

Supporting Statement A

30 CFR Part 250, Subpart C, Pollution Prevention and Control

OMB Control Number 1014-0023

Current Expiration Date: November 30, 2015

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

A. Justification

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

The Outer Continental Shelf (OCS) Lands Act at 43 U.S.C. 1334 authorizes the Secretary of the Interior (Secretary) to prescribe rules and regulations necessary for the administration of the leasing provisions of that Act related to mineral resources on the OCS. Such rules and regulations will apply to all operations conducted under a lease, right-of-way, or a right-of-use and easement. Operations on the OCS must preserve, protect, and develop oil and natural gas 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.

Section 1332(6) states that "operations in the [O]uter Continental Shelf should be conducted in a safe manner by well-trained personnel using technology, precautions, and techniques sufficient to prevent or minimize the likelihood of blowouts, loss of well control, fires, spillages, physical obstruction to other users of the waters or subsoil and seabed, or other occurrences which may cause damage to the environment or to property, or endanger life or health." Section 1843(b) calls for "regulations requiring all materials, equipment, tools, containers, and all other items used on the Outer Continental Shelf to be properly color coded, stamped, or labeled, wherever practicable, with the owner's identification prior to actual use."

In addition to the general authority of OCSLA, section 301(a) of the Federal Oil and Gas Royalty Management Act (FOGRMA), 30 U.S.C. 1751(a), grants authority to the Secretary to prescribe such rules and regulations as are reasonably necessary to carry out FOGRMA's provisions. While the majority of FOGRMA is directed to royalty collection and enforcement, some provisions apply to offshore operations. For example, section 109(c)(2) and (d)(1), 30 U.S.C. 1719(c)(2) and (d)(1), impose

substantial civil penalties for failure to permit lawful inspections and for knowing or willful preparation or submission of false, inaccurate, or misleading reports, records, or other information. The Secretary has delegated some of the authority under FOGRMA to BSEE.

This authority and responsibility are among those delegated to the Bureau of Safety and Environmental Enforcement (BSEE). These regulatory requirements concern pollution prevention and control and are the subject of this information collection request (ICR). This request also covers the related Notices to Lessees and Operators (NTLs) that BSEE issues to clarify, supplement, or provide additional guidance on some aspects of our regulations.

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.

In general, BSEE uses the information collected under subpart C to ensure that:

- the lessee or operator records the location of items lost overboard to aid in recovery during site clearance activities on the lease;
- operations are conducted according to all applicable regulations, requirements, and in a safe and workmanlike manner;
- discharge or disposal of drill cuttings, sand, and other well solids, including those containing naturally occurring radioactive materials (NORM), are properly handled for the protection of OCS workers and the environment; and
- facilities are inspected daily for the prevention of pollution, and problems observed are corrected.

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.

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 information collected is unique to under each requirement, and similar information is not available from other sources. The information is site and/or pollution control specific and similar information is not available from other sources.

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 have less than 500 employees and are considered small businesses as defined by the Small Business Administration. The hour burden on any small entity subject to these regulations cannot be reduced to accommodate them. With respect to the requirements for keeping the OCS free of physical obstructions, if these activities were not performed, it is more likely that the other users of the OCS would be adversely affected, many of which are small businesses.

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 carry out the mandate of the OCS Lands Act to ensure safe and environmentally sound operations in the OCS. The information collected is unique to each facility or item lost overboard.

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;

Daily and/or every 3rd day inspection of facilities and recordkeeping for pollution are necessary to detect if pollution is occurring so that immediate corrective actions are taken.

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

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

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

(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;

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

(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

(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.

Not applicable in this collection.

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), we published a 60-day review and comment notice in the *Federal Register* on May 22, 2015 (80 FR 29738). Also, 30 CFR 250.199 explains that BSEE will accept comments at any time on the information collection burden of our 30 CFR 250 regulations. We display the OMB control number and provide the address for sending comments to BSEE. We received three comments in response to the *Federal Register* notice or unsolicited comments from respondents covered under these regulations. Two comments, from the same private citizen, were not germane to the paperwork burden. The third comment, from a private citizen, “According to CFR 250.300 (C), marking media must be durable enough to withstand environmental conditions. Please let me know if paint sticks and aerosol paint is considered durable once it dries. This marking media has been used for decades in the offshore environment and is being questioned now.” Our response to the individual was, “For past 15 years or so, defined items not considered durable for marking are as follows: chalk, grease pencil or crayon, marking pens, non-waterproof decals, and water-based paints. Therefore, a paint stick that uses a water-based paint would not be allowed and paint from a spray can that is water-based would not be allowed.”

To prepare this ICR, companies were contacted to determine the estimated burden this subpart places on respondents: The following company representatives that commented were:

Nelda Runyon, Regulatory Specialist, LLOG Exploration Offshore, LLC,
1001 Ochsner Blvd, Suite 200, Covington, LA 70433

David Broussard, Compliance Supervisor, Fieldwood Energy LLC,
2014 W Pinhook Rd, Suite 800, Lafayette, LA 70508

Susan Hathcock, Regulatory Affairs Manager, Anadarko Petroleum Corporation,
1201 Lake Robbins Drive, Woodlands, TX 77380

Greg J. Horner, Offshore Regulatory Team Lead, Shell Exploration & Production Company
3601 C Street, Suite 1000, Anchorage, Alaska 99503

Carol Pullen, Senior Regulatory Specialist, ExxonMobil Production Company, PO Box 4358
CORP-WGR-926, Houston, TX 77210-4358

All the different reporting and recordkeeping requirements that are listed in the Subpart Q burden table (Section A.12) were thoroughly reviewed by the company representatives listed. These representatives had no concerns regarding the availability of data, frequency of collection, clarity of instructions, and elements being collected at this time. The companies that replied to our request 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.

