

Supporting Statement A

30 CFR 254, Oil-Spill Response Requirements for Facilities Located Seaward of the Coast Line

OMB Control Number 1014-0007
OMB Expiration Date: December 31, 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

Justification

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

Section 2(b)(3) of E.O. 12777 delegated to the Secretary of the Interior (Secretary) those responsibilities under section 311(j)(1)(C) of the Federal Water Pollution Control Act (FWPCA) (October 18, 1991; 56 FR 54757), requiring the Secretary to establish procedures, methods, and requirements for equipment to prevent and contain discharges of oil and hazardous substances from offshore facilities, including associated pipelines. Under section 2(d)(3) of E.O. 12777, section 311(j)(5) of FWPCA, and section 4202(b)(4) of Oil Pollution Act of 1990 (OPA), the Secretary is required to issue regulations requiring the owners or operators of offshore facilities, including associated pipelines, to prepare and submit response plans that ensure the availability of private spill-response personnel and equipment and to permit the operation of offshore facilities, including associated pipelines, without approved response plans if certain conditions are met. Under section 2(e)(3) of E.O. 12777 and section 311(j)(6)(A) of FWPCA, the Secretary must require periodic inspections of containment booms and equipment used to remove discharges at offshore facilities, including associated pipelines. The Secretary has redelegated these responsibilities to the Director, BSEE.

The FWPCA, as amended by 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. Regulations at 30 CFR 254 establish requirements for spill-response plans for oil-handling facilities seaward of the coast line, including associated pipelines.

In addition, BSEE also issues various Notices to Lessees (NTLs) and Operators to clarify and provide additional guidance on some aspects of the regulations, as well as forms to capture the data and

information. 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.

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. 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. 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 oil-spill response requirements and the 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;**
- (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), BSEE provided a 60-day notice in the *Federal Register* on May 29, 2015 (80 FR 30724). Also, 30 CFR 254.9 displays the OMB control number, specifies that the public may comment at any time on the collection of information required in the 30 CFR 254 regulations, and provides the address for sending comments to BSEE. We received two comments in response to the *Federal Register* notice: one from the Marine Mammal Commission in support of the Bureau's request and one comment from a private citizen that was not germane to the PRA.

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

BP America Inc., Ralph D. Mitchell Jr., GOM Crisis and Continuity Management/Emergency Response Advisor, 281-366-8295
200 Westlake Park Blvd., Houston, TX 77079

Anadarko Petroleum Corporation, Susan Hathcock, Regulatory Affairs Manager, 832-636-1000,
1201 Lake Robbins Drive, The Woodlands, TX 77380

Marathon Oil Company, Bryan F. Beautz, Emergency Preparedness Coordinator, 713-296-3548.
5555 San Felipe Street, Houston Texas 77056

DCOR, Keith Moschetto, Emergency Preparedness Coordinator, 805-535-2081
290 Maple Court, Suite 290, Ventura, CA 93003,

All the different reporting and recordkeeping requirements that are listed in the 30 CFR 203 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.

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

Generally, no proprietary information is collected under 30 CFR 254. However, if respondents did submit proprietary information, we protect such information under the Freedom of Information Act (5 U.S.C. 552) and DOI's implementing regulations (43 CFR 2), 30 CFR 250.197, "Data and information to be made available to the public," and 30 CFR 252, "Outer Continental Shelf (OCS) Oil and Gas Information Program."

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 and are based on informal discussions with the listed respondents in Section A.8. Responses are mandatory or are required to obtain or retain a benefit. The frequency of responses are on occasion, monthly, annually, and biennially. We estimate the total annual burden is 74,461 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 (rounded)
Subpart A – General				
1(a) thru (d); 2(a); 3 thru 5; 7; 20 thru 29; 44(b); 47(a)(3); 51	Submit spill response plan for OCS facilities and related documents/copies of referenced documents; any additional information necessary for compliance purposes.	192.8	18 new plans	3,470
1(e)	Request BSEE jurisdiction over facility landward of coast line (no recent request received).	0.4	2 requests	1
2(b)	Submit certification of capability to respond to worst case discharge or substantial threat of such.	15.8	18 certification	284
2(c)	Request deadline extension for submission of revised plan.	2	8 extensions	16
8	Appeal BSEE orders or decisions per 30 CFR Part 290.	Exempt under 5 CFR 1320.4(a)(2), (c).		0
Subtotal			46 responses	3,771 hours
Subpart B - Oil-Spill Response Plans for Outer Continental Shelf Facilities				
Subpart B 52	Requirements for your oil-spill response plans.	Burden included with specific requirements under subparts A and D.		0
30; 2(c)	Submit and/or resubmit revised spill response plan for OCS facilities at least every 2 years or within 15 days whenever certain changes occur (see (b)(1-4) or (see (e)(1-3)).	62	159 revised plans	9,858
30; 2(c)	Notify BSEE of no change to your plan.	1	1 plan	1
Subtotal			160 responses	9,859
Subpart C – Related Requirements for OCS Facilities				
40	Make records of all OSRO-provided services, equipment, personnel available to BSEE.	7	40 records	280
41	Conduct annual training; retain training records for 2 years.	149	138 plans holders/ operators	20,562

