

# 1SUPPORTING STATEMENT A FOR PAPERWORK REDUCTION ACT SUBMISSION

## **Application Requirements for States and Tribes To Apply for Orphaned Well Site Plugging, Remediation, and Restoration Funding Consideration, and Ongoing State Tribal Reporting Requirements for Funding Recipients OMB Control Number 1093-0012**

**Terms of Clearance:** In accordance with Paperwork Reduction Act of 1995 (PRA; 44 U.S.C. 3501 et seq.), the Office of Management and Budget (OMB) approved a U.S. Department of the Interior (Interior) request to collect information to implement Section 40601 of the Infrastructure Investment and Jobs Act, which is also referred to as the Bipartisan Infrastructure Law (P. L. 117-58 (Nov. 15, 2021) (BIL). OMB approved Interior's request and identified the information collection as OMB Control No. 1093-0012 (ICR). The ICR is currently scheduled to expire on November 30, 2025. Interior requests a three-year renewal of the ICR. Interior also requests a revision of the information it proposes to collect as a result of experience gained since OMB last reviewed Interior's information collection request.

### **Justification**

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

BIL, Section 40601, "*Orphaned well site plugging, remediation, and restoration*" amends Section 349 of the Energy Policy Act of 2005 (42 U.S.C. 15907). It designates Interior as the key agency responsible for implementing grant and other funding programs for applicable government entities to plug, remediate, and reclaim orphaned wells on lands covered by the legislation. The associated investments, as part of the new programs, will rebuild America's critical infrastructure, tackle the climate crisis, advance environmental justice, and drive the creation of good-paying union jobs.

Interior will issue financial assistance through grant awards to State and Tribal governments under Assistance Listing (CFDA) program 15.018 Energy Community Revitalization Program (ECRP). With respect to Tribal In Lieu of Grant Assistance, OWPO will coordinate with the Bureau of Indian Affairs. The authority for the above assistance is the Infrastructure Investment and Jobs Act, Division D, Title VI, Section 40601.

The types of assistance contained in Section 40601 are as follows:

1. Initial Grants to States
2. Formula Grants to States
3. Performance Grants to States, which includes:
  - Regulatory Improvement Grants
  - Matching Grants
4. Tribal Grants and Tribal In Lieu of Grant assistance

The BIL requires Interior to collect information necessary to ensure that grant and other assistance funds, authorized by this legislation, are used in accordance with the BIL, Office of Management and Budget Guidance for Grants and Agreements (i.e., 2 CFR part 200) and other

applicable federal law and authorities. Interior anticipates that information will be collected by the OWPO, which has and will issue guidance concerning the above assistance programs. The information that Interior proposes to collect is described below. Interior seeks OMB approval of the proposed information collection to manage and monitor financial assistance applications and awards to ensure that States and Tribes comply with the BIL, 2 CFR part 200, and other applicable federal law and authorities.

**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.**

To implement the State and Tribal assistance programs authorized by Section 40601 of the BIL, Interior proposes to collect the following information:

**CONSOLIDATED WORKPLAN**

Interior proposes to collect the following from all State and Tribal grant applicants, unless noted otherwise, as part of each entity's consolidated workplan:

- (a) An applicant's process for determining a well has been orphaned, including what efforts will be made to redeem financial assurances or otherwise recoup remediation costs from any responsible parties;
- (b) A description of an applicant's plugging standards, including the witnessing requirements (e.g., qualifications of witness, documentation);
- (c) An applicant's prioritization process for evaluating and ranking orphan wells and associated surface reclamation, including criteria, weighting, and how such prioritization will address resource and financial risk, public health and safety, potential environmental harm (including methane emissions where applicable), and other land use priorities;
- (d) If no prioritization process currently exists, an applicant's description of its plans to develop and implement a prioritization process;
- (e) Details of how a State applicant will identify and address any disproportionate burden of adverse human health or environmental effects of orphaned wells on disadvantaged communities, low-income communities, and Tribal and indigenous communities;
- (f) How applicants will identify and incorporate into their work plans health, safety, habitat, and environmental benefits of plugging, remediating, or reclamation of orphaned wells (**Proposed revision**);
- (g) The methodology to be used by the applicant to measure and track methane and other gases associated with orphaned wells, including how the applicant will confirm the effectiveness of plugging activities in reducing or eliminating such emissions;
- (h) The methodology to be used by the applicant to measure and track contamination of groundwater and surface water associated with orphaned wells, including how the applicant will confirm the effectiveness of plugging activities in reducing or eliminating such contamination;

