

**Supporting Statement  
for  
Vessel and Facility Response Plans (Domestic and Int'l), and  
Additional Response Requirements for Prince William Sound, Alaska**

OMB No.: 1625-0066  
COLLECTION INSTRUMENT: CG-6083

[as modified by USCG-2008-1070; RIN 1625-AB27]

**A. Justification**

1. Circumstances that make the collection of information necessary.

**Facility Response Plan (FRP):** Section 4202(a)(6) of the Oil Pollution Act of 1990 (OPA 90) amended section 311(j) of the Federal Water Pollution Control Act (FWCPA)(33 U.S.C. 1321 *et. seq.*). It requires the owner or operator of a facility to prepare and submit "a plan for responding, to the maximum extent practicable, to a worst case discharge, and to a substantial threat of such a discharge of oil or hazardous substances." This requirement applies to any offshore facility and to an onshore facility that "because of its location, could reasonably be expected to cause substantial harm to the environment by discharging into or on the navigable waters, adjoining shorelines, or the exclusive economic zone." FRP requirements are found in Title 33 CFR 154 subparts F, H and I.

**Vessel Response Plan (VRP):** Section 4202(a)(6) of the OPA 90 amended section 311(j) of the FWPCA. It requires that vessels carrying oil in bulk as cargo and operating in waters subject to U.S. jurisdiction prepare and submit a written response plan for a worst case discharge of oil or hazardous substances. VRP requirements are found in 33 CFR 155 subparts D, F, G and I.

**Nontank Vessel Response Plan (NTVRP):** Section 701 of the Coast Guard and Maritime Transportation Act of 2004 (Pub. L. 108-293), as amended by section 608 of the Coast Guard and Maritime Transportation Act of 2006 (Pub. L. 109-241) (CG&MTA 2004/2006), amended section 311(a) and (j) of the FWPCA. It requires that nontank vessels of 400 gross tons and above which carry oil as fuel for propulsion and operating in navigable waters of the U.S. prepare and submit a written NTVRP for a worst case discharge. NTVRP requirements are found in Navigation and Vessel Inspection Circular (NVIC) 01-05, Change 1.

**Prince William Sound (PWS):** Section 5005 of the OPA 90 establishes requirements for a tanker operating in PWS and loading cargo at the Trans Alaska Pipeline System (TAPS), in addition to those required by section 4202(a)(6) of OPA 90. This rule ensures that response plans provide for pre-positioned oil spill containment and removal equipment, an oil spill removal organization, training of local residents in oil spill removal and containment techniques, practice exercises, and periodic testing and certification of equipment. PWS requirements are found in 33 CFR 154 subpart G and 33 CFR 155 subpart E.

**Shipboard Oil Pollution Emergency Plan/Shipboard Marine Pollution Emergency Plan (SOPEP/SMPEP):** The information collection requirements described below are necessary to comply with the Act to Prevent Pollution from Ships (APPS) (33 U.S.C. 1901 *et. seq.*). This

section implements Regulation 37 of Annex I of MARPOL 73/78 for United States flag ships. It requires every oil tanker of 150 gross tons and above and every ship other than an oil tanker of 400 gross tons and above to carry on board an approved SOPEP. The SOPEP requirements are found in 33 CFR 151.26-28. Additionally, this section implements Regulation 17 of Annex II of MARPOL 73/78 for United States flag ships. It requires every ship of 150 gross tons and above that carries noxious liquid substances (NLS) in bulk to carry on board an approved SMPEP. The SMPEP requirements are found in Navigation and Vessel Inspection Circular (NVIC) 03-04.

This information collection supports the following strategic goals:

Department of Homeland Security

- Protection
- Recovery

Coast Guard

- Maritime Safety
- Protection of the Natural Resources

Prevention Policy & Response Policy Directorates (CG-5P & CG-5R)

- 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.

**FRP, VRP and NTVRP:** The purpose of OPA 90 is to reduce the number of oil and hazardous substance spills and to minimize the impact of the oil and hazardous substance spills when they do occur in U.S. waters. The requirements for preparation, submission, and approval of FRPs, VRPs and NTVRPs are central to the contingency planning elements of the FWPCA. The FRP, VRP & NTVRP requirements are necessary to ensure that vessels entering U.S. waters and certain facilities are adequately prepared to respond in the event of an incident involving the spill of oil or a hazardous substance. Without the requirements some operators may not maintain the necessary internal resources (effective planning, training, drilling, etc.) or external resources (adequate response capability) to meet a major intent of FWPCA—to reduce the consequences of an oil or hazardous substance spill when it occurs.

Submission of response plans to the Coast Guard (CG) for approval is considered the most efficient way to ensure compliance and necessary for the CG to meet its obligations under OPA 90/FWPCA.

