast Guard does not have the manpower to review facilities' vapor control system plans and information. Therefore, the current program requires an owner or operator of a facility to submit plans and information to a qualified third party who reviews the plans and information to determine if the applicable regulations have been met. If the vapor control system meets the applicable regulations, the certifying entity certifies that the system is acceptable. The regulations also require a facility owner or operator to retain the certified plans and certifying letter.

The regulations provide a method by which persons and organizations who desire to become a Coast Guard-accepted certifying entity can submit applications to the Coast Guard.

The regulations also require the submission of vapor control system designs installed on tank vessels (domestic or foreign). The Marine Safety Center is the designated Coast Guard authority that reviews such plans or certifications.

This information collection supports the following strategic goals:

Department of Homeland Security

- Prevention
- Protection

Coast Guard

- Maritime Safety
- Protection of the Natural Resources

Marine Safety, Security and Stewardship Directorate (CG-5)

- 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) By whom, how, and for what purpose the information is to be used.

Table 1
Collection of Information Requirements for Facilities or Tank Vessels with a Vapor Control System: Subject and Affected Population, CFR, and Number of Respondents

Item	Subject and Affected Population	CFR	Respondents
a.	Maintenance of records by VCS facilities. --Each facility operator for the life of the VCS.	33 CFR 154.740	8 new facilities will have vapor control systems certified, and 57 facilities will alter existing vapor control systems.
b.	Submission of plans, calculations, specifications and other related information. --Each owner or operator of facility applying for vapor control system approval to a certifying entity.	33 CFR 154.804	Same as a.
c.	Application for acceptance as a certifying entity. --Each potential certifying entity.	33 CFR 154.806	0 new certifying entity expected.
d.	Submission of vapor control system designs for an U.S.- and foreign-flag tank vessel. --Each owner or operator of a new tank vessel vapor control system.	46 CFR 39.10-13	310 tank vessels will install new vapor control systems.

Coast Guard-approved certifying entities use plans and technical information for vapor control systems to determine if a facility's or tank vessel's vapor control system is designed in accordance with the applicable regulations. The plans and information submitted are those normally developed by a facility or tank vessel in designing a vapor control system. While compliance with most standards can be determined by examining a facility or tank vessel after completion of the vapor control system, it is much more efficient and cost effective to the public and to the facility to review the plans prior to construction. Frequency of submission is on occasion. Submission is made once prior to construction of a system and then before any alteration of the system.

It is estimated that every year eight new facilities will have vapor control systems certified and need to submit plans. In addition, it is estimated that 57 facilities with vapor control systems will need to resubmit plans for recertification or due to alterations in their systems. Adding the two, it is estimated that 65 plan submissions will be made annually.

Coast Guard information in the Marine Information for Safety and Law Enforcement (MISLE) provides data on submission of vapor control system designs for U.S.- and

foreign-flag tank vessels. This analysis assumes that 310 tank vessels would install new vapor control systems.

Retention of plans and certifying letter provides evidence to the Captain of the Port that the facility's or tank vessel's vapor control system meets the applicable regulations. Captain of the Port personnel compare the installed system with the certified plans when questions arise. Without retention of the certified plans and certifying letter, Captain of the Port personnel would have no way of verifying the compliance of the system.

Organizations or persons that desire acceptance as certifying entities must submit applications containing their qualifications to the Coast Guard. The Coast Guard reviews the qualifications of the applicants, and authorizes those with the necessary qualifications to be certifying entities. The submission of applications is necessary in order for the Coast Guard to retain control over the qualifications of certifying entities. It is estimated that there will be one application to become a certifying entity each year.

3) Consideration of the use of improved information technology.

The information required is particular and unique to each facility, tank vessel, or certifying entity. The information is a one-time or on-occasion submission. Submissions for facilities and vessels generally take the form of plans or operating manuals. The Coast Guard Marine Safety Center (MSC) has a Web site_ <http://homeport.uscg.mil/> that details how a respondent may submit plans electronically for review.

We estimate that approximately 50% of the reporting and recordkeeping requirements can be done electronically. At this time, we estimate that approximately 15% of the responses are collected electronically.

4) Efforts to identify duplication. Why similar information cannot be used.

The Coast Guard monitors State and local regulatory activity in this field. To date, we have identified no equivalent State or local programs that require equivalent information. No other federal agencies have similar or equivalent regulatory requirements.

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

There are only a few small organizations that own or operate applicable facilities. Moreover, small entities usually have fewer facilities and vessels and simpler vapor control systems. This results in a lesser burden. It may be easier for small entities to describe their qualifications when asking to be accepted a certifying entity. No particular format is specified for either plan submittal or application to become a certifying entity.

