

Supporting Statement
30 CFR 250, Subpart O, Well Control and Production Safety Training
OMB Control Number 1014-0008
Current Expiration: December 31, 2015

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. 1331 *et seq.* and 43 U.S.C. 1801 *et seq.*), authorizes the Secretary of the Interior to prescribe rules and regulations necessary for the administration of the leasing provisions of the Act related to mineral resources on the OCS. Such rules and regulations will apply to all operations conducted under a lease, pipeline right-of-way, or a right-of-use and easement. 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.

Section 1332(6) of the OCS Lands Act requires that “operations in the [O]uter Continental Shelf should be conducted in a safe manner by well trained personnel using technology, precautions, and other techniques sufficient to prevent or minimize the likelihood of blowouts, loss of well control, fires,

spillages, physical obstructions to other users of the waters or subsoil and seabed, or other occurrences which may cause damage to the environment or to property or endanger life or health.”

It should be noted, that due to the regulatory requirements in 30 CFR 250, Subpart S (SEMS), the 30 CFR 250, Subpart O, audits ceased. The training audits fall under the requirements defined in § 250.1915. However, BSEE keeps Subpart O documents and regulations active, because the Subpart O regulatory requirements give BSEE the authority and ability to test employees on the effectiveness of their own training program with respect to well control and production safety.

This authority and responsibility are among those delegated to the Bureau of Safety and Environmental Enforcement (BSEE). The regulations at 30 CFR 250, Subpart O, Well Control and Production Safety Training, concern training requirements for certain personnel working on the OCS and is the subject of this collection. This request also covers the 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.

BSEE will use the information collected under Subpart O regulations to ensure that workers in the OCS are properly trained with the necessary skills to perform their jobs in a safe and pollution-free manner.

In some instances, we may conduct oral interviews of offshore employees to evaluate the effectiveness of a company’s training program. The oral interviews are used to gauge how effectively the companies are implementing their own training program.

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 below citations are the only Subpart O requirements that would be submitted to BSEE. The rest of the burden hours in this collection are not applicable since those requirements do not require a submission to BSEE. Approximately, 75 percent of all information is currently submitted electronically.

§ 250.1503(d) - Upon request, provide BSEE copies of employee training documentation or provide copy of training plan. BSEE has requested copies of training documentation from respondents, and also additional supporting information. This supporting information is generally submitted electronically.

§ 250.1510(b) - Revise training plan and submit to BSEE. We assume that respondents would submit any revised training plans to correct deficiencies electronically.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

No similar information pertaining to training requirements for well control and production safety training on the OCS is collected by the DOI or other Federal agencies. The BSEE maintains audit files

only to determine that training requirements are being met on the OCS. Therefore, there would be no duplication of information in this program.

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 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. Due to the nature of the well control and production safety training that requires industry personnel to have the necessary skills to perform their jobs in a safe and pollution-free manner, the hour burden on any small entity subject to these regulations cannot be reduced to accommodate them. Small businesses operating on the OCS continue to have the option of using a third-party training organization to train their employees.

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 require the information, we would be unable to ascertain if personnel working on the OCS have received the training necessary to ensure safety of operations and protection of the environment. The recordkeeping is required when training plans are developed or revised and to document individual training activities. The regulations do not prescribe the frequency for these activities. The performance-based nature of the regulations provides the greatest flexibility. We believe this will still allow for well trained workers on the OCS. The reporting requirements would occur on an occasion basis and not under any set frequency.

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;*

The guidelines are exceeded because regulations require respondents to retain training documentation for 5 years (§ 250.1503(d)(1)). The 5-year retention period ensures that records are available for the maximum time under the statute of limitations for audit purposes and is consistent with current rules.

- (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 published a 60-day notice in the *Federal Register* on April 10, 2015 (69 FR 19352). Also, 30 CFR 250.199 explains 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 one comment in response to the Federal Register notice or unsolicited comments from respondents covered under these regulations. The comment was from a private citizen and it was not germane to the paperwork burden of this ICR.

To prepare this ICR, companies were contacted to determine the estimated burden this subpart places on respondents. We obtained input from all our regions – even though in the Alaska and Pacific regions there were no Subpart O tests/audits done. In the Gulf of Mexico region, while three companies were tested/audited via Subpart O requirements since the last IC cycle, one company is no longer in existence, and the other company contacted did not respond. Therefore, the following company representative that commented was:

Petrobras America Inc. – Gregory D. Roland, Regulatory Compliance Area Manager,
(713)808-2881, 10350 Richmond Ave., Suite 1400, Houston, TX, 77042

All the different reporting and recordkeeping requirements that are listed in the Subpart O burden table (Section A.12), were thoroughly reviewed by the company representative listed. The representative had no concerns regarding the availability of data, frequency of collection, clarity of instructions, and elements being collected at this time. The company that replied to our request provided the burden estimates that are reflected in Section A.12.

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

BSEE will not provide payment or gifts to respondents.

