

Supporting Statement
30 CFR 250, Subpart B, Plans and Information
OMB Control Number 1014-0024
Expiration Date: November 30, 2018

Terms of Clearance None

General Instructions

A completed Supporting Statement 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), authorizes the Secretary of the Interior 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-use and easement, or unit. 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.

In addition to the general rulemaking authority of the OCSLA at 43 U.S.C. 1334, 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 108 of FOGRMA, 30 U.S.C. 1718, grants the Secretary broad authority to inspect lease sites for the purpose of determining whether there is compliance with the mineral leasing laws. 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. Because the Secretary has delegated some of the authority under FOGRMA to BSEE, 30 U.S.C. 1751 is included as additional authority for these requirements.

The Independent Offices Appropriations Act (31 U.S.C. 9701), the Omnibus Appropriations Bill (Pub. L. 104-133, 110 Stat. 1321, April 26, 1996), and OMB Circular A-25, authorize Federal agencies to recover the full cost of services that confer special benefits. Under the Department of the Interior's

implementing policy, the Bureau of Safety and Environmental Enforcement (BSEE) is required to charge fees for services that provide special benefits or privileges to an identifiable non-Federal recipient above and beyond those which accrue to the public at large. Deepwater Operations Plans are subject to cost recovery, and BSEE regulations specify a service fee for this request.

Regulations implementing these responsibilities are under 30 CFR Part 250, Subpart B, and are among those delegated to BSEE. This request also covers any 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.

For § 250.282 - Post-Approval Requirements for the EP, DPP, and DOCD: While the information is submitted to BOEM, BSEE analyzes and evaluates the information and data collected under this section of subpart B to verify that an ongoing/completed OCS operation is/was conducted in compliance with established environmental standards placed on the activity.

For §§ 250.287-295 - Deepwater Operations Plan (DWOP): BSEE analyzes and evaluates the information and data collected under this section of subpart B to ensure that planned operations are safe; will not adversely affect the marine, coastal, or human environment; and will conserve the resources of the OCS. We use the information to make an informed decision on whether to approve the proposed DWOPs, or whether modifications are necessary without the analysis and evaluation of the required information.

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.

For 30 CFR §250.282 - Post-Approval Requirements for the EP, DPP, and DOCD: Currently, the information BSEE obtains from BOEM is received electronically – approximately 60-70 percent, with the remaining consisting of raw sonar survey data, remotely-operated vehicle (ROV) video, geographic information system (GIS) files, and photographs/images of such size that though electronic, the information is required to be submitted on DVDs, external hard drives, and other high-volume data storage devices. However, since the high-volume devices are the standard transfer tools for such data, it would not present any additional burden.

For 30 CFR §§250.287-295 - Deepwater Operations Plan (DWOP): Currently, 100 percent of all information is submitted electronically via ePermitting. However, because of the various types of information submitted with the plans (drawings, spreadsheets, etc.), some of the submissions may not readily lend itself to electronic commerce. In some instances, paper copies of the non-proprietary information submitted in the plans and accompanying information may continue to be necessary for review by States, local governments, and the public; therefore, we also receive one hard (paper) copy.

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 the proposed operations. If information has already been submitted and is readily available to BSEE, respondents may simply reference the earlier submission. As related to DWOPs, if changes to plans are necessary or required, only information related to the required changes must be resubmitted.

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 information contained in environmental monitoring plans and reports is necessary for BSEE's mission to verify industry's compliance with applicable environmental standards. The information contained in a DWOP is necessary for our approval of industry's deepwater drilling, and as such, we cannot reduce the burden.

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 mandates of the OCS Lands Act, as amended, that specifies that exploration, development, or production activities on the OCS may not be conducted until comprehensive plans are submitted and approved and that OCS operations are monitored/reviewed for compliance with all applicable regulations, terms, and conditions. Extensive data and information are necessary to make informed decisions on whether to approve OCS plans or require appropriate changes (DWOPs) and conduct the necessary level of analyses to confirm environmental compliance or recommend enforcement. The information is dependent only upon the activities of the respondents, therefore, the frequency of collection is not applicable nor an issue.

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

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

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 also necessary that respondents retain data and information longer than 3 years. Much of the supporting information is to be retained for the duration of the project. However, this type of information is such that respondents would be very unlikely to dispose of it sooner. It contains valuable background data and analyses that they would not want to have to duplicate should it be needed during the life of the development and production project. We consider the burden only to make the information available to BSEE if necessary.

(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 16, 2018 (83 FR 22711). Also, 30 CFR 250.199 and the Paperwork Reduction Act explain that BSEE 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 BSEE. We received no comments in response to the *Federal Register* notice or unsolicited comments from respondents covered under these regulations.

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 Exploration & Production Inc., Regulatory Advisor, (281) 366-7539, 200 Westlake Park Boulevard – 470A WLA, Houston, TX 77079

Energy Resource Technology GOM, Inc., Regulatory Manager, (713) 328-3017, 500 Dallas Street, Suite 2000, Houston, TX 77002-4800

LLOG Exploration, Regulatory Manager, (985) 801-4344, 1001 Ochsner Blvd. Suite 200, Covington, LA 70433

Anadarko, Regulatory Affairs Manager, (832) 636-1000, 1201 Lake Robbins Drive, The Woodland, TX 77380

Shell Exploration & Production Company, Staff Regulatory Engineer, (504) 425-6071, P.O. Box 61933 New Orleans, LA 70161

Petrobras America Inc., Regulatory Compliance Area Manager, (713) 808-2000, 10350 Richmond Ave., Suite 1400, Houston, TX 77042

All the different reporting and recordkeeping requirements that are listed in the Subpart B 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 will protect any confidential commercial or proprietary information according to the Freedom of Information Act (5 U.S.C. 552) and DOI's implementing regulations (43 CFR 2); section 26 of OCSLA (43 U.S.C. 1352); 30 CFR 250.197, *Data and information to be made available to the public or for limited inspection*; and 30 CFR part 252, *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.

