

PAPERWORK REDUCTION ACT SUBMISSION

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<p>1. Agency/Subagency originating request</p> <p><u>Dept. of Homeland Security/US Coast Guard</u></p>	<p>2. OMB control number</p> <p>a. <u>1 6 2 5 - 0 0 6 6</u> b. <input type="checkbox"/> None</p>
<p>3. Type of information collection (check one)</p> <p>a. <input type="checkbox"/> New collection</p> <p>b. <input type="checkbox"/> Revision of a currently approved collection</p> <p>c. <input checked="" type="checkbox"/> Extension of a currently approved collection</p> <p>d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired</p> <p>e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired</p> <p>f. <input type="checkbox"/> Existing collection in use without an OMB control number</p> <p><i>For b-f, note item A2 of Supporting Statement instructions</i></p>	<p>4. Type of review requested (check one)</p> <p>a. <input checked="" type="checkbox"/> Regular submission</p> <p>b. <input type="checkbox"/> Emergency - Approval requested by: ___/___/___</p> <p>c. <input type="checkbox"/> Delegated</p> <p>5. Small entities. Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>6. Requested expiration date</p> <p>a. <input checked="" type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: ___/___</p>
<p>7. Title</p> <p><u>Vessel and Facility Response Plans (Domestic and Int'l), and Additional Response Requirements for Prince William Sound, Alaska</u></p>	
<p>8. Agency form number(s) (if applicable)</p> <p><u>n/a</u></p>	
<p>9. Keywords</p> <p><u>Environmental protection, Facility, FRP, PWS, Response plan, SOPEP, Vessel, VRP</u></p>	
<p>10. Abstract</p> <p><u>The Oil Pollution Act of 1990 (OPA 90) required the development of Vessel and Facility Response Plans to minimize the impact of oil spills. OPA 90 also required additional response requirements for Prince William Sound. Shipboard Oil Pollution Emergency Plans are required of other vessels to minimize impacts of oil spills.</u></p>	
<p>11. Affected public (Mark primary with "P" and all others that apply with "X")</p> <p>a. ___ Individuals or households d. ___ Farms</p> <p>b. <u>P</u> Business or other for-profit e. ___ Federal Government</p> <p>c. ___ Not-for-profit institutions f. ___ State, Local or Tribal Gov't</p>	<p>12. Obligation to respond (Mark primary with "P" and all others that apply with "X")</p> <p>a. <input type="checkbox"/> Voluntary</p> <p>b. <input type="checkbox"/> Required to obtain or retain benefits</p> <p>c. <input checked="" type="checkbox"/> Mandatory</p>
<p>13. Annual reporting and recordkeeping hour burden</p> <p>a. Number of respondents <u>8,548</u></p> <p>b. Total annual responses <u>8,600</u></p> <p> 1. Percentage of these responses collected electronically <u>93</u> %</p> <p>c. Total annual hours requested <u>88,381</u></p> <p>d. Current OMB inventory <u>88,381</u></p> <p>e. Difference <u>0</u></p> <p>f. Explanation of difference</p> <p> 1. Program change _____</p> <p> 2. Adjustment <u>0</u></p>	<p>14. Annual reporting and recordkeeping cost burden (in thousands of dollars)</p> <p>a. Total annualized capital/startup costs <u>0</u></p> <p>b. Total annual costs (O&M) <u>0</u></p> <p>c. Total annualized cost requested <u>0</u></p> <p>d. Current OMB inventory <u>0</u></p> <p>e. Difference _____</p> <p>f. Explanation of difference</p> <p> 1. Program change _____</p> <p> 2. Adjustment _____</p>
<p>15. Purpose of information collection (Mark primary with "P" and all others that apply with "X")</p> <p>a. ___ Application for benefits e. ___ Program planning or management</p> <p>b. ___ Program evaluation f. ___ Research</p> <p>c. ___ General purpose statistics</p> <p>d. ___ Audit g. <u>P</u> Regulatory or compliance</p>	<p>16. Frequency of recordkeeping or reporting (check all that apply)</p> <p>a. <input checked="" type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure</p> <p>c. <input checked="" type="checkbox"/> Reporting</p> <p> 1. <input checked="" type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly</p> <p> 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input checked="" type="checkbox"/> Annually</p> <p> 7. <input type="checkbox"/> Biennially 8. <input checked="" type="checkbox"/> Other (describe) <u>5-yrs</u></p>
<p>17. Statistical methods</p> <p>Does this information collection employ statistical methods?</p> <p style="text-align: center;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>18. Agency contact (person who can best answer questions regarding the content of this submission)</p> <p>Name: <u>Mr. David Du Pont</u></p> <p>Phone: <u>202-372-1497</u></p>

