

**Supporting Statement
for
Waste Management Plans, Refuse Discharge Logs,
Letters of Instruction for Certain Persons-in-Charge (PIC) and
Great Lakes Dry Cargo Residue Recordkeeping**

[w/ proposed changes per USCG-2018-0493; RIN 1625-AC50]

OMB No.: 1625-0072
COLLECTION INSTRUMENTS: Instruction

A. Justification.

1) Circumstances that make the collection of information necessary.

This collection is a combination of the following four information requests.

- (a)** Waste Management Plans.
- (b)** Refuse Discharge Logs.
- (c)** Letter of Instruction for Persons-in-Charge (PIC) on Vessels.
- (d)** Dry Cargo Residue (DCR) Recordkeeping

(a) and (b) The International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 (MARPOL 73/78) and codified in 33 U.S.C. §§ 1901-1909 requires that the Secretary of the Department in which the Coast Guard is operating to prescribe regulations for refuse record books and waste management plans. The regulations are in 33 CFR Part 151.55 and 151.57 respectively.

(c) The Letter of Instruction's contents should verify the PIC's credentials, stating that the holder has received sufficient formal instruction from the owner, operator, or agent of the vessel, as required by 33 CFR 155.710(e)(2) and 155.715.

(d) DCR Recordkeeping and Management Plan apply to Great Lakes vessels that discharge bulk dry cargo residue, per 33 CFR 151.66.

The statutory authority for the above are found in 33 U.S.C. 1225, 1231, 1321, and 1901 through 1909.

2) Purposes of the information collection.

(a) Vessel operators of U.S. oceangoing ships, 40 feet or more in length, engaged in commerce or equipped with galleys and berths are required to develop waste management plans. The purpose of a waste management plan is to prevent the discharge of waste, including plastics, into water. These plans are used to determine whether a ship is in compliance with MARPOL 73/78 Annex V.

(b) Vessel operators of U.S. oceangoing ships of 400 gross tons or more, and U.S. ships involved on international voyages carrying 15 passengers or more, are required to maintain refuse record books. Refuse record books (discharge logs) are used to document waste discharges from the ships. These are also used to determine whether a ship is in compliance with MARPOL 73/78 Annex V. If noncompliance is indicated, these records may serve as evidence that a ship has violated discharge restrictions.

(c) To ensure that fuel transfer competency standards are met, all persons in charge (PICs) on inspected and uninspected vessels may carry a Letter of Instruction if they do not hold a Coast Guard issued credential.

(d)(1) DCR recordkeeping requires foreign carriers conducting bulk dry cargo operations on the U.S. waters of the Great Lakes, and U.S. carriers conducting those operations anywhere on the Great Lakes, to record data about:

- Cargo handled;
- Shoreside facilities involved in loading and unloading;
- Control measures used by the facility or vessel to reduce the accumulation of DCR (and hence the volume of DCR needing discharge);
- Time needed to implement control measures;
- Estimated volume of DCR resulting from each loading or unloading; and
- Date, time, vessel location, and speed during each discharge.

Carriers enter and maintain this data in any format that is easily available to the vessel master. The information is kept aboard the vessel for a minimum of two years.

This data provides a comprehensive picture of what causes DCR accumulation, the conditions under which DCR is swept overboard, the volume of DCR being discharged into the Great Lakes, and the efficacy of control measures in minimizing DCR accumulation. This data is essential to monitor and respond to future trends in Great Lakes DCR discharges.

