

**Supporting Statement for Paperwork Reduction Act Submissions**  
**30 CFR 282, Operations in the Outer Continental Shelf for**  
**Minerals Other than Oil, Gas, and Sulphur**  
**OMB Control Number 1010-0081**  
**Current Expiration Date: Reinstatement – Not Violation**

**Terms of Clearance:** None

**General Instructions**

A Supporting Statement, including the text of the notice to the public required by 5 CFR 1320.5(a)(i)(iv) and its actual or estimated date of publication in the Federal Register, must accompany each request for approval of a collection of information. The Supporting Statement must be prepared in the format described below, and must contain the information specified in Section A below. If an item is not applicable, provide a brief explanation. When statistical data is employed, Section B of the Supporting Statement must be completed. The Office of Management and Budget (OMB) reserves the right to require the submission of additional information with respect to any request for approval.

**Specific Instructions**

**A. Justification**

***1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.***

The Outer Continental Shelf (OCS) Lands Act, as amended (43 U.S.C. 1334 and 43 U.S.C. 1337(k)), authorizes the Secretary of the Interior (Secretary) to implement regulations to grant to the qualified persons, offering the highest cash bonus on a basis of competitive bidding, leases of any mineral other than oil, gas, and sulphur. This applies to any area of the Outer Continental Shelf not then under lease for such mineral upon such royalty, rental, and other terms and conditions as the Secretary may prescribe at the time of offering the area for lease. This regulation governs mining operations within the OCS for minerals other than oil, gas and sulphur and establishes a comprehensive leasing and regulatory program for such minerals. These regulations have been designed to (1) recognize the differences between the OCS activities associated with oil, gas, and sulphur discovery and development and those associated with the discovery and development of other minerals; (2) facilitate participation by States directly affected by OCS mining activities; (3) provide opportunities for consultation and coordination with other OCS users and uses; (4) balance development with environmental protection; (5) insure a fair return to the public; (6) preserve and maintain free enterprise competition; and (7) encourage the development of new technology.

There has been no activity in the OCS for minerals other than oil, gas and sulphur for many years and no information collected since we allowed the OMB approval to expire in 1991. However, because these are regulatory requirements, the potential exists for information to be collected and we are requesting that OMB reinstate this collection of information.

***2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection. [Be specific. If this collection is a form or a questionnaire, every question needs to be justified.]***

The MMS would use the information required by 30 CFR 282 to determine if lessees are complying with the regulations that implement the mining operations program for minerals other than oil, gas, and sulphur. Specifically, MMS would use the information:

- To ensure that operations for the production of minerals other than oil, gas, and sulphur in the OCS are conducted in a manner that will result in orderly resource recovery, development, and the protection of the human, marine, and coastal environments.
- To ensure that adequate measures will be taken during operations to prevent waste, conserve the natural resources of the OCS, and to protect the environment, human life, and correlative rights.
- To determine if suspensions of activities are in the national interest, to facilitate proper development of a lease including reasonable time to develop a mine and construct its supporting facilities, or to allow for the construction or negotiation for use of transportation facilities.
- To identify and evaluate the cause(s) of a hazard(s) generating a suspension, the potential damage from a hazard(s) and the measures available to mitigate the potential for damage.
- For technical and environmental evaluations which provide a basis for MMS to make informed decisions to approve, disapprove, or require modification of the proposed activities.

***3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden [and specifically how this collection meets GPEA requirements].***

Currently no information is submitted using electronic technology due to the fact that there are no current mining operations for minerals other than oil, gas, or sulphur on the OCS.

***4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.***

There is no duplication. The Department of the Interior has specific statutory authority. No other Federal agency collects this information, and no similar information is available because it pertains to a specific OCS mining operation. To the extent that identical information or data were available from other mining operations or sources, such duplicate information would not be required to be submitted.

***5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.***

This collection of information does not have a significant economic effect on a substantial number of small entities. Any direct effects primarily impact the OCS lessees and operators. In general, companies need large technical and financial resources and experience to safely conduct offshore mining activities. However, a percentage of the OCS lessees and mining companies may have less than 500 employees and would be considered small businesses as defined by the Small Business Administration. The hour burden on any small entity subject to these regulations cannot be reduced to accommodate them.

**6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

If we did not collect the information, MMS would not be able to carry out the mandate of the OCS Lands Act or receive royalty income from such activities when operations exist. Respondents have to submit a monthly report for minerals produced, but for the most part submit reports as a result of situations encountered and not at any fixed or prescribed interval.

**7. Explain any special circumstances that would cause an information collection to be conducted in a manner:**

**(a) requiring respondents to report information to the agency more often than quarterly.**

Not applicable in this collection.

**(b) requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it.**

Not applicable in this collection.

**(c) requiring respondents to submit more than an original and two copies of any document.**

Not applicable in this collection.

**(d) requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than 3 years.**

It is normal industry practice to retain those records as part of their permanent records, i.e., longer than 3 years. The times specified in the regulations provide minimum times for MMS access.