CITATION 30 CFR 254 and NTLs	Reporting Requirement*	Hour Burden	Average No. of Annual Responses	Annual Burden Hours (rounded)
42(a) thru (e)	Conduct triennial response plan exercise; retain exercise records for 3 years.	215	138 exercises	29,670
42(f)	Inform BSEE 30 days before the date of any exercise (triennial).	1.3	138 notifications	179
43	Inspect response equipment monthly; retain inspection & maintenance records for 2 years.	10.5	780 (65 sites x 12 months)	8,190
44(b)	Request approval to use a different efficiency factor for specific oil recovery devices; submit evidence to demonstrate the request.	1.5	1 request	2
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	6 notifications & reports	12
46(c)	Notify BSEE & responsible party of oil spills from operations at another facility.	1.8	24 notifications	43
47(d)	Request instructions on how to calculate volume of WDC scenario if not listed in §203. 47(a-c)	0.9	1 request	1
Subtotal			1,266 responses	58,939 hours
Subpart D – Oil Spill Response Requirements for Facilities Located in State Waters Seaward of the Coast Line				
50; 52	Submit response plan for facility in State waters following format for OCS plan.	46.3	13 plans	602
50; 51; 52	Submit response plan for facility in State waters by modifying existing OCS plan.	14.3	50 plans	715
50; 53;	Submit response plan for facility in State waters developed under State requirements including all information as required in these sections.	40	8 plans	320
54	Submit description of oil-spill prevention procedures and demonstrate compliance; include any industry safety and pollution prevention standards your facility meets.	3.8	67 submissions	255
Subtotal			138 responses	1,892 hours
TOTAL HOUR BURDEN			1,610 Responses	74,461 Hours

* In the future, BSEE will be allowing the option of electronic reporting for certain requirements.

(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 \$113/hour. This cost is broken out in the following table using the Society of Petroleum Engineers (SPE) data dated September 2014 and information provided by respondents. See SPE document/website:

<http://www.spe.org/industry/docs/14SalarySurveyHighlights.pdf>

Position	Hourly Pay rate (\$/hour estimate)	Hourly rate including benefits (1.4* x \$/hour)	Percent of time spent on collection	Weighted Average (\$/hour/ rounded)
Technician/Specialist/	\$68	\$95	14%	\$13

Support Staff				
HSE Engineer	\$84	\$118	35%	\$41
Production Engineer	\$83	\$116	51%	\$59
Weighted Average (\$/hour)				\$113

*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 \$113 per hour, we estimate the total annual cost to industry is \$8,414,093 (\$113 x 74,461 hours = \$8,414,093).

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.

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 \$59/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/policy-data-oversight/pay-leave/salaries-wages/>).

Position	Grade	Hourly Pay rate	Hourly rate including	Percent of time spent	Weighted Average
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		(\$/hour estimate)	benefits (1.5* x \$/hour)	on collection	(\$/hour)
Clerical	GS-7/5	\$21	\$32	5%	\$2
Physical Scientist	GS-12/6	\$39	\$59	90%	\$53
Supv. Petroleum Engineer/Geologist/Geophysicist	GS-14/5	\$53	\$80	5%	\$4
Weighted Average (\$/hour)					\$59

* **A multiplier of 1.5 (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.

To analyze and review the information required by 30 CFR 254, we estimate the government will spend an average of 0.33 hour for each hour spent by respondents for a total of 24,572 burden hours.

Based on a cost factor of \$59 per hour, the cost to the Government will be \$1,449,748 (74,461 hours x 0.33 = 24,572 hours (rounded) x \$59 = \$1,449,748).

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

The current OMB inventory for this collection includes 60,198 burden hours. In this submission, we are requesting a total of 74,461 burden hours. This represents an adjustment increase of 14,263 hours. The increase is due to re-estimating the average number of annual responses and the amount of time required to respond based on information obtained from the respondents in A.8.

NOTE: While subpart B, 30 CFR 254.30 shows as a new requirement in ROCIS, it is not. Previous submittals had subparts A and B combined; this ROCIS submittal now shows the requirements as two IC requirements.

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.