
**U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

**PAPERWORK REDUCTION ACT SUBMISSION
SUPPORTING STATEMENT A**

**MANAGEMENT AND PROTECTION OF THE NATIONAL PETROLEUM RESERVE IN ALASKA -
RECOMMENDATIONS FOR LANDS TO BE DESIGNATED AS A SPECIAL AREA
(43 CFR 2361.30)**

OMB CONTROL NUMBER 1004-0NEW

Terms of Clearance: Not applicable. This is a request for a new OMB Control Number.

Abstract: The Bureau of Land Management (BLM) proposes new regulations that would revise the management framework for surface resources and Special Areas (SAs) in the National Petroleum Reserve in Alaska (NPR-A). The proposed rule would introduce one new information collection at 43 CFR 2361.30 regarding recommendations for the inclusion of land as a SA in the NPR-A. The RIN for this proposed rule is 1004-AE95.

Justification

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

This proposed regulation would revise the management framework for surface resources and SAs in the NPR-A. The BLM has not substantially updated this framework since the early 1980s, when Congress amended the Naval Petroleum Reserves Production Act (NPRPA) to authorize “an expeditious program of competitive leasing of oil and gas in the [NPR-A]. . . .”¹ As a consequence, the existing regulations lack adequate standards and procedures to balance exploration with the protection of surface resources in the NPR-A; to designate and assure maximum protection of SAs; and to maintain and enhance long-standing subsistence activities.

The NPR-A extends from the north slope of the Brooks Range to the Arctic Coast and encompasses approximately 23 million acres of public land. The NPR-A is the largest tract of undisturbed public land in the United States and is an ecologically very important area for arctic fish and wildlife. Dozens of Native communities utilize public lands in the NPR-A for a wide range of hunting, fishing, and other subsistence activities.

The BLM is proposing this revision because the regulatory framework governing the management and protection of surface resources and SAs in the NPR-A is outdated. New and revised standards and procedures are needed to ensure that the BLM is fulfilling its statutory duties under the NPRPA, Federal Land Policy and Management Act, and other authorities.

As proposed, § 2361.0-1 would establish a two-part purpose for the rule. First, this section would provide standards and procedures to implement 42 U.S.C. § 6506a(b), which requires the Secretary to ensure that “[a]ctivities undertaken pursuant to this Act include or provide for such conditions, restrictions, and prohibitions as [she] deems necessary or appropriate to mitigate reasonably foreseeable and significantly adverse effects on the surface resources of the [NPR-A].” Second, this section would provide standards and procedures to implement 42 U.S.C. § 6504(a), under which “[a]ny exploration within the Utukok River, the Teshekpuk Lake areas, and other areas designated by the Secretary of the Interior containing any significant subsistence, recreational, fish and wildlife, or historical or scenic value, shall be conducted in a manner which will assure the maximum protection of such surface values to the

extent consistent with the requirements of this Act for the exploration of the [NPR-A].” Simply stated, the objective of this proposed rule would be to “carefully” evaluate and administer activities in the NPR-A to manage and protect surface resources, SAs, and associated values (§ 2361.0-2).

This proposed rule and the information contained therein and described below are authorized by Part 2360 of NPRPA (Pub. L. 94-258). Under the NPRPA, the Secretary must “assume all responsibilities” for “any activities related to the protection of environmental, fish and wildlife, and historical or scenic values” and “promulgate such rules and regulations as he [or she] deems necessary and appropriate for the protection of such values within the reserve (See 42 U.S.C. 6503(b)).

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

The proposed rule contains one (1) information collection that is subject to the Paperwork Reduction Act of 1995. This information collection is located in §2361.30(a)(4). One of the key principles of the proposed rule is the inclusion of procedures to notify and involve stakeholders and the public in the decision-making process for designing lands as and removing lands from an SA. To help ensure that the BLM receives the information needed to inform its decision to include lands in an SA, § 2361.30 includes a list of criteria that should be addressed when a member of the public recommends lands for such a designation. This information includes the following:

- The size and location of the recommended lands;
- The significant subsistence, recreational, fish and wildlife, historical, or scenic resource values that are present within or supported by the recommended lands;
- Measures that may be necessary to assure maximum protection of those values; and
- Any other pertinent 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.

There are no forms associated with this information collection that would require automation. The information that is collected may be received in an electronic format.

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 each respondent. There is no similar information already available and no duplication.

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

Small entities are not impacted by this collection of information.

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.

The information is collected on an “on occasion” basis, there is no regular frequency required for collecting the information, beyond the requirement that BLM conduct an SA evaluation process at least once every five years. Without this information, the BLM would be inhibited in carrying out its obligation under NPRPA and would lack

adequate standards and procedures to balance exploration with the protection of surface resources in the NPR-A; to designate and assure maximum protection of SAs; and to maintain and enhance long-standing subsistence activities.

- 7. Explain any special circumstances that would cause an information collection to be conducted in a manner:**
- * requiring respondents to report information to the agency more often than quarterly;
 - * requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
 - * requiring respondents to submit more than an original and two copies of any document;
 - * requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;
 - * 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;
 - * requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
 - * 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
 - * 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.