**PWS:** The additional requirements in section 5005 of OPA 90, for trained personnel and pre-positioned response equipment, reflect the particular environmental sensitivity of PWS. Without these requirements for tankers operating in PWS and loading cargo at TAPS, it is believed that sufficient response resources would not be available or be properly maintained to clean up a future oil spill. Certification and testing of response equipment helps ensure the readiness of this equipment for a future response.

**SOPEP/SMPEP:** The purpose of the requirements is to improve response capabilities and minimize the environmental impact of oil or NLS discharges from ships. Without the requirements, there is a greater likelihood of a vessel which is not prepared to handle an

unauthorized discharge of oil having a spill and causing a major environmental incident. The submission and approval of these plans ensures that vessels have in place an appropriate plan that deals with such an occurrence.

3. Consideration of the use of improved information technology.

For FRP and PWS, information may be submitted by mail, fax or electronically via e-mail to the Captain of the Port (COTP) at the local CG Sector Office. Contact info for CG Sector Offices can be found at— <http://www.uscg.mil/top/units/>. For VRP, NTVRP and SOPEP/SMPEP, information may be submitted to CG Headquarters by mail, fax or electronically via e-mail or a website. E-submissions are via [www.Homeport.uscg.mil/vrpexpress](http://www.Homeport.uscg.mil/vrpexpress). At this time, we estimate that 75% of reporting requirements are done electronically.

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

**FRP:** In addition to the CG's marine transportation-related (MTR) FRP requirements, the Environmental Protection Agency (EPA) has FRP regulations. EPA response plan requirements affect certain non-transportation-related facilities that have the potential to discharge oil into the navigable waters or adjoining shorelines of the U.S. and meet certain storage capacity thresholds. EPA's regulations do not apply to equipment or operations of onshore marine transportation-related facilities that are subject to the authority and control of the Department of Homeland Security (delegated to the CG). However, certain businesses have both transportation-related and non-transportation-related components, such as petroleum bulk terminals that have storage tanks and transfer petroleum to and from vessels. These businesses are subject to both the CG and EPA regulation. These facilities are designated complexes. To avoid duplicative paperwork burdens on complexes, the CG and EPA work together to ensure that their response plan requirements and response plan formats are consistent. As a result, facilities are able to comply with both response plan requirements with a single response plan, thereby mitigating duplication of paperwork related burdens.

**PWS:** The information being required is unique. There is no known duplication of filing requirements with other Federal information collections.

**NTVRP:** The information required is unique. Section 701 of the CG&MTA 2004/2006 amended 33 U.S.C. 1321(j)(5)(a) and (j) requiring that NTVRPs be submitted consistent with other plans required by the FWPCA.

**SOPEP/SMPEP and VRP:** The information required is unique. MARPOL 73/78 requires specific response planning. These requirements work in conjunction with, and not in duplication of, the VRP requirements discussed elsewhere in this supporting statement.

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

**FRP:** Although the CG regulation has certain reduced requirements for smaller facilities, these are primarily not paperwork related. However, because of the nature of the information collection requirements, the level of effort to prepare the FRP is estimated to vary directly with the size and complexity of the facility. As a result, smaller facilities should incur a lesser burden than larger facilities.

Furthermore, in drafting OPA 90, it was clearly Congress' intent that certain small facilities be subject to the same response planning requirements as large facilities. Specifically, in discussing the selection of facilities that could cause "substantial harm" to the environment (i.e., those subject to the information collection activities), the OPA Conference report states:

The criteria should not result in the selection of facilities based solely on the size or age of storage tanks. Specifically, the selection criteria should not necessarily omit those smaller facilities that are near major drinking water supplies or that are near environmentally sensitive areas. H. Rep. No. 101-653, 101st Cong. 2nd Sess. 1990, p. 150.

**VRP:** Due to the nature of the industry, smaller entities tend to own smaller vessels, e.g., barges rather than large tankers. The reporting requirements should be less for smaller vessels; vessels that have fewer personnel, carry less cargo, and require less response capability. Vessels that carry oil as secondary cargo, i.e., fishing vessels, offshore supply vessels and towing vessels, require a less comprehensive VRP and have reduced resubmission requirements.

**NTVRP:** The FWPCA (33 U.S.C. 1321(j)(5)) as amended by CG&MTA 2004/2006 requires the same level of information from these vessels.

**PWS:** The requirements for smaller vessels are less because they have fewer personnel on board, carry less oil, and will require less response equipment than larger vessels. In addition, non-TAPS vessels (most of which are smaller) are eliminated from the requirements.

**SOPEP/SMPEP:** The small business burden should be minimized as few small entities own ships of the gross tonnage to which this regulation applies.

