

Supporting Statement for Paperwork Reduction Act Submission
30 CFR 285, Renewable Energy and Alternate Uses of Existing
Facilities on the Outer Continental Shelf
(Final Rulemaking)
OMB Control Number 1010-0176
Current Expiration Date: NEW

Terms of Clearance: For future submissions of this information collection, reference the Office of Management and Budget (OMB) Control Number provided. In accordance with 5 CFR 1320, OMB is withholding approval at this time. Prior to publication of the final rule, the agency must submit to OMB a summary of all comments related to the information collection contained in the proposed rule and the agency response. The agency should clearly indicate any changes made to the information collection as a result of these comments.

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 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.

On July 9, 2008 (73 FR 39376), MMS published a notice of proposed rulemaking to implement the EPAcT by adding a new 30 CFR part 285. The MMS submitted the new information collection (IC) requirements in the proposed regulations to OMB for review and approval. As cited above, OMB withheld approval and provided terms of clearance for the final regulations. The MMS is now ready to

publish the 30 CFR part 285 notice of final rulemaking and this submission requests approval of the information collection requirements and addresses the OMB terms of clearance.

The changes between the proposed rule and the final regulations include the title, some section renumbering and very minor clarifications, as well as more specificity with respect to several reporting requirements. The following sections are those in which we revised, removed, or added IC requirements and result in changes to the proposed rule IC burdens. We discuss these IC changes in more detail under section A.8 of this supporting statement and in the preamble to the final rulemaking.

In addition, this information collection request includes an IC requirement that adds 1 hour to 30 CFR part 250, subpart Q, Decommissioning, 1010-0142. When final regulations take effect, we will submit a “no material or nonsubstantive change to a currently approved collection” to merge this hour into the OMB-approved burden under control number 1010-0142.

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 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 and approve SAPs, COPs, and GAPs prior to allowing activities to commence on 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.

In addition to the above, final regulations incorporate API RP 2A-WSD “Recommended Practice for Planning, Designing and Constructing Fixed Offshore Platforms Working Stress Design.” This incorporated document provides industry with specific standards to conduct assessments of structures, when needed, based on the platform assessment initiators in API RP 2A-WSD. The applicant must initiate mitigation actions for structures that do not pass the assessment process of API RP 2A-WSD and perform other assessments as required by MMS. Making mandatory this standard dictates that respondents comply with the requirements in the incorporated documents.

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].

These 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 EPAct 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.

With regards to hydrokinetic projects on the OCS, MMS and the Federal Energy Regulatory commission (FERC) are working diligently together to create an MOU. The MMS is authorized to issue leases, easements, and right-of-way for such projects, while FERC issues licenses and exemptions for the construction and operation related to hydrokinetic projects on the OCS. If the respondent intends to construct and operate a hydrokinetic facility of OCS lands, they will need a lease from MMS and license from FERC. The OMB has approved the burden pertaining to the FERC hydrokinetic (water/hydro) licensing authority under OMB Control Numbers 1902-0058 and 1902-0115.

The Department of Energy, Energy Information Agency (EIA) Form 923 is filled out under OMB Control Number 1905-0129. We ask respondents to send a copy of the form to MMS. This minor burden is required (and covered by MMS in A.12) so MMS will be able to determine the gross annual generation of electricity by the generating facility on the lease that EIA collects.

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. This 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 EPAct. 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 numerous instances (§§ 285.118, 285.224, 285.231, 285.536, 285.634, 285.713, 285.831, and 285.833) in which MMS requires a response within 10 or 15 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 regulations require 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 provided the 60-day review and comment process through the preamble of the proposed rulemaking on July 9, 2008 (73 FR 39376). 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 this collection comes up for renewal.

The MMS received a total of 280 comments from a range of entities, most of which did not concern or affect the IC aspects of the regulations. The following table displays the number of comments submitted by the various commenting organizations. The preamble of the final rule provides an in-depth discussion of the comments.

