

**Supporting Statement  
for  
Report of Oil or Hazardous Substance Discharge; and  
Report of Suspicious Maritime Activity**

**A. Justification.**

1) Circumstances that make the collection of information necessary.

This collection consists of two elements—

- (a) Report of Oil or Hazardous Substance Discharge, and
- (b) Report of Suspicious Maritime Activity.

- (a) Prior to the Federal Water Pollution Control Act numerous spills were occurring and not being reported or cleaned up. This was deteriorating the environment and creating potential health risks to the public. The public did not have a central place to report pollution spills that had the resources or authority to take responsible action. Immediate reports to the National Response Center (NRC) of pollution discharges were mandated by section 311(b)(5) of the Federal Water Pollution Control Act<sup>1</sup>, section 306(a) of the Outer Continental Shelf Lands Act Amendments<sup>2</sup> of 1978, section 18(b) of the Deepwater Port Act<sup>3</sup> of 1974, and by section 103 (a) of the Comprehensive Environmental Response, Compensation, and Liability Act<sup>4</sup> of 1980 (CERCLA). This mandatory report has been further promulgated in—

- 33 CFR 153.203 for oil or hazardous substances,
- 40 CFR 263.30 and 264.56 for hazardous wastes, and
- 49 CFR 171.15 for hazardous materials.

Failure to report a discharge in any of the foregoing instances may result in a fine and/or imprisonment (see 33 CFR 153.205).

- (b) In this post-September 11, 2001, environment, a mechanism for collection reports of suspicious maritime activities is necessary. A national program, branded America's Waterway Watch (AWW), encourages the voluntary reporting of all suspicious activity. Additionally, an owner or operator of a vessel or facility required to have MTSA<sup>5</sup> security plan must report activities that may result in a transportation security incident and breaches of security to the NRC (see 33 CFR 101.305).

This information collection supports the following strategic goals:

---

<sup>1</sup> See 33 U.S.C. 1321, (all U.S. Code cites available via GPO Web site at -- <http://www.gpoaccess.gov/uscode/index.html>).

<sup>2</sup> See 43 U.S.C. 1801

<sup>3</sup> See 33 U.S.C. 1504

<sup>4</sup> See 42 U.S.C. 9601

<sup>5</sup> MTSA -- Maritime Transportation Security Act of 2002

Department of Homeland Security

- Awareness
- Prevention
- Protection
- Response
- Recovery

Coast Guard

- Maritime Safety
- Maritime Security
- Maritime Stewardship

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

- Maritime Safety
- Maritime Security
- Human and Natural Environment
- Economic Growth and Trade/Mobility

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

- (a) The information concerning the pollution discharge is reported to the NRC by calling a toll-free telephone number or by submitting a request electronically via the NRC Web site. The discharge report is passed from the NRC to the pre-designated federal on-scene coordinator for the area in which the discharge occurred. This report ensures quick response to the pollution incident from Federal, State, and local governments and the private sector to minimize the hazard to lives, property, and the environment.
- (b) With the AWW program, the NRC also serves as the centralized reporting point for suspicious activity as well as actual events in the maritime domain concerning threats, attacks, vulnerabilities and anomalies. In both emergency situations and when receiving reports of suspicious activity in a non-emergency situation, the NRC takes the report from the caller, and logs and forwards the information to the Homeland Security Operations Center and to other agencies as appropriate.

3) Consideration of the use of improved information technology.

Reports to the NRC come in 1 of 3 transmission methods—phone (800-424-8802), fax (202-267-1322) or online at— <http://www.nrc.uscg.mil/>. Thus, 100% of the reporting is done electronically.

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

- (a) The Coast Guard monitors State and local regulatory activity in this field. To date there are no similar State or local programs that have been identified that require equivalent information. Furthermore, no other Federal agencies have similar or equivalent regulatory requirements.

- (b) The Coast Guard will monitor State and local regulatory activity in this field. As a national oversight program, the AWW will support area, district and local commanders. In order to disseminate information to the appropriate agencies and provide security, information provided in the suspicious maritime activity reports is shared with the appropriate party. To date there are no similar State or local programs that have been identified that require equivalent information. Furthermore, no other Federal agencies have similar or equivalent regulatory requirements.

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.

- (a) This information is reported whenever there is an oil or hazardous substance discharge. If it were reported less frequently, the federal on-scene coordinator might not learn of the discharge in time to clean up or mitigate its effects. Large spills of oil or hazardous substances could negatively impact the environment and pose serious health threats. This report ensures quick response to the pollution incident from Federal, State, and local governments, and the private sector the ability to further minimize the hazard to lives, property, and the environment.
- (b) This information is reported whenever there is a suspicious activity or actual events in the maritime domain concerning threats, attacks, vulnerabilities and anomalies. It is collected to prevent acts of terrorism and other illegal activity that jeopardizes maritime homeland security. The ability to collect this type of information on a 24-hour/day basis is necessary to protect homeland security.

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-2011-0737]; August 22, 2011; 76 FR 52336). Additionally, a 30-day Notice was published in the *Federal Register* to obtain public comment on this collection (October 27, 2011; 76 FR 66737). The Coast Guard 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.

- (a) On occasion, a caller reports a discharge that his or her employer has failed to report. These persons often request that their identities be kept in confidence for fear of losing their jobs or being otherwise threatened.
- (b) The caller is provided the option to make an anonymous report.

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 estimated annual number of respondents is 145,176\_
  - The estimated annual number of responses is 145,176
  - The estimated annual hour burden is 12,098
  - The estimated annual cost burden is \$762,174
- (a) In 2010, NRC records indicate that 135,888 telephone calls were received. The annual burden hour estimate is based on 135,888 calls per year at approximately 5 minutes per call (1/12 hour). The industry cost estimate is based on an average hourly wage of \$63.<sup>6</sup> Since it is impossible to know exactly who is notifying the NRC the hourly wage is calculated by averaging between clerk and management wage estimates.

