

**Supporting Statement
for
Plan Approval and Records for
U.S. and Foreign Tank Vessels Carrying Oil in Bulk**

OMB No.: 1625-0036
COLLECTION INSTRUMENTS: Instruction

A. Justification.

1) Circumstances that make the collection of information necessary.

Title 46 U. S. Code (U.S.C.) 3703 provides the Coast Guard with general authority to regulate the design, construction, alteration, repair, maintenance, operations and equipping of vessels carrying oil in bulk. Title 46 U.S.C. 3703a requires that new tank vessels carrying oil be fitted with double hulls. Title 46 U.S.C. 3705-3707 prescribes minimum standards for design, construction and equipment for crude oil tankers and product tankers. These regulations state that vessels must be equipped with segregated ballast tanks (SBT), dedicated clean ballast tanks (CBT), or crude oil washing (COW). Title 46 U.S.C. 3710-3711 requires a Certificate of Inspection (COI) for each U.S. vessel, or a Certificate of Compliance for each foreign vessel, to indicate compliance with the regulations issued under Chapter 37 of 46 U.S.C. as a condition of operation. All collections of information in 33 CFR Part 157 pertaining to these requirements are outlined in detail in Appendix A.

The statutory authority for the requirements are 33 U.S.C. 1903, 46 U.S.C. 3703, 3703a, 3705, 3706, 3707, 3710 and 3711.

2) Purposes of the information collection.

General – Requirements for Classification Societies

Under the provisions of 33 CFR 157.04, the Coast Guard may authorize classification societies to perform certain plan reviews, certifications and inspection functions on the vessels they classify. The purpose of the application is to ensure that the classification society has sufficient information available to properly certify compliance with the Coast Guard standards and that information regarding the vessel will, if necessary, be available to the Coast Guard. The Coast Guard also requires the submission of copies of all the plans, calculations, records of inspections, and other documents used by the classification societies.

Submission of Plans, Technical Information and Operating Manuals

Current regulations covering both U.S. and foreign tank vessels carrying oil in bulk are outlined in 33 CFR Part 157. To show that a new U.S. or foreign vessel complies with the double-hull, SBT, CBT and COW requirements, it must submit the following documentation before it enters the navigable waters of the United States or the U.S. Exclusive Economic Zone:

- Calculations to substantiate compliance with the tank arrangement and size requirements under Section 157.19, or a letter from the government of the vessel's flag state that certifies compliance with:
 - a. Section 157.19, OR
 - b. Regulation 24 of Annex I of the International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL).
- Plans and calculations to substantiate compliance with applicable segregated ballast and double hull requirements in Sections 157.09, 157.10, 157.10a, 157.10b, or 157.10d, or certification from the government of the vessel's flag state that the vessel complies with the segregated ballast and double hull requirements in:
 - a. Sections 157.09, 157.10, 157.10a, 157.10b, or 157.10d, as applicable; OR
 - b. For a vessel to which Section 157.10d does not apply, Regulations 13 and 13E of MARPOL.

A majority of the requirements for both U.S. and foreign tank vessels are similar and we discuss them together where overall requirements, recordkeeping, appeals and exemptions address both U.S. and foreign tank vessels. We discuss the two separately where the specific requirements for COW and CBT are outlined, as seen below.

A. U.S. Tank Vessels

This information is required to determine if a vessel's construction, arrangement and/or equipment meet the applicable standards in 33 CFR Part 157. While the regulations presently require the information to be submitted to the Coast Guard for approval, the Coast Guard recognizes that classification societies may, in some instances, perform essentially the same review for classification purposes.¹

In those instances where the Coast Guard receives information for technical review (because the vessel owner chooses to use the documentation from a classification society or because the Coast Guard/classification society agreements do not cover the particular information), the plans submitted would normally be developed by a shipyard or equipment manufacturer for fabrication and/or operation of the vessel and its equipment. All such submissions are nonrecurring; they are normally made during vessel construction. Duplicate sets of plans are not required when more than one vessel is built to the same plans.

If this information were not required, compliance could still be determined by detailed inspections after completion. However, such inspections would be labor intensive (both to the Coast Guard and to vessel owners) and could result in costly modifications being required and associated delays to the vessels involved, but by submitting plans for review prior to vessel construction, the vessel owner is assured that the vessel's design substantially complies with the applicable standards prior to fabrication. Specific requirements for the submission of plans, technical information and operating manuals are contained in:

- 33 CFR 157.24 and 157.24a (Submission of calculations, plans and specifications)
- 33 CFR 157.10b(d) (Application for special ballast arrangement)
- 33 CFR 157.100, 157.108, 157.144, 157.146, 157.148, 157.150 (Requirements for crude oil washing)
- 33 CFR 157.200, 157.206, and 157.218 (Requirements for dedicated clean ballast systems)

B. Foreign Tank Vessels

The owner, operator, or master of a new foreign tank vessel is, as described above, subject to the specific requirements for the submission of plans, technical information, and operating manuals contained in:

- 33 CFR 157.24, 157.24a (general)
- 33 CFR 157.102, 157.110, 157.147, 157.148 and 157.150 (COW requirements for foreign tank vessels)
- 33 CFR 157.202, 157.208, 157.218 (dedicated clean ballast tanks for foreign tank vessels)

Each and every new foreign vessel must submit evidence that it complies with the double-hull, segregated-ballast, crude-oil-washing-system, and/or dedicated-clean-ballast-tank requirements before operating in U.S. waters and entering U.S. ports. According to the Coast Guard's MISLE database, 100% of the new foreign vessels are flagged in countries that comply with Annex I/II of MARPOL 73/78.