(2) U.S. vessels conducting bulk dry cargo operations anywhere in the Great Lakes are required to develop a management plan that describes vessels' procedures for minimizing DCR. Foreign carriers of bulk dry cargo operating in U.S. waters of the Great Lakes are required to modify their current waste management plan to accommodate the DCR requirements. The management plan must document:

- Equipment onboard the vessel that is designed to minimize bulk dry cargo spillage during loading and unloading;
- Equipment onboard the vessel that is available to recover spilled cargo from the decks and transfer tunnels and return it to the holds or to unloading conveyances;
- Operational procedures employed by the vessel's crew during the loading or unloading of bulk dry cargoes to minimize cargo spillage onto the decks and into the transfer tunnels and to achieve and maintain the broom clean deck condition;
- Operational procedures employed by the vessel's crew during or after loading or unloading operations to return spilled bulk dry cargo residue to the vessel's holds or to shore via an unloading conveyance;
- How the vessel's owner or operator ensures that the vessel's crew is familiar with any operational procedures described by the plan;
- The position title of the person onboard who is in charge of ensuring compliance with procedures described in the plan;
- Any arrangements between the vessel and specific ports or terminals for the unloading and disposal of the vessel's bulk dry cargo residues ashore; and
- The procedures used and the vessel's operating conditions to be maintained during any unavoidable discharge of bulk dry cargo residue into the Great Lakes.

Foreign vessel carriers do not have to comply with all requirements in the management plan, since they can prolong most of their DCR management until they reach international waters, at which time they are not be affected by U.S. regulations.

The management plan provides a prescriptive mean by which the industry is afforded the capabilities of policing themselves to achieve the best possible and economically feasible practice that will minimize the amount of DCR discharge that can potentially find its way into the waters of the Great lakes. The management also provides the Coast Guard with the means to monitor vessel's DCR minimization practices by comparing management plan to observable DCR minimization done on the vessel.

3) Consideration of the use of improved information technology.

(a) We believe that most waste management plans and related materials can be recorded electronically.

(b) and (c) Not applicable. To meet international treaty obligations and national compliance and enforcement requirements, the logs and Letter of Instruction must be maintain and available in written (i.e., non-electronic) format.

(d) We believe that most DCR recordkeeping can be recorded and maintained electronically onboard the vessel.

We estimate that 60% of the recordkeeping requirements can be done electronically. At this time, we estimate that 25% is done electronically.

4) Efforts to identify duplication.

There are no State or local regulations relating to this issue. No similar information collection is conducted by other Federal agencies. Similar information does not exist.

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

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

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

(a) Written waste management plans ensure personnel responsible for the handling of ship generated refuse are aware of the garbage pollution regulations and that waste is handled aboard the ship in a consistent manner. If this information were not recorded, vessel personnel would be unfamiliar with waste handling procedures, which might result in the unintentional disposal of garbage in violation of the regulations. This information is a one-time requirement and revised whenever waste handling procedures are modified.

(b) This information is collected whenever applicable ships discharge garbage. If recordkeeping were required less frequently, the Coast Guard would not be able to use these records as an enforcement tool. Less frequent recordings of disposal/discharge operations would also hinder the Coast Guard's ability to accurately evaluate the level of compliance among ships with MARPOL 73/78 Annex V discharge restrictions. Lastly, if the crew is not held accountable for documenting every disposal/discharge operation, the recordkeeping process will no longer be an effective tool to promote knowledge of discharge regulations and awareness of waste handling practices on the ship.

(c) If information was submitted or recorded less frequently, no assurance could be given that vessels are operating within the applicable requirements that ensure marine safety.

(d) If the DCR loading, unloading, or discharge operation data were recorded less frequently, the Coast Guard would expect the data to be less accurate, and this would reduce our ability to enforce compliance with the conditions under which DCR discharges are permitted in the Great Lakes, as well as our ability to monitor and respond to long term developments in DCR discharge practices.

7) Special collection circumstances.

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

8) Consultation.

The Coast Guard published on August 14, 2019, a Notice of Proposed Rulemaking (NPRM) entitled "Person in Charge of Fuel Transfers" [USCG-2018-0493; RIN 1625-AC50; 84 FR 40329]. The rulemaking proposed to—

- amend the requirements regulating personnel permitted to serve as a person in charge (PIC) of fuel oil transfers on an inspected vessel by adding the option of using a letter of designation (LOD) in lieu of a Merchant Mariner Credential (MMC) with a Tankerman-PIC endorsement. Thousands of towing vessels are currently transitioning from being uninspected vessels to becoming inspected vessels. This proposal would allow a PIC currently using the LOD option on one of those uninspected vessels to continue to use that option to perform the same fuel oil

transfers once the vessel receives its initial Certificate of Inspection. Under this proposal, obtaining a MMC with a Tankerman-PIC endorsement would become optional for PICs of fuel oil transfers on inspected vessels.