Type	Number Received
State Government	38
Non Government Organizations	37
Oil and Gas Industry	3
Alternative Energy Industry	27
Local Government	7
Congress	4
Tribal Government	1
Federal Government	7
Research Organizations	1
Individuals	155
Total	280

The primary respondents submitting comments relative to IC requirements were: Ocean Power Technologies; Conservation Law Foundation; Delaware Public Service Commission; American Wind Energy Association (AWEA); Massachusetts Department of Fish and Game; Natural Resources Defense Council; and Southern Company. Other commenters agreed with their comments. The following briefly summarizes how MMS addressed the comments on IC requirements in the final regulations:

- § 285.223(a) – We revised our procedures for breaking tie bids by lot, to authorize an additional round of bidding when more than one bidder on a lease submits the same high bid amount. If the highest bids are tied, we will notify the tied bidders. The winning bidder will be determined from the tied bidders by a final round of ascending or sealed bidding. This section does not apply to bids at the end of stage one of a two-stage bidding format. This resulted in -4 burden hours).
- § 285.506(c)(4) – We adopted recommendations pertaining to the use of the wholesale power price of the State where the transmission makes landfall in the operating fee formula. The power price component will be adjusted on an annual basis using publicly available information from an independent outside source, the EIA, to reflect prevailing conditions. To facilitate the adjustment of the capacity factor, the lessee will be required to submit to MMS the gross annual generation of electricity by the generating facility on the lease using the appropriate form provided by EIA to collect the generation information or a form otherwise required by MMS. This resulted in +1 burden hour.
- § 285.516(a)(4) – We modified this provision to add a separate bond specifically to cover decommissioning costs. Before you install facilities under your approved COP, you must provide a decommissioning bond or other approved assurance. The amount of the decommissioning bond will be based on the anticipated decommissioning costs. The MMS may allow respondents to provide the decommissioning bond in stages, based on the schedule for facility installation. The MMS must approve the schedule for providing this bond. This resulted in +3 burden hours.
- § 285.526(c) – In this section and the following two new sections, MMS accommodated comments that requested more financial assurance options. This section now allows respondents to also use negotiable US government, State and/or Municipal securities or bonds; investment-grade rated securities; or insurance. This resulted in +1 burden hour.
- § 285.527 – We added a new section to allow respondents to demonstrate financial strength and reliability instead of submitting a bond or other financial assurance to meet the requirements of this part. MMS provides the same option for oil and gas operators. This resulted in +10 burden hours.
- § 285.528 – We added a new section to allow a third-party guaranty to meet financial assurance requirements. This resulted in +10 burden hours.
- § 285.612(b) – We added a new section regarding clarification of the CZMA process. This resulted in +4 burden hours.
- § 285.614 – We deleted requirements in the proposed section as the activities may be conducted under US Army Corps of Engineers regulations. This resulted in -180 burden hours.
- § 285.705(b) – We added a provision to this section that allows MMS to waive the requirement to use an MMS CVA. It describes the criteria that MMS will use to decide whether to waive the CVA requirement, and is consistent with the changes made to §§ 285.701 and 702. Even if MMS waives the requirement to use a CVA, a company’s project engineer must perform the same duties and responsibilities as the CVA. This resulted in +40 burden hours.
- § 285.802(a), (b) – We removed the original requirement from the final rule. The details about how a lessee or grant holder must protect archaeological resources will be included in a guidance document that MMS will develop after the rule is final. This resulted in -10 burden hours.
- § 285.815(b) – We revised this section to remove notifications on the repair of any pipeline, cable, equipment, or facility associated with lease or grant. This section now cross references other pertinent sections of the final regulations. This resulted in -2 burden hours.

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.

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 (5 U.S.C. 552) and its implementing regulations (43 CFR 2), 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. Responses are mandatory and are to obtain or retain a benefit. 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 Cost Burdens	
Subpart A – General Provisions				
102; 105; 110	These sections contain general references to submitting comments, requests, applications, plans, notices, reports, 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; 904	Request general departures not specifically covered elsewhere in part 285.	2	6 requests	12
105(c)	Make oral requests or notifications and submit written follow up within 3 business days not specifically covered elsewhere in part 285.	1	8 requests	8
106; 107; 212(f); 230(f); 302(a); 408(b)(7); 409(c); 1005(c); 1007(c); 1013(b)(7)	Submit evidence of qualifications to hold a lease or grant, required information and supporting information.	2	20 evidence submissions	40
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
106(b)(2), (3); 225; 527(c); 705(b)(2); 1016	Request reconsideration and/or hearing.	Requirement not considered IC under 5 CFR 1320.3(h) (9).		0
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 days after earliest of either the effective date or filing date.	Requirement not considered IC under 5 CFR 1320.3(h) (1).		0
111	Within 30 days of receiving bill, submit processing fee payments for MMS document or study preparation to process applications and requests.	.5	4 fee 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); 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 <u>Federal Register</u> Notices.	4	25	100