#### 6. Consequences to the Federal program if collection were done less frequently.

**FRP, VRP and NTVRP:** The CG recognizes the need to minimize the burden of any information collection to the extent permitted under the requirements of the FWPCA as amended by OPA 90 and the CG&MTA 2004/2006. Section 4202(a)(6) of OPA 90 requires facilities and vessels to update the response plan periodically, and resubmit for approval of each significant change. Under the regulation, facilities and vessels would be required to: conduct an annual review of the response plan and submit changes to the CG; or, if no changes are necessary, submit a letter stating that the review has taken place.

The CG has determined that requiring facilities and vessels to review and update their response plans less frequently than once a year would undermine the intent of the FWPCA, which is to ensure that all facilities and vessels have an up-to-date plan at all times. For example, contact lists of spill response personnel may require revision every year, and possibly more frequently. Because the majority of information collection activities (in terms of both hours and cost) would involve initial preparation of the response plan, reducing the frequency of the annual information collection activities would not significantly reduce the overall burden of the information collection activities required under these regulations.

**PWS:** Less frequent oversight and review of plans and equipment may result in inadequate equipment and poorly trained personnel.

**SOPEP/SMPEP:** Because the plan must be used in an emergency, less frequent review and submission could result in outdated information impeding a response.

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.

On 31 Aug 2009, the Coast Guard published an Notice of Proposed Rulemaking (NPRM) entitled "Nontank Vessel Response Plans and Other Vessel Response Plan Requirements" [74 FR 44970; USCG-2008-1070; RIN 1625-AB27]. The Coast Guard proposed to—

- Specify the content of a nontank vessel response plan, and among other issues, address the requirement to plan for responding to a worst case discharge and a substantial threat of such a discharge.
- Update the international Shipboard Oil Pollution Emergency Plan (SOPEP) requirements that apply to certain nontank vessels and tank vessels.

This change is necessary to further protect the Nation from the threat of oil spills in the maritime domain. The NPRM had a 90-day comment period that closed 30 Nov 2009. The CG received no COI-related public comments to the NPRM.

Upon further review of the rule, the Coast Guard is revising the COI to account for alternatives/waivers that planholders may request. This revision increases the estimated annual burden by 202 hours.

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 estimated number of annual respondents is 7,894.
- The estimated number of annual responses is 7,982.
- The estimated hour burden is 136,460 hours.
- The estimated cost burden is \$11,408,240.

**FRP:** There are a number of MTR oil transfer facilities in the U.S. that are subject to the FRP

requirements. It is assumed that the number of facilities remains constant due to the mature nature of the industry. However, facilities are sold and new ones are built as older ones are taken out of service, thus we assume that 10% of the facility population will submit new FRPs each year. The FRP paperwork requirements consist of the preparation and submission of new FRPs, the annual review of existing FRPs, and the 5-year resubmit of existing FRPs. We assume it takes 100 hours for a new plan, 10 hours for an annual review and 15 hours for a 5-year resubmit. The calculations for the FRP reporting/recordkeeping elements are found in Appendix A.

**VRP & NTVRP:** There are a number of tank and nontank vessels that are subject to the VRP requirements. It is assumed that the number of vessels remains constant due to the mature nature of the industry. However, vessels are sold and new ones are built as older ones are taken out of service, thus we assume that 10% of the vessel population will submit new VRPs each year. The VRP paperwork requirements consist of the preparation and submission of new VRPs, the annual review of existing VRPs, and the 5-year resubmit of existing VRPs. We assume it takes 80 hours for a new plan, 8 hours for an annual review and 12 hours for a 5-year resubmit.

The VRP paperwork includes documentation of salvage and marine firefighting (SMFF) resources/equipment. Some SMFF resource providers have voluntarily elected to annually submit SMFF resource/equipment information to the CG to pre-vet their companies. These SMFF resource providers also undergo a voluntary quarterly review/verification of their resources/equipment. We assume it takes 1,200 hours for an annual submission and 300 hours for a quarterly review/verification per SMFF resource provider. For VRP planholders that reference a SMFF resource provider's documentation in place of selecting and documenting SMFF resources on their own, we assume that the VRP burden is reduced. In this instance, we assume it takes 60 hours for a new plan, 6 hours for an annual review and 9 hours for a 5-year resubmit. In addition to the above VRP elements, the regulations also permit certain alternatives/waivers. There are one-time port waivers (33 CFR 155.1025(e)), Alternative Planning Criteria (33 CFR 155.1065(f)) and SMFF Waivers (33 CFR 155.4055). We assume it take 1 hour, 5 hours and 2 hours respectively. The calculations for all the VRP reporting/recordkeeping elements are found in Appendix B.

