

Supporting Statement A
30 CFR 254, Oil-Spill Response Requirements for
Facilities Located Seaward of the Coast Line
OMB Control Number 1014-0007

Terms of Clearance: None

General Instructions

A completed Supporting Statement A 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 below. If an item is not applicable, provide a brief explanation. When the question, "Does this information collection request (ICR) contain surveys, censuses, or employ statistical methods?" is checked "Yes," then a Supporting Statement B 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

Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.

The Federal Water Pollution Control Act (FWPCA), as amended by the Oil Pollution Act of 1990 (OPA), requires that a spill-response plan be submitted for offshore facilities prior to February 18, 1993. The OPA specifies that after that date, an offshore facility may not handle, store, or transport oil unless a plan has been submitted. This authority and responsibility are among those delegated to the Bureau of Safety and Environment Enforcement (BSEE) by Executive Order 12777—Implementation of Section 311 of the Federal Water Pollution Control Act of October 18, 1972, as Amended, and the Oil Pollution Act of 1990. Regulations at 30 CFR 254 establish requirements for spill-response plans for oil-handling facilities seaward of the coast line, including associated pipelines.

To provide supplementary guidance and procedures, BSEE issues Notices to Lessees and Operators (NTLs) on a regional or national basis. Regulation 30 CFR 250.103 allows BSEE to issue NTLs to clarify, supplement, or provide more detail about certain requirements. Additional guidance pertaining to Oil-Spill Response Requirements is provided by NTLs when needed.

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

The BSEE uses the information collected under 30 CFR 254 to determine compliance with OPA by lessees/operators. Specifically, BSEE needs the information to:

- Determine that lessees/operators have an adequate plan and are sufficiently prepared to implement a quick and effective response to a discharge of oil from their facilities or operations.

- Review plans prepared under the regulations of a State and submitted to BSEE to satisfy the requirements in 30 CFR 254 to ensure that they meet minimum requirements of OPA.
- Verify that personnel involved in oil-spill response are properly trained and familiar with the requirements of the spill-response plans and to lead and witness spill-response exercises.
- Assess the sufficiency and availability of contractor equipment and materials.
- Verify that sufficient quantities of equipment are available and in working order.
- Oversee spill-response efforts and maintain official records of pollution events.
- Assess the efforts of lessees/operators to prevent oil spills or prevent substantial threats of such discharges.

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

Currently, 95 percent of all information is submitted electronically. Section 254.7 provides the opportunity for respondents to use improved information technology.

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.

To avoid duplicate reporting requirements for oil-spill response plans, 30 CFR 254 regulations require those with BSEE-approved spill-response plans for facilities on the Outer Continental Shelf (OCS) to expand those plans to include facilities in State waters of the same geographic area. Owners and operators of facilities in State waters with plans approved by the State may submit the same plan to BSEE, along with information pertaining to the approval and assurance that the plan contains several basic requirements of the OPA. In addition, since a particular facility may be subject to several Federal regulations, the Code of Federal Regulations (CFR) allows for the use of the National Response Team's integrated contingency plan format for emergency response plans so that facility owners may address all the requirements in just one plan. The CFR also provides for regional response plans so that a group of leases or facilities having the same lessee or operator and located in the same BSEE Region may submit one plan.

The FWPCA requires immediate notification of spills of oil into any body of water. All such spills must be reported to the National Response Center (NRC), which is operated by the U.S. Coast Guard. The BSEE has arranged with the NRC to receive reports of offshore spills, except for spills of one barrel or more. In those instances, respondents must notify BSEE as well as the NRC so that BSEE can oversee spill-response efforts in a timely manner.

The Department of the Interior and other government agencies have executed Memoranda of Understanding (MOU) and several Memoranda of Agreements (MOAs) that are effective in eliminating

duplication of responsibility. In addition, BSEE has signed MOUs with the major oil-producing coastal States concerning the regulation and inspection of offshore facilities. The MOUs are designed to help ensure that Federal and State regulations are compatible; encourage uniform enforcement strategies; and provide for joint inspections, drills, and investigations. There is no similar information available at the Federal level since each offshore facility is unique with respect to its location, equipment, environment, distance to shore, or sensitive biota, etc.

In the Gulf of Mexico and Alaska Regions, all OCS lessees/operators contract with Oil Spill Response Organizations (OSROs) for spill response coverage. In the Pacific Region, all the OCS lessees/operators contract with OSROs for spill response coverage although some of the operators are also required to maintain response equipment at or near their facilities by BSEE. Each of these OSROs conducts the monthly inspections of their equipment required by 30 CFR 254.43 and maintains the inspection records. The BSEE has agreed to accept these inspections as compliance with this requirement, considerably reducing the number of recordkeepers.