Section(s) in 30 CFR 285	Reporting and Recordkeeping Requirement	Hour Burden	Average No. of Annual Responses	Annual Burden Hours
			Non-hour Cost Burdens	
118(c); 225(b)	Within 15 days of bid rejection, request reconsideration of bid decision or rejection.		Requirement not considered IC under 5 CFR 1320.3(h)(9).	0
Subtotal			78 responses	19,183 hours
			\$2,866,000 non-hour costs	
Subpart B – Issuance of OCS Alternative Energy Leases				
200; 224; 231; 235; 236; 238	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); 213 thru 216	Submit comments in response to <u>Federal Register</u> 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
211(d); 216; 220 thru 223; 231(c)(2)	Submit bid, payments, and required information in response to <u>Federal Register</u> Final Sale Notice.	5	12 bids	60
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 <u>Federal Register</u> notice re interest of unsolicited request for a lease.	4	4 unsolicited requests	16
231(g), (h)	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 st day of month in which signed.	1	1 request	1
Subtotal			49 responses	181 hours
Subpart C – ROW Grants and RUE Grants for Alternative Energy Activities				
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 <u>Federal Register</u> 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 <u>Federal Register</u> 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
Subtotal			5 responses	20 hours
Subpart D – Lease and Grant Administration				

Section(s) in 30 CFR 285	Reporting and Recordkeeping Requirement	Hour Burden	Average No. of Annual Responses	Annual Burden Hours
			Non-hour Cost Burdens	
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.	Requirement not considered IC 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
408 thru 411	Within 90 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); 428(b)	Submit request for suspension and required information no later than 90 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 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.	Requirement not considered IC under 5 CFR 1320.3(h)(9).		0
Subtotal			11 responses	237 hours
			\$950,000	
Subpart E – Payments and Financial Assurance Requirements				
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 509; 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
506(c)(4)	Submit documentation of the gross annual generation of electricity produced by the generating facility on the lease - use same form as authorized by the EIA. (Burden covered under DOE/EIA OMB Control Number 1905-0129 to gather info and fill out form. MMS's burden is for submitting a copy).	10 min	6 forms	1
510	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

Section(s) in 30 CFR 285	Reporting and Recordkeeping Requirement	Hour Burden	Average No. of Annual Responses	Annual Burden Hours
			Non-hour Cost Burdens	
* 516(a)(2), (3), (b), (c); 517; 525(a) thru (f)	Execute and provide commercial lease supplemental bonds in amounts determined by MMS.	1	5 SAP and COP bonds	5
516(a)(4); 521(c)	Execute and provide decommissioning bond or other financial assurance; schedule for providing the appropriate amount.	1	3 decommissioning bonds	3
517(c)(1)	Submit comments on proposed adjustment to bond amounts.	1	3 adjustment comments	3
517(c)(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
526(c)	Provide annual certified statements describing the nature and market value, including brokerage firm statements/reports.	1	1 statement	1
* 527	Demonstrate financial worth/ability to carry out present and future financial obligations, annual updates, and related or subsequent actions/records/reports, etc.	10	1	10
528	Provide third-party indemnity; financial information/statements; additional bond info; executed guarantor agreement and supporting information/documentation.	10	1	10
528(c)(6); 532(b)	Guarantor/Surety requests MMS terminate period of liability and notifies lessee or ROW/RUE grant holder, etc.	1	1 request	1
* 529	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	Notify MMS promptly of lapse in bond or other security/action filed alleging lessee, surety or guarantor et al is insolvent or bankrupt.	1	1 notice	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 agrees to and demonstrates to MMS that lease will be brought into compliance.	16	1 agreement demonstration	16
Subtotal			37 responses	77 hours
Subpart F – Plans and Information Requirements				
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

