

**Supporting Statement
for
Carriage of Bulk Solids Requiring
Special Handling -- 46 CFR Part 148
[as modified by USCG-2009-0091; RIN 1625-AB47]**

A. JUSTIFICATION

1. Circumstances that make the collection necessary.

The U.S. Coast Guard administers and enforces the laws, regulations and international conventions for the safe transportation and stowage of hazardous materials, including bulk solids. The International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS 74/83) contains, in Chapter VII Regulation 5, a requirement that Shipping Papers and a Dangerous Cargo Manifest accompany all shipments of hazardous materials in bulk solid form. This international requirement is translated into U.S. regulation in 46 CFR Part 148.

The Coast Guard issues Special Permits as part of its mission to ensure maritime safety and facilitate U.S. commerce. These Special Permits are issued to allow the carriage of hazardous bulk solid materials that are not addressed in 46 CFR Part 148.

This information collection supports the following strategic goals:

Department of Homeland Security

- Prevention
- Protection

U.S. Coast Guard

- 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.
- Economic Growth and Trade/Mobility: Reduce interruptions and impediments that restrict the economical flow of goods and people, while maximizing safe, effective, and efficient waterways for all users.

2. How, by whom, and for what purpose the information is used.

The Special Permits allow the Coast Guard to control the conditions under which shipments of hazardous materials can be made, and at the same time allow the shipping industry a greater amount of flexibility than would otherwise be afforded without the Special Permit provision. The information that must be submitted when applying for a Special Permit allows the Coast Guard to make a well-informed determination as to the severity of the hazard posed by the material in question, and allows them to set specific guidelines for safe carriage or, if it is determined that a

material presents too great a hazard, to deny permission for shipping the material. If the required information were not submitted, the Coast Guard would be unable to issue Special Permits with adequate precautions for shipping the cargo, and thus could not permit shipment.

Shipping Papers and Dangerous Cargo Manifests are not required to be submitted to the Coast Guard and are not required to be retained on board the vessel once the cargo has been off-loaded. However, the information contained in these documents may be used in an emergency situation, which is why they are required to be in a readily retrievable location. If an emergency such as a fire occurs on board the vessel, the required documents will provide the master with (1) the identity of the cargo and its hazards, and a point of contact for additional information about the cargo (the shipping paper); and (2) the quantity and location of the material on board the vessel (Dangerous Cargo Manifest).

3. Consideration of improved information technology.

The required information for Special Permits may be submitted to the Coast Guard by email, fax, or regular mail, depending on the vessel owners' preferences. Shipping Papers and Dangerous Cargo Manifests are not submitted to the Coast Guard, but are instead retained as records on the vessel in any format.

We estimate that 100% of this collection's reporting requirements can be done electronically. At this time, we estimate that 20% is done electronically.

4. Efforts to identify duplication.

We have made an effort in the regulations to eliminate the duplicate submission of information when requesting a Special Permit. Previously, each individual desiring to ship a cargo not listed in Part 148 was required to submit detailed information concerning the material and the proposed method of transport. The regulations require that the first person to request the permit submit detailed information on the proposed method and on the cargo to be carried. This cargo information may be submitted in the form of a Material Safety Data Sheet (MSDS). The MSDS is required by the Occupational Safety and Health Administration (OSHA) for all hazardous materials handled in land-based operations, and thus should be readily available, reducing the need to develop duplicate information for submission to the Coast Guard.

5. Burden on small businesses.

Special Permits are necessary for the safety of the vessel and its personnel. The required submissions are the minimum consistent with this objective. The respondent's size is not relevant to safety. However, since the shipping industry is comprised mainly of large corporations, it is anticipated that few, if any, small businesses will be affected.

6. Consequences of less frequent action.

The only information submitted to the Coast Guard is the Special Permit. The original submission is required when a Special Permit is requested. By law, any exemption issued under the rules promulgated by the Secretary must be issued for a period not to exceed 4 years. Therefore, permit holders must renew their Special Permit every 4 years. To ensure that the carriage requirements imposed by the Special Permit are sufficient and that the permit holder is complying with the terms of the permit, it is necessary to require the submission of information concerning the history of shipments made under the terms of the Special Permit.