**PWS:** It is assumed that there is one spill response organization working in PWS. It serves the TAPS traffic and includes large tankers receiving oil at the Valdez terminal. The calculations for the PWS reporting/recordkeeping elements are found in Appendix C.

**SOPEP/SMPEP:** There are a number of tank and nontank vessels that are subject to these requirements. It is assumed that the number of vessels remains constant due to the mature nature of the industry. However, as vessels are sold and new ones are built as older ones are taken out of service, there we assume that 10% of the vessel population will submit new plans each year. The paperwork requirements consist of the preparation and submission of new plans, the annual review of existing plans, and the 5-year resubmit of existing plans. We assume it takes 40 hours for a new plan, 4 hours for an annual review and 6 hours for a 5-year resubmit. For VRP planholders that voluntarily elect to submit a combined VRP with their SOPEP/SMPEP, we assume that there is no added burden for the VRP and that the burden is reduced for the SOPEP/SMPEP. In this instance, we assume it takes 20 hours for a new plan, 2 hours for an annual review and 3 hours for a 5-year resubmit. The calculations for the SOPEP/SMPEP reporting/recordkeeping elements are found in Appendix D.

**Form CG-6083:** The CG created form “Application for Approval/Revision of Vessel Response Plans” (CG-6083) to provide for an easier and clearer method to request a specific CG review on a VRP or SOPEP/SMPEP. We estimate that approximately 50% of submissions voluntarily use this form. It takes approximately 10 minutes to complete form. However, as use of the form replaces the need to draft a letter explaining what action is requested, there is no change in the VRP or SOPEP/SMPEP burden related to the form.

**Summary:** A summary of respondents, responses, hour and cost burden is found in Appendix E.

13. Estimates of annualized capital and start-up costs. \_

There are no annualized capital and start-up costs associated with this information collection.

14. Estimates of annualized Federal government costs.

**FRP:** The CG estimates about 18 full time equivalents (FTE)<sup>1</sup> are utilized annually for this program to process, review, and approve FRPs. This includes the time incurred to conduct inspections, oversee drills, and perform other tasks to implement the program.

**VRP, NTVRP and SOPEP/SMPEP:** The CG estimates that to administer the VRP, NTVRP and SOPEP/SMPEP program, the CG utilizes 5 FTE<sup>2</sup> and a private support contract for administrative and technical requirements.

**PWS:** The CG estimates the cost to administer the PWS requirements is about .2 FTE<sup>3</sup> annually.

**Summary:** The Federal government cost is \$2,074,000. A summary is found in Appendix F.

15. Explain the reasons for the change in burden.

The change in burden is both an ADJUSTMENT and a PROGRAM CHANGE (see section 8). The Adjustment results in a reduction in burden (-140,245 hours) and is due to a reduction in the number of responses in VRP (TVRP & NTVRP), FRP and SOPEP/SMPEP. The Program Change results in an increase in burden (+202 hours) and is due to the inclusion of alternatives/waivers that were previously unaccounted for in the collection.

At the last approval of this ICR in August 2010, the Supporting Statement accounted for the new SMFF Final Rule, the new CAPS Final Rule and the proposed NTVRP rulemaking. To implement the SMFF & CAPS rules, responses separate from the standard VRP submissions (i.e., initial, annual, 5-yr resubmit) were needed. All current/future VRP submissions must include the SMFF & CAPS elements, therefore there is a reduction in responses. Similarly, the

<sup>1</sup> Assumed to be 2,000 hours for a Lieutenant (O-3) with wage rates (in-gov't) taken from COMDTINST 7310.1(series).

<sup>2</sup> Assumed to be 2,000 hours each for one Lieutenant Commander (O-4), two GS-13s, one E-6 and one E-5 with wage rates (in-gov't) taken from COMDTINST 7310.1(series).

<sup>3</sup> Assumed to be 400 hours for a Lieutenant (O-3) assigned to the CG Marine Safety Unit in Valdez with wage rates (in-gov't) taken from COMDTINST 7310.1(series).

Aug 2010 approval accounted for NTVRP submissions, thus this Final Rule does not add respondents or burden.

The following items listed below are changes to the collection:

- Updated to account for alternatives/waivers.
- Combined TVRP & NTVRP elements into VRP for calculation/summary purposes as the method for estimating burden is the same.
- Aligned with other new/1-year/5-year resubmit plan cycles.
- Simplified to account for several rulemakings now approved and incorporated into ICR.
- Updated to account for a new voluntary industry practice by certain SMFF resource providers.
- Updated to account for SMPEP activities.
- Updates are provided for cost burden associated with this collection of information.
- The Coast Guard has updated printable instructions for this collection of information.

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 collection.

The CG will display the expiration date for OMB approval of this information collection.

18. Explain each exception to the certification statement.

The CG 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.