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June 16, 2008

**ExxonMobil Comments on Report of Oil or  
Hazardous Substance Discharge and Report  
of Suspicious Maritime Activity  
Information Collection Request 73 FR 29526  
(May 21, 2008)**

**OMB Control Number 1625-0096  
Docket Number USCG-2007-0180**

**Submitted Electronically**

Docket Management Facility (M-30)  
U.S. Department of Transportation (DOT)  
West Building Ground Floor  
Room W12-140  
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Washington, DC 20590-0001

**Attn: Docket No. USCG-2007-0180**

ExxonMobil Refining & Supply Company (ExxonMobil) appreciates the opportunity to comment on the Coast Guard's May 21, 2008 Information Collection Request, OMB Control Number 1625-0096, Report of Oil or Hazardous Substance Discharge and Report of Suspicious Maritime Activity ("ICR").

ExxonMobil operates a number of facilities in the United States that are subject to the relevant Coast Guard oil and hazardous substance regulations and, therefore, has a direct interest in seeking clarification on this collection request.

In that regard, we refer first to the cover sheet and Page 2, Item (3)(a) of the ICR Supporting Statement, which indicates that 2% of all oil and hazardous substance discharge notifications to the National Response Center (NRC) have been collected electronically and the number is expected to increase as more people become familiar with this reporting option. Our concern is that the actual regulations relating to notification, listed on Page 1, Item 1(a), do not expressly allow for electronic notifications via the NRC website that is referred to in Item 3(a). We suggest these regulations be revised to make it clear to the regulated community that the online notification mechanism is an acceptable alternative to phone notification. The regulations in question are as follows:

- **33 CFR § 153.203 - Procedure for the notice of discharge.** This regulation states "...immediately notify the National Response Center (NRC) ... toll free telephone number 800-424-8802..." No mention is made of online or electronic notification.
- **40 CFR § 263.30(c)(1) Immediate Action.** This regulation states: "Give notice...to the National Response Center (800-424-8802...)" Again, there is no mention of the electronic notification option.
- **40 CFR § 264.56(d)(2) Emergency Procedures.** This regulation states "...immediately notify either the government official...or the National Response Center (using their 24-hour toll free number.....)" There is no mention of an online or electronic notification option.
- **49 CFR § 171.15(a) Immediate notice of certain hazardous material incidents.** In this regulation, it states "...must provide notice by telephone to the National Response Center (NRC) on 800-424-8802...." There is nothing to indicate the acceptability of electronic notification.

There are several other related notification regulations that also only mention the telephone notification option. See, e.g. 40 CFR §§ 110.6, 117.21, 265.56(d)(2), 302.6(a), and 302.8(c)(1) & (d).

The primary purpose of the ICR process is generally to collect comments on burden estimates for the agency. However, the burden estimates that appear on Pages 4-6 of the ICR Supporting Statement do not provide an estimate for the online notification approach, which according to the cover page and Page 2, Item (3)(a) make up 2% of the total notifications. Item 12(a) shows a 5 minute burden estimate per telephone call, but no estimate nor any mention of online or electronic notification burdens. While it is noted that 146,992 telephone calls were received, there is no number for online notifications. Therefore, the burden estimate appears to be inaccurate and/or incomplete due to its omission of time estimates for online notifications.

Our final comment concerns a statement on Page 2, Section 4(a) of the Supporting Statement which addresses efforts to identify duplication. It states that "furthermore, no other Federal agencies have similar or equivalent regulatory requirements". We believe that this supporting statement is incorrect, as the EPA has regulations (40 CFR §§ 110.6, 117.21 and 302.6) that are essentially identical to the Coast Guard's regulatory notification requirement (33 CFR § 153.203) which requires notifications to the NRC for certain discharges of oil or hazardous substances.

If you would like to discuss any of these comments in more detail, please contact me at (281) 870-6068 or by e-mail at [tom.p.yarnick@exxonmobil.com](mailto:tom.p.yarnick@exxonmobil.com).

Thank you for the opportunity to comment of the Information Collection Request and to offer recommendations for improvements to the oil and hazardous substance discharge notification regulatory program.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read 'T. Yarnick', written in a cursive style.

Tom P. Yarnick  
Environmental Advisor