- (i) The methodology to be used to decommission or remove associated pipelines, facilities, and infrastructure and to remediate soil and restore habitat that has been degraded due to the presence of orphaned wells and associated infrastructure;
- (j) Methods the applicant will use to solicit recommendations from local officials and the public regarding the prioritization of well plugging and site remediation activities, and any other processes the applicant will use to solicit feedback on the program from local officials and the public;
- (k) Latitude/Longitude and all other data elements and associated units of measure as indicated in State and Tribal data reporting templates. See the *Data Associated with Wells Plugged Using Federal BIL Funds* portion of this proposed information collection;
- (l) How the applicant will use funding to locate currently undocumented orphaned wells;
- (m) Plans the applicant has to engage third parties in partnerships around well plugging and site remediation, or any existing similar partnerships the applicant currently belongs to;
- (n) Training programs, registered apprenticeships, and local and economic hire agreements for workers the applicant intends to conduct or fund in well plugging or site remediation;
- (o) Plans the applicant has to support opportunities for all workers, including workers underrepresented in well plugging or site remediation, to be trained and placed in good-paying jobs directly related to the project;
- (p) For State applicants, plans the State applicant has to incorporate equity for underserved communities into their planning, including supporting the expansion of high-quality, good paying jobs through workforce development programs and incorporating workforce strategy into project development;
- (q) Procedures the applicant will use to coordinate with federal, State, or Tribal agencies to determine whether efficiencies may exist by combining field survey, plugging, or surface remediation work across lands covered by the BIL;
- (r) The applicant's authorities to enter private property, or an applicant's procedures to obtain landowner consent to enter private property, in the event that any wells to be plugged will be accessed from privately owned surface;
- (s) A work schedule covering the period of performance for the grant;
- (t) If applicable, a federally approved Indirect Cost Rate Agreement or statement regarding applicant's intention to negotiate or utilize the de minimis rate;
- (u) How an applicant will assist Interior to ensure that activities funded by the grant it applied for will comply with relevant federal law and authorities, such as the Endangered Species Act of 1973, as amended (ESA), and the National Historic Preservation Act, as amended (NHPA) **(Proposed revision)**;

(v) For Performance Grants, how a State applicant will place a higher priority on the use of the federal funds to lower unemployment in the State, including workforce development activities related to orphaned well plugging, remediation, and reclamation **(Proposed revision)**; and

(w) For Performance Grants, how a State applicant will place a higher priority on the use of the federal funds to improve economic conditions in economically distressed areas of the State, provided that the use of the funds is related to orphaned well plugging, remediation, and reclamation **(Proposed revision)**.

**REGULATORY IMPROVEMENT GRANTS**  
**(Proposed revision)**

Under Section 40601(c)(5)(E)(i), a Regulatory Improvement Grant (RIG) may be awarded to an eligible State if either: 1) “The State has strengthened plugging standards and procedures designed to ensure that wells located in the State are plugged in an effective manner that protects groundwater and other natural resources, public health and safety, and the environment” (Plugging Standards RIG); or 2) “The State has made improvements to State programs designed to reduce future orphaned well burdens, such as financial assurance reform, alternative funding mechanisms for orphaned well programs, and reforms to programs relating to well transfer or temporary abandonment” (Program Standards RIG). In addition to a consolidated workplan, and other information required from RIG applicants that is discussed in this proposed information collection, Interior proposes to collect the following from applicants.

**For Plugging Standards RIGs:** Interior proposes to collect from Plugging Standards RIG applicants information pertaining to their statutes, regulations, policies, and procedures, which were implemented during the 10-year period specified in the BIL, that demonstrate the “State has strengthened plugging standards and procedures designed to ensure that wells located in the State are plugged in an effective manner that protects groundwater and other natural resources, public health and safety, and the environment.” The list, (a) through (j), below, are examples of information Interior proposes to collect. In determining whether a “State has strengthened plugging standards and procedures,” Interior may request additional types of information.

(a) Drilling well construction, and the resulting actual or anticipated positive effects, or documentation, that demonstrate the State’s intent to ensure that wells located in the State are plugged in an effective manner that protects groundwater and other natural resources, public health and safety, and the environment.

(b) Allowable well control equipment to manage actions of perforating, cutting/pulling of casing, or retrieving seal assemblies, and the resulting actual or anticipated positive effects, or documentation, that demonstrate the State’s intent to ensure that wells located in the State are plugged in an effective manner that protects groundwater and other natural resources, public health and safety, and the environment.

(c) Allowable barrier types, and the resulting actual or anticipated positive effects, or documentation, that demonstrate the State’s intent to ensure that wells located in the State are plugged in an effective manner that protects groundwater and other natural resources, public health and safety, and the environment.

(d) Allowable barrier placement locations, and the resulting actual or anticipated positive effects, or documentation, that demonstrate the State's intent to ensure that wells located in the State are plugged in an effective manner that protects groundwater and other natural resources, public health and safety, and the environment.