Consequently, we expect all new vessels will have letters or documents from their governments or classification societies specifying compliance with equipment and construction requirements. In recent years, the Coast Guard has begun to rely more on classification societies to validate ship plans. Thus as long as the vessel's SOLAS documentation is valid and/or they are certified by a recognized classification society the Coast Guard's inspecting official will usually write the Certificate of Compliance during an

¹ To eliminate duplication of efforts, the Coast Guard has issued three Navigation and Vessel Inspection Circulars (NVICs), "Guidance for Enforcement of the Requirements of the Port and Tanker Safety Act of 1978 (PTSA) Pertaining to SBT, CBT, COW, IGS, Steering Gear, and Navigation Equipment for Tank Vessels," (NVIC 1-81, CH-1), "Acceptance of Plan Review and Inspection Tasks Performed by the American Bureau of Shipping (ABS) for New Construction or Major Modification of U. S. Flag Vessels" (NVIC 10-82, CH-2), and "The Alternate Compliance Program (ACP)" (NVIC 2-95, CH-3), that indicate those areas where Coast Guard Officers in Charge, Marine Inspection, should accept documentation from classification societies as evidence of compliance.

onboard inspection. As such, the burden hours to the vessel and the government only consist of the period of time that an average vessel inspection takes.

Recordkeeping

All tank vessels, both U.S. and foreign

The Coast Guard has found that it is administratively necessary to provide letters to the vessels indicating compliance with certain of the various standards. Those letters must be maintained on board the vessel for enforcement purposes. This is because technical review of a vessel's plans may precede by several months the inspection of the vessel and final approval (if required) of the systems, and/or amendment of the Certificate of Inspection for a U.S. tank vessel, or a Certificate of Compliance for a foreign tank vessel. Specific requirements for documentation are designed to ensure that sufficient information is provided to vessel personnel for the safe and proper operation of the vessel and its required equipment. As such, an instruction manual is required to be available on board.

- 33 CFR 157.23, 157.49.
- 33 CFR 157.116, and 157.118 to indicate approval or design compliance of COW system.
- 33 CFR 157.214, and 157.216 to indicated approval or design compliance of CBT.
- 33 CFR 157.310(e) and 157.310(f), evidence of exemption from the standards as allowed by 33 CFR 157 Subpart F.

If this information were not available Coast Guard inspection personnel would not be assured that the technical aspects of the required systems were satisfactory prior to conducting vessel inspections.

Appeals

All tank vessels, both U.S. and foreign

These regulations provide a means of appealing requirements or applying for waivers or exemptions from the regulatory standards or requirements. These are "on occasion" reports. They must be made in writing except that provision is made for an initial oral appeal if the delay involved in presenting a written appeal would have an adverse impact on the appellant. Provisions for such reports are contained in:

- 33 CFR 157.06 for appeal of any decision made by the Coast Guard under 33 CFR Part 157. The appeal is initially made to the Coast Guard official who made the decision.

Exemptions

All tank vessels, both U.S. and foreign

Applications for exemption from the rules are permitted and outlined in:

- 33 CFR 157.302, which allows for application for exemption from the requirements for CBT, SBT, or COW as provided by 46 U.S.C. 3709. The application is made only one time per vessel.

If this information were not collected, administrative appeal of Coast Guard decisions would be hampered.

3) Consideration of the use of improved information technology.

Information may be submitted in writing or electronically via e-mail, to the CG Officer in Charge, Marine Inspection (OCMI) at the local Sector Office, or the CG Marine Safety Center (MSC). Contact info for CG OCMI's can be found at— <https://www.uscg.mil/Units/Organization/>. For information on submitting information to the CG MSC, go to— <https://www.dco.uscg.mil/msc>. We estimate that 100% of the reporting requirements can be done electronically. At this time, we estimate that 90% of responses are collected electronically.

4) Efforts to identify duplication.

The Coast Guard is the only Federal agency that requires or collects this information from foreign and U.S. ships. In cases where a foreign vessel is duly certified as meeting an equivalent international standard, plan submission is not required. The regulations contain procedures for Coast Guard acceptance of certification by flag States or classification societies. This decreases the paperwork submitted to the Coast Guard.

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.

