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: VRP Express Search Tool, Instruction

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 33 CFR 155 subpart J.

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. Purpose of the information collection.

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 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. At this time, we estimate that 98% of reporting requirements are done electronically.

4. Efforts to identify duplication.

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. 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-2016-0262], May 9, 2016, 81 FR 28089) and 30-Day Notice (November 15, 2016, 81 FR 80083) 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 assurance of confidentiality provided to respondents.

There are no assurances of confidentiality provided to the respondents for this information collection. This information collection request is covered by the Homeport Internet Portal (Homeport) Privacy Impact Assessment (PIA) and System of Records Notice (SORN). Links to the Homeport PIA and SORN are provided below:

- https://www.dhs.gov/sites/default/files/publications/privacy_pia_uscg_homeport_20121116.pdf
- http://www.gpo.gov/fdsys/pkg/FR-2014-12-16/html/2014-29354.htm

11. Additional justification for any questions of a sensitive nature.

There are no questions of sensitive language.

12. Estimate of annual hour and cost burdens to respondents.

- The estimated number of annual respondents is 8,235.
- The estimated number of annual responses is 8,271.
- The estimated hour burden is 75,380 hours.
- The estimated cost burden is $6,451,933.

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. Additionally, the VRP Express has a Search Tool to allow individuals to find VRP data. We estimate that the tool is used 10 times per day and that it takes about 10 minutes (0.167 hours) to use. 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.

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

13. Total 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)[1] 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 3 FTE[2] 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[3] annually.

Summary: The Federal government cost is $4,600,400. A summary is found in Appendix F.

15. Explain the reasons for the change in burden.

The change in burden is an ADJUSTMENT. The decrease in burden is primarily due to a decrease in the estimated annual number of FRP respondents. The change is based on a new population screening criteria to eliminate duplicative and inactive bulk liquid waterfront facilities. The increase in responses is primarily due to the inclusion of responses related to the VRP Express Search Tool. The search tool feature allows the public to obtain VRP-related info via a webpage. The VRP Express Search Tool is new voluntary reporting element. The methodology for calculating burden remains unchanged. Also, the Coast Guard is suspending the use of CG-Form 6083 to review its functional necessity as part of our VRP acceptance and review process. Discontinuing the use of form CG-6083 is burden neutral, as planholder have always had the option to submit the same information by cover letter.

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

18. 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.

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[1] Assumed to be 2,000 hours per FTE for a Lieutenant (O-3) with wage rates (in-gov't) taken from COMDTINST 7310.1(series).

[2] Assumed to be 2,000 hours each for one Lieutenant Commander (O-4), one GS-13 and one E-6 with wage rates (in-gov't) taken from COMDTINST 7310.1(series).

[3] 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).