

**Supporting Statement for Paperwork Reduction Act Submission**  
**30 CFR 285, Alternative Energy and Alternate Uses of Existing Facilities on the OCS**  
**(Proposed Rulemaking)**  
**OMB Control Number 1010-AD30**  
**Current Expiration Date: NEW**

**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 methods are 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 Energy Policy Act of 2005 (EPAcT) (42 U.S.C. 15801) amended the Outer Continental Shelf Lands Act (OCS Lands Act) (43 U.S.C. 1331 *et seq.* and 43 U.S.C. 1801 *et seq.*), to authorize the Secretary of the Interior (Secretary) to issue leases, easements, or rights-of-way on the OCS for developing or supporting the production of energy resources other than oil and gas and to authorize other energy and marine-related activities that involve the use of existing facilities on the OCS. The Secretary officially delegated this authority to the Minerals Management Service (MMS) on March 20, 2006. The EPAcT also authorized the Department of the Interior (DOI) to develop regulations to implement this new authority. Operations on the OCS must preserve, protect, and develop alternative energy resources in a manner that is consistent with the need to make such resources available to meet the Nation's energy needs as rapidly as possible; to balance orderly energy resource development with protection of human, marine, and coastal environments; to ensure the public a fair and equitable return on the resources of the OCS; and to preserve and maintain free enterprise competition. This information collection (IC) request concerns the paperwork burden of the proposed regulations developed to implement the EPAcT amendments to the OCS Lands Act.

***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.]***

Respondents to the proposed regulations will operate commercial and noncommercial technology projects that include installation, construction, operation and maintenance, and decommissioning of offshore facilities, as well as possible onshore support facilities. The MMS must ensure that these

activities and operations on the OCS are carried out in a safe and pollution-free manner, do not interfere with the rights of other users on the OCS, and balance the protection and development of OCS resources. To do this, MMS needs information concerning the proposed activities, facilities, safety equipment, inspections and tests, and natural and manmade hazards near the site, as well as assurance of fiscal responsibility. Specifically, MMS will use the information collected under part 285 to:

- Determine if applicants and assignees are qualified to hold leases on the OCS. Information is used to track ownership of leases as to record title, operating rights, and right-of-way (ROW) or right of use and easement (RUE), as well as to approve requests to designate an operator to act on the lessee's behalf. Information is necessary to approve assignment, relinquishment, or cancellation requests. Information is used to document that a lease, ROW, or RUE has been surrendered by the record title holder and to ensure that all legal obligations are met and facilities are properly decommissioned.
- Determine if an application for a ROW or RUE serves the purpose specified in the grant.
- Review construction designs prior to approving applications permitted under a lease to ensure that the activities will protect human, marine, and coastal environments of the OCS; to review plans for taking safety equipment out of service to ensure alternate measures are used that will properly provide for the safety of the facilities. The MMS inspectors monitor the records concerning facility inspections and tests to ensure safety of operations and protection of the environment and to schedule their workload to permit witnessing and inspecting operations. Provide lessees greater flexibility to comply with regulatory requirements through approval of alternative equipment or procedures and departures to regulations if they demonstrate equal or better compliance with the appropriate performance standards.
- Ensure that, if granted, proposed routes of a ROW or RUE do not conflict with any State requirements or unduly interfere with other OCS activities.
- Determine if all facilities, project easements, cables, pipelines, and obstructions, when they are no longer needed, are properly removed or decommissioned, and that the seafloor is cleared of all obstructions created by operations on the lease, project easement, RUE or ROW.
- Improve safety and environmental protection on the OCS through collection and analysis of accident reports to ascertain the cause of the accidents and to determine ways to prevent recurrences.

***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].***

The proposed regulations require both a paper copy and an electronic version for submission of applications and required information. Electronic versions are requested for the convenience of both the applicant and MMS. Electronic copies are easy to transfer and share. Paper copies are necessary for official record purposes. Paper copies would contain original signatures often needed for legal reasons. In addition, some items such as plats and engineering designs are better viewed in paper copy format, although we request electronic versions of this for long term storage. We anticipate that 50 percent of the information will be collected in electronic format.

***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.***

The DOI has several Memoranda of Understanding (MOU) with the U.S. Coast Guard that define the responsibilities of each agency with respect to OCS activities. These MOU are generally effective in avoiding duplication of regulations and reporting requirements. The information to be collected under part 285 is specific to a lease, grant, an operator, or a particular request for MMS approval and is unique to site operations. The EAct granted to the Secretary of the Interior (who delegated to MMS) discretionary authority to authorize and regulate alternative energy activities on the OCS only to the extent such activities were not previously authorized by other applicable law. Therefore, through the passage of EAct, Congress ensured that there would be no overlapping areas of Federal jurisdiction on the OCS for alternative energy projects.

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

This collection of information will impact small entities. The proposed rule establishes the regulatory framework for access to, and operations of, alternative energy projects and alternate uses of existing facilities on the OCS. We estimate that about 25 entities have shown interest in engaging in the activities associated with these proposed regulations. These entities fall under North American Industry Classification System (NAICS) Code 221119, Other Electric Power Generation. The Small Business Administration's (SBA) size standard for NAICS Code 221119 is that a firm is small if, including its affiliates, it is primarily engaged in the generation, transmission, and/or distribution of electric energy for sale and its total electric output for the preceding fiscal year did not exceed 4 million megawatt hours. About 75 percent of those entities would be considered small entities according to the SBA definition and size standard. The paperwork burden on any small entity subject to these regulations cannot be reduced to accommodate them. It should be noted that with respect to the decommissioning requirements, if these activities are not performed properly, it is more likely that the other users of the OCS would be adversely impacted, many of which are also small businesses.

