

Supporting Statement for Oil Record Book for Ships

OMB No.: 1625-0009
COLLECTION INSTRUMENTS: CG-4602A & Instruction

A. Justification

1) Circumstances which make the collection of information necessary.

The Act to Prevent Pollution from Ships (APPS) and the International Convention for Prevention of Pollution from Ships, 1973, as modified by the 1978 Protocol relating thereto (MARPOL 73/78), requires that information about oil cargo or fuel operations be entered into an Oil Record Book (ORB). Annex I is implemented in U.S. law through the Act to Prevent Pollution from Ships (APPS) (Pub. L. 96-478, Oct. 21, 1980, 94 Stat. 2297), codified at 33 U.S.C. 1901 *et seq.* The requirement is contained in 33 CFR 151.25. Entries must be made in the ORB (form CG-4602A) for a number of operations, such as:

- Ballasting or cleaning of fuel tanks during the voyage.
- Disposal of oily residues from fuel tanks, or other sources.
- The discharge of oil or oily mixtures for the purpose of securing the safety of the ship, preventing damage to the ship or cargo, or saving of life at sea.
- The escape of oil or oily mixtures resulting from damage to the ship, unavoidable leakage, any accident or exceptional circumstance.
- The discharges of residue arising from the purification or clarification of fuel or lubricating oil.
- The discharge of oil or oily mixtures from tank vessels of 150 gross tons or non-tank vessels of 400 gross tons.
- The internal transfer of oil between tanks during the voyage.

This information collection supports the following strategic goals:

Department of Homeland Security

- Prevention

Coast Guard

- Protection of the Natural Resources.

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

- Reduce the amount of oil and chemicals discharged into the marine environment.
- Reduce the consequences of pollution incidents.

2) Purpose of the information collection.

The Coast Guard uses the information recorded in the record book to verify compliance with MARPOL 73/78, and as a supplemental means of finding violations of APPS and MARPOL. The actual recording of information deters violations in the manner of an accounting standard, documenting the management of quantities of potential pollutants onboard the vessel in a manner which allows validation to occur through accuracy of the record and comparison to quantities of actual volumes of fluids onboard the vessel. Unless this information is recorded, the Coast Guard would have to rely on whistleblowers and/or on actual sightings of oil discharges for enforcement, making verification of compliance more difficult. While violations might still be found, many violations of the law could go undetected resulting in continued pollution of the sea by oil. Even with the ORB and the recordkeeping requirement, many violations go undetected. The written requirement just acts as one more deterrent.

3) Considerations of the use of improved technology.

To meet international treaty obligations and national compliance and enforcement requirements, the ORB

must be maintained and available in written (i.e., non-electronic) format. The ORB content has been standardized. The U.S. Government prints the ORB and makes it available, from the Coast Guard, to masters and operators of all U.S. vessels. The ownership of the ORB for all U.S. ships remains with the U.S. Government. For additional details about the ORB requirements, see Appendix A.

4) Efforts to identify duplication.

The Coast Guard monitors State and local regulatory activity in this field. To date, no equivalent state or local programs have been identified that require similar information, and no other Federal agencies have similar or equivalent regulatory requirements.

5) Methods used to minimize the burdens to small entities if involved.

This information collection does not have an impact on small businesses or other small entities.

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

Entries are recorded in the appropriate record books as soon as it is practical after the completion of each oil transfer operation in order to ensure the accuracy of the entry. If this information was recorded less frequently, it is possible that the person making the entry may enter incorrect information. Since the Coast Guard uses the information in the record books to enforce the APPS, it is imperative that the information be recorded accurately and in a timely manner. There is no requirement to submit the ORB to the Coast Guard. The ORB must be maintained aboard the vessel for three years.

7) Special collection circumstances.

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

8) Consultation.

A 60-Day Notice (See [USCG-2015-0756], November 19, 2015, 80 FR 72451) and 30-Day Notice (March 29, 2016, 81 FR 17469) were published in the Federal Register to obtain public comment on this collection. The Coast Guard has not received any comments on this information collection.

9) Provide any payment or gift to respondents.

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

10) Describe any assurances 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) Estimate of annual hour and cost burden to respondents.

- The total annual respondents are 1,672.
- The total annual responses are 684,784.
- The total annual burden hours requested is 28,536.
- The total annual cost is \$2,540,952.

The burden to respondents is provided in Appendix B. The wage rates used are in accordance with the current edition of COMDTINST 7310.1(series) for "Out-Government" personnel.