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

If companies did not submit plans and information for vapor control systems for certification, the Coast Guard would not have the means to ensure that such systems met the applicable regulations for design and safety. This would pose a threat to public safety and the environment. Regulations mandate that companies submit plans once before construction; they only mandate that companies submit plans after construction if alterations are made to the system. Companies could not submit plans less frequently than current regulations mandate.

Without requiring certifying entities who want to be accepted by the Coast Guard to submit an application, the Coast Guard would be unable to ensure that companies had the necessary qualifications to properly review and certify plans for vapor control systems. This would allow the possibility of unqualified personnel reviewing plans. This in turn would also allow the possibility of plans being certified that do not meet the applicable requirements. Such plans would pose a threat to the safety and security to public and the facility.

7) Explain any special circumstances that would cause the information collection to be conducted in a manner inconsistent with guidelines.

With one exception, this information collection is consistent with the guidelines in 5 CFR 1320.6. The exception is the requirement of recordkeeping beyond three years. The certified plans and certifying letter must be retained for the life of the vapor control system. This information is needed to demonstrate the acceptability of the system, and is particularly pertinent with new personnel that are not familiar with the system's history. It is also needed to make sure that repairs to the system do not alter the system from what was previously found to be in compliance.

8) Consultation.

A 60 day Notice was published in the Federal Register to obtain public comment on this collection. (See [USCG-2008-0202], April 8, 2008, 73 FR 19080). The USCG has not received any comments on this information collection .

9) Explain any decision to provide any payment or gift to respondents.

No payments or gifts of any kind are provided to respondents.

10) Describe any assurance of confidentiality provided to respondents.

No assurance of confidentiality is provided to respondents.

11) Additional justification for any questions of a sensitive nature.

There are no issues of a sensitive nature involved in this information collection.

12) Estimates of reporting and recordkeeping hour and cost burdens of the collection of information.

The estimated hour burden is 2,724 hours per year (rounded up from 2,723.75 hours).

Table 1
Collection of Information Requirements for Facilities or Tank Vessels with a Vapor Control System: Subject and Affected Population, CFR, and Number of Respondents

Item	CFR	Number of Respondents	Number of Responses	Burden per Response (Hours)	Annual Burden (Hours)	Cost per Requirement [†]
a.	33 CFR 154.740	8 new facilities will have vapor control systems certified, and 57 facilities will alter existing vapor control systems.	65	0.25 (15 mins.)	16.25	\$1,657.50
b.	33 CFR 154.804	Same as a.	65	34.50*	2242.50	\$228,735
c.	33 CFR 154.806	0 new certifying entity expected.	0	2.00**	0	\$0
d.	46 CFR 39.10-13	310 tank vessels install new vapor control systems.	310	1.50	465	\$47,430
Total		375	440		2,723.75	\$277,822.50

† \$102 per hour is used. This is the equivalent of an O-5 Coast Guard personnel out of government per Enclosure (2) to COMDTINST 7310.1K.

* This is composed of 1.5 hours to assemble/transmit the plans by facility owners, and of 33 hours for review and preparation of response/certifying letter by certifying entity.

** One hour to draft and one hour to assemble and send the application.

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

There are no annualized capital and start-up costs.

14) Estimates of annualized federal government costs.

It takes approximately 3 hours, at \$62 per hour, for a Coast Guard officer to review an application from a person or organization wishing to be a certifying entity or from a tank vessel to have its VCS approved. The labor wage is the equivalent of O-3 Coast Guard personnel per Enclosure (2) to COMDTINST 7310.1K.

It is expected that the Coast Guard will conduct 310 reviews annually (0 new certifying entity, and 310 tank vessels).

The burden and cost are as follows:

310 reviews * 3 burden hours per review = 930 burden hours

930 burden hours * \$62 per burden hour = \$57,660

15) Explain the reasons for the change in burden.

The change in burden is an ADJUSTMENT. The increase is due to an increase in the estimated number of expected respondents and responses.

16) For collections of information whose results are planned to be published for statistical use, outline plans for tabulation, statistical analysis and publication.

There is no plan to use statistical analysis or to publish this information.

17) Explain the reasons for seeking not to display the expiration date for OMB approval of the information of collection.

We are not seeking such approval since this information collection does not use any standard form. The OMB Number will appear on appropriate PRA disclosure information.

18) Explain each exception to the certification statement.

There are no exceptions to the certification statement.

B. Collection of Information Employing Statistical Methods.

This information collection does not employ statistical methods.