This collection does not include questions of a sensitive nature.

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 OCS oil, gas, and sulphur lessees and 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 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. Submissions are generally on occasion, and responses are mandatory or are required to obtain or retain a benefit. We estimate the total annual burden is 44,458 hours. Refer to the following table for a breakdown of the burdens.

BURDEN BREAKDOWN

Citation 30 CFR 250 Subpart B and NTLs	Reporting & Recordkeeping Requirement	Hour Burden	Average No. of Annual Responses Annual	Burden Hours
		Non-Hour Cost Burdens*		
201; 204; 205	General requirements for plans and information; service fees; confirmations; etc.	Burden included with specific requirements below.		0
Post-Approval Requirements for the EP (Exploration Plan), DPP (Development and Production Plan), and DOCD (Development Operation Coordination Document) [for BSEE apps/permits which include drilling, workovers, production, pipelay, facility installation, and decommissioning, etc.]				
282	Retain monitoring data/information; upon request, make available to BSEE. Submit monitoring plan for approval	All information that is submitted from industry is received by BOEM. Industry's hour burdens for these regulatory requirements are covered under 30 CFR 550, subpart B, 1010-0151. BSEE's Environmental Compliance Program reviews all monitoring plans and reports to verify industry's compliance.		
282(b)	Submit monitoring reports and data.			
287; 291; 292	Submit DWOP and accompanying/supporting information.	2,200	19 plans	41,800
		\$3,599 x 19 = \$68,381		
288; 289	Submit a Conceptual Plan for approval.	50	3 plans	150
294	Submit a combined Conceptual Plan/DWOP for approval before deadline for submitting Conceptual Plan.	748	1 plans	748
295	Submit a revised Conceptual Plan or DWOP for approval within 60-day of material change.	220	8 plan revisions	1,760
200 thru 295	General departure and alternative compliance requests not specifically covered elsewhere in subpart B regulations.	Burden covered under 1014- 0022.		0
TOTAL BURDEN			31 Responses	44,458 Burden Hours
			\$68,381 Non-Hour Cost Burdens	

(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 be included under “annual Cost to the Federal Government.”

The average respondent cost is \$123/hour. This cost is broken out in the following table using the Society of Petroleum Engineers (SPE) data dated November 2017. See SPE document/website: <https://www.spe.org/industry/docs/2017-Salary-Survey-Highlight-Report.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)
Non-Engineering Technical	\$76.69	\$107.36	24%	\$25.77
HSE Engineer	\$92.86	\$130.00	31%	\$40.30
Production Engineer	\$90.33	\$126.47	45%	\$56.91
Weighted Average (\$/hour)				\$123

*A multiplier of 1.4 (as implied by BLS news release USDL-18-0944, June 8, 2018, (see <http://www.bls.gov/news.release/ecec.nr0.htm>)) was added for benefits.

Based on a cost factor of \$123 per hour, we estimate the hour burden as a dollar equivalent to industry is \$5,468,334 (\$123 x 44,458 hours = \$5,468,334).

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 reflect 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 identified one non-hour cost associated with this IC; DWOP's (\$3,599) under § 250.292, and estimate that the annual total non-hour cost burden is \$68,381. We have not identified any other 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.

The average government cost is \$79/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 (\$/hour estimate)	Hourly rate including benefits (1.6* x \$/hour)	Percent of time spent on collection	Weighted Average (\$/hour)
Petroleum Engineer	GS-13/5	\$47.38	\$75.81	75%	\$56.86
Supv. Petroleum Engineer	GS-14/5	\$55.99	\$89.58	25%	\$22.40
Weighted Average (\$/hour)					\$79

*A multiplier of 1.6 (as implied by BLS news release USDL-18-0944, June 8, 2018 (see <http://www.bls.gov/news.release/ecec.nr0.htm>)) was added for benefits.

For § 250.282 - Post-Approval Requirements for the EP, DPP, and DOCD: To analyze and review the information, we estimate the government will spend an average of approximately 6,300 burden hours.

For §§ 250.286-295 - Deepwater Operations Plan (DWOP): To analyze and review the information, we estimate the government will spend an average of 0.5 hour for each hour spent by respondents for a total of 22,229 burden hours (44,458 hours x 0.5 hour = 22,229 hours)

Based on a cost factor of \$79 per hour, we estimate the total annualized cost to the government is \$2,253,791 (6,300 hours [post approval requirements] plus 22,229 hours [DWOPs] = 28,529 total hours x \$79/hour = \$2,253,791).

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

The current OMB inventory for this collection includes 37,084 burden hours. In this submission, we are requesting a total of 44,458 burden hours. This is a net increase of 7,374 hours which resulted from re-estimating the average number of annual responses and the amount of revised time required to respond based on the input from the company representatives identified in A.8.

The current OMB non-hour cost burden inventory is \$39,589. In this submission, we are requesting a total of \$68,381. This represents an adjustment increase of \$28,792 due to receiving more DWOPs from the last OMB submission.

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.

BSEE will display the OMB control number and approved expiration date.

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

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.”