Oil Record Book (ORB): Each time a vessel conducts a transfer of oil, an ORB entry must be completed and kept. Completing an ORB entry constitutes a response. This requirement covers certain U.S. vessels that carry oil for fuel or cargo.¹ We estimate the annual frequency of responses varies by vessel type. We estimate that it will take vessel personnel about 2.5 minutes (0.04167 hours) to complete the entry (i.e., response). For U.S. Tank Ships, we estimate that the ORB entry will be completed by the Chief Engineer. For U.S. Tank Barges and U.S. Nontank Vessels, we estimate that the ORB entry will be completed by a tankerman or Second Engineer/Mate. The position of Chief Engineer is analogous to a Lieutenant Commander (O-4) and the position of a tankerman or Second Engineer/Mate is equivalent to a Chief Petty Officer (E-7).

13) Total of annualized capital and start-up cost.

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

14) Estimates of annualized cost to the Federal Government.

The annualized Federal Government cost estimate is \$13,300 (see Appendix C). The cost is based on 2 elements. First, the cost is based on Coast Guard personnel review of the ORB during periodic inspections, random boardings, and post-casualty investigations. We estimate that there will be approximately 1,000 ORB reviews per year and that a review will be conducted by a CG Lieutenant (O-3) taking about 5 minutes (0.08333 hours) per review. The wage rate shown is in accordance with the current edition of COMDTINST 7310.1(series) for "In-Government" personnel. Second, the cost is based on printing/storage/distribution costs of \$7,000 for the ORB.²

15) Explain the reasons for change in burden.

The change in burden is an ADJUSTMENT due to an increase in the estimated annual number of responses. There is no proposed change to the recordkeeping requirements of this collection. The methodology for calculating burden was revised to more accurately reflect the annual level of recordkeeping activity.

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 form (ORB) associated with this collection is prescribed by an international treaty (e.g., MARPOL) that the U.S. Government is signatory to. The addition of an expiration date to the ORB—that for OMB approval—may cause significant problems. First, it could cause huge enforcement problems since there would be evidentiary problems and an inability to enforce falsified records and recordkeeping captured on expired record books. Second, it could cause enforcement problems on U.S.-flag vessel owner/operators in foreign ports as well, leading to vessel delays and enforcement by foreign Port State Control. Third, it would cause enforcement problems on U.S.-flag vessel owner/operators in the United States if they are found with forms past the expiry date. Finally, these ORBs are not often updated and the requirement would be carried on indefinitely since it is the only way for the international maritime community to be able to verify compliance and enforce violations that may have occurred outside of their territorial seas. With an expiry date, there is a risk of being unable to fully and adequately meet the international obligations that the United States agreed to when it ratified the treaty when those forms expire. It is for these reasons that expiration date for OMB approval is not displayed on the ORB associated with this collection. Even if

¹ The regulation requires "each oil tanker 150 gross tons or above, ship of 400 gross tons and above other than an oil tanker, and manned fixed or floating drilling rig or other platform shall maintain an ORB Part I (Machinery Space Operations). An oil tanker of 150 gross tons and above or a non oil tanker that carries 200 cubic meters or more of oil in bulk, shall also maintain an ORB Part II (Cargo/Ballast Operations)," (33 CFR 151.25(a)).

² This is based on (a) printing costs of \$3,000, (b) distribution costs of \$2,000 and (c) general overhead cost of \$2,000 which includes warehouse storage, shipping, and handling costs (\$3,000 + \$2,000 + \$2,000 = \$7,000).

the OMB approval is for a particular span of time, the form must have an ability to be acceptable past that span of time in order to meet our obligations under the treaty.

18) 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.

Appendix A

Summary: This Appendix explains why the ORB must be in hard copy format.

Our international obligations are clear under the treaty to which we are party. A physical book is required to comply with the regulations under MARPOL 73/78. If the U.S. were to unilaterally utilize an electronic means to satisfy the regulation, our ships would be liable to fines and other sanctions when they visited the ports of signatory states to MARPOL 73/78, just as we would sanction a vessel in our waters that did not have an ORB.

To meet international treaty obligations and national compliance and enforcement requirements, the ORB must be maintained and available in written (i.e., non-electronic) format. The ORB content has been standardized. The U.S. Government prints the ORB and makes it available, from the Coast Guard, to masters and operators of all U.S. vessels. The ownership of the ORB for all U.S. ships remains with the U.S. Government.

