

**Supporting Statement
for
Facilities Transferring Oil or Hazardous Materials in Bulk --
Letter of Intent and Operations Manual**

OMB No.: 1625-0093
COLLECTION INSTRUMENTS: Instruction

A. Justification

1) Circumstances that make the collection necessary.

The Federal Water Pollution Control Act (FWPCA) requires the issuance of regulations to prevent the discharge of oil or hazardous materials from facilities. It also requires the monitoring, reporting, and recordkeeping regarding discharges of oil or hazardous materials by facilities. The authority for the requirements is 33 U.S.C. 1321.¹

The Letter of Intent regulations in 33 CFR 154.110 serves as the official notice from a facility operator to the Captain of the Port (COTP) that they intend to operate a facility.

The Operations Manual regulations in 33 CFR 154.300 through 154.325 establish procedures for facility personnel to follow when transferring oil or hazardous materials, in bulk, to or from a vessel in order to reduce the number of spills caused by human error or improper procedures. This collection applies to shore side facilities and does not apply to facilities operating in the Outer Continental Shelf. It also establishes procedures for facility personnel to follow in the event a spill occurs to control and mitigate the effects of the spill. Development of a new Operations Manual is a one-time occurrence whenever a new facility begins operation or a facility changes ownership. Amendments to manuals are used to ensure they are kept current.

This information collection supports the following strategic goals:

Department of Homeland Security

- Protection

Coast Guard

- Protection of Natural Resources

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

- 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.

The information in a Letter of Intent alerts the local Coast Guard COTP that a facility will be transferring oil or hazardous materials in their area of operational responsibility. Generally, a Letter of Intent is required whenever a new facility is built, a closed facility is reopened for operation, or an existing facility changes ownership.

The information in an Operations Manual is used by the COTP to ensure that facility personnel follow proper and safe procedures for transferring oil or hazardous materials and to ensure facility personnel follow proper and safe procedures for dealing with any spills that occur during a transfer. Existing Operations Manuals are updated periodically by amendments to ensure they are kept current, i.e., to reflect changes in personnel and telephone number listings and when a significant change in the facilities operation occurs.

¹ The specific statutory authority is 33 U.S.C. 1321(j)(1)(C) and (D), (j)(6) and (m)(2).

The Letter of Intent, Operations Manual, and any amendments, must be retained for the life of the facility as it is used in the daily operations at the facility.

3) Consideration of the use of improved technology.

The required information is unique to each applicant. We² estimate that 100% of the reporting and recordkeeping requirements can be done electronically. At this time, we estimate that approximately 25% of the responses are submitted electronically.

4) Efforts to identify duplication.

This information is specific to each operation. No other similar Federal requirement exists.

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

Large corporations own the majority of the facilities covered by these regulations. Requirements for small entities are generally proportionately less due to the smaller amount of equipment and reduced number of personnel involved at the smaller facilities.

The actual amount of information required to be in the Letter of Intent is limited to the name, address and telephone number of the facility owner and operator and other readily accessible information about the facility. Also, when reviewing an Operations Manual or any amendments, COTPs are required to consider the size, complexity and capability of the facility.

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

The Letter of Intent is only required to be submitted once, unless the facility changes ownership. The information in the Letter of Intent is not collected in any other form. If the COTP did not have the information about the facility operator contained in the Letter of Intent it would be difficult to contact key personnel in the event of a spill or other emergency involving the facility.

The information in an Operations Manual is collected once when a facility enters into the business of transferring bulk oil or hazardous materials to or from vessels, or when a facility changes ownership. If this information was not collected, the COTPs would be severely restricted in their ability to ensure bulk oil and hazardous materials were being transferred in a safe and proper manner.

Operations Manual Amendments are collected when submitted by industry and are usually editorial changes to personnel or phone number listings. If the Operations Manual were not kept current it would lose its effectiveness because the information it contains would be incorrect or obsolete.

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-2016-0915], November 29, 2016, 81 FR 85990) and 30-Day Notice (July 19, 2017, 82 FR 33138) 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.

² The term "we" refers to the Coast Guard.

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 Marine Information for Safety and Law Enforcement (MISLE) Privacy Impact Assessment (PIA) and System of Records Notice (SORN). Links to the MISLE PIA and SORN are provided below:

- https://www.dhs.gov/sites/default/files/publications/privacy_pia_uscg_misle.pdf
- <https://www.gpo.gov/fdsys/pkg/FR-2009-06-25/html/E9-14906.htm>

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

There are no issues of a sensitive nature involved in this information collection.

12) Estimates of annual hour and cost burdens to respondents.

- The estimated number of annual respondents is 300.
- The estimated number of annual responses is 518.
- The estimated hour burden is 21,803 hours.
- The estimated cost burden is \$2,332,921.

The burden to respondents is provided in Appendix A. Respondents are oil or hazardous materials transfer facilities that submit a Letter of Intent, Operations Manual or Operations Manual amendment. The wage rate used is in accordance with the current edition of COMDTINST 7310.1(series) for "Out-Government" personnel.

We estimate that it takes two (2.0) hours per Letter of Intent submission³ and that a submission is done by a shore side technical specialist. The position of a shore side technical specialist is equivalent to a Lieutenant (LT, O-3).

We estimate that it takes 115 hours per Operations Manual submission and that a submission is done by a shore side technical specialist. The position is equivalent to a LT.

We estimate that it takes 16 hours per Operations Manual amendment submission and that the work is done by a shore side technical specialist. The position of is equivalent to a LT.

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.

The annualized Federal Government cost is \$118,059. We estimate that it takes a Coast Guard member about 30 minutes (0.5 hours) to conduct a Letter of Intent review, two (2.0) hours to conduct an Operations Manual review, and one (1.0) hour to conduct an Operations Manual amendment review. As a broad range of Coast Guard personnel may conduct these reviews, we simplify the calculations by assuming the reviews are done by a Lieutenant Junior Grade (LTJG, O-2). The wage rate used is in accordance with the current edition of COMDTINST 7310.1(series) for "In-Government" personnel.

15) Explain the reasons for the change in burden.

³ We assume that the number of annual Letter of Intent submissions is equal to the number of annual Operations Manual submissions.

The change in burden is an ADJUSTMENT due to a change (i.e., decrease) in the estimated annual number of responses. There is no proposed change to the reporting and recordkeeping requirements of this collection. The reporting and recordkeeping requirements remain unchanged.

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

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.