9) Provide any payments or gifts 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 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 questions of sensitive language.

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

- The estimated number of annual respondents is 10,972.
- The estimated number of annual responses is 1,348,752.
- The estimated hour burden is 116,639 hours.
- The estimated cost burden is \$12,696,366.

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

Notes on Appendix A, Table 12.1, the Waste Management Plan element of this collection. We estimate:

- a. that these plans will be modified, on average, once every five years. The estimated number of responses is therefore 20 percent of the universe of potential respondents (number of vessels required to maintain a waste management plan). Modifying a plan takes about 1 hour.
- b. that, on average, one percent of the population consists of new vessels, requiring the creation of a new waste management plan. Creating a new plan takes about 2.5 hours.
- c. that a shoreside technical specialist is responsible for creating or modifying the Waste Management Plan, and that the specialist is analogous with a Lieutenant (LT, O-3).

Notes on Appendix A, Table 12.2, the Refuse Discharge Log element of this collection. We estimate:

- a. that each log entry will take about 5 minutes (0.08 hours) to complete.
- b. that a ship's officer is responsible for making the log entry, and that the officer is analogous to a LT.

Notes on Appendix A, Table 12.3, the PIC Letter of Instruction element of this collection. We estimate:

- a. that each vessel will be required to maintain two designated PICs.
- b. that this element is performed only once during an individual's period of employment, the number of responses is assumed to match the rate of attrition (turnover), estimated at 30 percent.
- c. that each letter will take about 10 minutes (0.167 hours) to create.
- d. that a shoreside representative is responsible for drafting the Letter of Instruction, and that the representative is analogous to a Lieutenant Junior Grade (LTJG, O-2).

Notes on Appendix A, Table 12.4, the DCR recordkeeping element of this collection. We estimate:

- a. that each recordkeeping entry will take 5 minutes (0.08 hours) to complete and each Master/Captain Certification will take 5 minutes (0.08 hours) to complete.

- b. 160 records/certifications per year for each U.S. vessel, 80 per year for each Canadian vessel, and 40 per year for each non-Canadian foreign vessel.
- c. that the individual responsible for making the recordkeeping entry and certification is analogous to a GS-13.
- d. that for U.S. companies it will take a company about 25 hours to develop and distribute a new DCR management plan to each of their vessels. For a foreign vessel, we estimate it will take about 2 hours to amend a waste management plan to meet the DCR requirements.
- e. that for the U.S. population, we anticipate the individual developing the management plan is commensurate with that of a GS-12. For the foreign population, we anticipate that the individual amending the waste management plan to meet the requirements of the DCR management plan is commensurate with that of a GS-12.
- f. that since the DCR requirements were published in 2014, there is no change in the number of U.S. and Canadian Great Lakes companies and vessels, and there is a 50% change each year in the non-Canadian foreign vessels that operate on the Great Lakes. For this ICR, we estimate that a new DCR management plan is needed by 0% of U.S. companies, 0% of Canadian companies, and 50% of non-Canadian foreign vessels.

13) Total 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 estimated annual Federal Government cost is \$8,690 (see Appendix B). There is no reporting requirements for this collection. Instead, Coast Guard personnel review these documents during periodic inspections, random boardings, and post-casualty investigations, in conjunction with other vessel documentation and equipment. We estimate that a LT or Chief Warrant Officer (W-3) will conduct reviews on 10% of the respondents each year. Each review would take about 6 minutes (0.1 hours).

15) Reasons for the change in burden.

The change in burden is a PROGRAM CHANGE due to the 1625-AC50, Person in Charge of Fuel Transfers rulemaking. The methodology for calculating burden 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) Explain each 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.