7. Special collection circumstances.

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

8. Consultation.

On June 17, 2010, the Coast Guard published a Notice of Proposed Rulemaking (NPRM) titled “Bulk Solid Hazardous Materials: Harmonization with the International Maritime Solid Bulk Cargoes (IMSBC) Code” [USCG-2009-0091; RIN 1625-AB47]. In the NPRM, the Coast Guard proposed to—

- amend its regulations governing the carriage of solid hazardous materials in bulk to allow use of the IMSBC as an equivalent form of compliance. Proposed changes to the Coast Guard regulations will also expand the list of solid hazardous materials authorized for bulk transportation by vessel and include special handling procedures based on the IMSBC Code and existing special permits.

The change is necessary to reduce the need for special permits for the carriage of certain solid hazardous materials in bulk. The NPRM had a 30-day comment period that closed on July 19, 2010. We received no ICR-related comments. On October 19, 2010, the Coast Guard published the Final Rule [75 FR 64586]. There were no ICR-related changes to the Final Rule from what was proposed in the NPRM.

9. Decisions to provide payment or gift to respondents.

There is no offer of monetary or material value for this information collection.

10. Assurance of confidentiality provided to respondents.

There are no assurances of confidentiality provided to the respondents for this information collection.

11. Additional justification for questions of a sensitive nature.

There are no questions of sensitive language.

12. Estimate of the hour and cost burdens.

- The estimated number of annual respondents is 576.
- The estimated number of annual responses is 761.
- The estimated hour burden is 745 hours.
- The estimated cost burden is \$33,780.

Estimated hour and cost burdens are shown in Table 12.1, with amplifying notes provided below.

Table 12.1

	Special Permits	Dangerous Cargo Manifests	Shipping Papers
Annual # Respondents	1	45	530
Annual # Responses	1	60	700
Hour Burden/Response	15.00	0.50	1.00
Total Hour Burden	15	30	700
Wage Rate/Hour	\$62	\$45	\$45
Total Cost Burden	\$930	\$1,350	\$31,500

	GRAND TOTAL # OF RESPONDENTS:	576
	GRAND TOTAL # OF RESPONSES:	761
	GRAND TOTAL ANNUAL HOUR BURDEN:	745
	GRAND TOTAL ANNUAL COST BURDEN:	\$33,780

Note 1: Special Permits are valid for 4 years. The annual number of responses indicated is generally equal to the number of permits currently active divided by four. However, USCG-2009-0091 will reduce the number of permits to one. Therefore, Coast Guard estimates the number of annual responses as one. The annual number of responses for the other documents is an estimate based on historical averages.

Note 2: The required knowledge and responsibility of the preparer of a request for a Special Permit is analogous to that of a GS-12. Individuals preparing Dangerous Cargo Manifests and Shipping Papers are equivalent to a GS-9. The wage rates shown are for the appropriate GS scales for “Out Government” from the current edition of COMDTINST 7310.1 (series).

Note 3: All shippers of cargos regulated by 46 CFR 148 are required to develop Shipping Papers. Dangerous Cargo Manifests are not required when the cargo otherwise regulated by 46 CFR 148 is carried on an unmanned barge.

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 cost to the Federal Government.

The Coast Guard does not review Dangerous Cargo Manifests or Shipping Papers except during emergency response or during routine boardings, so the annual hourly burden for these documents is negligible. The Coast Guard does, however, review and respond to applications for a Special Permit. The estimated annual burden for this review and response is provided in Table 14.1. The wage rate shown is for a GS-12 “In Government,” in accordance with COMDTINST 7310.1 (series).

Table 14.1

	Special Permits
Annual # Responses	1
Review Time/Response	15.00
Total Hour Burden	15
Wage Rate/Hour	\$58
Total Cost Burden	\$870

15. Reasons for the change in burden.

The change in burden is a PROGRAM CHANGE due to a rulemaking [USCG-2009-0091; RIN 1625-AB47]. The information collection has not been changed. The incorporation of solid bulk hazardous cargo handling requirements in the Code of Federal Regulations will result in a decrease in the number of Special Permit applications. As the solid hazardous materials list has been expanded there are actually fewer respondents.

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. Exception to the certification certificate.

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.