**Annual Burden Hour Estimate**

135,888 phone calls x 1/12 hour per call = **11,324 annual burden hours.**

**Annual Cost Estimate**

11,324 burden hours x \$63/hour = **\$713,412**

- (b) In 2010, the AWW program filed 2,322 reports in regard to suspicious maritime activity. It is estimated that only one in four calls result in a report. Therefore, the AWW receives approximately 9,288 (2,322 x 4) incoming telephone calls per year regarding suspicious maritime activity. The annual burden hour estimate is based on 9,288 calls per year at approximately 5 minutes per call (1/12 hour). The industry cost estimate is based on an average hourly wage of \$63.<sup>7</sup> Since it is

---

<sup>6</sup> Hourly wages estimated by averaging the salaries of a GS-7 (clerk) and a GS-13 (management) ("out-of-government" wages), using COMDTINST 7310.1M on Standard Rates.

<sup>7</sup> Hourly wages estimated by averaging the salaries of a GS-7 (clerk) and a GS-13 (management) ("out-of-government" wages), using COMDTINST 7310.1M on Standard Rates.

impossible to know exactly who is notifying the NRC the hourly wage is calculated by averaging between clerk and management wage estimates.

### Annual Burden Hour Estimate

9,288 phone calls x 1/12 hour per call = **774 annual burden hours.**

### Annual Cost Estimate

774 burden hours x \$63/hour = **\$48,762**

Table 1. Total Annual Burden Hours and Cost

<b>NRC Program</b>	<b>Respondents</b>	<b>Responses</b>	<b>Annual Burden Hours</b>	<b>Wage</b>	<b>Annual Cost</b>
(a) Oil & Hazardous Substance Discharge	135,888	135,888	11,324	63	\$713,412
(b) AWW	9,288	9,288	774	63	\$48,762
<b>Total</b>	<b>145,176</b>	<b>145,176</b>	<b>12,098</b>	<b>-</b>	<b>\$762,174</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.

- (a) In 2010, NRC records indicate that approximately 135,888 telephone calls were received regarding oil or hazardous substance discharge. These calls resulted in the preparation of 33,972 incident reports and the generation of 461,628 outgoing notifications to the appropriate officials in the field. The average wage for a contractor working in the NRC is \$50.<sup>8</sup> It is important to note the following:

- Every telephone call does not result in an incident report; approx. 1 in 4 phone calls results in an incident report.
- Incident reports generate notifications. There may be more than one notification made for the same event to inform the various Federal agencies and other interested officials per incident report.

On average, it takes the NRC approximately 12 minutes (1/5 hour) to receive, complete and disseminate a verbal notification to the Federal on-scene coordinator.

<sup>8</sup> Hourly wages estimated for a GS-9 ("out-of-government" wages), using COMDTINST 7310.1M on Standard Rates.

On average, it takes the NRC approximately 1 minute (1/60 hour) to receive, complete, and disseminate a non-verbal notification to the Federal on-scene coordinator.

**Annual Government Hour Estimate**

33,972 incident reports x 1/5 hour per report = 6,795 burden hours  
135,888 incoming calls x 1/12 hour per call = 11,324 burden hours  
55,757 verbal notifications x 1/12 hour per report = 4,647 burden hours  
405,871 non-verbal notifications x 1/60 hour per report = 6,765 burden hours  
**Total Burden Hours = 29,531 hours**

**Annual Government Cost Estimate**

29,531 burden hours x \$50 = \$1,476,550  
(This excludes operating, coordination, and equipment costs.)  
**Total Cost = \$1,476,550**

(b) In 2010, NRC estimates that 9,288 telephone calls were received in regards to suspicious maritime activity. These calls resulted in the preparation of 2,322 incident reports and the generation of 48,946 outgoing notifications to the appropriate agencies. The average wage for a contractor working in the NRC is \$50.<sup>9</sup> It is important to note the following:

- Every telephone call does not result in an incident report; approx. 1 in 4 phone calls result in a Suspicious Activity (SA) report.
- SA reports generate notifications. There may be more than one notification made for the same event to inform the various Federal agencies and other interested officials per incident report.

On average, it takes the NRC approximately 12 minutes (1/5 of an hour) to receive, complete and disseminate a verbal report.

On average, it takes the NRC approximately 1 minute (1/60 of an hour) to receive, complete and disseminate a non-verbal report.

**Annual Government Hour Estimate**

2,322 incident reports x 1/5 hour per report = 465 burden hours.  
9,288 incoming reports x 1/5 hour per call = 1,858 burden hours  
3,777 verbal notifications x 1/5 hour per call = 756 burden hours  
45,169 non-verbal notifications x 1/60 hour per call = 753 burden hours  
**Total Burden Hours = 3,832 hours**

**Annual Government Cost Estimate**

3,832 burden hours x \$50 = \$191,600  
(This excludes operating, coordination, and equipment costs.)

---

<sup>9</sup> Ibid.

**Total Cost = \$191,600**

Fed. Govt. Cost Summary

**Total Hours -- 33,363 = 29,531 + 3,832**

**Total Cost -- \$1,668,150 = \$1,476,550 + \$191,600**

15) Explain the reasons for the change in burden.

The change (i.e., increase) in hour burden is an ADJUSTMENT that is strictly due to a change in the number of NRC reports received by the Coast Guard. The regulations regarding reporting of oil or hazardous substance discharges have not changed, nor the methodology on how the hour burden is estimated.

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 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.