

**Supporting Statement  
for  
Oil and Hazardous Materials Pollution Prevention and Safety Records,  
Equivalents/Alternatives and Exemptions**

**A. Justification.**

1) Circumstances that make the collection of information necessary.

The Federal Water Pollution Control Act (FWPCA) requires the issuance of regulations to prevent the discharge of oil or hazardous materials from vessels and facilities; to require installation and inspection of discharge removal equipment on vessels; and to require monitoring, reporting, and recordkeeping regarding discharges of oil or hazardous materials by facilities (33 U.S.C. 1321(j)(1)(C) and (D), (j)(6) and (m)(2)). Under Executive Order (E.O.) 12777, 56 FR 54757, the responsibility for issuing these regulations was delegated to the U.S. Coast Guard.

To reduce the economic impact of these regulations when compliance with the requirements is economically or physically impractical, and to ensure the local Coast Guard Captain of the Port (COTP) has the flexibility to tailor these regulations to local conditions, the regulated industries have the option of requesting, in writing, either equivalent or alternative procedures, methods, or equipment standards in lieu of any requirement or a full or partial exemption of any requirement under 33 CFR 154.107 or 33 CFR 154.108; 33 CFR 155.120 or 33 CFR 155.130 and 33 CFR 156.107 or 33 CFR 156.110.

This information collection supports the following strategic goals:

Department of Homeland Security

- Protection
- Recovery
- Response

Coast Guard

- Protection of the Natural Resources

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

- 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.

This information is used by the local Coast Guard Captain of the Port (COTP) and the Officer in Charge Marine Inspection (OCMI) to evaluate an industry request for either equivalent or alternative procedures, methods, or equipment standards in lieu of any requirement or a full or partial exemption of any requirement in the regulations. The information is collected on an as requested basis by industry. The frequency that this information is collected varies widely by location as is shown in Table 1.

**Table 1**

<b>Location</b>	<b>Frequency (per year)</b>
Hampton Roads, VA	<b>0-3</b>
Corpus Christi, TX	<b>12</b>
Morgan City, LA	<b>5</b>
New York	<b>4</b>
San Francisco	<b>3</b>

3) Consideration of the use of improved information technology.

The required information is unique to each applicant, and there are no required forms. Requests for equivalents/alternatives or exemptions may be sent via mail, facsimile or e-mail.

We estimate that 75% of the reporting and recordkeeping requirements can be done electronically. At this time, we estimate that approximately 10% of the responses are collected electronically.

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

This information is not collected in any form, and therefore is not duplicated elsewhere.

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 collection of this information allows industry and the Captain of the Port (COTP) to tailor the requirements of these regulations to local circumstances. If industry, and the COTP, were not allowed to request and approve these equivalents, alternatives or exemptions then every facility regardless of its size, complexity or capability would be forced to meet exactly the same requirements even if it were not physically or economically practical for them to do so.

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

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

8) Consultation.

A 60-day (See [USCG-2008-1176], January 6, 2009, 74 FR 451) and 30-day (See [USCG-2008-1176], April 10, 2009, 74 FR 16409) Notice were published in the *Federal Register* to obtain public comments on this collection. The USCG has not received any comments on this collection.

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

The Coast Guard does not provide payments or gifts to respondents in the exchange for a benefit sought.

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 nature.

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

<b>Total number of annual respondents:</b>	<b>180</b>
<b>Total number of annual responses:</b>	<b>180</b>
<b>Total annual hour burden:</b>	<b>1,440</b>
<b>Total annual cost burden:</b>	<b>\$ 105,480</b>

The cost estimate was calculated using the appropriate wage rate categories for management (\$85.00) and clerical (\$38.00). The hour burden was calculated using figures supplied by the industry representatives surveyed. Cost estimates include administrative and recordkeeping expenses. Recordkeeping expenses are necessary so that vessels and facilities that have been granted an equivalent, alternative, or exemption will have this information available for field unit personnel when they conduct an inspection of a vessel or facility.

There are 36 U.S. Coast Guard Captain of the Port offices in the United States and its territories. Each Captain of the Port office receives approximately 5 requests per year. The average time burden to prepare and submit a request is approximately 8 hours (6 hrs. mgmt + 2 hrs. clerical). Each request costs industry \$586.

#### **Annual Burden Hour Estimate**

36 COTP Offices x 5 req. / yr x 8 hrs / req. = 1,440 hours

#### **Annual Cost Estimate**

36 COTP Offices x 5 req. / yr x \$586 = \$ 105,480

Table 2 below lists the population numbers and service classifications of the vessels/platforms affected by these regulations. The hour burden on specific respondents will vary widely because of differences in the size, complexity and capabilities of the vessels and facilities covered by these regulations and the wide variety of equivalents, alternatives, or exemptions that can be requested. Total annual responses are 180 (36 COTP offices x 5 requests / year).

Table 2

<b>Service of Vessel</b>	<b>Population</b>
Fixed Platforms (manned)	118
Fixed Platforms (unmanned)	1,921
Mobile Facilities: OSVs	874
MODUs	56
Tank Barges (unmanned)	3,712
Tankships	10 6
LNG Carriers	161
Inspected Freight Ships	289
Inspected Freight Barges	191
<b>TOTAL</b>	<b>7,428</b>

13) Estimates of 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 cost to the Federal Government to review and process a request for an equivalent, alternative or exemption was calculated using the average hourly standard rate (\$50.00 per hour) for the field unit personnel who normally review and process these requests (E-5 to 0-3). The field units surveyed, as shown in Table 3, supplied the hour burden figures. The cost estimate varies widely depending on the nature and complexity of the request, the level of experience of the personnel reviewing the request, whether field unit personnel have to physically visit the vessel or facility, the frequency of requests (i.e., more requests the faster they are processed), and whether additional information will be needed to fully evaluate the request. Further, some COTP offices are required to obtain formal approval from their respective District offices under certain circumstances. Cost estimates include administrative and recordkeeping expenses.

**Table 3**

<b>Location</b>	<b>Review Time (in hours)</b>
Hampton Roads, VA	30
Corpus Christi, TX	4-6
Morgan City, LA	6-8
New York, NY	20
San Francisco, CA	20-30
Ave.	18.8

There are 36 U.S. Coast Guard Captain of the Port offices in the United States and its territories. Each Captain of the Port office receives approximately 5 requests per year. The average cost to review and process (@ 18.8 hours) a request is approximately \$1,100.84.

### **Annual Cost Estimate**

36 COTP Offices X 5 req. / yr. X \$1,100.84 / req. = \$ 198,151.

15) Explain the reasons for the change in burden.

There is no change in the estimated burden hours.

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

The Coast Guard does not intend to employ the use of statistics or the publication thereof for this information collection.

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

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.