

Supporting Statement A for Paperwork Reduction Act Submissions
30 CFR 582, Operations in the Outer Continental Shelf for
Minerals Other than Oil, Gas, and Sulphur
OMB Control Number 1010-0081
Current Expiration Date: June 30, 2017

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, as amended (43 U.S.C. 1334 and 43 U.S.C. 1337(k)(1)), authorizes the Secretary of the Interior (Secretary) to implement regulations to grant leases of any mineral other than oil, gas, and sulphur to qualified parties. This regulation governs mining operations within the OCS and establishes a comprehensive leasing and regulatory program for such minerals. This regulation has been designed to (1) recognize the differences between the OCS activities associated with oil, gas, and sulphur discovery and development and those associated with the discovery and development of other minerals; (2) facilitate participation by States directly affected by OCS mining activities; (3) provide opportunities for consultation and coordination with other OCS users and uses; (4) balance development with environmental protection; (5) insure a fair return to the public; (6) preserve and maintain free enterprise competition; and (7) encourage the development of new technology.

The authorities and responsibilities described above are among those delegated to the Bureau of Ocean Energy Management (BOEM). This ICR addresses the regulations at 30 CFR 582, Operations in the Outer Continental Shelf for Minerals Other than Oil, Gas, and Sulphur. It should be noted that there has been no competitive leasing activity in the OCS for such minerals for many years and no information collected. However, because these are regulatory requirements, the potential exists for information to be collected; therefore, we are requesting a renewal of this collection of information.

- 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.***

BOEM will use the information required by 30 CFR 582 to determine if lessees are complying with the regulations that implement the mining operations program for minerals other than oil, gas, and sulphur. Specifically, BOEM will use the information:

- To ensure that operations for the production of minerals other than oil, gas, and sulphur in the OCS are conducted in a manner that will result in orderly resource recovery, development, and the protection of the human, marine, and coastal environments and
- For technical and environmental evaluations that provide a basis for BOEM to make informed decisions to approve, disapprove, or require modification of the proposed activities.

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.

Although there are no current respondents for this collection, we expect that a respondent would submit 100 percent of the required information 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.

There is no duplication. The Department of the Interior has specific statutory authority. No other Federal agency collects this information, and no similar information is available because it pertains to a specific OCS mining operation. To the extent that identical information or data were available from other mining operations or sources, such duplicate information would not be required to be submitted.

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

This collection of information may have a significant economic effect on a substantial number of small entities. Any direct effects primarily impact the OCS lessees and operators. Many of these OCS lessees and mining companies 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.

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, BOEM would not be able to carry out the mandate of the OCS Lands Act, nor would the Federal Government receive royalty income from such activities when operations exist. Respondents have to submit a monthly report for minerals produced, but for the most part submit reports as a result of situations encountered and not at any fixed or prescribed interval.

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;

It is normal industry practice to retain those records as part of their permanent records, i.e., longer than 3 years. The times specified in the regulations provide minimum times for BOEM access.

(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), BOEM provided a 60-day notice in the *Federal Register* on April 14, 2017 (82 FR 18005). We received no comments in response to the *Federal Register* notice or unsolicited comments from respondents covered under these regulations. Also, the Paperwork Reduction Act explains that the agency, in this case BOEM, will accept comments at any time on the information collected and the burden. We display the OMB control number and provide the address for sending comments to BOEM.

There are currently no mining operations in the OCS and none planned in the near future. Because of this, there are no companies to contact for information pertaining to this ICR. Therefore, burden hour estimates will remain primarily the same as the last submission, when they were verified by in-house experts who previously worked in private industry doing similar functions.

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

We will not provide gifts or payments 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.

We protect proprietary information according to the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR 2), 30 CFR 582.5, 582.6, and applicable sections of 30 CFR Parts 580 and 581.

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.

As there are no active respondents, we estimated the potential annual number of respondents to be one. Respondents are OCS lessees. Submissions are monthly, and as a result of situations encountered. 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. We estimate the total annual reporting and recordkeeping burden is 212 hours. Refer to the following table for a break out of the burden.