**(e) in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study.**

Not applicable in this collection.

**(f) requiring the use of statistical data classification that has been reviewed and approved by OMB.**

There are no special circumstances with respect to 5 CFR 1320.5(d)(2)(v) through (viii) as the collection is not a statistical survey and does not use statistical data classification.

**(g) that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use.**

This collection does not include a pledge of confidentiality not supported by statute or regulation.

**(h) requiring respondents to submit proprietary trade secrets or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

This collection does not require proprietary, trade secret, or other confidential information not protected by agency procedures.

**8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that**

**notice [and in response to the PRA statement associated with the collection over the past 3 years] and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

**Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported. [Please list the names, titles, addresses, and phone numbers of persons contacted.] Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years – even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.**

As required in 5 CFR 1320.8(d), MMS provided a 60-day notice in the Federal Register on August 8, 2007 (72 FR 44570). Also, the Paperwork Reduction Act explains that the agency, in this case MMS, will accept comments at any time on the information collected and the burden. We display the OMB control number and provide the address for sending comments to MMS. We received no comments in response to the Federal Register notice or unsolicited comments from respondents covered under these regulations or who submit this form.

There are currently no mining operations in the OCS and none planned in the near future. Because of this, there are no companies to contact for information.

**9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

If requested under § 282.13(e)(1), MMS will arrange for possible payment of a required study by a third-party. The MMS will pay respondents if they request reimbursement for food, quarters, or transportation they provide MMS representatives under § 282.27(d)(2) during inspections. We will not provide gifts to respondents in this collection.

**10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.**

We protect proprietary information according to the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR 2), and 30 CFR 282.5, 282.6, and 282.7 and applicable sections of 30 CFR parts 280 and 281.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.**

The collection does not include sensitive or private questions.

**12. Provide estimates of the hour burden of the collection of information. The statement should:**

**(a) Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct**

*special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.*

*(b) If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.*

As there are no active respondents, we estimated the potential annual number of respondents to be one. Respondents are OCS lessees. Submissions are generally on occasion. We estimate the total annual reporting and recordkeeping burden is 201 hours. Refer to the chart below for a break out of the burden.

**BURDEN TABLE**

Citation 30 CFR 282	Reporting or Recordkeeping Requirement	Hour Burden	Average No. of Annual Responses	Annual Burden Hours
		Non-Hour Cost Burden		
<b>Subpart A - General</b>				
4(b); 12(b)(2)(ii); 12(f)(l), (2); 13(d), (e)(2); 21; 22; 25; 26; 28	Submit delineation plan, including environmental information, contingency plan, monitoring program, and various requests for approval referred to throughout; submit modifications.	40	1	40
4(c); 12(c)(2)(ii); 12(f)(l), (2); 13(d), (e)(2); 21; 23; 25; 26; 28	Submit testing delineation plan, including environmental information, contingency plan, monitoring program, and various requests for approval referred to throughout; submit modifications.	40	1	40
4(d); 12(d)(2)(ii); 12(f)(1), (2); 13(d), (e)(2); 21; 24; 25; 26; 28	Submit mining delineation plan, including environmental information, contingency plan, monitoring program, and various requests for approval referred to throughout; submit modifications.	40	1	40
5	Request non-disclosure of G&G info.	10	1	10
<b>Subtotal</b>			<b>4 Responses</b>	<b>130</b>
<b>Subpart B – Jurisdiction and Responsibilities of Director</b>				
11(c); 12(c)	Apply for right-of-use and easement.	30	1	30
11(d); 12(d)	Request consolidation of two or more OCS mineral leases or portions.	1	1	1
12(f)(1), (h); 20(g), (h)	Request approval of operations or departure from operating requirements.	Burden included with applicable operation.		0
13(b), (f)(2); 31	Request suspension or temporary prohibition or production or operations.	2	1	2
13(e)(1)	Submit site-specific study plan and results; request payment.	8	1	8
		1 study x \$100,000 = \$100,000		
14	Submit “green” response copy of Form MMS-1832 indicating date violations (INCs) corrected.	2	1	2
<b>Subtotal</b>			<b>5 Responses</b>	<b>43</b>
<b>Subpart C – Obligations and Responsibilities of Lessees</b>				
20(a), (g); 29(i)	Make available all mineral resource or environmental data and information; submit reports and maintain records.	Burden included with applicable operation.		0
20(b) thru (e)	Submit designation of payor, operator, or local representative; submit changes.	1	1	1
21(d)	Notify MMS of preliminary activities.	1	1	1
27(b)	Request use of new or alternative technologies,	1	1	1

