

Supporting Statement for Ships Carrying Bulk Hazardous Liquids

A. Justification

1) Circumstances that make the collection of information necessary.

Many of the information and collection requirements in 46 CFR 153 are required by Annex II to the MARPOL Convention which is implemented in 46 CFR 153 under the authority of 33 USC 1903.

The remaining information collection and recordkeeping requirements are necessary to ensure that the requirements for the safe transport by vessel of bulk liquid hazardous materials mandated by 46 USC 3703 are met.

This information collection supports the following strategic goals:

Department of Homeland Security

- Prevention
- Recovery
- Response

Coast Guard

- Marine 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.

The information is used by the Coast Guard to evaluate vessel design, to ensure compliance with the regulations and as a means to implement MARPOL Annex II. The information is used by vessel crewmembers in operations related to the cargoes and to avoid potential dangers presented by the cargo. Subject description and affected population for the collection of information are shown in Table 1.

Table 1
Collection of Information for Ships Carrying Bulk Hazardous Liquids:
CFR, Subject description, Affected Population, and Associated Supporting
Documents/Forms.

| Item | CFR | Subject Description ¹ | Estimated # of Affected Vessels ² |
|------|-----------------|--|--|
| a. | 46 CFR 153.9(c) | If required by the MSC, vessels applying for a COC may have to submit additional information. Frequency/Year = .04 | 684 Foreign |
| b. | 46 CFR 153.483 | A vessel owner may request a waiver to carry category B & C NLS between ports of one or more MARPOL countries without meeting the 481 & 482 stripping requirements. Frequency/Year = .02 | 684 Foreign 20 U.S. |
| c. | 46 CFR 153.809 | If an owner of a foreign vessel wishes to have the Coast Guard conduct a COC inspection, they must make a request to an Officer in Charge of Marine Inspection of the port where the vessel is to be inspected. Frequency/Year = .50 | 684 Foreign |
| d. | 46 CFR 153.902 | If a COC becomes invalid or expires, the vessel owner must submit a copy of the COC and IMO Certificate of fitness to the MSC to become valid again. Frequency/Year = .50 | 684 Foreign |
| e. | 46 CFR 153.1119 | A tank required to be prewashed may be prewashed in a port other than the loading port if (1) the G-MSO permission is granted; (2) there is a written agreement that the other port will accept the tank washing; (3) there is a written pledge from the person in charge. Frequency/Year = 0 | 684 Foreign 20 U.S. |
| f. | | In addition to the above requirements there are several supporting documents/forms associated with this collection. These are— <ul style="list-style-type: none"> • International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk (form CG-5148) (per 153.12) • Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk (form CG-5148A) (per 153.12) • International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk (form CG-5148B) (per 153.12) • International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk (form CG-5461) (per 153.12) • Cargo Record Book (form CG-4620B) (per 153.490 & 909) | 20 U.S. |

¹ Frequency/Year are estimates from the Coast Guard's Marine Safety Center (MSC).

² Affected vessels are estimated from the Coast Guard's Marine Information for Safety and Law Enforcement (MISLE) database.

3) Consideration of the use of improved information technology.

The Coast Guard Marine Safety Center (MSC) accepts information/plans via electronic submittal. The MSC contact info is at— <http://www.uscg.mil/hq/msc/>,

and at— <https://homeport.uscg.mil/msc> > CONTACT US > MAIL ADDRESS. Electronic submission is voluntary, and we estimate that 0% of respondents submit their plans electronically for this collection.

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

Each submission is unique. The Coast Guard does not know of any similar information being collected.

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

For reasons of safety, the carriage of hazardous materials must be in accordance with the type and degree of hazards they represent. The burden imposed on small businesses cannot be lessened relative to the burden on larger entities.

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

The vessel safety laws would be extremely difficult and costly to enforce without these recordkeeping and reporting requirements. The pollution-related requirements are predominantly intended to ensure vessel crews have sufficient information to operate without violating MARPOL Annex II and to aid the Coast Guard in enforcing Annex II of MARPOL.

In many cases, the information on each vessel is collected on a case-to-case basis as needed. Less frequent collection would make enforcement mechanisms ineffective. In addition, for most cargoes covered by Part 153, much of the information collected is necessary to comply with the requirements of MARPOL Annex II. Less frequent collection would require repudiation of MARPOL Annex II and impair the ability of U.S. vessels to trade internationally.

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 manner consistent with the guidelines in 5 CFR 1320.5(d)(2).

8) Consultation.

A 60-day Notice was published in the *Federal Register* to obtain public comment on this collection. (See [USCG-2008-1177]; January 6, 2009; 74 FR 452). Additionally, a 30-day Notice was published in the *Federal Register* to obtain public comment on this collection. (April 10, 2009; 74 FR 16412). The USCG has not received any comments on this information collection.

9) Explain any decision to 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.

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

There are no questions of sensitive language.