The MMS will pay respondents if they request reimbursement for food, quarters, or transportation they provide MMS representatives (§ 285.823) during inspections. To obtain these reimbursements, which eliminate a cost burden on both small and large businesses, the paperwork burden is necessary to determine the cost and validity of the reimbursements.

**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 could not carry out the mandate of the OCS Lands Act, as amended by the EAct. For instance, MMS would not have the information to make informed decisions on facility design, construction, operations and maintenance, or modification; to ensure safety and environmental protection during OCS operations; to determine qualification of bidders and assignees to hold leases or their financial ability to carry out decommissioning responsibilities. The frequency of submission is "on occasion and annually," depending on the regulatory requirement, and is not an issue.

**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.***

Information is primarily collected on occasion of the activity with no set frequency. Respondents generally submit reports as a result of situations encountered and not at any fixed or prescribed interval. The rule's recurring reporting requirements are on an annual basis. When time is not a critical factor, most allow 30 days or more for submitting reports on activities. However, there are some instances in which MMS needs immediate or prompt notification, such as when safety and other equipment is removed from service, a safety incident has occurred, an archaeological resource is discovered, a bond lapses, or a violation or act of non-compliance is detected, etc. Other instances require notice to MMS before an activity begins so that MMS may schedule inspections or to be on hand when the activity is performed. All of these instances, in which less than quarterly reporting is specified to notify or report, are necessary in the interest of safety, environmental monitoring, workload scheduling, or assuring the financial stability of respondents to meet their obligations.

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

There are several instances (§§ 285.118, 285.225, 285.223, 285.224) in which MMS requires a response within 10 or 15 calendar or business days during the bid and lease issuance process. The specified response time periods are not unreasonable in these instances and ensure timely lease issuance. In addition, if MMS determines that a respondent is in non-compliance and calls for forfeiture of the bond or pledged security, MMS will notify the respondent. A respondent may avoid forfeiture if within 10 business days, respondent agrees to, and demonstrates to MMS, that they will bring the lease or grant into compliance (§ 285.536). This immediate response allows respondents to maintain their lease or grant and avoid forfeiture of bonds or pledged securities.

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

Not applicable in this collection. Under the part 285 regulations, MMS will not require more than an original and two copies of information submitted or a total of three copies.

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

The rulemaking requires respondents to retain the original material test results of all primary structural materials and all records of design, construction, operation, maintenance, repairs, or investigations on or related to the area. As structures age, we must have access to the initial structural properties and inspection results to determine whether necessary standards for safety are maintained. Until respondents have discharged all decommission obligations and responsibilities and MMS releases respondents' financial assurance, it is important that these records be available for MMS review. The type of recordkeeping is such that it is not unreasonable to expect that respondents would retain these records as usual and customary business practice, even if not required in regulations.

***(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 1320.11, MMS is providing the initial 60-day review and comment process through the preamble of the proposed rulemaking. The MMS will address in the preamble to the final rulemaking any comments received and make necessary adjustments. As this is a new program, there are no current respondents for consultation. However, where possible, MMS based its estimates on data and information estimated for comparable information collections in current regulations for the oil and gas industry, as well as its staff expertise. These estimates will be re-evaluated based on actual experience and consultation with respondents when it comes up for renewal under final regulations.

Section 285.114 displays the OMB control number, explains that MMS will accept comments at any time on the information collection burden of our 30 CFR 285 regulations, and provides the address for sending comments to MMS. If any forms are developed to supplement these regulations, we also will display this information in the Paperwork Reduction Act disclosure statement.

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

The MMS will pay respondents if they request reimbursement for food, quarters, or transportation they provide MMS representatives (§ 285.823) during inspections. We do not provide gifts to respondents.

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

The MMS will protect information considered proprietary under the Freedom of Information Act and under regulations at 30 CFR 285.113, addressing disclosure of data and information to be made available to the public and others.

**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.**

Primary respondents are an estimated 15-25 Federal OCS companies that submit unsolicited proposals or responses to *Federal Register* notices; or are lessees, designated operators, and ROW or RUE grant holders. Other potential respondents are companies or state and local governments that submit information or comments relative to alternative energy-related uses of the OCS; certified verification agents (CVAs); and surety or third-party guarantors. The frequency of responses varies depending upon the requirement, but are generally on occasion or annual. Refer to the following table for a break out of the hour burden. The table also includes several non-hour cost burdens described in item A.13.