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

This collection of information could have a significant economic effect on a substantial number of small entities. Any direct effects primarily impact the OCS lessees and operators. However, many of the OCS lessees and operators may have less than 500 employees and would be considered small businesses as defined by the Small Business Administration. Regulations require safe work practices and protection of the environmental resources; therefore, the hour burden on any small entity subject to these regulations and associated collection of information cannot be reduced to accommodate them.

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

If BSEE did not collect the information, we could not ensure compliance with Title I of OPA. We would be unable to determine the overall effectiveness of lessees/operators in preventing oil spills and their capability to respond in the event of an oil spill. The frequency of response is monthly, annually, biennially, and on occasion. Respondents are required to review response plans at least once every 2 years and submit all resulting modifications, as any less frequent reviews would not ensure response capability. The OPA and the FWPCA mandate the submission of these plans and notifications. Monthly inspection of oil-spill response equipment assures that equipment is properly maintained in a ready-state in the event the equipment is needed should an oil spill occur.

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

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

Not applicable in this collection.

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

Not applicable in this collection.

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

Not applicable in this collection.

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

Not applicable in this collection.

(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;

Not applicable in this collection.

(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; or

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.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years – even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

As required in 5 CFR 1320.8(d), BSEE provided a 60-day notice in the *Federal Register* on June 6, 2012 (77 FR 33479). Also, 30 CFR 254.9 displays the OMB control number, specifies that the public may comment at anytime on the collection of information required in the 30 CFR 254 regulations, and provides the address for sending comments to BSEE. We received no comments in response to the *Federal Register* notice.

To prepare this information collection renewal request, companies were contacted to determine the estimated burden Part 254 places on respondents. The following company representatives that commented were:

BP America Inc., Earnest D. Bush, Gulf of Mexico Crisis and Continuity Management/Emergency Response Advisor, 281-366-8295, 200 WestLake Park Blvd., Houston, TX 77079

Marathon Oil Company, Bryan F. Beautz, North America Production Operations, Emergency Response and Security, 713-296-3548, 5555 San Felipe Road, Houston, TX 77056-2723

The respondents had no concerns regarding the availability of data, frequency of collection, clarity of instructions, and elements being collected. The companies that replied provided the burden estimates that are reflected in Section A.12.

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

The BSEE will not provide payment or gifts to respondents.

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

No confidential or proprietary information is collected in 30 CFR 254.

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.

Potential respondents comprise Federal oil, gas, or sulphur lessees or operators of facilities located in both State and Federal waters seaward of the coast line and oil-spill response companies. It should be noted that not all of the potential respondents will submit information in any given year and some may

submit multiple times. The burden estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The frequencies of responses are on occasion, monthly, annually, and biennially. We estimate the total annual burden is 60,198 hours. Refer to the following chart for a breakdown of the burdens discussed with the respondents A.8.

BURDEN BREAKDOWN

CITATION 30 CFR 254 and NTLs	Reporting Requirement	Hour Burden	Average No. of Annual Responses	Annual Burden Hours
Subpart A – General				
1(a) thru (d); 2(a); 3 thru 5; 7; 20 thru 29; 44(b)	Submit spill response plan for OCS facilities and related documents.	250	26 new plans	6,500
1(e)	Request BSEE jurisdiction over facility landward of coast line (no recent request received).	0.5	2 requests	1
2(b)	Submit certification of capability to respond to worst case discharge or substantial threat of such.	19	1 certification	19
2(c); 30	Submit revised spill response plan for OCS facilities at least every 2 years; notify BSEE of no change.	64	177 revised plans	11,328
		1	1 plan	1
2(c)	Request deadline extension for submission of revised plan.	4	11 extensions	44
8	Appeal BSEE orders or decisions.	Exempt under 5 CFR 1320.4(a)(2), (c).		0
Subtotal			218 responses	17,893 hours
Subpart C – Related Requirements for OCS Facilities				
40	Make records of all OSRO-provided services, equipment, personnel available to BSEE.	5	20 records	100
41	Conduct annual training; retain training records for 2 years.	49	197 owners/ operators	9,653
42(a) thru (e)	Conduct triennial response plan exercise; retain exercise records for 3 years.	200	134 exercises	26,800
42(f)	Inform BSEE of the date of any exercise (triennial).	1	170 notifications	170
43	Inspect response equipment monthly; retain inspection & maintenance records for 2 years.	3.5	55 inspections x 12 months = 660	2,310
46(a) NTL	Notify NRC of all oil spills from owner/operator facility.	Burden would be included in the NRC inventory.		0
46(b) NTL(s)	Notify BSEE of oil spills of one barrel or more from owner/operator facility; submit follow-up report; after catastrophic event may be requested to meet w/BSEE to discuss storm recovery strategies/pollution.	2	61 notifications & reports	122
46(c)	Notify BSEE & responsible party of oil spills from operations at another facility.	2	24 notifications	48
Subtotal			1,266 responses	39,203 hours
Subpart D – Oil Spill Response Requirements for Facilities Located in State Waters Seaward of the Coast Line				
50; 51	Submit response plan for facility in State waters by modifying existing OCS plan.	42	10 plans	420
50; 52	Submit response plan for facility in State waters following format for OCS plan.	100	9 plans	900
50; 53	Submit response plan for facility in State waters	89	18 plans	1,602

