

**Supporting Statement
for
Ballast Water Management for Vessels with
Ballast Tanks Entering U.S. Waters**
[as modified by USCG-2001-10486; RIN 1625-AA32]

A. Justification.

1) Circumstances that make the collection of information necessary.

The information collection requirement described in this supporting statement is necessary to carry out the reporting requirement of Title 16 United States Code (U.S.C.) 4711, which concerns the management of ballast water to prevent the introduction of aquatic nuisance species (ANS) into United States (U.S.) waters. The mandatory requirement is imposed on owners/operators of vessels who enter U.S. ports after operating outside of our Exclusive Economic Zone (EEZ). The master of the vessel provides information to the Coast Guard that details the vessel operator's ballast water management efforts.

Additionally, there is a new voluntary reporting requirement due to the "Standards for Living Organisms in Ships' Ballast Water Discharged in U.S. Waters" final rule [USCG-2001-10486; RIN 1625-AA32]. The final rule includes a paperwork provision to allow a vessel owner/operator to request an extension if they cannot practicably comply with the compliance date otherwise applicable to their vessel. This extension provision gives flexibility to vessel owners and operators to comply with this rule.

This information collection supports the following strategic goals:

Department of Homeland Security

- Protection

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.

The purpose of the information collection is to monitor and ensure that vessels are in compliance with the Coast Guard's ballast water regulations.

3) Consideration of the use of improved information technology.

(a) Ballast water management (BWM) reports:

The information may be submitted by the following methods—by mail, or electronically via an on-line form, e-mail or fax. For details, go to <http://invasions.si.edu/nbic/>.

(b) Ballast water discharge standards (BWDS) compliance extension requests:

Extension requests must be made no later than 12 months before the scheduled implementation date listed in 33 CFR 151.1512(b) and submitted in writing to the Commandant (CG-522), U.S. Coast Guard Office of Operating and Environmental Standards, 2100 2nd Street SW Stop 7126, Washington, DC 20593-7126, or via e-mail to environmental.standards@uscg.mil. Extension evaluations will be on a per-vessel basis. Summary information concerning all extension decisions, including the name of the vessel and vessel owner, the term of the extension, and the basis for the extension will be posted on the U.S. Coast Guard Maritime Information Exchange website (CGMIX) located at [<http://cgmix.uscg.mil/Default.aspx>].

(a) & (b) We estimate that 100% of the reporting requirements can be done electronically. At this time, we estimate that approximately 70% of the responses are collected electronically.

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

As a result of state agencies imposing their own ballast water reporting requirements, and to alleviate redundant reporting requirements on vessels, the Coast Guard and National Ballast Information Clearinghouse (NBIC) hope to remain the single clearinghouse of BWM reporting data and will make this information directly available to state agencies who would otherwise require vessels to submit ballast water reports to them.

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

This information collection does not have a significant impact on small businesses or other small entities. This BWDS extension provision will give flexibility to vessel owners and operators to comply with this rule.

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

The consequence of not collecting the information would mean that no reliable, systematic method of establishing that vessels have complied with the regulations would exist. Verbal reports would be the only method of collection, with no means to validate such information. Consequently, there would be insufficient data available to study the long-term effects of BWM. There would be no basis for future decision-making actions to reduce the threat of ANS in the United States.

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.

The Coast Guard published on August 28, 2009, a Notice of Proposed Rulemaking (NPRM) entitled “Standards for Living Organisms in Ships’ Ballast Water Discharged in U.S. Waters” (BWDS) [USCG-2001-10486; RIN 1625-AA32; 74 FR 44632]. The rulemaking proposed—

- to amend the regulations on ballast water management by establishing standards for the allowable concentration of living organisms in ships’ ballast water discharged in U.S. waters. The Coast Guard also proposed to amend its regulations for approving engineering equipment by establishing an approval process for ballast water management systems. These new regulations would aid in controlling the introduction and spread of nonindigenous species from ships discharging ballast water in U.S. waters.

The Coast Guard received no collection of information-related comments to the NPRM.

On March 23, 2012, the BWDS Final Rule was published (77 FR 17254).

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 reporting and recordkeeping burdens include time to complete the information, file a log entry, and maintain and/or supply the necessary data to the Coast Guard, private researchers, and other government agencies.

Annual Burden:

Number of respondents:

8,383

Number of Responses: **90,667¹ responses**

Average Hours per Response

A BWM information report takes approximately 40 minutes to complete.

A BWDS compliance extension request takes approximately 8 hours to complete.