BSEE will not provide payment or gifts to respondents in this collection.

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

BSEE protects proprietary information according to 30 CFR 250.197, “Data and information to be made available to the public or for limited inspection,” and the Freedom of Information Act (5 U.S.C. 552) and DOI’s implementing regulations (43 CFR 2).

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 include Federal oil, gas, and sulphur lessees and/or operators. 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 the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information and are based on informal discussions with the listed respondents in Section A.8. Responses are mandatory and are submitted on occasion. We estimate a total reporting and recordkeeping annual burden of 137,955 hours. Refer to the following table for a breakdown of the burdens.

BURDEN BREAKDOWN

Citation 30 CFR 250 Subpart C and related NTL(s)	Reporting and Recordkeeping Requirement*	Hour Burden	Average No. of Annual Responses	Annual Burden Hours
Pollution Prevention				

Citation 30 CFR 250 Subpart C and related NTL(s)	Reporting and Recordkeeping Requirement*	Hour Burden	Average No. of Annual Responses	Annual Burden Hours
300(b)(1), (2)	Obtain approval to add petroleum-based substance to drilling mud system or approval for method of disposal of drill cuttings, sand, & other well solids, including those containing NORM.	Burden covered under APDs or APMs 1014-0025 or 1014-0026.		0
300(c)	Mark items that could snag or damage fishing devices.	1 hour	133 markings	133
300(d)	Report and record items lost overboard.	1 hour ea x 2 = 2 hours	116 reports/ records	232
Subtotal			249 responses	365 hours
Marine Trash and Debris Awareness/Elimination NTL				
300(a), (b)(6), (c), (d); NTL	Submit request for training video.	1 hour	106 requests	106
	Submit annual report to BSEE on training process and certification.	1.5 hours	212 records	318
	Training recordkeeping; make available upon request.	3 hours	212 records	636
	Post placards on vessels and structures (exempt from information collection burden because BSEE is providing exact language for the trash and debris warning, similar to the "Surgeon General's Warning" exemption).			0
Subtotal			530 responses	1,060 hours
Inspection of Facilities				
301; NTL	Inspect drilling/production facilities for pollution; maintain inspection/repair records 2 years.	22 min ea inspection x 365 days p/yr / 60 mins p/hr = 134 hours	898 manned facilities	120,332
		5 mins every 3 rd day (365 days p/yr / 3 = 121.6 days x 5 mins p/day / 60 mins p/hr) = 10.14 hours	1,596 unmanned facilities	16,183
Subtotal			2,494 responses	136,515 hours
300-301	General departure and alternative compliance requests not specifically covered elsewhere in subpart C regulations.	2.5 hours	6 requests	15
Subtotal			6 responses	15 hours
Total Burden			3,279 responses	137,955 hours

* In the future, BSEE may require electronic filing of some submissions.

(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 under "annual Cost to the Federal Government."

The average respondent cost is \$115/hour (rounded). This cost is broken out in the below table using the Society of Petroleum Engineers Salary Survey. See SPE.org website: <http://www.spe.org/industry/docs/14SalarySurveyHighlights.pdf>

Position	Base Pay Hourly Rate (\$/hr)	Hourly Rate including Benefits (1.4* x \$/hr)	Percent of time spent on collection	Weighted Average (\$/hour/ rounded)
Technical	\$65	\$91	15%	\$14
Engineers - Drilling	\$86	\$120	63%	\$76
Geologist	\$82	\$115	22%	\$25
Weighted Average (\$/hour)				\$115

*A multiplier of 1.4 (as implied by BLS news release USDL 15-1132, June 10, 2015, (see <http://www.bls.gov/news.release/ecec.nr0.htm>)) was added for benefits.

Based on a cost factor of \$115 per hour, we estimate the hour burden as a dollar equivalent to industry is \$15,864,825 (\$115 x 137,955 hours = \$15,864,825).

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.

(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.

We have not identified any non-hour paperwork cost burdens for this collection of information.

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.

To analyze and review the information, the Government would spend an average of 0.25 hour for each hour spent by respondents. The total estimated Government time would be 34,489 hours (137,955 x 0.25 = 34,489 rounded).

The average government cost is \$67/hour (rounded). This cost is broken out in the below table using the Office of Personnel Management salary data for the REST OF THE UNITED STATES (<http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2015/general-schedule/>).

Position	Grade	Hourly Pay rate (\$/hour estimate)	Hourly rate including benefits (1.5* x \$/hour)	Percent of time spent on collection	Weighted Average (\$/hour rounded)
Clerical	GS-7/5	\$21	\$32	10%	\$3
Petroleum Engineer	GS-13/5	\$45	\$68	70%	\$48
Supv. Petroleum Engineer	GS-14/5	\$54	\$81	20%	\$16
Weighted Average (\$/hour)					\$67

*A multiplier of 1.5 (as implied by BLS news release USDL 15-1132, June 10, 2015) was added for benefits.

Based on a cost factor of \$67 per hour, we estimate the total annualized cost to the Government is \$2,310,763 (137,955 hours x 0.25 = 34,489 (rounded) hours x \$67 = \$2,310,763).

15. Explain the reasons for any program changes or adjustments in hour or cost burden.

The current OMB inventory for this collection includes 124,665 burden hours. In this submission, we are requesting a total of 137,955 hours. This represents an adjustment increase of 13,290 hours due to re-estimating the average number of annual responses and the amount of time required to respond. This updated information was submitted by the respondents listed in A.8.

There are no non-hour cost burdens 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

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.

Not applicable. BSEE is not seeking a waiver from the requirement to display the expiration date of the OMB approved IC.

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

Not applicable. To the extent that the topics apply to this collection of information, BSEE is not making any exceptions to the Certification for Paperwork Reduction Act Submissions.