**Supporting Statement
for
Vessel and Facility Response Plans (Domestic and Int'l), and
Additional Response Requirements for Prince William Sound, Alaska**

OMB No.: 1625-0066
COLLECTION INSTRUMENT: VRP Express Search Tool, Instruction

A. Justification

1. Circumstances that make the collection of information necessary.

Facility Response Plan (FRP): Section 4202(a)(6) of the Oil Pollution Act of 1990 (OPA 90) amended section 311(j) of the Federal Water Pollution Control Act (FWPCA)(33 U.S. Code (U.S.C.) 1321 *et. seq.*). It requires the owner or operator of a facility to prepare and submit "a plan for responding, to the maximum extent practicable, to a worst case discharge, and to a substantial threat of such a discharge of oil or hazardous substances." This requirement applies to any offshore facility and to an onshore facility that "because of its location, could reasonably be expected to cause substantial harm to the environment by discharging into or on the navigable waters, adjoining shorelines, or the exclusive economic zone." FRP requirements are found in Title 33 CFR 154 subparts F, H and I.

Vessel Response Plan (VRP): Section 4202(a)(6) of the OPA 90 amended section 311(j) of the FWPCA. It requires that vessels carrying oil in bulk as cargo and operating in waters subject to U.S. jurisdiction prepare and submit a written response plan for a worst case discharge of oil or hazardous substances. VRP requirements are found in 33 CFR 155 subparts D, F, G and I.

Nontank Vessel Response Plan (NTVRP): Section 701 of the Coast Guard and Maritime Transportation Act of 2004 (Pub. L. 108-293), as amended by section 608 of the Coast Guard and Maritime Transportation Act of 2006 (Pub. L. 109-241) (CG&MTA 2004/2006), amended section 311(a) and (j) of the FWPCA. It requires that nontank vessels of 400 gross tons and above which carry oil as fuel for propulsion and operating in navigable waters of the U.S. prepare and submit a written NTVRP for a worst case discharge. NTVRP requirements are found in 33 CFR 155 subpart J.

Prince William Sound (PWS): Section 5005 of the OPA 90 establishes requirements for a tanker operating in PWS and loading cargo at the Trans Alaska Pipeline System (TAPS), in addition to those required by section 4202(a)(6) of OPA 90. This rule ensures that response plans provide for pre-positioned oil spill containment and removal equipment, an oil spill removal organization, training of local residents in oil spill removal and containment techniques, practice exercises, and periodic testing and certification of equipment. PWS requirements are found in 33 CFR 154 subpart G and 33 CFR 155 subpart E.

Shipboard Oil Pollution Emergency Plan/Shipboard Marine Pollution Emergency Plan

(SOPEP/SMPEP): These information collection requirements are necessary to comply with the Act to Prevent Pollution from Ships (APPS) (33 U.S.C. 1901 *et. seq.*). This section implements Regulation 37 of Annex I of MARPOL 73/78 for United States flag ships. It requires every oil tanker of 150 gross tons and above and every ship other than an oil tanker of 400 gross tons and above to carry on board an approved SOPEP. The SOPEP requirements are found in 33 CFR 151.26-28. Additionally, this section implements Regulation 17 of Annex II of MARPOL 73/78 for United States flag ships. It requires every ship of 150 gross tons and above that carries noxious liquid substances (NLS) in bulk to carry on board an approved SMPEP. The SMPEP requirements are found in Navigation and Vessel Inspection Circular (NVIC) 03-04.

The statutory authority is 33 U.S.C. 1321 and Chapter 33 (1901 *et. seq.*).