Section(s) in 30 CFR 285	Reporting and Recordkeeping Requirement	Hour Burden	Average No. of Annual Responses	Annual Burden Hours
			Non-hour Costs	
<b>Subpart A – General Provisions</b>				
102; 105; 110	These sections contain general references to submitting requests, applications, plans, notices, and/or supplemental information for MMS approval--burdens covered under specific requirements.			0
102(e)	State and local governments enter into task force or joint planning or coordination agreement with MMS.	1	6 agreements	6
103	Request general departures not specifically covered elsewhere in part 285.	2	6 requests	12
105(c)	Make oral requests and submit written follow up within 10 business days not specifically covered elsewhere in part 285.	1	8 requests	8

Section(s) in 30 CFR 285	Reporting and Recordkeeping Requirement	Hour Burden	Average No. of Annual Responses	Annual Burden Hours
			Non-hour Costs	
106(b)(1)	Request exception from exclusion or disqualification from participating in transactions covered by Federal non-procurement debarment and suspension system.	1	1 exception	1
107; 212(f); 230(f); 302(a); 408(b)(6); 409(c); 1005(c); 1007(c); 1013(b)(7)	Submit evidence of qualifications to hold a lease or grant.	2	20 evidence submissions	40
108; 530(b)	Notify MMS within 3 business days after learning of any action filed alleging respondent is insolvent or bankrupt.	1	1 notice	1
109	Notify MMS in writing of merger, name change, or change of business form no later than 120 calendar days after earliest of either the effective date or filing date.	Exempt under 5 CFR 1320.3(h)(1).		0
111	Within 30 calendar days of receiving bill, submit processing fee payments for MMS document or study preparation to process applications and requests.	.5	4 processing fee payment submissions	2
		4 MMS payments x \$4,000 = \$16,000		
111(b)(2), (3)	Submit comments on proposed processing fee or request approval to perform or directly pay contractor for all or part of any document, study, or other activity, to reduce MMS processing costs.	2	4 processing fee comments or reduction requests	8
111(b)(3)	Perform, conduct, develop, etc., all or part of any document, study, or other activity; and provide results to MMS to reduce MMS processing fee.	19,000	1 submission	19,000
111(b)(3)	Pay contractor for all or part of any document, study, or other activity, and provide results to MMS to reduce MMS processing costs.	3 contractor payments x \$950,000 = \$2,850,000		
111(b)(7); 118(a); 290.2; 436(c)	Appeal MMS estimated processing costs, decisions, or orders pursuant to 30 CFR 290.	Exempt under 5 CFR 1320.4(a)(2), (c).		0
113(b)	Respondents submit agreement to allow MMS to disclose the data and information exempt from disclosure under the Freedom of Information Act.	4	1 agreement	4
115(c)	Request approval to use later edition of a document incorporated by reference or alternative compliance.	1	1 request	1
116	The Director may occasionally request information to administer and carry out the offshore alternative energy program via Federal Register Notices.	4	25	100
118(c); 225(b)	Within 15 calendar days of bid rejection, request reconsideration of bid decision or rejection.	Exempt under 5 CFR 1320.3(h)(9).		0
<b>Subtotal</b>			<b>78 responses</b>	<b>19,183 hours</b>
			<b>\$2,866,000 non-hour costs</b>	
<b>Subpart B – Issuance of OCS Alternative Energy Leases</b>				
200; 224; 231; 235; 236	These sections contain references to information submissions, approvals, requests, applications, plans, payments, etc., the burdens for which are covered elsewhere in part 285.			0
210; 211(a), (b), (c); 212 thru 215	Submit comments in response to <i>Federal Register</i> notices on Request for Interest in OCS Leasing, Call for Information and Nominations (Call), Area Identification, and the Proposed Sale Notice.	4	16 comments	64

Section(s) in 30 CFR 285	Reporting and Recordkeeping Requirement	Hour Burden	Average No. of Annual Responses	Annual Burden Hours
			Non-hour Costs	
211(d); 215; 220 thru 222; 231(c)(2)	Submit bid, payments, and required information in response to <i>Federal Register</i> Final Sale Notice.	5	12 bids	60
223	Within 15 calendar days of MMS notification of tied bids, tied bidders file agreement to accept joint lease or notify MMS which bidder will become lessee.	4	1 agreement or notice	4
224	Within 10 business days, execute 3 copies of lease form and return to MMS with required payments, including evidence that agent is authorized to act for bidder; if applicable, submit information to support delay in execution.	1	5 lease executions	5
230; 231(a)	Submit unsolicited request and acquisition fee for a commercial or limited lease.	5	5 unsolicited requests	25
231(b)	Submit comments in response to <i>Federal Register</i> notice re interest of unsolicited request for a lease.	4	4 unsolicited requests	16
231(e), (f)	Submit decision to accept or reject terms and conditions of noncompetitive lease.	2	4 lease decisions	8
235(b); 236(b)	Request additional time to extend preliminary or site assessment term of commercial or limited lease, including revised schedule for SAP, COP, or GAP submission.	1	2 requests	2
237(b)	Request lease be dated and effective 1 <sup>st</sup> day of month in which signed.	1	1 request	1
<b>Subtotal</b>			<b>50 responses</b>	<b>185 hours</b>
<b>Subpart C – ROW Grants and RUE Grants for Alternative Energy Activities</b>				
306; 309; 315; 316	These sections contain references to information submissions, approvals, requests, applications, plans, payments, etc., the burdens for which are covered elsewhere in part 285.			0
302(a); 305; 306	Submit 1 paper copy and 1 electronic version of a request for a new or modified ROW or RUE and required information, including qualifications to hold a grant.	5	1 ROW/RUE request	5
307; 308(a)(1)	Submit comments on competitive interest in response to <i>Federal Register</i> notice of proposed ROW or RUE grant area or comments on notice of grant auction.	4	2 comments	8
308(a)(2), (b); 315; 316	Submit bid and payments in response to <i>Federal Register</i> notice of auction for a ROW or RUE grant.	5	1 bid	5
309	Submit decision to accept or reject terms and conditions of noncompetitive ROW or RUE grant.	2	1 grant decision	2
<b>Subtotal</b>			<b>5 responses</b>	<b>20 hours</b>
<b>Subpart D – Lease and Grant Administration</b>				
400; 401; 402; 405; 409; 416, 433	These sections contain references to information submissions, approvals, requests, applications, plans, payments, etc., the burdens for which are covered elsewhere in part 285.			0
401(b)	Take measures directed by MMS in cessation order and submit reports in order to resume activities.	100	1 cessation measures report	100
405(d)	Submit written notice of change of address.	Exempt under 5 CFR 1320.3(h)(1).		0
405(e)	If designated operator (DO) changes, notify MMS and identify new DO for MMS approval.	1	1 new DO notice	1