(e) Allowable barrier placement techniques, and the resulting actual or anticipated positive effects, or documentation, that demonstrate the State's intent to ensure that wells located in the State are plugged in an effective manner that protects groundwater and other natural resources, public health and safety, and the environment.

(f) Wellbore integrity and barrier verification, and the resulting actual or anticipated positive effects, or documentation, that demonstrate the State's intent to ensure that wells located in the State are plugged in an effective manner that protects groundwater and other natural resources, public health and safety, and the environment.

(g) Spacer medium between well barriers, and the resulting actual or anticipated positive effects, or documentation, that demonstrate the State's intent to ensure that wells located in the State are plugged in an effective manner that protects groundwater and other natural resources, public health and safety, and the environment.

(h) Wellbore capping requirements, and the resulting actual or anticipated positive effects, or documentation, that demonstrate the State's intent to ensure that wells located in the State are plugged in an effective manner that protects groundwater and other natural resources, public health and safety, and the environment.

(i) Plugging procedure approval requirements, plugging procedure changes, plugging operations notification requirements, post-plugging reporting requirements, alternative materials or methods, and the resulting actual or anticipated positive effects of these changes, or documentation, that demonstrate the State's intent to ensure that wells located in the State are plugged in an effective manner that protects groundwater and other natural resources, public health and safety, and the environment.

(j) Internal inspection and oversight, and long-term monitoring of plugged wells processes, and the resulting actual or anticipated positive effects, or documentation, that demonstrate the State's intent to ensure that wells located in the State are plugged in an effective manner that protects groundwater and other natural resources, public health and safety, and the environment.

**For Program Standards RIGs:** Interior proposes to collect from Program Standards RIG applicants information pertaining to their statutes, regulations, policies, and procedures, which were implemented during the 10-year period specified in the BIL, that demonstrate the "State has made improvements to State programs designed to reduce future orphaned well burdens, such as financial assurance reform, alternative funding mechanisms for orphaned well programs, and reforms to programs relating to well transfer or temporary abandonment." The list, (a) through (g), below, are examples of information Interior proposes to collect. In determining whether a "State has made improvements to State programs designed to reduce future orphaned well burdens," Interior may request additional types of information.

(a) Liable parties, scope of liability, and state access (e.g., non-operator liable parties, predecessor in interest liability, and state targeting of liable parties through increased or enhanced enforcement), and the resulting actual or anticipated positive

effects, or documentation, that demonstrate the State's intent to reduce future orphaned well burdens.

(b) Transfers of interest (*e.g.*, notice of transfer to state from transferor and transferee, state assessment of transferor and/or transferee, and transferor maintenance of assurance), and the resulting actual or anticipated positive effects, or documentation, that demonstrate the State's intent to reduce future orphaned well burdens.

(c) Financial Assurance (*e.g.*, bonding adjusted for field, well, or operator risks), and the resulting actual or anticipated positive effects, or documentation, that demonstrate the State's intent to reduce future orphaned well burdens, including considerations for idle, marginal, and producing wells.

(d) Non-assurance State financial protections and plugging incentives (*e.g.*, fees, taxes, penalties (including increased or enhanced enforcement), and incentives), and the resulting actual or anticipated positive effects, or documentation, that demonstrate the State's intent to reduce future orphaned well burdens, including considerations for idle, marginal, and producing wells.

(e) Reporting and public notice of orphaned or potentially orphaned wells (*e.g.*, reporting mechanisms, for responsible parties, online notice of aggregate financial assurance, and online notice of marginal, orphaned, and all other wells by responsible party), and the resulting actual or anticipated positive effects, or documentation, that demonstrate the State's intent to reduce future orphaned well burdens, including considerations for idle, marginal, and producing wells.

(f) Consideration for air, groundwater, and other natural resources, as well as public safety and environmental justice (*e.g.*, considerations for surface and groundwater or soil, including hazardous materials or other contamination, special considerations for oil and gas wells converted to water wells, and considerations for public safety and environmental justice), and the resulting actual or anticipated positive effects, or documentation, that demonstrate the State's intent to reduce future orphaned well burdens, including considerations for idle, marginal, and producing wells.

(g) Orphaned-wells-related internal and external workforce development (*e.g.*, State internal workforce enhancements, State contracting process, and oversight of State vendors, including certificate programs), and the resulting actual or anticipated positive effects, or documentation, that demonstrate the State's intent to reduce future orphaned well burdens.

**For both Plugging Standards and Program Standards Applications:** For all Plugging Standards and Program Standards RIG applicants, Interior also proposes to collect the following:

*Scoring Template:* A list of questions related to the specific type of RIG they are applying for in a scoring template (*e.g.*, "Yes" or "No"). Applicants will also need to provide support for the scoring template that they submit.

