

**Supporting Statement
for
Requirements for Lightering of Oil and Hazardous Material Cargoes,
and Advance Notice of Transfer**

*OMB No.: 1625-0042
COLLECTION INSTRUMENTS: CG-4020 and Instruction*

A. Justification

1) Circumstances that make the collection of information necessary.

The Port and Tanker Safety Act of 1978 (Pub. L. 95-474, October 17, 1978) amended the Tank Vessel Act. The Act required the Secretary¹ to develop regulations for the lightering of oil and hazardous materials which take place in the navigable waters of the U.S. or the high seas if the cargo is destined for a port or place subject to the jurisdiction of the United States. The requirements of the lightering provision are in Title 33 CFR 156.200-330. The requirements for Ship-to-Ship (STS) Operations are in 33 CFR 156.400-420. The requirements for advance notice of transfer are in 33 CFR 156.118.

The statutory authority is—

- 33 U.S. Code (U.S.C.) 1321 (delegated to the Coast Guard through the Department of Homeland Security Delegation No. 0170.1, Revision No. 01.2. (II)(73);
- 46 U.S.C. 3703, 3703a, 3715 (delegated to the Coast Guard through the Department of Homeland Security Delegation No. 0170.1, Revision No. 01.2. (II)(92); and
- 46 U.S.C. 70011 (formerly 33 U.S.C. 1225) and 70034 (formerly 33 U.S.C. 1231) (delegated to the Coast Guard through the Department of Homeland Security Delegation No. 0170.1, Revision No. 01.2. (II)(70).

2) Purpose of the information collection.

The purpose of this collection is to inform the local Coast Guard Captain of the Port of the time and place of the cargo transfer and to ensure the vessels involved are in compliance with Coast Guard inspection requirements, possess a valid Certificate of Financial Responsibility, and have approved pollution response plans on file. Offshore cargo lightering involves the transfer of large volumes of oil or other hazardous substances from one vessel to another. Offshore transfers of bulk liquids between vessels are riskier than transfers to or from waterfront facilities creating a higher potential for a major spill. Additionally, shore side transfers of oil or hazardous materials can pose risks to the vessel, port facility and environment.

3) Consideration of the use of improved technology.

The information collection may be in written or electronic form. Advance notices are commonly given electronically by—telephone, marine radio, fax or e-mail. We estimate about 100% of the reporting requirements are done electronically.

4) Efforts to identify duplication.

There is no duplication of this information at the Federal level. The Coast Guard is the only Federal agency that collects this information from the marine industry and the public.

5) Methods to minimize the burden to small business 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.

¹ At the time of enactment, this was the Secretary of the Department of Transportation.

If information were collected less frequently the Coast Guard would have incomplete knowledge of vessel activity which could significantly slow response to a vessel emergency and result in increased environmental damage from oil or hazardous materials spills near environmentally sensitive areas.

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-2023-0096]; February 10, 2023, 88 FR 8878) and 30-Day Notice (May 9, 2023, 88 FR 29920) 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 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 annual number of respondents is 6,220.
- The estimated annual number of responses is 7,600.
- The estimated annual hour burden is 899 hours.
- The estimated annual cost burden is \$63,829.

The burden to respondents is in Appendix A. We estimate it takes about 10 minutes (0.167 hours) for a vessel crewmember to notify the Coast Guard about a lightering or STS transfer operation.² We estimate it takes about 6 minutes (0.1 hours) for a vessel crewmember or facility representative to make an advance notice of a transfer.³ For the wage rate, we used the Bureau of Labor Statistics (BLS) wage rate for Captains, Mates, and Pilots of Water Vessels (53-5021) [May 2021, mean hourly wage, loaded 50%, and rounded].⁴

13) Estimates of annualized capital and start-up costs.

² For lightering and STS reports, we estimate the annual number of respondents equals 2.5% of the annual number of tank vessel notice of arrivals (NOAs), and the annual number of responses is 3 per tank vessel (i.e., respondent).

³ For advance notice of transfer reports, we estimate the annual number of respondents and responses equals 20% of the annual number of tank vessel NOAs.

⁴ <https://www.bls.gov/oes/2021/may/oes535021.htm>

There are no recordkeeping, capital, start-up or maintenance costs associated with this information collection.

14) Estimates of annualized Federal Government costs.

The annualized Federal Government cost estimate is \$178,932 (see Appendix B). We estimate that it takes about 30 minutes (0.5 hours) for Chief Petty Officer (E-7) to receive and process offshore lightering or STS Operation information. We estimate that it takes about 15 minutes (0.25 hours) for Chief Petty Officer to receive and process an advance notice of transfer. For the wage rate, we used the current edition of COMDTINST 7310.1(series) for "In-Government" personnel.

15) Explain the reasons for the change in burden.

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 requirements of this collection. The reporting requirements, and 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) 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.