2. Purpose of the information collection.

FRP, VRP and NTVRP: The purpose of OPA 90 is to reduce the number of oil and hazardous substance spills and to minimize the impact of the oil and hazardous substance spills when they do occur in U.S. waters. The requirements for preparation, submission, and approval of FRPs, VRPs and NTVRPs are central to the contingency planning elements of the FWPCA. The FRP, VRP & NTVRP requirements are necessary to ensure that vessels entering U.S. waters and certain facilities are adequately prepared to respond in the event of an incident involving the spill of oil or a hazardous substance. Without the requirements some operators may not maintain the necessary internal resources (effective planning, training, drilling, etc.) or external resources (adequate response capability) to meet a major intent of FWPCA—to reduce the consequences of an oil or hazardous substance spill when it occurs.

Submission of response plans to the Coast Guard (CG) for approval is considered the most efficient way to ensure compliance and necessary for the CG to meet its obligations under OPA 90/FWPCA.

PWS: The additional requirements in section 5005 of OPA 90, for trained personnel and pre-positioned response equipment, reflect the particular environmental sensitivity of PWS. Without these requirements for tankers operating in PWS and loading cargo at TAPS, it is believed that sufficient response resources would not be available or be properly maintained to clean up a future oil spill. Certification and testing of response equipment helps ensure the readiness of this equipment for a future response.

SOPEP/SMPEP: The purpose of the requirements is to improve response capabilities and minimize the environmental impact of oil or NLS discharges from ships. Without the requirements, there is a greater likelihood of a vessel which is not prepared to handle an unauthorized discharge of oil having a spill and causing a major environmental incident. The submission and approval of these plans ensures that vessels have in place an appropriate plan that deals with such an occurrence.

3. Consideration of the use of improved technology.

For FRP and PWS, information may be submitted by mail or electronically via e-mail to the Captain of the Port (COTP) at the local CG Sector Office. Contact info for CG Sector Offices can be found at—<https://www.uscg.mil/Units/Organization/>. For VRP, NTVRP and SOPEP/SMPEP, information may be submitted to CG Headquarters by mail, electronically via e-mail (vrp@uscg.mil) or VRP Express.¹ VRP status queries are made via <https://homeport.uscg.mil> > Missions, VRP Status Board. At this time, we estimate that 93% of reporting requirements are done electronically.

4. Efforts to identify duplication.

FRP: In addition to the CG's marine transportation-related (MTR) FRP requirements, the Environmental Protection Agency (EPA) has FRP regulations. EPA response plan requirements affect certain non-transportation-related facilities that have the potential to discharge oil into the navigable waters or adjoining shorelines of the U.S. and meet certain storage capacity thresholds. EPA's regulations do not apply to equipment or operations of onshore marine transportation-related facilities that are subject to the authority and control of the Department of Homeland Security (delegated to the CG). However, certain businesses have both transportation-related and non-transportation-related components, such as petroleum bulk terminals that have storage tanks and transfer petroleum to and from vessels. These businesses are subject to both the CG and EPA regulation. These facilities are designated complexes. To avoid duplicative paperwork burdens on complexes, the CG and EPA work together to ensure that their response plan requirements and response plan formats are consistent. As a result, facilities are able to comply with both response plan requirements with a single response plan, thereby mitigating duplication of paperwork related burdens.

PWS: The information being required is unique. There is no known duplication of filing requirements with other Federal information collections.

¹ To use VRP Express, a planholder/plan preparer must have a Homeport user account and login via <https://homeport.uscg.mil>.

NTVRP: The information required is unique. Section 701 of the CG&MTA 2004/2006 amended 33 U.S.C. 1321(j)(5)(a) and (j) requiring that NTVRPs be submitted consistent with other plans required by the FWPCA.

SOPEP/SMPEP and VRP: The information required is unique. MARPOL 73/78 requires specific response planning. These requirements work in conjunction with, and not in duplication of, the VRP requirements discussed elsewhere in this supporting statement.

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

FRP: Although the CG regulation has certain reduced requirements for smaller facilities, these are primarily not paperwork related. However, because of the nature of the information collection requirements, the level of effort to prepare the FRP is estimated to vary directly with the size and complexity of the facility. As a result, smaller facilities should incur a lesser burden than larger facilities.