Section(s) in 30 CFR 285	Reporting and Recordkeeping Requirement	Hour Burden	Average No. of Annual Responses	Annual Burden Hours
			Non-hour Cost Burdens	
** 600(a); 601(a), (b), (c); 605 thru 613	Within 6 months after issuance of a competitive lease or grant, or within 60 days after determination of no competitive interest, submit 1 paper copy and 1 electronic version of a SAP, including information to assist MMS to comply with NEPA such as hazard info, air quality, and all required information, certifications, etc.	240	6 SAPs	1,440
** 600(b); 601(c), (d)(1); 606(b); 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, or FERC license application, including information to assist MMS to comply with NEPA such as hazard info, air quality, and all required information, surveys and/or their results, reports, certifications, project easements, supporting data and information, etc.	1,000	3 COPs	3,000
** 600(c); 601(a), (b); 640 thru 648	Within 6 months after issuance of a competitive lease or grant, or within 60 days after determination of no competitive interest, submit 1 paper copy and 1 electronic version of a GAP, including information to assist MMS to comply with NEPA such as hazard info, air quality, and all required information, surveys and reports, certifications, project easements, etc.	240	1 GAP	240
** 601(d)(2); 622; 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
602 ¹	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
** 613(d), (e); 616	Submit revised or modified SAPs and required additional information.	50	1 revised or modified SAP	50
612(b); 647(b)	Noncompetitive leases must submit copy of SAP or GAP consistency certification and supporting documentation.	1	4 leases	4
614(a)	Notify MMS in writing within 30 days of completion of construction and installation activities under SAP.	1	5 completion construction notices	5
614(b)	Submit annual report summarizing findings from site assessment activities.	30	8 annual reports	240
614(c)	Submit annual, or at other time periods as MMS determines, SAP compliance certification, effectiveness statement, recommendations, reports, supporting documentation, etc.	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
627(c)	Include oil spill response plan as required by part 254.	Burden covered 30 CFR part 254, 1010-0091.		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, effectiveness statement, recommendations, reports, supporting documentation, etc.	80	9 compliance certifications	720

Section(s) in 30 CFR 285	Reporting and Recordkeeping Requirement	Hour Burden	Average No. of Annual Responses	Annual Burden Hours
			Non-hour Cost Burdens	
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 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 days after completion of construction and installation activities.	1	3 completion notices	3
636(c)	Notify MMS in writing at least 7 days before commencing commercial operations.	1	3 initial ops notices	3
** 642(b); 648(e); 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 days of completing installation activities under the GAP.	1	5 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, recommendations, reports, etc.	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
659	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/ information	700
Subtotal			108 responses	7,598 hours
Subpart G – Facility Design, Fabrication, and Installation				
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, certification statement, and all required information (1-3 paper or electronic copies as specified).	200	3 Facility Design Reports	600

Section(s) in 30 CFR 285	Reporting and Recordkeeping Requirement	Hour Burden	Average No. of Annual Responses	Annual Burden Hours
			Non-hour Cost Burdens	
***700(a)(2); (b), (c); 702	Submit 1 paper copy and 1 electronic copy of a Fabrication and Installation Report, certification statement and all required information.	160	3 Fabrication & Installation Reports	480
705(a)(3); 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(a)(3); 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(a)(3); ***711; 712	CVA/project engineer 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
705(b)	Request waiver of CVA requirement in writing; lessee must demonstrate standard design and best practices.	40	1 waiver	40
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/project engineer are accepted.	1	1 notice	1
709(a)(14); 710(a)(2), (e) ¹	Make fabrication quality control, installation towing, and other records available to CVA/project engineer 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; ¹	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
Subtotal			43 responses	2,869 hours
Subpart H – Environmental and Safety Management, Inspections, and Facility Assessments for Activities Conducted Under SAPs, COPs, and GAPs				
801(c), (d)	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

Section(s) in 30 CFR 285	Reporting and Recordkeeping Requirement	Hour Burden	Average No. of Annual Responses	Annual Burden Hours
			Non-hour Cost Burdens	
801(e), (f)	Submit information 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 endangered species or critical habitat.	6	2 ESA/MMPA submissions	12
802; 902(e)	Notify MMS of archaeological resource within 72 hours of discovery.	3	1 archaeological notice	3
802(b)	If requested, conduct further archaeological investigations and submit report.	10	1 archaeological report	10
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
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 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(c)	When required, analyze cable, P/L, or facility damage or failures to determine cause and as soon as available submit comprehensive written report.	1.5	1 analysis report	1.5
816	Submit plan of corrective action report on observed detrimental effects on cable, P/L, or facility within 30 days of discovery; take remedial action and submit report of remedial action within 30 days after completion.	2	1 corrective action plan and report	2
822(a)(2)(iii), (b); 824(a) ¹	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 days for food, quarters, and transportation provided to MMS reps during inspection.	2	1 reimbursement request	2
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	Oral .5	6 incidents	3