Interior will use the requested information to determine grant eligibility, including eligible amount, and to ensure that program objectives are being met, evaluate the applicant's

readiness to obligate grant funds, and evaluate the applicant's approach to execute grant objectives and the grant-funded work that will be monitored by Interior.

## **GRANT APPLICATIONS**

Interior proposes to collect the following additional elements from applicants:

*Standard forms (SF) from the SF-424 Series:* Applicants must submit the following SF-424 series of forms:

- SF-424, Application for Federal Assistance;
- SF-424A, Budget Information for Non-Construction Programs, or SF-424C, Budget Information - Construction Programs;
- SF-424B, Assurances for Non-Construction Programs or SF-424D, Assurances for Construction Programs;
- SF-428, Tangible Personal Property Report; and
- SF-LLL, Disclosure of Lobbying Activities, when applicable.

*Indirect Cost Statement:* If requesting reimbursement for indirect costs, all applicants must include in their application a statement regarding how they anticipate charging indirect costs.

*Budget Narrative and/or Template:* Applicants must provide a narrative and/or template that describes and justifies, with sufficient detail, the requested budget items and costs, and provides a description of how the applicant determined its totals by cost category in their application (**Proposed revision**).

*Negotiated Indirect Cost Rate Agreement (NICRA):* When applicable, a copy of the applicant's current Federal Agency-approved Negotiated Indirect Cost Rate Agreement is required.

*Single Audit Reporting Statement:* All U.S. governmental entities and non-profit applicants must submit a statement regarding their single audit reporting status.

*Conflict of Interest Disclosures:* Applicants must notify Interior in writing of any actual or potential conflicts of interest known at the time of application or that may arise during the life of this award, in the event Interior makes an award to the entity.

*Certification Statement:* Applicants for the Initial Grant part of this program must provide a signed Certification statement consistent with Section 40601(c)(3)(A)(ii)(III) or 40601(c)(3)(A)(i)(II) of the BIL. State and Tribal Applicants may also be required to submit other certifications for other grant programs, consistent with guidance issued by the OWPO.

## **TRIBAL IN LIEU OF GRANT ASSISTANCE REQUESTS - TRIBAL APPLICANTS ONLY** **(Proposed revision)**

Tribes, in lieu of grant assistance, may request that Interior administer and carry out plugging, remediation, and reclamation activities related to eligible orphaned wells on behalf of the Tribe. Interior proposes to collect the following information to evaluate and administer such requests:

- A letter of request for assistance, from the Tribe, bearing the signature of the authorized representative of the Tribe's governing body;
- A description of activities (e.g., plugging and abandonment, remediation, and/or reclamation) for which the Tribe is requesting assistance;

- A brief description of the Tribe's territories, including the number and locations of known orphan wells; and
- A summary of known supporting data or information, including existing inventories and assessments and environmental compliance documents.

## **AMENDMENTS**

For many budget and program plan revisions, 2 CFR 200 requires recipients submit revision requests to the federal awarding agency in writing for prior approval. Interior reviews such requests that are received to determine the eligibility and allowability of new or revised activities and costs and approves certain items of cost.

## **REPORTING/RECORDKEEPING REQUIREMENTS**

To ensure that activities funded by Section 40601 are consistent with the BIL, 2 CFR part 200, and other federal law and authorities, Interior proposes to collect the following information from all grant and other funding recipients:

- *Financial Reports:* Recipients are required to submit all financial reports on the Standard Form 425, Federal Financial Report. Recipients must submit financial reports in accordance with 2 CFR part 200. The frequency of submission may vary but will typically be annually or semi-annually. Interior, however, may require submission of financial reports more frequently in certain circumstances, such as where more frequent reporting is necessary for the effective monitoring of the federal award or could significantly affect program outcomes **(Frequency is proposed revision)**.
- *Performance Reports:* Recipients must submit performance reports in accordance with 2 CFR part 200. This information is necessary for Interior to track accomplishments and performance-related data. Interior uses these reports to ensure that the recipient is accomplishing its work on schedule, and to identify any problems that the recipient may be experiencing in accomplishing the work. While the frequency of performance reporting may vary, recipients typically will be required to submit their performance reports annually or semi-annually. Interior, however, may require the submission of these reports more frequently in certain circumstance, such as where more frequent reporting is necessary for the effective monitoring of the federal award or could significantly affect program outcomes **(Frequency is proposed revision)**. Performance reports must include:
  - o A comparison of actual accomplishments to the goals and objectives established for the reporting period, the results/findings, or both;
  - o If the goals and objectives were not met, the reasons why, including analysis and explanation of cost overruns or high unit costs compared to the benefit received to reach an objective;
  - o Performance trend data and analysis to be used by the awarding program to monitor and assess recipient and federal awarding program performance;
  - o Consolidated long-term work plan and accomplishments updates, when award is part of a large scale or long-term effort funded under multiple awards over time; and



o Other information that Interior requires to track State and Tribal accomplishments, collect performance-related data, identify and risks and failure to achieve certain milestones, and is otherwise necessary to ensure that the State's or Tribe's actions comply with the relevant guidance issued by the OWPO **(Proposed revision)**.