Section(s) in 30 CFR 285	Reporting and Recordkeeping Requirement	Hour Burden	Average No. of Annual Responses	Annual Burden Hours
			Non-hour Costs	
408 thru 411	Within 90 calendar days after last party executes a transfer agreement, submit 1 paper copy and 1 electronic version of a lease or grant assignment application, including originals of each instrument creating or transferring ownership of record title, eligibility and other qualifications; and evidence that agent is authorized to execute assignment.	1	2 assignment requests/ instruments submissions	2
415(a)(1); 416; 420(a), (b); 421(b); 428(b)	Submit request for suspension and required information no later than 90 calendar days prior to lease or grant expiration.	10	2 suspension requests	20
417(b)	Conduct, and if required pay for, site-specific study to evaluate cause of harm or damage; and submit 1 paper copy and 1 electronic version of study and results.	100	1 study/ submission	100
			1 study x \$950,000 = \$950,000	
425 thru 428; 652(a)	Request lease or grant renewal no later than 180 calendar days before termination date of your limited lease or grant, or no later than 2 years before termination date of operations term of commercial lease.	6	2 renewal requests	12
435; 658(c)(2)	Submit 1 paper copy and 1 electronic version of application to relinquish lease or grant.	1	2 relinquish applications	2
436; 437	Provide information for reconsideration of MMS decision to contract or cancel lease or grant area.	Exempt under 5 CFR 1320.3(h)(9).		0
<b>Subtotal</b>			<b>11 responses</b>	<b>237 hours</b>
			<b>\$950,000</b>	
<b>Subpart E – Payments and Financial Assurance Requirements</b>				
An * indicates the primary cites for providing bonds or other financial assurance, and the burdens include any previous or subsequent references throughout part 285 to furnish, replace, or provide additional bonds, securities, or financial assurance. This subpart contains references to other information submissions, approvals, requests, applications, plans, etc., the burdens for which are covered elsewhere in part 285.				0
500 thru 508; 1011	Submit payor information, payments and payment information, and maintain auditable records according to subchapter A regulations or guidance.	Burdens covered by information collections approved for 30 CFR Subchapter A		0
509	Submit application and required information for waiver or reduction of rental or other payment.	1	1 waiver or rental reduction	1
* 515; 516(a)(1), (b); 525(a) thru (f)	Execute and provide \$100,000 minimum lease-specific bond or other approved security; or increase bond level if required.	1	6 base-level lease bonds or other security	6
* 516(a)(2), (3), (b); 517; 525(a) thru (f)	Execute and provide SAP and COP commercial lease bonds in amounts determined by MMS.	1	5 SAP and COP bonds	5
517(d)(1)	Submit comments on proposed adjustment to bond amounts.	1	3 adjustment comments	3
517(d)(2)	Request bond reduction and submit evidence to justify.	5	2 reduction requests	10
* 520; 521; 525(a) thru (f)	Execute and provide \$300,000 minimum limited lease or grant-specific bond or increase financial assurance if required.	1	1 base-level ROW/RUE bond	1
525(g)	Surety notice to lessee or ROW/RUE grant holder and MMS within 5 business days after initiating insolvency or bankruptcy proceeding, or Treasury decertifies surety.	1	1 surety notice	1
* 526	In lieu of surety bond, pledge other types of securities, including authority for MMS to sell and use proceeds.	2	1 other security pledge	2