Section(s) in 30 CFR 285	Reporting and Recordkeeping Requirement	Hour Burden	Average No. of Annual Responses	Annual Burden Hours
			Non-hour Cost Burdens	
	15 business days after the incident, and submit any required additional information.	Written 4	1 incident	4
830(d)	Report oil spills as required by part 254.	Burden covered by 1010-0091, 30 CFR part 254.		0
Subtotal			52 responses	908 hours
Subpart I – Decommissioning				
Four **** 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.				
**** 902(b), (c), (d), (f); 905, 906; 907; 908(c); 909	Submit for approval 1 paper copy and 1 electronic copy of the SAP, COP, or GAP decommissioning application and site clearance plan at least 2 years before decommissioning activities begin, 90 days after completion of activities, or 90 days after cancellation, relinquishment, or other termination of lease or grant. Include documentation of coordination efforts w/States, local of tribal governments, 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 days before commencing decommissioning activities.	1	1 decommissioning notice	1
910	Within 60 days after removing a facility, verify to MMS that site is cleared.	1	1 removal verification	1
912	Within 60 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.				
Subtotal			4 responses	30 hours
Subpart J – RUEs for Energy and Marine-Related Activities Using Existing OCS Facilities				
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 <u>Federal Register</u> notice.	4	1 response	4
1007(c)	Submit description of proposed activities and required information in response to <u>Federal Register</u> 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
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

Section(s) in 30 CFR 285	Reporting and Recordkeeping Requirement	Hour Burden	Average No. of Annual Responses	Annual Burden Hours
			Non-hour Cost Burdens	
1015	Request relinquishment of RUE for an existing facility.	1	1 RUE relinquish	1
Subtotal			8 responses	20 hours
30 CFR Parts 250 & 290 Proposed Revisions				
250.1730	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.	Requirement not considered IC under 5 CFR 1320.3(h)(9).		0
Subtotal			1 response	1 hour
Total Burden			396 Responses	31,124 Hours
			\$3,816,000 Non-Hour Cost Burdens	

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
Weighted Average (\$/hour)					\$84.64

* 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 \$2,645,540 (\$85 x 31,124 hours = \$2,645,540).

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; therefore, we are estimating 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; therefore, we are estimating 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.

POSITION	GRADE	Hourly Pay rate (\$/hour estimate)*	Hourly rate including benefits (1.5** x \$/hour)	Percent of time spent on collection	Weighted Average (\$/hour)
Biologist, Avian/Wildlife	GS-13/05	\$45	\$67.5	9%	\$6.08
Biologist, Fish/Benthic	GS-13/05	\$45	\$67.5	9%	\$6.08
Archeologist	GS-14/05	\$53	\$79.5	9%	\$7.16
Air Quality Specialist	GS-14/05	\$53	\$79.5	6%	\$4.77
Social Scientist/Economist	GS-14/05	\$53	\$79.5	13%	\$10.34
Oceanographer	GS-13/05	\$45	\$67.5	25%	\$16.88
CZM Specialist	GS-14/05	\$53	\$79.5	8%	\$6.36
GIS Specialist	GS-12/05	\$38	\$57	3%	\$1.71
Attorney	GS-14/05	\$53	\$79.5	4%	\$3.18
Geophysicist/Geologist	GS-13/05	\$45	\$67.5	5%	\$3.38
Engineer	GS-14/05	\$53	\$79.5	6%	\$4.77
Disciplinary/Various	GS-13/05	\$45	\$67.5	3%	\$2.03
Weighted Average (\$/hour)					\$72.74

* The government cost is based on Washington, DC, 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 \$73 (rounded) per hour, the total gross cost to the Government is \$2,272,052 (31,124 hours x 1 = 31,124 hours x \$73 = \$2,272,052). 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.

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

This ICR concerns a new program being implemented through rulemaking. It is considered a “program increase” in its entirety as required by new law, the Energy Policy Act of 2005. Therefore, this submission requests a program increase of 31,124 burden hours and \$3,816,000 non-hour cost burdens.

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."