The information collection is consistent with the requirements of 5 CFR 1320.5(d)(2). None of the above exceptions would apply.

- 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 three 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 three 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.

Consistent with the requirements of 5 CFR 1320.11, the BLM published a Notice of Proposed Rulemaking soliciting public comments on the information collection requirements contained in the proposed rule.

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

The BLM provides no payments or gifts to the respondents.

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

Not applicable.

- 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.**

Respondents are not required to answer questions of a sensitive nature.

- 12. Provide estimates of the hour burden of the collection of information. The statement should:**
- * **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.**
 - * **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.**
 - * **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.**

Table 12-1 shows the estimated per-hour cost for respondents. The mean hourly wages respondents were determined using national Bureau of Labor Statistics data at http://www.bls.gov/oes/current/naics4_999200.htm. The benefits multipliers of 1.4 is implied by information at <http://www.bls.gov/news.release/ecec.nr0.htm>. Table 12-2, below, shows our estimates of the annual hour and hour-related cost burdens for each information collection activity. All the information collections occur upon occasion. The number of estimated respondents and estimated response time are based on the BLM’s experience with similar comment processes.

Table 12-1: Estimated Hourly Cost for Respondents

Occupational Category	Mean Hourly Wage	Benefits Multiplier	Hourly Compensation Cost
All Occupations – 00-0000	\$31.28	1.4	\$43.79

Table 12-2: Estimates of Annual Burden Hours and Related Costs

Information Collection	Number of Respondents	Estimated Average Response Time (hours)	Annual Burden Hours	Compensation Cost	Annual Cost
SA Recommendation (43 CFR 2361.30(a)(4))	100	15	1,500	\$43.79	\$65,685

- 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.)**
- * **The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) 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.

- * If cost estimates are expected to vary widely, agencies should present ranges of cost burdens 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.
- * 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 filing fees or other cost associated with this information collection other than those accounted for in Table 12-2, above.

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.

Tables 14-1 and 14-2 show the BLM’s estimates of the hourly cost burdens to the Federal government. The hourly pay rates for the General Schedule (GS) positions are at https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2023RUS_h.pdf. The annual pay rates for the Executive Schedule positions are at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2023/EX.pdf>. The BLM calculated the Executive Schedule hourly pay rates by dividing the annual pay rate by 2,080 hours. Information at <http://www.bls.gov/news.release/ecec.nr0.htm> implies the benefits multiplier of 1.6.

Table 14-1: Estimated Hourly Federal Wage Cost

Position and Pay GS Grade	Hourly Pay Rate	Benefits Multiplier	Hourly Rate with Benefits	Percent of the Information Collection Completed by Each Occupation	Weighted Average Cost Per Hour
<i>BLM Alaska Staffing Estimates:</i>					
GS-13, Step 6 (Project Manager)	\$62.06	1.6	\$99.30	14%	\$13.90
GS-12, Step 3 (COR)	\$47.72	1.6	\$76.35	10%	\$7.64
GS-9, Step 8 (AO assistance)	\$38.05	1.6	\$60.88	5%	\$3.04
GS-11, Step 8 (RDO SMEs)	\$46.03	1.6	\$73.65	45%	\$33.14
GS-12, Step 8 (RDO AFMs)	\$55.18	1.6	\$88.29	12%	\$10.59
GS-13, Step 10 (RDO DM)	\$69.16	1.6	\$110.66	10%	\$11.07
ES-1 (SD)	\$108.80	1.6	\$174.08	1%	\$1.74
GS-15, Step (ASD)	\$87.93	1.6	\$140.69	1%	\$1.41
GS-15, Step 8 (ASD - Resources)	\$87.93	1.6	\$140.69	1%	\$1.41
GS-13, Step 10 (AKSO SMEs)	\$69.16	1.6	\$110.66	1%	\$1.11
Totals:				100%	\$85.04

Table 14-2: Estimated Annual Cost to the Federal Government

Collection of Information	Number of Responses	Staff Hours per Response	Total Hours	Weighted Hourly Rate	Dollar Equivalent
SA Recommendations (43 CFR 2361.30(a)(1-4))	10	120	1,200	\$85.04	\$102,048

Collection of Information	Number of Responses	Staff Hours per Response	Total Hours	Weighted Hourly Rate	Dollar Equivalent
				Total:	\$102,048

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

This is a request for a new OMB control number. Therefore, all the information collection requirements and burdens included in this request are new and are considered a program change due to agency discretion. The proposed rule is estimated to result in 1,500 new burden hours. The proposed rule is not expected to result in any new non-hour cost burdens.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

The BLM has no specific plans for tabulation or publication of the results of this collection of information. Most likely BLM would prepare a summary of the comments and recommendations it received, which it would publish along with responses to those comments/recommendations.

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.

There are no forms associated with these information collection activities. The OMB control number and expiration date are available at www.reginfo.gov.

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

There are no exceptions to the certification requirements outlined in 5 CFR 1320.9.

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