Furthermore, in drafting OPA 90, it was clearly Congress' intent that certain small facilities be subject to the same response planning requirements as large facilities. Specifically, in discussing the selection of facilities that could cause "substantial harm" to the environment (i.e., those subject to the information collection activities), the OPA Conference report states:

The criteria should not result in the selection of facilities based solely on the size or age of storage tanks. Specifically, the selection criteria should not necessarily omit those smaller facilities that are near major drinking water supplies or that are near environmentally sensitive areas. H. Rep. No. 101-653, 101st Cong. 2nd Sess. 1990, p. 150.

VRP: Due to the nature of the industry, smaller entities tend to own smaller vessels, e.g., barges rather than large tankers. The reporting requirements should be less for smaller vessels; vessels that have fewer personnel, carry less cargo, and require less response capability. Vessels that carry oil as secondary cargo, i.e., fishing vessels, offshore supply vessels and towing vessels, require a less comprehensive VRP and have reduced resubmission requirements.

NTVRP: The FWPCA (33 U.S.C. 1321(j)(5)) as amended by CG&MTA 2004/2006 requires the same level of information from these vessels.

PWS: The requirements for smaller vessels are less because they have fewer personnel on board, carry less oil, and will require less response equipment than larger vessels. In addition, non-TAPS vessels (most of which are smaller) are eliminated from the requirements.

SOPEP/SMPEP: The small business burden should be minimized as few small entities own ships of the gross tonnage to which this regulation applies.

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

FRP, VRP and NTVRP: The CG recognizes the need to minimize the burden of any information collection to the extent permitted under the requirements of the FWPCA as amended by OPA 90 and the CG&MTA 2004/2006. Section 4202(a)(6) of OPA 90 requires facilities and vessels to update the response plan periodically, and resubmit for approval of each significant change. Under the regulation, facilities and vessels would be required to: conduct an annual review of the response plan and submit changes to the CG; or, if no changes are necessary, submit a letter stating that the review has taken place.

The CG has determined that requiring facilities and vessels to review and update their response plans less frequently than once a year would undermine the intent of the FWPCA, which is to ensure that all facilities and vessels have an up-to-date plan at all times. For example, contact lists of spill response personnel may require revision every year, and possibly more frequently. Because the majority of

information collection activities (in terms of both hours and cost) would involve initial preparation of the response plan, reducing the frequency of the annual information collection activities would not significantly reduce the overall burden of the information collection activities required under these regulations.

PWS: Less frequent oversight and review of plans and equipment may result in inadequate equipment and poorly trained personnel.

SOPEP/SMPEP: Because the plan must be used in an emergency, less frequent review and submission could result in outdated information impeding a response.

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 will be published in the *Federal Register* to obtain public comment on this 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 Homeport Internet Portal (Homeport) Privacy Impact Assessment (PIA). Link to the Homeport PIA is provided below:

- <https://www.dhs.gov/publication/dhsuscgpia-001-homeport-internet-portal>

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 8,548.
- The estimated number of annual responses is 8,600.
- The estimated hour burden is 88,381 hours.
- The estimated cost burden is \$6,339,432.

The burden to respondents is provided in Appendix A through E.

FRP: There are a number of MTR oil transfer facilities in the U.S. that are subject to the FRP requirements. It is assumed that the number of facilities remains constant due to the mature nature of the industry. However, facilities are sold and new ones are built as older ones are taken out of service, thus we assume that 10% of the facility population will submit new FRPs each year. The FRP paperwork requirements consist of the preparation and submission of new FRPs, the annual review of existing FRPs, and the 5-year resubmit of existing FRPs. We estimate it takes 100 hours for a new plan, 10 hours for an annual review and 15 hours for a 5-year resubmit, and that a Response/Planning Specialist does the work. For the Response/Planning Specialist wage rate, we used the Bureau of Labor Statistics (BLS) wage rate for Management Analysts (13-1111) [May 2021, mean hourly wage, loaded 50%, and rounded].² The calculations for the FRP reporting/recordkeeping elements are found in Appendix A.

² <https://www.bls.gov/oes/2021/may/oes131111.htm>