The information collections specified above are on-occasion, required prior to initial issuance of a Certificate of Inspection or Certificate of Compliance, or as the need arises. They are generally one-time submissions on a per-vessel basis. If the data were collected less frequently, the Coast Guard would not be assured that U.S. and foreign tank vessels operating in U.S. waters comply with the applicable standards.

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 was published in the Federal Register to obtain public comment on this collection (See [USCG-2021-0741]; October 5, 2021, 86 FR 54993) and 30-Day Notice (January 11, 2022, 87 FR 1431) 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 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 10,737.
- The estimated number of annual responses is 10,897.
- The estimated hour burden is 2,497 hours.
- The estimated cost burden is \$179,784.

The burden to respondents is provided in Appendices B through D.² We estimate that each reporting or recordkeeping requirement is done by a Technical Specialist. For the wage rate, we used the Bureau of Labor Statistics (BLS) wage rate for Marine Engineers and Naval Architects (17-2121) [May 2020, mean hourly wage, loaded 50%, and rounded].³

Requirements for classification societies.

² Figures in tables may be rounded.

³ <https://www.bls.gov/oes/2020/may/oes172121.htm>

The Coast Guard estimates that classification societies perform 75% all reviews, certifications and inspections that relate to the requirements in this submission. We assume it takes approximately an hour for the classification societies to make copies to submit to the Coast Guard. The list of class societies delegated authorizations by the Coast Guard is at this [LINK](#).

Submission of plans, technical information or operating manuals.

U.S. Tank Vessels: Plan submissions are made during vessel construction or prior to a vessel modification. From informal contacts with the industry it has been determined that the incremental burden of preparing an additional copy of a plan or manual for submission to the Coast Guard (plans are normally submitted by the shipyard or design agent to the vessel owner, and additional copies are made for distribution within the shipyard, etc.) is approximately 1 hour. An hour is assumed for vessels approved by classification societies and for those approved by the Coast Guard, since it is an overall average of the time needed.

Foreign Tank Vessels:

Each and every new foreign vessel must submit evidence that it complies with the double-hull, segregated-ballast, crude-oil-washing-system, and dedicated-clean-ballast-tank requirements before operating in U.S. waters and entering U.S. ports. We estimate that 100% of the new foreign vessels are flagged in countries that comply with Annex I/II of MARPOL 73/78. Consequently, we expect all new vessels will have letters or documents from their governments or classification societies specifying compliance with equipment and construction requirements.

Classification societies validate ship plans. Thus, as long as the vessel's SOLAS documentation is valid and/or they are certified by a recognized classification society, the Coast Guard's inspecting official will usually write the Certificate of Compliance during an onboard inspection. As such, the burden hours to the vessel and the government consist primarily of the time period that an average vessel inspection takes and we estimate it to take approximately 1 hour per vessel total.

Recordkeeping requirements to ensure availability of information to vessel operating personnel.

These recordkeeping requirements are for maintaining instructions or operating manuals on board a vessel, and to retain evidence of compliance with regulatory standards; none require the periodic tabulation of data. We estimate approximately 12 minutes (0.20 hours) are taken per recordkeeping item.

Appeals and Exemptions

Appeals, exemption requests and waivers are made "on occasion," as determined by the appellant. It is assumed that the preparation of an appeal requires approximately 4 hours, and the preparation of an exemption request requires about 8 hours. The Coast Guard estimates there will be one appeal annually and no applications for exemptions.

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 annual Federal Government costs.

The estimated annual Federal government cost is \$303,310 (see Appendix E).⁴ We estimate that each review is done by a Lieutenant Commander (LCDR, O-4). For the wage rate, we used the current edition of COMDTINST 7310.1(series) for "In-Government" personnel. The cost comprises:

- 1) The cost of reviewing the plans and documents relating to CBT, COW, double hull, etc. submitted to the Coast Guard for approval, and

⁴ Figures in table may be rounded.

2) The cost of checking documents submitted to the Coast Guard for all other vessels approved by the classifications societies.

The cost of the FIRST component is determined by deriving the cost to the Coast Guard for processing a single plan submitted for technical review, and estimating the number of plans to be submitted for review under this supporting statement. Since the Coast Guard has, under the provision of 33 CFR 157.04, delegated the plan review required by the applicable regulations to classification societies, the classification societies now review approximately 75% of all plans. Coast Guard's Marine Safety Center (MSC)—which conducts all the reviews—estimates that it takes approximately 10 hours per review for a new vessel. The SECOND component is smaller since only some parts of the review are checked as it has already been approved by a classification society, and takes approximately 5 hours per vessel.

In addition, we estimate it takes the Coast Guard about 40 hours to review and process each appeal or exemption request.

15) Reasons for the change in burden.

The change in burden is an ADJUSTMENT due to a change (i.e., increase) in the estimated annual number of respondents. There is no proposed change to the reporting and recordkeeping requirements of this collection. The reporting and recordkeeping requirements, and the methodology for calculation 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.