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

The total hour burden to industry (respondents) is estimated to be 3,410 hours, and the total cost to industry (respondents) is estimated to be \$286,400 (See Table 2 below). The hourly labor wage rate of \$84 for industry personnel is used for the calculation of total annual burden.¹

**Table 2
Burden for Industry:
Application and Information Requests for
Ships Carrying Bulk Hazardous Liquids, 46 CFR 153**

| Item | 46 CFR 153 | Estimated # of Affected Vessels ¹ | Frequency/Year ² | Burden Hours/Response ² | Average # of Vessels Responding/Year ³ | Total Annual Burden in Hours ⁴ | Total Annual Burden in Dollars ⁵ |
|--------------------------|------------|--|-----------------------------|------------------------------------|---|---|---|
| a. | 9(c) | 684 | 0.04 | 8 | 27 | 219 | \$18,386 |
| b. | 483 | 704 | 0.02 | 8 | 14 | 113 | \$9,462 |
| c. | 809 | 684 | 0.50 | 1 | 342 | 342 | \$28,728 |
| d. | 902 | 684 | 0.50 | 8 | 342 | 2,736 | \$229,824 |
| e. | 1119 | 704 | 0.00 | 1 | 0 | 0 | \$0 |
| Total Reporting*: | | | | | 725 | 3,410 | \$286,400 |

*Totals may not sum due to rounding.

¹ Affected vessels are estimated from the MISLE database.

² Frequency and burden hours per response are estimates from the Coast Guard's MSC.

³ Average # of vessels responding per year = (frequency per year) x (estimated # of affected vessels).

⁴ Total annual burden hours = (average # of vessels responding per year) x (burden hours per response).

⁵ Total annual burden in dollars = (total annual burden in hours) x (the LT, O-3 out government rate of \$84.00).

For this report, data from the MISLE was used to find the number of active U.S. and foreign vessels, which are regulated under 46 CFR 153. A total of 20 U.S.

¹ This value is the standard hourly rate equivalent to O-3 Personnel (out gov't) referenced in Commandant Instruction 7310.1L.

and 684 foreign-flag vessels were found; consequently, the 684 foreign-flag vessels trade in the U.S. and have a Certificate of Compliance.

Equipment and other costs are considered to be negligible. Many of the costs to industry will be incurred even if there are no Coast Guard requirements. Those costs include the requirements of MARPOL Annex II for those vessels trading internationally.

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

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

14) Estimates of annualized Federal Government costs.

The annualized total hour burden to the Federal Government is estimated to be 370.16 hours, and the total cost to government is estimated to be \$24,801 (See Table 3 below), which comes from the evaluation necessary to determine if a vessel meets 46 CFR 153. The hourly labor wage rate of \$67 for government personnel is used for the calculation of total annual burden.²

**Table 3
Burden for Government:
Application and Information Requests for
Ships Carrying Bulk Hazardous Liquids, 46 CFR 153**

| Item | 46 CFR 153 | Estimated # of Affected Vessels ¹ | Frequency/Year ² | Burden Hours/Response ² | Average # of Vessels Responding/Year ³ | Total Annual Burden in Hours ⁴ | Total Annual Burden in Dollars ⁵ |
|--------------------------|------------|--|-----------------------------|------------------------------------|---|---|---|
| a. | 9(c) | 684 | 0.04 | 0 | 27 | 0 | \$0 |
| b. | 483 | 704 | 0.02 | 2 | 14 | 28 | \$1,887 |
| c. | 809 | 684 | 0.5 | 0 | 342 | 0 | \$0 |
| d. | 902 | 684 | 0.5 | 1 | 342 | 342 | \$22,914 |
| e. | 1119 | 704 | 0 | 1 | 0 | 0 | \$0 |
| Total Reporting*: | | | | | 725 | 370 | \$24,801 |

*Totals may not sum due to rounding.

¹ Affected vessels are estimated from the MISLE database.

² Frequency and burden hours per response are estimates from the Coast Guard's MSC.

³ Average # of vessels responding per year = (frequency per year) x (estimated # of affected vessels).

⁴ Total annual burden hours = (average # of vessels responding per year) x (burden hours per response).

⁵ Total annual burden in dollars = (total annual burden in hours) x (the LT, O-3 in government rate of \$67.00).

15) Explain the reasons for the change in burden.

² This value is the standard hourly rate for O-3 Personnel referenced in Commandant Instruction 7310.1L.

The change in burden hours is an ADJUSTMENT due to an increase in the number of vessels. This increase may be due to the use of the new MISLE database. The reporting and recordkeeping requirements and the methodology for calculating hour and cost burden remain unchanged.

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

This information collection will not be published for statistical purposes.

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

The forms associated with this collection are documents (i.e., certificates) that the CG provides to a respondent for recordkeeping. These certificates indicate that the vessel specified in the certificate complies with the applicable laws and regulations outlined in the certificate. Typically, the certificate duration is for five years. And while this certificate must be maintained by the vessel as evidence of this compliance, it is not used to collect information. If all forms we list as being assigned to a COI must have an expiration date tied to the COI, it would be confusing to certificate holders because the document will have more than one expiration date on the form.

In addition, having to tie the expiration of the certification to the approval of the COI would create administrative burdens both for the agency and the community we regulate. There is no reason to limit the duration of the Coast Guard's approval of a vessel based on when during COI's current approval period we receive that information. The expiration date on the certificates indicated compliance with our regulations, not our ability to collect information.

- 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.