Annual Burden Hours

The estimated BWM annual burden is 90,638 responses x .67 hours/response = 60,727 hours.

The estimated BWDS extension request burden is approximate 234 hours (29.2 vessels x 8 hours for completing and submitting the extension documentation).

Therefore, the total burden is 60,727 + 234 hours = **60,961 hours**

Cost Burden to Industry

The estimated cost burden is **\$3,116,974**:

- (1) Current BWM reporting requirements under 33 CFR 151.2070—
90,638 arrivals x 0.67 hrs/arrival x \$49²/hr = \$2,975,646³.
- (2) New BWDS reporting requirement for extension requests cost burden is \$14,133, calculated by (a. + b.):
 - a. Assuming someone at a management level (equivalent to GS-12 (out-of-government rate)) prepares the submission to the Coast Guard, the applicable wage rate is \$69/hour⁴. Therefore, the total management cost for preparing the extension request is \$69 X 6 hrs X 29.2 vessels = \$12,089.
 - b. Assuming someone at the clerical level (equivalent to GS-5 (out-of-government rate)) files the copies, and then the applicable wage rate is \$35/hour⁵. Therefore,

¹ We estimate that of the total responses there will be 29.2 responses per year due to requests for extension for compliance with the “Standards for Living Organisms in Ships’ Ballast Water Discharged in U.S. Waters” final rule. This estimate is based on the assumption that approximately 2 percent of the total vessel population (1,459 vessels) will be requesting extension annually.

² Estimated cost burden to industry is adjusted for inflation using BLS data (approx. equivalent to a GS-09 (out-of-gov’t rate) per Enclosure (2) to COMDTINST 7310.1M).

³ Note: All calculation figures are subject to rounding.

⁴ Wage rate obtained from Enclosure (2) to COMDTINST 7310.1M and validated based on the Bureau of Labor Statistics (BLS) subcategory Managers (Occupation Code 11-9199).

⁵ Wage rate obtained from Enclosure (2) to COMDTINST 7310.1M and validated based on the Bureau of Labor Statistics (BLS) subcategory First-line Supervisor of office and Administrative Support Worker (Occupation Code 43-1011).

the total management cost for preparing the extension request is $\$35 \times 2\text{hrs} \times 29.2 \text{ vessels} = \$2,044$.

The estimated total cost burden to industry for extension request is \$141,328. This estimate is based on the assumption that the total number of vessels requesting extension is 292 (or 20% of the total affected population of 1,459 vessels).

The total cost burden to the industry for current BWM reporting requirements (1) and BWDS extension requests (2) is **\$3,116,974** (\$2,975,646+ \$141,328).

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.

(1) BWM reports: It takes approximately 15 minutes (0.25 hours), for government personnel to process a BWM report.

The burden and cost for reports are as follows:
 $90,638 \text{ reports} \times 0.25 \text{ hours per report} = 22,660 \text{ hours}$
 $22,660 \text{ hours} \times \$40^6 \text{ per hour} = \$906,400$

(2) BWDS extension requests: We estimate that the request for extension will take approximately 4 hours for the government personnel to evaluate the requests.

The burden and cost for reports are as follows:
 $29.2 \text{ request} \times 4 \text{ hours per request} = 116 \text{ hours}$
 $116 \text{ hours} \times \$90^7 \text{ per hour} = \$10,440$

The total annual Federal Governments costs are **\$916,840**, calculated as (1) + (2).

15) Explain the reasons for the change in burden.

First, the change (i.e., increase) in hour burden is a PROGRAM CHANGE due to the BWDS rulemaking [USCG-2001-10486; RIN 1625-AA32]. The new reporting requirement—

- allow a vessel owner/operator to request compliance extension. The final rule's new collection of information is a result of public comments received in the NPRM. In this final rule, we have included a paperwork provision to allow a vessel owner/operator to request an extension if they cannot practicably comply with the compliance date otherwise applicable to their vessel. This extension provision gives flexibility to vessel owners and operators to comply with this rule.

⁶ The labor wage is equivalent to a GS-07 in government per Enclosure (2) to COMDTINST 7310.1M.

⁷ The labor wage is equivalent to a GS-14 in government per Enclosure (2) to COMDTINST 7310.1M.

Second, listed below are additional revisions to the collection—

- Coast Guard has developed an Instruction sheet.
- Updates are provided for cost burden and government cost associated with this collection of information.

Third, the BWM reporting requirements, and the methodology for calculating 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 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.