- *Final 15-month Report for State Initial Grants:* As required in the BIL, State recipients under the Initial Grants part of the program must submit a report no later than 15 months after the date on which the State receives the funds, describing the means by which the State used the funds in accordance with its application and certification, and including the reporting parameters described in this guidance.
- *Recordkeeping Requirements:* Recipients must retain financial records, supporting documents, statistical records, and all other records pertinent to a federal award, per 2 CFR part 200 requirements.
- *Data Associated with Wells Plugged Using Federal BIL Funds:* Recipients must periodically provide data, which upon Interior's request, may include pictures, video, or other media, for any well plugged with BIL funds. This may include data associated with reclamation or restoration of land or infrastructure associated with a well **(Proposed revision)**.

Upon request, but no more frequently than annually, recipients must submit requested information related to aggregate orphaned-well data (e.g., the total number of documented orphaned wells located in a State, and the rationale for why the orphaned well inventory has increased or decreased during a certain time period). Interior will use this information to evaluate the effectiveness of the programs funded by the BIL.

- *Information Concerning State or Tribal Unmet Needs:* When requested, States and Tribes must submit requested information related to unmet needs for orphaned well plugging, the decommission or removal of the associated infrastructure, and the restoration and reclamation of the lands, surface water, ground water, or other natural resources that are impacted or potentially impacted. States or Tribes may also be required to provide information regarding employment and economically distressed areas, or environmental justice **(Proposed revision)**.
- *Compliance with Environmental and Other Statutes:* Recipients must submit information to Interior to allow Interior to ensure that federal BIL funds are utilized in a manner that is consistent applicable federal law, such as the ESA and NHPA, and other authorities and policy **(Proposed revision)**.
- *Change in RIG Eligibility (Scoring Template):* During the ten-year period that begins on the date of receipt of the grant funds, each RIG recipient must periodically (e.g., annually) submit an updated Scoring Template. This submission will allow Interior to ensure that the State recipient is not required to reimburse Interior for all or a portion of its RIG for "failure to maintain protections," under Section 40601(c)(5)(E)(iii). Recipients will also be required to submit documentation that supports any changes between the submitted Scoring Template and the one that was previously submitted **(Proposed revision)**.

Interior also proposes to rename the information collection from *Application Requirement for States to Apply for Orphaned Well Site Plugging, Remediation, and Restoration Grant*

*Consideration to Application Requirements for States and Tribes to Apply for Orphaned Well Site Plugging, Remediation, and Restoration Funding Consideration, and Ongoing State and Tribal Reporting Requirements for Funding Recipients (Proposed revision).*

**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.**

The proposed workplan format, and other templates, will be available on our website or by contacting Interior. DOI also anticipates that many templates and forms will be available in GrantSolutions.gov. Interior will accept electronic submission of the completed forms to reduce the burden of the information collection submission on the applicants and meet GPEA requirements.

**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 requested is not available through any other information collection conducted by federal agencies. The collection is specific to each applicant, and the orphan well program falling under Section 40601 of the BIL, which includes several metrics required for an annual report to Congress. The information requested simplifies the review and evaluation process to collect the information needed. It also ensures that the grant program's objectives are met. Information captured is not duplicated.

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

The collection of this information will not impact small businesses or other small entities.

**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 collected enables Interior to meet Congress' intent to provide funds to implement activities and projects associated with Section 40601 of the BIL. Without this information, Interior would be unable to fulfill responsibilities outlined in the statute and adequately evaluate how the funds are being used to accomplish the program's objectives and goals. This information collection will assist in establishing baseline and anticipated performance. In addition, this information collection allows the Interior to set proper legal obligations to ensure that we expend federal funds properly and comply with OMB requirements regarding the management of federal financial assistance.

**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.

No special circumstances exist that would require Interior's collection to be conducted in a manner inconsistent with OMB guidelines.

**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.**

On November 7, 2022, OMB issued to Interior Notice of Office of Management and Budget Action, extending and approving, without change, the ICR. The OMB's Notice stated that the expiration date of the ICR is November 30, 2025.