Section(s) in 30 CFR 285	Reporting and Recordkeeping Requirement	Hour Burden	Average No. of Annual Responses	Annual Burden Hours
			Non-hour Costs	
* 527	In lieu of surety bond, request authorization to establish decommissioning account, including written authorizations and approvals associated with account.	2	1 decommissioning account	2
530(a)	Notify MMS promptly of lapse in bond or other security.	1	1 notice	1
532(b)	Surety requests MMS terminate period of liability and notifies lessee or ROW/RUE grant holder.	1	1 request	1
533(a)(2)(ii), (iii)	Provide agreement from surety issuing new bond to assume all or portion of outstanding liabilities.	3	1 surety agreement	3
536(b)	Within 10 business days following MMS notice, lessee, grant holder, or surety agree to and demonstrate to MMS that lease will be brought into compliance.	16	1 agreement demonstration	16
<b>Subtotal</b>			<b>25 responses</b>	<b>52 hours</b>
<b>Subpart F – Plans and Information Requirements</b>				
Two ** indicate the primary cites for Site Assessment Plans (SAPs), Construction and Operations Plans (COPs), and General Activities Plans (GAPs); and the burdens include any previous or subsequent references throughout part 285 to submission and approval. This subpart contains references to other information submissions, approvals, requests, applications, plans, etc., the burdens for which are covered elsewhere in part 285.				0
** 600(a); 601(a), (b), (c); 605 thru 613	Within 6 months after issuance of a competitive lease or grant, or within 60 calendar days after determination of no competitive interest, submit 1 paper copy and 1 electronic version of a SAP, including air quality and all required information, certifications, etc.	240	6 SAPs	1,440
** 600(b); 601(c), (d)(1); 618; 620 thru 629; 633	If requesting an operations term for commercial lease, at least 6 months before the end of site assessment term, submit 1 paper copy and 1 electronic version of a COP, including air quality and all required information, surveys and reports, certifications, project easements, etc.	1,000	3 COPs	3,000
** 600(c); 601(a), (b); 640 thru 647	Within 6 months after issuance of a competitive lease or grant, or within 60 calendar days after determination of no competitive interest, submit 1 paper copy and 1 electronic version of a GAP, including air quality and all required information, surveys and reports, certifications, project easements, etc.	240	1 GAP	240
602 <sup>1</sup>	Until MMS releases financial assurance, respondents must maintain, and provide to MMS if requested, all data and information related to compliance with required terms and conditions of SAP, COP, or GAP.	2	9 records maintenance/submissions	18
** 612(e), (f); 617	Submit revised or modified SAPs and required additional information.	50	1 revised or modified SAP	50
614	Before beginning construction of OCS facility described in SAP, complete survey activities identified in SAP and submit initial findings. This only includes the time involved in submitting the findings, it does not include the survey time as these surveys would be conducted as good business practice.	30	6 surveys/reports	180
615(a)	Notify MMS in writing within 30 calendar days of completion of construction and installation activities under SAP.	1	5 completion construction notices	5
615(b)	Submit annual report summarizing findings from site assessment activities.	30	8 annual reports	240

Section(s) in 30 CFR 285	Reporting and Recordkeeping Requirement	Hour Burden	Average No. of Annual Responses	Annual Burden Hours
			Non-hour Costs	
615(c)	Submit annual, or at other time periods as MMS determines, SAP compliance certification and reports.	40	8 compliance certifications	320
617(a)	Notify MMS in writing before conducting any activities not approved, or provided for, in SAP; provide additional information if requested.	10	1 notice before activity	10
** 601(d)(2), 628(f); 632(b); 634	Submit revised or modified COPs, including project easements, and all required additional information.	50	1 revised or modified COP	50
627(c)	Include oil spill response plan as required by part 254.	Burden covered under 1010-0091, 30 CFR 254.		0
631	Request deviation from approved COP schedule.	2	1 deviation request	2
633(b)	Submit annual, or at other time periods as MMS determines, COP compliance certification and reports.	80	9 compliance certifications	720
634(a)	Notify MMS in writing before conducting any activities not approved or provided for in COP, and provide additional information if requested.	10	1 notice before activity	10
635	Notify MMS any time commercial operations cease without an approved suspension.	1	1 termination notice	1
636(a)	Notify MMS in writing no later than 30 calendar days after commencing activities associated with placement of facilities on lease area.	1	3 commence notices	3
636(b)	Notify MMS in writing no later than 30 calendar days after completion of construction and installation activities.	1	3 completion notices	3
636(c)	Notify MMS in writing at least 7 calendar days before commencing commercial operations.	1	3 initial ops notices	3
** 647(f); 655; 658(c)(3)	Submit revised or modified GAPs and required additional information.	50	1 revised or modified GAP	50
651	Before beginning construction of OCS facility described in GAP, complete survey activities identified in GAP and submit initial findings. This only includes the time involved in submitting the findings; it does not include the survey time as these surveys would be conducted as good business practice.	30	5 surveys/ reports	150
653(a)	Notify MMS in writing within 30 calendar days of completion of construction and installation activities under the GAP.	1	5 construction completion notices	5
653(b)	Submit annual report summarizing findings from activities conducted under approved GAP.	30	8 annual reports	240
653(c)	Submit annual, or at other time periods as MMS determines, GAP compliance certification and reports.	40	8 compliance certifications	320
655(a)	Notify MMS in writing before conducting any activities not approved or provided for in GAP, and provide additional information if requested.	10	1 notice before activity	10
656	Notify MMS if at any time approved GAP activities cease without an approved suspension.	1	1 termination notice	1
658(c)(1)	If after construction, cable or pipeline deviate from approved COP or GAP, notify affected lease operators and ROW/RUE grant holders of deviation and provide MMS evidence of such notices.	3	1 deviation notice/MMS evidence	3
<b>Subtotal</b>			<b>100 responses</b>	<b>7,074 hours</b>

