

Supporting Statement

for

STATE ACCESS TO THE OIL SPILL LIABILITY TRUST FUND FOR REMOVAL COSTS UNDER THE OIL POLLUTION ACT OF 1990

OMB No.: 1625-0068

COLLECTION INSTRUMENTS: Instruction

A. Justification.

1. Circumstances making information collection necessary.

These requirements are necessary to implement Section 1012(d) of the Oil Pollution Act of 1990 (OPA). This section allows Cooperative Agreements with states to reimburse them for expenses incurred responding to small oil spills, which cost less than \$250,000 to remove. Reimbursement is from the Oil Spill Liability Trust Fund (OSLTF) established by OPA. States that elect to enter into a Cooperative Agreement are required to document their expenses the same way as Federal agencies. This ensures fair, reasonable, and timely reimbursement to states as well as adequate documentation to the National Pollution Funds Center (NPFC) necessary for subsequent billing and cost recovery from the spiller of the oil. The authority for this collection is 33 USC 2712.

2. Purpose and use of information collected.

The information provided by the State to the NPFC is used to determine whether expenditures submitted by the State to the OSLTF are compensable, and, where compensable, to ensure the correct amount of reimbursement is made by the OSLTF to the State. If the information is not collected, the USCG and NPFC will be unable to justify the resulting expenditures, and thus unable to recover costs from the parties responsible for the spill when they can be identified.

3. Use of Electronic Collection.

Electronic information collection is not practical for this information collection effort since each case/spill represents unique parties and circumstances.

4. Efforts to identify duplication.

The statutes and regulations concerning oil spill cost documentation were reviewed. There is no evidence that this collection of information duplicates any other efforts by either this agency or another Federal Agency.

5. Minimizing the burden on small entities.

This collection effort involves only state governments. No small entities are involved.

6. Consequences of less frequent collection.

This agency would be unable to substantiate expenditures for specific spills. Each collection of information is incident-specific, as it results from removal activities associated with an individual oil spill.

7. Special collection circumstances.

This request for approval does not involve any special circumstances that would require collection of information to be conducted in a manner inconsistent with 5 CFR 1320.6.

8. Outside consultation for this collection effort.

The NPFC consulted with representatives from the States at regional meetings held in 1991 and 1992, while the interim rule was being developed. After the Interim Rule was published, the public was given additional opportunity to comment. Those comments are in the Docket for the Interim Rule and will be considered by the Coast Guard as it drafts the Final Rule.

A 60-Day Notice (See [USCG-2018-0135], March 2, 2018, 83 FR 9012) and 30-Day Notice (May 15, 2018, 83 FR 22509) 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. Payments or gifts to respondents.

No payment or gift to respondents is provided.

10. Confidentiality issues.

The information collected will be handled in accordance with agency policy, which ensures Freedom of Information Act and Privacy Act requirements are followed in the custody of information.

11. Questions of a sensitive nature.

No questions of a sensitive nature are asked.

12. Burden-hours.

Adjustments- based on historical patterns for last twenty years.

Number of Incidents	1
<u>Hours/Incident</u>	<u>3</u>
Total Hours	3

Components of Burden

1. Maintain daily records of contractor, consultant, and leased equipment costs. (1 hour)
2. Maintain daily records of state employees and equipment used on the response.

(15 Min.)

3. Maintain records of materials and expendable supplies purchased each day.

(1 hour)

4. Submit a copy of above records with a one page summary of all costs. Upon request, make these records available for inspection by the NPFC. (45 Min.)

13. Burden-cost to respondents.

The estimated cost to State Governments is estimated at \$336 per incident. This assumes a mix of time, predominately clerical, but with some supervisory and managerial time to review records and the cost summary submitted to the NPFC.

Actual Cost: 1 incident * 3 hours/incident * \$112/hour = \$336 per incident.

14. Cost to Federal Government.

To assess the cost of government effort, we used an employee rate of \$90/hr, which is the in-government hourly rate for GS-13 personnel, as listed in the Coast Guard's most recent Standard Rates Instruction, COMDTINST 7310.1R.

Actual Cost: 1 incident * 1 hour/incident * \$90/hour = \$90.

15. Reasons for Adjustments To Reporting in items 13 or 14.

There are no changes to the burden or information associated with this collection. The burden-cost to respondents and the cost to the Federal government were updated to reflect 2018 dollars. From a practical standpoint, the States have not chosen to use this method of paying for oil spill responses. Accordingly, it is appropriate to report based on actual occurrences.

16. Published results.

The information collected will not be published.

17. Display of OMB Date of Approval.

OMB information will be displayed.

18. Explanation of any exceptions.

No exceptions are requested.