*1. Prior 60-day public comment period that ran through July 1, 2024*

A Federal Register notice was published on May 2, 2024, which solicited comments on this proposed information collection. See 89 FR 35849. Interested parties were invited to submit comments on or before July 1, 2024. One Tribal Nation stated it did not have concerns with the proposed information collection. A total of 13 other parties jointly submitted comments, which are discussed immediately below.

## 2. *Comments submitted by the 13 parties and Interior's response*

*Public comments:* The commenters recommended that the Consolidated Workplan be expanded to request more information on States' definitions of orphaned well and processes for recouping remediation costs and redeeming financial assurances. The commenters reasoned that this is necessary because, for State and private lands, Interior did not provide a standardized definition of the term orphaned well. The commenters also stated that "This absence of a standardized definition has created opportunities for states—intentionally or otherwise—to use federal grant funds to plug wells for which there is a solvent, financially responsible party."

*Interior's Response:* As part of their applications or technical reports, States generally submit the information discussed by the commenters. States are also required to maintain records that support the contents of their applications, including showing that the actions are consistent with the State's submitted certifications concerning the use of available financial assurance to cover plugging, reclamation, and restoration costs. States are also required to maintain records that demonstrate that the uses of awarded federal funds are consistent with the BIL and other federal law and authorities.

The term orphaned well is defined in Section 40601(a)(5) of the BIL. For State or private lands, the statutory definition of orphaned wells adopts the applicable definition under state law. Interior's approach is consistent with the text of the BIL.

While Interior defers to State law as to what constitutes an orphaned well, States that use awarded federal funds to plug non-orphaned wells may be subject to negative consequences. Similarly, States failing to use available financial assurance to cover the cost of plugging, remediation, and/or reclamation may also be subject to negative consequences.

*Public comments:* The commenters requested that Interior collect additional information concerning costs of plugging wells, contracting processes, qualifications of contractors, and the actual well plugging practices.

*Interior's Response:* Interior receives relevant information concerning State law and other authorities that concern well-plugging practices. Interior requires that a State with established and documented well plugging standards and regulations require their contractors to meet those standards and regulations. For States that do not have established well plugging standards, Interior requires that the work meet or exceed the plugging standards in either 43 CFR 3172.12, for onshore wells, or 30 CFR part 250, for offshore wells. Interior also monitors awarded funds, consistent with 2 CFR part 200 and other federal law and authorities, and samples wells to verify that contractors adhered to the relevant plugging standards.

Interior intends to collect well plugging standards and procedures and reward States for strengthening those standards and procedures. Interior may also collect State program information that concerns orphaned wells, including contracting procedures, the qualification of contractors, and the costs of plugging, reclamation, and/or restoration.

*Public comments:* For Plugging Standards RIG applications, the commenters suggested that Interior collect additional information that concerns State documentation of plug quality and integrity. Similarly, for Program Standards RIG applications, the commenters

suggested that Interior collect additional information with respect to State financial assurance requirements.

*Interior's Response:* Interior proposes to collect State requirements for plug quality and integrity as part of its Plugging Standards RIG program. Interior also proposes to collect information on whether a State adopts full-cost well financial assurance requirements, and information on whether a State's financial assurance requirements account for field or area risks, technical risks, financial risks, and/or aggregate risks associated with multiple-well assurance for Program Standards RIGs.

*Public comments:* In addition to the information discussed in the previous comments, the commenters suggest that Interior collect additional information, such as information that concerns State plugging and idling triggers and requirements of well transfers. The commenters also suggested additional items for the two Scoresheets.

*Interior's Response:* In 2021, the Interstate Oil and Gas Compact Commission (IOGCC) published *Idle and Orphan Oil and Gas Wells: State and Provincial Regulatory Strategies*. The 2021 IOGCC report stated that "the primary purpose of this report is to help states and provinces evaluate their idle- and orphan-well programs and identify useful regulatory tools and strategies from other jurisdictions." The 2021 IOGCC report updated a 2019 report, which the IOGCC stated "served as a useful reference in the development of federal legislation."

On October 20, 2023, Request for Information to Inform the Orphaned Wells Program Office's Development of Regulatory Improvement Grants Under the Bipartisan Infrastructure Law was published in the Federal Register (RFI). See 88 FR 72528. A total of 20 parties submitted responses to the RFI, including the IOGCC, 13 states, 5 environmental groups, and 1 anonymous party.

Interior utilized comments it received in response to the RFI, the 2021 IOGCC report, and other IOGCC reports, to develop the two RIG programs. Consequently, Interior considers the categories and subcategories under which States are evaluated as part of the two programs to be comprehensive.

*Public comments:* For the Consolidated Workplan, the 13 commenters supported the remaining 22 items, which are not discussed above. The commenters also supported the remaining 9 Plugging Standards RIG and 7 Program Standards RIG items that Interior proposes to collect.