Section(s) in 30 CFR 285	Reporting and Recordkeeping Requirement	Hour Burden	Average No. of Annual Responses	Annual Burden Hours
			Non-hour Costs	
<b>Subpart G – Facility Design, Fabrication, and Installation</b>				
Three *** indicate the primary cites for the reports discussed in this subpart, and the burdens include any previous or subsequent references throughout part 285 to submitting and obtaining approval. This subpart contains references to other information submissions, approvals, requests, applications, plans, etc., the burdens for which are covered elsewhere in part 285.				0
***700(a)(1), (b), (c); 701	Submit Facility Design Report, including 1 paper copy and 1 electronic copy of the cover letter, and all required information (1-3 paper or electronic copies as specified).	200	3 Facility Design Reports	600
***700(a)(2); (b), (c); 702	Submit 1 paper copy and 1 electronic copy of a Fabrication and Installation Report and all required information.	160	3 Fabrication & Installation Reports	480
705(b); 707; 712	Certified Verification Agent (CVA) conducts independent assessment of the facility design and submits reports to lessee or grant holder and MMS -- interim reports if required, and 1 electronic copy and 1 paper copy of the final report.	100	3 CVA design interim reports	300
		100	3 CVA final reports	300
705(b); 708; 709; 710; 712	CVA conducts independent assessments on the fabrication and installation activities, informs lessee or grant holder if procedures are changed or design specifications are modified; and submits reports to lessee or grant holder and MMS -- interim reports if required, and 1 electronic copy and 1 paper copy of the final report.	100	3 CVA interim reports	300
		100	3 CVA final reports	300
705(b); 711; 712	CVA monitors major project modifications and repairs and submits reports to lessee or grant holder and MMS -- interim reports if required, and 1 electronic copy and 1 paper copy of the final report.	20	1 CVA interim report	20
		15	1 CVA final report	15
706	Submit for approval with SAP, COP, or GAP, initial nominations for a CVA or new replacement CVA nomination, and required information.	16	13 new CVA nominations	208
708(b)(2)	Lessee or grant holder notify MMS if modifications identified by CVA are accepted.	1	1 notice	1
709(a)(14); 710(a)(2), (e) <sup>1</sup>	Make fabrication quality control, installation towing, and other records available to CVA for review (retention required by § 285.714).	1	3 records retention	3
713(a)	Notify MMS within 10 business days after commencing commercial operations.	1	2 commence notices	2
714; <sup>1</sup>	Until MMS releases financial assurance, compile, retain, and make available to MMS and/or CVA the as-built drawings, design assumptions/ analyses, summary of fabrication and installation examination records, inspection results, and records of repairs not covered in inspection report. Record original and relevant material test results of all primary structural materials; retain records during all stages of construction.	100	3 lessees	300
<b>Subtotal</b>			<b>42 responses</b>	<b>2,829 hours</b>
<b>Subpart H – Environmental and Safety Management, Inspections, and Facility Assessments</b>				

Section(s) in 30 CFR 285	Reporting and Recordkeeping Requirement	Hour Burden	Average No. of Annual Responses	Annual Burden Hours
			Non-hour Costs	
801	Submit information with plans to ensure proposed activities will be conducted in compliance with the Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA); including, agreements and mitigating measures designed to avoid or minimize adverse effects and incidental take of species or habitat.	6	2 ESA/MMPA submissions	12
801(d), (e)	Notify MMS if endangered or threatened species, or their designated critical habitat, may be in the vicinity of the lease or grant or may be affected by lease or grant activities.	1	2 notices	2
802(a), (b)	If applicable, consult with MMS and conduct survey and submit an archaeological report with applications or plans.	10	1 archaeological report	10
802(c); 803(b)	If requested, conduct further archaeological investigations and submit report.	10	1 archaeological report	10
803(a)(2); 902(e)	Notify MMS of archaeological resource within 72 hours of discovery.	3	1 archaeological notice	3
803(d)	If applicable, submit payment for MMS costs in carrying out National Historic Preservation Act responsibilities.	.5	1 payment	.5
804(b), (c)	If required, conduct additional surveys to define boundaries and avoidance distances and submit report.	15	2 survey/ report	30
807	Determine appropriate air quality modeling protocol, conduct air quality modeling, and submit 3 copies of air quality modeling report and 3 sets of digital files as supporting information to plans.	70	10 air quality modeling reports/info.	700
810	Submit safety management system description with the SAP, COP, or GAP.	35	10 safety management systems	350
813(b)(1)	Report within 24 hours when any required safety equipment taken out of service for more than 12 hours; provide written confirmation if oral report.	.5	3 safety equipment reports	1.5
813(b)(2)	Submit written confirmation when equipment removed from service for greater than 60 calendar days.	1	1 written confirmation	1
813(b)(3)	Notify MMS when equipment returned to service; provide written confirmation if oral notice.	.5	3 return to service notices	1.5
815(b)	Notify MMS (oral or written) as soon as practicable of the repair of any P/L, cable, equipment, or facility associated with lease or grant.	.5	3 repair notices	1.5
815(c)	When required, analyze cable, P/L, or facility failures to determine cause and as soon as available submit comprehensive written report.	1.5	1 failure analysis report	1.5
816	Submit plan of corrective action report on observed detrimental affects on cable, P/L, or facility within 30 calendar days of discovery; take remedial action and submit report of remedial action within 30 calendar days after completion.	2	1 corrective action plan and report	2
822(a)(2)(iii), (b); 824(a) <sup>1</sup>	Until MMS releases financial assurance, maintain records of design, construction, operation, maintenance, repairs, investigation on or related to lease or ROW/RUE area, and make available to MMS for inspection.	1	4 records retention	4
823	Request reimbursement within 90 calendar days for food, quarters, and transportation provided to MMS reps during inspection.	2	1 reimbursement request	2