BURDEN TABLE

Citation 30 CFR 582	Reporting or Recordkeeping Requirement	Hour Burden	Average No. of Annual Responses	Annual Burden Hours
Subpart A - General				
4; 21(b)	Governors, other Federal/State agencies, lessees, interested parties, and others review and provide comments/recommendations on all plans and environmental information.	10	1	10
4(b); 12(b)(2); 21; 22; 25; 26; 28	Submit delineation plan, including environmental information, contingency plan, monitoring program, and various requests for approval referred to throughout; submit modifications and required information.	40	1	40
4(c); 12(c)(2); 21; 23; 25; 26; 28	Submit testing plan, including environmental information, contingency plan, monitoring program, and various requests for approval referred to throughout; submit modifications and required information.	40	1	40
4(d); 12(d)(2); 21; 24; 25; 26; 28	Submit mining plan, including environmental information, contingency plan, monitoring program, and various requests for approval referred to throughout; submit modifications and required information.	40	1	40
5	Request non-disclosure of G&G info.; provide consent; demonstrate loss of competitive position.	10	1	10
6	Governors of adjacent States request proprietary data, samples, etc., and disclosure agreement with BOEM.	10	1	10
7	Governor of affected State initiates negotiations on jurisdictional controversy, etc., and enters agreement with BOEM.	10	1	10
Subtotal			7 Responses	160 Hours
Subpart B – Jurisdiction and Responsibilities of Director				
11(c); 20(h); 30	Apply for right-of-use and easement; submit confirmations, demonstrations, notifications.	30	1	30
11(d);	Request consolidation/splitting of two or more OCS mineral leases or portions.	1	1	1
20(h)	Request approval of operations or departure from operating requirements.	Burden included with applicable plans.		0
14	Submit response (BOEM-1832) indicating date violations (INCs) corrected.	2	1	2
Subtotal			3 Responses	33 Hours
Subpart C – Obligations and Responsibilities of Lessees				
20(a), (g); 29(i)	Make available all mineral resource or environmental data and information; submit reports and maintain records, as specified.	Burden included with individual reporting requirements below.		0
20(b) thru (e)	Submit designation of payor, operator, or local representative; submit changes, terminations, notifications.	1	1	1
21(d)	Notify BOEM of preliminary activities.	1	1	1
29(a)	Submit monthly report of minerals produced; request extension.	1	1	1
29(b), (c)	Submit quarterly status and final report on exploration and/or testing activities.	5	1	5
29(d)	Submit results of environmental monitoring activities.	5	1	5

Citation 30 CFR 582	Reporting or Recordkeeping Requirement	Hour Burden	Average No. of Annual Responses	Annual Burden Hours
29(e)	Submit marked and certified maps annually or as required.	1	1	1
29(f)	Maintain rock, minerals, and core samples for 5 years and make available upon request.	1	1	1
29(g)	Maintain original data and information and navigation tapes as long as lease is in effect and make available upon request.	1	1	1
29(h)	Maintain hard mineral records and make available upon request.	1	1	1
Subtotal			9 Responses	17 Hours
Subpart D - Payments				
40	Submit surety, personal bond, or approved alternative.	2	1 Response	2 Hours
Subpart E - Appeals				
50; 15	File an appeal.	Burden exempt under 5 CFR 1320.4(a)(2), (c).		0
TOTAL BURDEN			20 Responses	212 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. Instead, this cost should be included under “Annual Cost to the Federal Government.”

The average respondent cost is \$78*/hour. This cost is broken out in the below table using the Bureau of Labor Statistics data for the Houston, TX. See BLS website:

http://www.bls.gov/oes/current/oes_26420.htm.

Position	Hourly Pay rate (\$/hour estimate rounded)	Hourly rate including benefits (1.4** x \$/hour)	Percent of time spent on collection	Weighted Average (\$/hour)
Secretaries and Administrative Assistants 43-6014	\$17	\$24	10%	\$2
Underwater Mining Engineer*** 17-2199	\$60	\$84	70%	\$59
Supv. Mining Engineer*** 17-2199	\$60	\$84	20%	\$17
Weighted Average (\$/hour)				\$78

*Note that this BLS source reflects their last update from May 2016.

**A multiplier of 1.4 (as implied by BLS new release USDL-17-0321, March 17, 2017 (see <http://www.bls.gov/news.release/ecec.nr0.htm>), was added for benefits.

***The BLS does not have a position listing for Underwater Mining Engineers so the category of Engineer was used.

Based on a cost factor of \$78 per hour, we estimate the total annual cost to industry would be \$16,536 (\$78 x 212 hours = \$16,536).

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 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.

There are no non-hour cost burdens associated with 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 ½ hour for each hour spent by respondents. The total estimated Government time would be 106 hours (212 x .5 = 106 hours).

The average Federal cost is \$82/hour. This cost is broken out in the following table using the Office of Personnel Management salary data for the Washington, DC area (https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/17Tables/html/DCB_h.aspx).

Position	Grade	Hourly Pay rate/rounded (\$/hour estimate)	Hourly rate including benefits (1.6* x \$/hour)	Percent of time spent on collection	Weighted Average (\$/hour)
Clerical	GS-7/5	\$24	\$38	15%	\$6
Physical Scientist/Program Analyst	GS-13/5	\$51	\$82	65%	\$53
Supv. Physical Scientist	GS-15/5	\$72	\$115	20%	\$23
Weighted Average (\$/hour)					\$82

*A multiplier of 1.6 (as implied by BLS new release USDL 17-0321, March 17, 2017 (see <http://www.bls.gov/news.release/ecec.nr0.htm>), was added for benefits.

At an average cost of \$82 an hour, the cost to the Federal Government would be estimated at \$8,692 (106 hours x \$82/per hour = \$8,692).

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

There are no program changes or adjustments.

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.

BOEM 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. BOEM will display the OMB 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.”