*Interior's Response:* Interior appreciates the commenters' support of Interior's efforts to develop and administer financial assistance programs to create a legacy of environmental stewardship.

As part of Interior's continuing effort to reduce paperwork and respondent burdens, it is again soliciting comments from the public and other federal agencies on the proposed information collection request that is described below. Interior is especially interested in public comment addressing the following:

- (1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

- (2) The accuracy of Interior's estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;
- (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and
- (4) How might Interior minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of response.

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

Not applicable. Interior will not provide any payments 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.**

The information collected concerns the applicant's and award recipient's orphaned well program. Information is collected and protected in accordance with the Privacy Act (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552).

**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.**

Interior does not anticipate that it will ask 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.

For the revised ICR, a total of 1,122 annual responses and 13,480 annual burden hours.

Interior estimates that it will receive 957 responses (initial estimates are 27 State and 65 Tribal governments) totaling 12,052 burden hours. Interior estimates that the annual dollar value of the burden hours is \$721,915 (rounded).

In addition to the original estimates, Interior estimates that for the Regulatory Improvement grants, it will receive an additional 108 responses for one-time grant applications (27 states) totaling 1,350 burden hours, with the estimated one-time burden dollar value is \$80,865 (rounded). 54 annual responses for scoring sheet submittals totaling 54 burden hours. Interior estimates that the annual dollar value of the burden hours is \$3,235 (rounded).

Interior estimates that for the Tribal In Lieu of Grant Assistance, it will receive 3 responses totaling 24 burden hours, with the estimated burden dollar value is \$1,438 (rounded).

Interior used Table 1 from the of Bureau of Labor Statistics (BLS) News Release [USDL-23-2567](#), December 15, 2023, Employer Costs for Employee Compensation—September 2023, to calculate the cost of the total one-time and annual burden hours:

- State and Tribal Governments – the hourly rate for all workers is \$59.90, including benefits.

| Requirement   | Average Number of Annual Respondents | Average Number of Responses Each | Average Number of Annual Responses | Average Completion Time per Response | Estimated Annual Burden Hours | Hourly Rate | \$ Value of Annual Burden Hours |
|---|--------------------------------------|----------------------------------|------------------------------------|--------------------------------------|-------------------------------|-------------|---------------------------------|
| <b>Consolidated Workplan</b>  |                                      |                                  |                                    |                                      |                               |             |                                 |
| State Government  | 27                                   | 1                                | 27                                 | 10                                   | 270                           | \$59.90     | \$16,173.00                     |
| Tribal Government   | 65                                   | 1                                | 65                                 | 8                                    | 520                           |             | \$31,148.00                     |
| <b>Grant Applications</b>   |                                      |                                  |                                    |                                      |                               |             |                                 |
| State and Tribal Government   | 92                                   | 1                                | 92                                 | 40                                   | 3,680                         | \$59.90     | \$220,432.00                    |
| <b>Amendments</b>   |                                      |                                  |                                    |                                      |                               |             |                                 |
| State and Tribal Government   | 10                                   | 1                                | 10                                 | 3                                    | 30                            | \$59.90     | \$1,797.00                      |
| <b>Financial Reports (State and Tribal Governments)</b>               |                                      |                                  |                                    |                                      |                               |             |                                 |
| Reporting   | 92                                   | 1                                | 92                                 | 6                                    | 552                           | \$59.90     | \$33,064.80                     |
| Recordkeeping   |                                      |                                  |                                    | 2                                    | 184                           | \$59.90     | \$11,021.60                     |
| <b>Performance Reports (State Government)</b>                         |                                      |                                  |                                    |                                      |                               |             |                                 |
| Reporting   | 27                                   | 1                                | 27                                 | 32                                   | 864                           | \$59.90     | \$51,753.60                     |
| Recordkeeping   |                                      |                                  |                                    | 2                                    | 54                            | \$59.90     | \$3,234.60                      |
| <b>Performance Reports (Tribal Government)</b>                        |                                      |                                  |                                    |                                      |                               |             |                                 |
| Reporting   | 65                                   | 1                                | 65                                 | 10                                   | 650                           | \$59.90     | \$38,935.00                     |
| Recordkeeping   |                                      |                                  |                                    | 2                                    | 130                           | \$59.90     | \$7,787.00                      |
| <b>Final 15-Month Reports (State Government)</b>                      |                                      |                                  |                                    |                                      |                               |             |                                 |
| Reporting   | 27                                   | 1                                | 27                                 | 24                                   | 648                           | \$59.90     | \$38,815.20                     |
| Recordkeeping   |                                      |                                  |                                    | 2                                    | 54                            | \$59.90     | \$3,234.60                      |
| <b>Compliance with Environmental and Other Statutes as Authorized</b> |                                      |                                  |                                    |                                      |                               |             |                                 |
| State and Tribal Government   | 92                                   | 6                                | 552                                | 8                                    | 4,416                         | \$59.90     | \$264,518.40                    |
| <b>Totals:</b>  | <b>497</b>                           |                                  | <b>957</b>                         |                                      | <b>12,052</b>                 |             | <b>\$721,914.80</b>             |