Background:

AMENDMENTS TO THE ANNEX OF THE PROTOCOL OF 1978 RELATING TO THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973 (MARPOL 73/78) were adopted on 15 October 2004 and entered into force on 1 January 2007. Under MARPOL 73/78, the U.S. is obligated to provide an Oil Record Book for use on board those vessels to which the treaty applies. These requirements are found in Regulation 17 and Regulation 36 of MARPOL 73/78. These Regulations state:

Regulation 17

Oil Record Book, Part I - Machinery space operations

1 Every oil tanker of 150 gross tonnage and above and every ship of 400 gross tonnage and above other than an oil tanker shall be provided with an Oil Record Book Part I (Machinery Space Operations). The Oil Record Book, whether as a part of the ship's official log-book or otherwise, shall be in the Form specified in appendix III to this Annex.

...

6 The Oil Record Book Part I, shall be kept in such a place as to be readily available for inspection at all reasonable times and, except in the case of unmanned ships under tow, shall be kept on board the ship. It shall be preserved for a period of three years after the last entry has been made.

7 The competent authority of the Government of a Party to the present Convention may inspect the Oil Record Book Part I on board any ship to which this Annex applies while the ship is in its port or offshore terminals and may make a copy of any entry in that book and may require the master of the ship to certify that the copy is a true copy of such entry. Any copy so made which has been certified by the master of the ship as a true copy of an entry in the ship's Oil Record Book Part I shall be made admissible in any judicial proceedings as evidence of the facts stated in the entry.

Regulation 36

Oil Record Book, Part II - Cargo/ballast operations

1 Every oil tanker of 150 gross tonnage and above shall be provided with an Oil Record Book Part II (Cargo/Ballast Operations). The Oil Record Book Part II, whether as a part of the ship's official logbook or otherwise, shall be in the Form specified in appendix III to this Annex.

...

7 The Oil Record Book shall be kept in such a place as to be readily available for inspection at all reasonable times and, except in the case of unmanned ships under tow, shall be kept on board the ship. It shall be preserved for a period of three years after the last entry has been made.

8 The competent authority of the Government of a Party to the Convention may inspect the Oil Record Book Part II on board any ship to which this Annex applies while the ship is in its port or offshore terminals and may make a copy of any entry in that book and may require the master of

the ship to certify that the copy is a true copy of such entry. Any copy so made which has been certified by the master of the ship as a true copy of an entry in the ship's Oil Record Book Part II shall be made admissible in any judicial proceedings as evidence of the facts stated in the entry.

The International Maritime Organization (IMO), of which the U.S. is a member, is responsible for administration of international maritime treaties. Specifically, the Marine Environment Protection Committee (MEPC) of IMO is responsible for MARPOL 73/78. That Committee studied the feasibility of using electronic means to record the information required in the ORB. The MEPC made the following finding:

"10.40 The Committee concurred with the view of the Sub-Committee that, **with regard to the issue of electronic means to control oil discharges from ships**, while the use of electronic means to control oil discharges on board ships should be possible, **those means should not be intended as a replacement of the current Oil Record Book**, which had proved to be an effective way of controlling illegal discharges, **but rather** as a supplement to it, which could help reinforce compliance, and should only be fitted voluntarily." [emphasis added]

Our international obligations are clear under the treaty to which we are party. A physical book is required to comply with the regulations under MARPOL 73/78. If the U.S. were to unilaterally utilize an electronic means to satisfy the regulation, our ships would be liable to fines and other sanctions when they visited the ports of signatory states to MARPOL 73/78, just as we would sanction a vessel in our waters that did not have an ORB.

The information required to be in an ORB is not amenable to the use of improved information technology. The information required is particular to each vessel's oil cargo, fuel operation, and configuration. To meet international treaty obligations and national compliance and enforcement requirements, the ORB must be maintained and available in written (i.e., non-electronic) format. The ORB content has been standardized. The U.S. Government prints the ORB and makes it available, from the Coast Guard, to masters and operators of all U.S. vessels. The ownership of the ORB for all U.S. ships remains with the U.S. Government.

The CG regulations for ORB are found at 33 CFR 151.25 and can be accessed at the following: <http://www.gpo.gov/fdsys/pkg/CFR-2014-title33-vol2/pdf/CFR-2014-title33-vol2-sec151-25.pdf>.