Citation 30 CFR 282	Reporting or Recordkeeping Requirement	Hour Burden	Average No. of Annual Responses	Annual Burden Hours
		Non-Hour Cost Burden		
	techniques, etc.			
27(c)	Notify MMS of death or serious injury; fire, exploration, or other hazardous event; submit report.	1	1	1
27(d)(2)	Request reimbursement for furnishing food, quarters, and transportation for MMS representatives (OCS Lands Act specifies reimbursement; no requests received in many years; minimal burden).	2	1	2
27(e)	Identify vessels, platforms, structures, etc. with signs.	1	1	1
27(f)(2)	Log all drill holes susceptible to logging; submit copies of logs to MMS.	3	1	3
27(h)(3), (4)	Mark equipment; record items lost overboard; notify MMS.	1	1	1
29(a)	Submit monthly report of minerals produced.	1	1	1
29(b), (c)	Submit quarterly status and final report on exploration and/or testing activities.	5	1	5
29(d)	Submit results of environmental monitoring activities.	5	1	5
29(e)	Submit marked and certified maps annually or as required.	1	1	1
29(f)	Maintain rock, minerals, and core samples for 5 years and make available upon request.	1	1	1
29(g)	Maintain original data and information and navigation tapes as long as lease is in effect and make available upon request.	1	1	1
29(h)	Maintain hard mineral records and make available upon request.	1	1	1
<b>Subtotal</b>			<b>15 Responses</b>	<b>26</b>
<b>Subpart D - Payments</b>				
40	Submit surety or personal bond.	2	<b>1 Response</b>	<b>2</b>
<b>Subpart E - Appeals</b>				
50; 15	File an appeal.	Burden exempt under 5 CFR 1320.4(a)(2), (c).		0
<b>TOTAL BURDEN</b>			<b>25 Responses</b>	<b>201 Hours</b>
			<b>\$100,000 Non-Hour Cost Burden</b>	

*(c) Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.*

The average respondent cost is \$65/hour. This cost is broken out in the below table using the Bureau of Labor Statistics data for the Houston, TX, area as of November 2007. See BLS website: <http://www.bls.gov/bls/wages.htm>.

Position	Level	Hourly Pay rate (\$/hour estimate)	Hourly rate including benefits (1.3 x \$/hour)	Percent of time spent on collection	Weighted Average (\$/hour)
General Office Clerk	7	\$20	\$26	10%	\$3
Underwater Mining	13	\$55	\$72	70%	\$50

Engineer*					
Supv. Mining Engineer*	14	\$67	\$87	20%	\$17
<b>Weighted Average (\$/hour)</b>					<b>\$70</b>

\* The Bureau of Labor Statistics does not have a position listing for Mining Engineers so the category of Professional Specialty Occupations was used.

Based on a cost factor of \$70 per hour, we estimate the total annual cost to industry would be \$14,070 (\$70 x 201 hours = \$14,070).

**13. Provide an estimate of the total annual [non-hour] cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).**

*(a) The cost estimate should be split into two components: (1) a total capital and start-up cost component (annualized over its expected useful life) and (2) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information [including filing fees paid]. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.*

*(b) If cost estimates are expected to vary widely, agencies should present ranges of cost burden and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.*

*(c) Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.*

Pursuant to § 282.13(e)(1), a site-specific study to determine and evaluate hazards that results in a suspension of operation would have a non-hour cost burden. Since this has not been done to date, we estimated that the cost of such study would cost industry at least \$100,000 to comply with the requirement.

**14. Provide estimates of annualized cost to the Federal Government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.**

The average Federal cost is \$55/hour. This cost is broken out in the below table using the Office of Personnel Management pay schedule.

Position	Grade	Hourly Pay rate (\$/hour estimate)	Hourly rate including benefits (1.3 x \$/hour)	Percent of time spent on collection	Weighted Average (\$/hour)
Clerical	GS-7/5	\$20	\$26	15%	\$4
Petroleum Engineer	GS-13/5	\$43	\$56	65%	\$36
Supv. Petroleum Engineer	GS-15/5	\$60	\$78	18%	\$14
Executive	SES (\$140K)	\$68	\$88	2%	\$2
<b>Weighted Average (\$/hour)</b>					<b>\$56</b>

To analyze and review the information, the Government would spend an average of ½ hour for each hour spent by respondents. The total estimated Government time would be 101 hours (201 / .5 = 100.5 (rounded up to 101)). At an average cost of \$56 an hour, the cost to the Federal Government would be estimated at \$5,656.

**15. Explain the reasons for any program changes or adjustments reported.**

The previous OMB inventory included 201 annual burden hours for the collection of information in 30 CFR 282. Since this is a reinstatement, it represents a program change. As there are no active respondents, the hour burden estimates were verified by in-house experts who previously worked in private industry doing similar functions.

We have estimated a cost of \$100,000 for the potential non-hour cost burden for the study requirement in § 282.13(e)(1). Since non-hour cost burdens were not subject to the 1980 Paperwork Reduction Act, this burden was not included in the previously approved information collection, and it represents a program change of \$100,000 for this requirement.

**16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.**

MMS will not tabulate or publish the data.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

Not applicable, as this collection of information concerns requirements in regulations.

**18. Explain each exception to the certification statement, “Certification for Paperwork Reduction Act Submissions.”**

To the extent that the topics apply to this collection of information, we are not making any exceptions to the “Certification for Paperwork Reduction Act Submissions.”