Regulatory Improvement Grant One-time burden estimates:

| Requirement                                     | Average Number of one-time Respondents | Average Number of Responses Each | Average Number of one-time Responses | Average Completion Time per Response, Hours | Estimated One-time Burden Hours | Hourly Rate | \$ Value of One-time Burden Hours |
|---|--|----------------------------------|--------------------------------------|---|---------------------------------|-------------|-----------------------------------|
| <b>Regulatory Improvement Grant Eligibility</b> |  |                                  |                                      |   |                                 |             |                                   |
| State Government                                | 27                                     | 2                                | 54                                   | 24  | 1296                            | \$59.90     | \$77,630.40                       |
| <b>Scoring Template</b>                         |  |                                  |                                      |   |                                 |             |                                   |
| State Government                                | 27                                     | 2                                | 54                                   | 1   | 54                              | \$59.90     | \$3,234.60                        |
| <b>Totals:</b>                                  | <b>54</b>                              |                                  | <b>108</b>                           |   | <b>1,350</b>                    |             | <b>\$80,865.00</b>                |

Regulatory Improvement Grant Annual burden estimates:

| Requirement                 | Average Number of Annual Respondents | Average Number of Responses Each | Average Number of Annual Responses | Average Completion Time per Response, Hours | Estimated Annual Burden Hours | Hourly Rate | \$ Value of Annual Burden Hours |
|-----------------------------|--------------------------------------|----------------------------------|------------------------------------|---|-------------------------------|-------------|---------------------------------|
| <b>Eligibility Template</b> |                                      |                                  |                                    |   |                               |             |                                 |
| State Government            | 27                                   | 2                                | 54                                 | 1   | 54                            | \$59.90     | \$3,234.60                      |
| <b>Totals:</b>              | <b>27</b>                            |                                  | <b>54</b>                          |   | <b>54</b>                     |             | <b>\$3,234.60</b>               |

Tribal In Lieu of Grant Assistance Burden Estimates

| Requirement                               | Average Number of Respondents | Average Number of Responses Each | Average Number of Responses | Average Completion Time per Response, hours | Estimated Burden Hours | Hourly Rate | \$ Value of Burden Hours |
|---|-------------------------------|----------------------------------|-----------------------------|---|------------------------|-------------|--------------------------|
| <b>Tribal In Lieu of Grant Assistance</b> |                               |                                  |                             |   |                        |             |                          |
| Tribal Government                         | 3                             | 1                                | 3                           | 8   | 24                     | \$59.90     | \$1,437.60               |
| <b>Totals:</b>                            | <b>3</b>                      |                                  | <b>3</b>                    |   | <b>24</b>              |             | <b>\$1,437.60</b>        |

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 is no non-hour cost burden associated with 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 total Federal cost to administer this program is **\$2,122** (rounded) associated with the consolidation of data and generating the formulated awards.

Interior used the Office of Personnel Management Salary Table [2024-DCB](#) (Washington-Baltimore-Arlington, DC-MD-VA-WV-PA) to determine average hourly Federal wages. In accordance with BLS News Release [USD-23-2567](#), December 15, 2023, Employer Costs for Employee Compensation—September 2023, Interior multiplied individual hourly wages for the Federal employees by 1.61 to calculate the fully burdened hourly rate shown below:

| Position/Grade                     | Hourly Rate | Hourly Rate with Benefits | Total Hours | Number of Positions | Total Cost        |
|------------------------------------|-------------|---------------------------|-------------|---------------------|-------------------|
| GS-14/5 ECRP Grant Program Manager | \$75.70     | \$121.88                  | 8           | 1                   | \$975.04          |
| GS-15/5 ECRP Team Leader           | \$89.04     | \$143.35                  | 8           | 1                   | \$1,146.80        |
| <b>Total:</b>                      |             |                           |             |                     | <b>\$2,121.84</b> |

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

Changes have been made to this supporting statement to reflect program changes and improvements resulting from experience gained as the program continues to award BIL grants, which were not anticipated in prior ICR requests. This additional ICR will increase the annual responses by 652, and burden hours by 2778 hours. DOI is seeking to revise the original approval.

**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.**

Interior will not publish the results of this information collection.

**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.**

Interior intends to display the OMB control number and expiration date.

**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 statement.