Section(s) in 30 CFR 285	Reporting and Recordkeeping Requirement	Hour Burden	Average No. of Annual Responses	Annual Burden Hours
			Non-hour Costs	
824(a)	Develop annual self inspection plan covering all facilities; retain with records, and make available to MMS upon request.	24	4 self assessment plans	96
824(b)	Conduct annual self inspection and submit report by November 1.	36	4 annual reports	144
825	Based on API RP 2A-WSD, perform assessment of structures, initiate mitigation actions for structures that do not pass assessment process, retain information, and make available to MMS upon request.	60	4 assessments and mitigation actions	240
830(a), (b), (c); 831 thru 833	Immediately report incidents to MMS via oral communications, submit written follow-up report within 15 business days after the incident, and submit any required additional information.	Oral .5	6 incidents	3
		Written 4	1 incident	4
830(d)	Report oil spills as required by part 254.	Burden covered by 1010-0091, 30 CFR 254.		0
<b>Subtotal</b>			<b>66 responses</b>	<b>1,620 hours (rounded)</b>
<b>Subpart I – Decommissioning</b>				
902(b), (c), (d); 905, 906; 907; 908(c); 909	Submit for approval 1 paper copy and 1 electronic copy of the decommissioning application and site clearance plan at least 2 years before decommissioning activities begin, 90 calendar days after completion of activities, or 90 calendar days after cancellation, relinquishment, or other termination of lease or grant. Include requests that certain facilities remain in place for other activities, be converted to an artificial reef, or be toppled in place. Submit additional information requested or modify and resubmit application.	20	1 decommissioning application	20
902(d); 908;	Notify MMS at least 60 calendar days before commencing decommissioning activities.	1	1 decommissioning notice	1
910	Within 60 calendar days after removing a facility, verify to MMS that site is cleared.	1	1 removal verification	1
912	Within 60 calendar days after removing a facility, cable, or pipeline, submit a written report.	8	1 removal report	8
We don't anticipate decommissioning activities for at least 5 years so the requirements have been given a minimal burden.				
<b>Subtotal</b>			<b>4 responses</b>	<b>30 hours</b>
<b>Subpart J – RUEs for Energy and Marine-Related Activities Using Existing OCS Facilities</b>				
1004, 1005, 1006	Contact owner of existing facility and/or lessee of the area to reach preliminary agreement to use facility and obtain concurring signatures; submit request to MMS for an alternative use RUE, including all required information/modifications.	1	1 request for RUE to use existing facility	1
1007(a), (b), (c)	Submit indication of competitive interest in response to <i>Federal Register</i> notice.	4	1 response	4
1007(c), (d), (e)	Submit description of proposed activities and required information in response to <i>Federal Register</i> notice of competitive offering.	5	1 submission	5
1007(f)	Lessee or owner of facility submits decision to accept or reject proposals deemed acceptable by MMS.	1	1 decision	1
1010(c)	Request renewal of Alternate Use RUE.	6	1 renewal request	6

Section(s) in 30 CFR 285	Reporting and Recordkeeping Requirement	Hour Burden	Average No. of Annual Responses	Annual Burden Hours
			Non-hour Costs	
1012; 1016(b)	Provide financial assurance as MMS determines in approving RUE for an existing facility, including additional security if required.	1	1 bond or other security	1
1013	Submit request for assignment of an alternative use RUE for an existing facility, including all required information.	1	1 RUE assignment request	1
1015	Request relinquishment of RUE for an existing facility.	1	1 RUE relinquish	1
<b>Subtotal</b>			<b>8 responses</b>	<b>20 hours</b>
<b>30 CFR Parts 250 &amp; 290 Proposed Revisions</b>				
250.1730(c)	Request departure from requirement to remove a platform or other facility.	No change to burden covered by 1010-0142, 30 CFR 250, subpart Q.		0
250.1731(c)	Request deferral of facility removal subject to RUE issued under this subpart.	1	1 deferral request	1
250.290.2	Request reconsideration of an MMS decision concerning a lease bid.	Exempt under 5 CFR 1320.3(h)(9).		0
<b>Subtotal</b>			<b>1 responses</b>	<b>1 hours</b>
<b>Total Hour Burden</b>			<b>390 Responses</b>	<b>31,251 Hours</b>
<b>Total Non-Hour Burden Costs</b>			<b>\$3,816,000 Non-Hour Costs</b>	

1/ Retention of these records is usual and customary business practice; the burden is primarily to make them available to MMS and CVAs.

*(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 \$85 (rounded)/hour. This cost is broken out in the below table using the Bureau of Labor Statistics\* data for the New York-Northern New Jersey-Long Island-NY-NJ-CT-PA areas. See BLS website: <http://www.bls.gov/bls/wages.htm>.

