

**Supporting Statement
for
Requirements for Lightering of Oil
and Hazardous Material Cargoes**

A. Justification.

1) Circumstances that make the collection of information necessary.

The Port and Tanker Safety Act of 1978 (Pub. L. 95-474, October 17, 1978) amended the Tank Vessel Act (46 U.S.C. 391a). The Act requires the Secretary of the Department of Transportation to develop regulations for the lightering of oil and hazardous materials which take place in the navigable waters of the U.S. or the high seas if the cargo is destined for a port or place subject to the jurisdiction of the United States. In addition, section 4115(d) of the Oil Pollution Act of 1990 amends 46 U.S.C. 3715. The specific requirements of the lightering provision are found in Title 33 CFR 156.200-330.

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.

Offshore cargo lightering involves the transfer of large volumes of oil or other hazardous substances from one vessel to another. Offshore transfers of bulk liquids between vessels are riskier than transfers to or from waterfront facilities, creating a higher potential for a major spill. Without this information collection, substandard vessels could lighter their cargoes beyond the U.S. contiguous zone to circumvent U.S regulations,

further increasing the potential for spills. If the collection of information was not conducted, the Coast Guard could not provide timely response in an emergency, minimize the environmental damage for an oil or hazardous material spill, or control the location and procedures for such activities. The purpose of this collection is to inform the local Coast Guard Captain of the Port of the time and place of the cargo transfer and to ensure the vessels involved are in compliance with Coast Guard inspection requirements, possess a valid Certificate of Financial Responsibility, and have approved pollution response plans on file.

3) Consideration of the use of improved information technology.

The information collection may be in written or verbal form. Advance notices of offshore lightering activity are most commonly given by, telephone, marine radio or fax. The information is specific to each lightering operation and each vessel. In addition, if the company can provide the same information electronically, a request via e-mail is acceptable.

We estimate that 100% of the reporting requirements can be done electronically. At this time, we estimate that approximately 20% of the responses are collected electronically.

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

There is no State or local authority beyond the contiguous zone. No similar information gathering is conducted by other Federal agencies. Similar information does not exist.

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

Lightering is generally conducted by vessels owned or operated by major oil companies or other large firms and thus are not small businesses.

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

If information were collected less frequently the Coast Guard would have incomplete knowledge of vessel activity which could significantly slow response to a vessel emergency and result in increased environmental damage from oil or hazardous materials spills near environmentally sensitive areas.

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

This information collection is consistent with the guidelines in 5 CFR 1320.6.

- 8) Consultation.

A 60 day Notice was published in the Federal Register to obtain public comment on this collection. (See [USCG-2008-0178], April 8, 2008, 73 FR 19082). The USCG has not received any comments on this information collection.

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

No payment or gift to respondents.

- 10) Describe any assurance of confidentiality provided to respondents.

No assurances of confidentiality are expressly provided to respondents. However, 46 U.S.C. 234 states that no Coast Guard official receiving information from a licensed officer who is employed on any vessel as to defects in such vessel, or her equipments, boilers, or machinery, or that any provision of Title 46 of the U.S. Code is being violated, shall impart the name of such licensed officer, of the source of his information to any person other than his superiors in the Coast Guard.

Section 507 of the Federal Water Pollution Control Act (33 U.S.C. 1367) also provides a measure of protection for witnesses, in pollution incidents, by establishing a procedure whereby an employee may apply to the Secretary of Labor to investigate his employer, when the employee has been fired or otherwise discriminated against for participating in any proceeding for enforcement of this Act.

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

No questions of a sensitive nature are included in this information collection.

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

The Coast Guard estimates that the total annual number of lightering operations is approximately 1,231. Also, the estimated number of respondents engaged in lightering operations is 151. This estimate is the number of distinct vessels engaged in lightering operations, which includes core fleet vessels by companies and augmented vessels from the spot market (Personal Communication with Skaugen PetroTrans, Heidenreich Lightering Services, and American Eagle Tankers Inc. 2007). This figure was actual data provided to the USCG and was collected manually. The 151 distinct number of vessels engage in lightering operations in 2006 is also the estimate used for the number of respondents.

Frequency of responses was not used in this analysis since the estimated number of operations was available from the data source. We also determined that the cost of determining the frequency with which vessels were engaged in lightering operations would be costly. Also, the frequency variation amongst vessels would most likely be large since it is indeterminate which vessels traded on the spot market and vessels traded on the spot market may frequently change depending upon the their availability. There is no recordkeeping burden for this information collection.

It will take approximately 0.175 hours to notify the Coast Guard about the lightering operation. This includes information such as: the vessel's name, the cargo type (if oil) or shipping name (if hazardous material) and approximate amount on board, the number of transfers expected and the amount of cargo expected to be transferred, the lightering location, the estimated duration of transfer operation and the name and destination of service vessel.

The cost estimate was calculated using the appropriate wage hourly rate for personnel on the vessel to be lightered of \$61.00 per hour (GS-11 equivalent)¹.

The total annual burden in hours is approximately 215 hours (1,231 lightering operations/year x 0.175 hours/lightering operation = 215 hours/year (rounded)).

Total annual cost to industry is approximately \$13,141 (1,231 lightering operations/year x \$61/hour x 0.175 hours/lightering operation = \$13,141/year).

¹ Information taken from COMDINST 7310.1K

Total Burden To Public

Respondents	Total Distinct Number of Respondents	Total Number of Responses	Response Time	Total Annual Time
Lightering Operation Vessels	151	1,231	.175	215

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 0.50 hours to receive and process offshore lightering information by the Coast Guard. The cost is calculated using the hourly standard rate (\$50.00 per hour) for the field unit personnel who normally process these notices (E-7)². The total cost to the Coast Guard is \$30,775 (1,231 lightering operations/year x \$50/hour x 0.50 hours/lightering operation).

15) Explain the reasons for the change in burden.

The change in burden hours is an ADJUSTMENT due to the use of current estimates of the number of lightering operations and the number of respondents.

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

There are no plans 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 collection.

We are not seeking such approval. The OMB Number will appear on appropriate PRA disclosure information.

18) Explain each exception to the certification statement.

² Information taken from COMDINST 7310.1K

There are no exceptions to the certification statement.

B. Collection of Information Employing Statistical Methods.

This information collection does not employ statistical methods.