CITATION 30 CFR 254 and NTLs	Reporting Requirement	Hour Burden	Average No. of Annual Responses	Annual Burden Hours
	developed under State requirements.			
54	Submit description of oil-spill prevention procedures and demonstrate compliance.	5	36 submissions	180
Subtotal			73 responses	3,102 hours
TOTAL HOUR BURDEN			1,557 Responses	60,198 Hours

(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.

The average respondent cost is \$57/hour (rounded). This cost is broken out in the below table using the Bureau of Labor Statistics data for the Houston, TX area. 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)
Secretaries and Administrative assistants	6	\$21	\$29	60%	\$17
Petroleum Engineers, Geologists*	All workers	\$68	\$95	20%	\$19
Supv. Engineer*	13	\$76	\$106	20%	\$21
Weighted Average (\$/hour)					\$57

* Note that this BLS source reflects their last update from June 7, 2012.

** A multiplier of 1.4 (as implied by BLS news release USDL 12-1124, June 7, 2012 (see <http://www.bls.gov/news.release/ecec.nr0.htm>)) was added for benefits.

Based on a cost factor of \$57 per hour, we estimate the hour burden as a dollar equivalent is \$3,431,286 (\$57 x 60,198 hours = \$3,431,286).

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 already reflected in Item 12).

(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 for form processing). 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.

Not applicable in this collection.

(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.

Not applicable in this collection.

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

The average government cost is \$67/hour. This cost is broken out in the below table using the current Office of Personnel Management salary data for the REST OF THE UNITED STATES (<http://www.opm.gov/oca/12tables/>).

Position	Grade	Hourly Pay rate (\$/hour estimate)	Hourly rate including benefits (1.5* x \$/hour)	Percent of time spent on collection	Weighted Average (\$/hour)
Office and administrative support occupations	GS-8/5	\$23	\$35	10%	\$4
Engineer(s)	GS-13/5	\$44	\$66	65%	\$43
Supervisory	GS-14/5	\$53	\$80	25%	\$20
Weighted Average (\$/hour)					\$67

* A multiplier of 1.5 (as implied by BLS news release USDL 12-1124, June 7, 2012 (see <http://www.bls.gov/news.release/ecec.nr0.htm>)) was added for benefits.

To analyze and review the information required by Part 254 and related NTLs, we estimate the Government will spend an average of approximately 0.75 hour for each hour spent by respondents for a total of 45,149 hours. Based on a cost factor of \$67 per hour, the cost to the Government will be \$3,024,983 (60,198 hours x 0.75 = 45,149 hours (rounded) x \$67 = \$3,024,983).

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

The current OMB inventory includes 35,070 burden hours for this collection of information. This submission requests 60,198 burden hours. This represents an adjustment increase of 25,128 hours. The primary reasons for the increase were: in 2010, BOEMRE did an emergency IC (1010-0183), after the DWH incident, pertaining to worst-case discharge (WCD) information that would be submitted with Exploration Plans (EPs), Development and Production Plans (DPPs), and Development Operations Coordination Documents (DOCDs). This NTL requested and received OMB approval to increase burden hours due to BOEMRE guidance on how to do WCD calculations that needed to be submitted with industry's EPs, DPPs, and DOCDs. Then BOEMRE became BOEM and BSEE. Under WCD requirements, BOEM is responsible for review and verification of WCD calculations (under 30 CFR 550, subpart B – 1010-0151) and BSEE is responsible for review and verification of detailed

information describing industry's ability to respond to a spill/WCD. Initial calculations based on the NTL 2010-N06 that were submitted with the EPs, DPPs, and DOCDs, were done numerous times since industry felt that guidance received initially was not clear. Whenever WCD volumes are increased based on new calculations, industry has to revise their OSRPs; hence, the additional hours required as a result of increases in the number of OSRP revisions necessary due to the process of Worst-Case Discharge (WCD) volume verification instituted by NTL 2010-N06 for EPs, DPPs, and DOCDs. This verification process of the WCD calculations has resulted in numerous increases to WCD volumes, thus requiring numerous revisions to OSRPs; but, we feel now that industry understands what is needed, the burden would in all likelihood be reduced in future submittals. There is no non-hour cost burden associated with this collection.

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 BSEE 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.

The BSEE will display the OMB control number and approval expiration date.

18. Explain each exception to the topics of the certification statement identified in, "Certification for Paperwork Reduction Act Submission."

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."