POSITION	LEVEL	Hourly Pay rate (\$/hour estimate)	Hourly rate including benefits (1.4** x \$/hour)	Percent of time spent on collection	Weighted Average (\$/hour)
Biologist*	13	\$62.75	\$87.85	19%	\$16.69
Oceanographer*	13	\$62.75	\$87.85	15%	\$13.18
GIS Specialist*	12	\$49.98	\$69.97	7%	\$4.90
Attorney	15	\$71.85	\$100.59	9%	\$9.05
Geophysicist/Geologist*	13	\$62.75	\$87.85	10%	\$8.79
Engineer	14	\$63.75	\$89.25	10%	\$8.93
Disciplinary/Various	11	\$55	\$77.00	30%	\$23.10
<b>Weighted Average (\$/hour)</b>					<b>\$84.64</b>

\* Professional Specialist Occupation – updated as of March 2005. For the remainder of the positions, the BLS source reflects their last update from July 2004.

\*\* A multiplier of 1.4 (as implied by BLS news release USDL 07-1883, December 11, 2007) was added for benefits.

Based on a cost factor of \$85 per hour (rounded), we estimate the total annual cost to industry is \$2,656,335 (\$85 x 31,251 hours = \$2,656,335).

**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.***

There are three non-hour cost burdens to industry which we included in the burden table in section A.12. We estimate the total of those at \$3,816,000 for the following:

§ 285.111 - \$16,000: This section requires respondents to pay a processing fee for MMS document or study preparation when necessary for MMS processing of applications and requests. The processing fee is \$4,000 and we anticipate approximately 4 fees.

§285.111(b)(3) - \$2,850,000: This section allows respondents to pay a contractor instead of MMS for all or part of any document, study, or other activity, and provide the results to MMS to reduce MMS processing costs. We estimate the non-hour cost burden of this payment could range from \$100,000 to \$2,000,000. For estimating purposes, we average the cost at \$950,000. We anticipate no more than 3 payments.

§ 285.417(b) - \$950,000: This section requires respondents to pay for a site-specific study to evaluate the cause of harm or damage to natural resources, and submit a report to MMS. We estimate the non-hour cost burden of this study could range from \$100,000 to \$2,000,000, depending on the nature of the study. For estimating purposes, we average the cost at \$950,000. We anticipate no more than one study.



**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.**

To analyze and review the information required under part 285, we estimate the Government will spend an average of 1 hour for each hour spent by respondents.

<b>POSITION</b>	<b>GRADE</b>	<b>Hourly Pay rate (\$/hour estimate)</b>	<b>Hourly rate including benefits (1.5** x \$/hour)</b>	<b>Percent of time spent on collection</b>	<b>Weighted Average (\$/hour)</b>
Biologist, Avian/Wildlife	GS-13/05	\$37	\$55.5	9%	\$5
Biologist, Fish/Benthic	GS-13/05	\$37	\$55.5	9%	\$5
Archeologist	GS-14/05	\$44	\$66	9%	\$6
Air Quality Specialist	GS-14/05	\$44	\$66	6%	\$4
Social Scientist/Economist	GS-14/05	\$44	\$66	13%	\$9
Oceanographer	GS-13/05	\$37	\$55.5	25%	\$14
CZM Specialist	GS-14/05	\$44	\$66	8%	\$5
GIS Specialist	GS-12/05	\$31	\$46.5	3%	\$1
Attorney	GS-14/05	\$44	\$66	4%	\$3
Geophysicist/Geologist	GS-13/05	\$37	\$55.5	5%	\$3
Engineer	GS-14/05	\$44	\$66	6%	\$4
Disciplinary/Various	GS-13/05	\$37	\$55.5	3%	\$2
<b>Weighted Average (\$/hour)</b>					<b>\$61</b>

\* The government cost is based on New Orleans, LA, 2008 pay scale.

\*\* A multiplier of 1.5 (as implied by BLS news release USDL 07-1883, December 11, 2007) was added for benefits.

Based on a cost factor of \$61 per hour, the total gross cost to the Government is \$1,906,311 (31,251 hours x 1 = 31,251 hours x \$61 = \$1,906,311). However, we anticipate that this will vary a great deal, depending on the project and the amount of NEPA and other work that is involved. Since this is a new program, the first projects mostly likely will require more staff time than similar subsequent projects. Also, a different level of work will be necessary depending on the type of project (i.e., wind, wave or current, or reuse of a facility). As we gain experience and knowledge the staff time involved will change. However, this cost is partly offset by the amount of revenues we expect to receive from the \$16,000 filing fees (§ 285.111) discussed in item A.13. Therefore, the net estimated cost to the Government is \$1,890,311 (\$1,906,311 - \$16,000 = \$1,890,311).

**15. Explain the reasons for any program changes or adjustment.**

This ICR concerns a new program being implemented through a proposed rulemaking. It is considered a “program increase” in its entirety as required by new law, the Energy Policy Act of 2005.

**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.**

The 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 with this submission, as this collection of information concerns requirements in regulations. However, we anticipate developing official forms for some aspects of the rule's requirements. Any such forms would display the expiration date of OMB approval.

***18. Explain each exception to the certification statement.***

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."