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

We will protect proprietary information according to the Freedom of Information Act (5 U.S.C. 552) and DOI's implementing regulations (43 CFR 2); 30 CFR 250.197, *Data and information to be made available to the public or for limited inspection*; and 30 CFR 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.

The collection does not include sensitive or private questions. However, if we did collect any such information, BSEE protects information considered proprietary under the Freedom of Information Act (5 U.S.C. 552) and DOIs implementing regulations (43 CFR 2), and under regulations at 30 CFR Part 250.197, *Data and information to be made available to the public or for limited inspection*, 30 CFR Part 252, *OCS Oil and Gas Information Program*.

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. 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 respondent in Section A.8. Submissions are generally on occasion. Responses are mandatory or are required to obtain or retain benefits. We estimate the total annual burden is 202 hours. Refer to the following table for a breakdown of the burdens.

BURDEN BREAKDOWN

Citation 30 CFR 250 Subpart O	Reporting & Recordkeeping Requirement	Hour Burden	Average No. of Annual Responses	Annual Burden Hours
1503(a), (c)	Develop training plans. Note: Existing lessees/ respondents already have training plans developed. This number reflects development of plans for any new lessees.	120	1	120
1503(d)(1)	Upon request, provide BSEE with copies of training documentation for personnel involved in well control, deepwater well control, or production safety operations within the past 5 years.	16	1	16
1503(d)(2)	Upon request, provide BSEE with a copy of your training plan.	16	1	16
1507(b)	Employee oral interview conducted by BSEE.	2	1	2
1507(c), (d); 1508; 1509	Written testing conducted by BSEE or authorized representative.	Not considered information collection under 5 CFR 1320.3(h)(7).		0
1510(b)	Revise training plan and submit to BSEE.	40	1	40
250.1500- 1510	General departure or alternative compliance requests not specifically covered elsewhere in subpart O.	8	1	8
Total Hour Burden !			6 Responses	202 Hours

(c) Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here.

The average respondent cost is \$91/hour. This cost is broken out in the following table using the Society of Petroleum Engineers (SPE) data dated September 2014. See SPE document/website: <http://www.spe.org/industry/docs/14SalarySurveyHighlights.pdf>

Position	Hourly Pay rate (\$/hour estimate)	Hourly rate including benefits (1.4* x \$/hour)	Percent of time spent on collection	Weighted Average (\$/hour/ rounded)
Non-Engineering Technical	\$65	\$91	100%	\$91
Weighted Average (\$/hour)				\$91

*A multiplier of 1.4 (as implied by BLS news release USDL 15-0386, March 11, 2015 (see <http://www.bls.gov/news.release/ecec.nr0.htm>)) was added for benefits.

Based on a cost factor of \$91 per hour, we estimate the hour burden as a dollar equivalent to industry is \$18,382 (\$91 x 202 hours = \$18,383).

13. Provide an estimate of the total annual non-hour cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected in Item 12).

(a) The cost estimate should be split into two components: (1) a total capital and start-up cost component (annualized over its expected useful life) and (2) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information (including filing fees paid for form processing). Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and

the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.

(b) If cost estimates are expected to vary widely, agencies should present ranges of cost burden and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.

Not applicable in this collection.

(c) Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

Not applicable in this collection.

14. Provide estimates of annualized cost to the Federal Government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

The average government cost is \$69/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 (1.5* x \$/hour)	Percent of time spent on collection	Weighted Average (\$/hour)
Clerical	GS-7/5	\$21	\$32	5%	\$2
Petroleum Engineer	GS-13/5	\$45	\$68	85%	\$58
Supv. Petroleum Engineer	GS-15/5	\$62	\$93	10%	\$9
Weighted Average (\$/hour)					\$69

* **A multiplier of 1.5 (as implied by BLS news release USDL 15-0386, March 11, 2015 (see <http://www.bls.gov/news.release/ecec.nr0.htm>)) was added for benefits.

To analyze and review the information required by 30 CFR 250, Subpart O, Well Control and Production Safety Training, we estimate the government will spend an average of 1 hour for each hour spent by respondents for a total of 202 burden hours. The average Federal cost is \$69 per hour.

Based on a cost factor of \$69 per hour, we estimate the hour burden as a dollar equivalent to the Government is \$13,938 (202 hours x 1 hour = 202 hours x \$69 = \$13,938).

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

The currently approved annual hour burden is 2,919 hours. In this submission, we are requesting a total of 202 hours. This represents an adjustment decrease of 2,717 hours. The decrease is due to re-estimating the average annual responses and the amount of time required to respond. Subpart O is now used for auditing companies to test employees on the effectiveness of their own training program. The actual training audits now fall under the § 250.1915 requirements.

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

Not applicable since BSEE will not tabulate or publish the data.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

Not applicable. BSEE is not seeking a waiver from the requirement to display the expiration date of the OMB approved IC.

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

Not applicable. To the extent that the topics apply to this collection of information, BSEE is not making any exceptions to the Certification for Paperwork Reduction Act Submissions.