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

**PAPERWORK REDUCTION ACT REQUEST
SUPPORTING STATEMENT A**

**HELIUM CONTRACTS (43 CFR PART 3195)
OMB CONTROL NUMBER 1004-0179**

Terms of Clearance: Not applicable. The Office of Management and Budget (OMB) provided no Terms of Clearance when it last approved the collections of information under this OMB Control Number (see OMB Notice of Action dated October 15, 2018).

Abstract: This control number authorizes the Bureau of Land Management (BLM) to collect information that enables in-kind sales of helium in accordance with the Helium Stewardship Act (50 U.S.C. 167-167q) and 43 CFR Part 3195. This request is for OMB to renew this OMB control number for an additional three years.

Justification

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

The BLM requests that the OMB renew and revise control number 1004-0179, “Helium Contracts.” This control number involves collection activities pertaining to a gradual phasing-out of the Federal helium program.

The Federal government began producing, storing, and using helium in 1925, when the government set up a Federal helium program in order to ensure adequate helium supplies for defense purposes. In 1960, Congress passed legislation that provided incentives for private natural gas producers to strip helium from natural gas for sale and transportation to the Federal government. This “crude” helium-nitrogen mixture was injected and stored into the Federal Helium System, and then was further purified when needed. The 1960 Act also authorized the Secretary of the Interior to sell crude helium for Federal, medical, scientific, and commercial uses. At that time, these activities were implemented within the Department of the Interior by the Bureau of Mines.

Congress redefined the government’s role in helium production in 1996, by abolishing the Bureau of Mines and assigning to the BLM responsibility for operating the Federal Helium System for the purpose of providing enriched crude helium to private refiners. Regulations implementing the Federal helium program, at 43 CFR Part 3195, provide the authority for the BLM to collect helium sales information from Federal agencies and helium suppliers of major helium requirements, in order to balance crude helium purchases from the BLM with sales of

helium to Federal agencies.

Congress again redefined the government's role by passing the Helium Stewardship Act of 2013 (2013 Act), Public Law 113-40. (127 Stat. 534, codified at 50 U.S.C. 167-167q). The intent of the 2013 Act is to allow for a smooth transition to private means of helium production (both domestic and international) as Federal helium reserves are steadily drawn down. The 2013 Act establishes a phased process through fiscal year 2021 to dispose of the federally held helium supplies.

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 2013 Act, at 50 U.S.C. 167b(a), authorizes the Secretary of the Interior to store, transport, and withdraw crude helium and maintain and operate crude helium storage facilities at the Bureau of Mines Cliffside Field in Texas, and related helium transportation and withdrawal facilities. The 2013 Act, at 50 U.S.C. 167b(b), also prohibits the Secretary from producing, refining, and marketing refined helium, starting 18 months after October 9, 1996. These provisions signal the gradual phasing-out of the Federal helium program.

Refined Helium Deliveries Detail

In order to sell refined helium to a Federal agency or to a private helium purchaser for use in a Federal Government contract, a private helium merchant must buy an equivalent amount of crude Federal helium. The BLM uses the Refined Helium Deliveries Detail form to determine the amount of crude helium that such merchants must buy for the Federal Government.

Respondents must report the following information to the BLM within 45 days of the end of each quarter:

1. Agency identification: the agency's name, the helium provider agency or contract number, and the point of contact's phone number and address. The BLM needs this information so that it may contact the merchant.
2. Refined Sales Detail: the Federal agency, the city and state where the delivery took place, the delivery date, the volume of helium delivered, the units in cubic feet plus the pressure and temperature conditions, and the reference number. The BLM needs this information for purposes of auditing private companies who supply helium to Federal agencies.

Calculation of Excess Refining Capacity

The 2013 Act, at 50 U.S.C. 167d(b)(8)(B), provides that any refiner of crude helium that purchases crude helium from the Federal Helium System must, as a condition of that sale or auction, make excess refining capacity available at commercially reasonable rates to certain non-refiner purchasers of Federal crude helium. The 2013 Act, at 50 U.S.C. 167m(a)(2), also requires the BLM to aggregate data on storage capacity and post the aggregated data on a public

website. This collection activity enables the BLM to comply with 50 U.S.C. 167m(a)(2). The collected information can also be used to inform the BLM of changes in the refiner's calculation of excess refining capacity as they occur.

Refiners must submit the Calculation of Excess Refining Capacity form to the BLM upon entering into a new storage contract, and annually on July 1 of each year, prior to the BLM's annual helium auction. The form requires the following information:

1. Fiscal Year. The BLM needs this information in order to verify the timeliness of the report.
2. The following volumes, reported in standard cubic feet per year:
 - A. Operational Refining Capacity, i.e., the total capacity available to refine crude helium including capacity that could reasonably be put into operation for the forecasted fiscal year.
 - B. Planned Crude Helium Demand, i.e., the planned demand for all crude helium to be processed by the helium refiner, including crude helium from the Federal Helium System, as well as from all other sources.
 - C. Excess Refining Capacity, i.e., the reported total refining capacity of the refiner, minus the volume of forecasted demand for a particular fiscal year.
3. The name of the company, the name and title of the authorized agent, telephone number, email, signature, and date.

Refiner's Annual Tolling Report and Refiners' Tolling Occurrence Report

The BLM will monitor the practices of helium refiners processing or refining another party's helium at an agreed-upon price through two additional collection activities. This practice is referred to as "tolling." These collection activities will help to meet the 2013 Act's requirement to make excess refining capacity available at a commercially reasonable rate.

In the Refiners' Annual Tolling Report, the BLM will obtain documentation of the tolling agreements that were entered into between the refiners and other parties during the preceding year. The refiners may also take this opportunity to document its attempts to negotiate tolling if they desire. This information will be due to the BLM annually, within two weeks of the start of the Federal fiscal year, by October 14.

The Refiner's Annual Tolling Report must include the following information:

1. Fiscal Year. The BLM needs this information in order to verify the timeliness of the report.
2. Company. The BLM needs this information in order to identify the refiner.
3. Date Tolling Agreement Signed: The BLM needs this information in order to verify that the identified agreement was signed during the time covered by the report.

4. Volume: The BLM will use this information as a factor in determining whether or not the rate charged was commercially reasonable.
5. Price per Mcf: The BLM will use this information as a factor in determining whether or not the rate charged was commercially reasonable.
6. Delivery Period: The BLM will use this information as a factor in determining whether or not the rate charged was commercially reasonable.

In the Refiners' Tolling Occurrence Report, the BLM will collect information throughout the year whenever a refiner enters into a tolling agreement with another party. This will allow the BLM to anticipate the delivery of helium, and monitor compliance with the Act regarding excess refining capacity. This information will be due to the BLM within two weeks of entry into a tolling agreement.

The Refiners' Tolling Occurrence Report must include the following information:

1. Fiscal Year. The BLM needs this information in order to verify the timeliness of the report.
2. Company. The BLM needs this information in order to identify the refiner.
3. Date Tolling Agreement Signed: The BLM needs this information in order to verify that the identified agreement was signed during the time covered by the report.
4. Volume: The BLM will use this information as a factor in determining whether or not the rate charged was commercially reasonable.
5. Price per Mcf: The BLM will use this information as a factor in determining whether or not the rate charged was commercially reasonable.
6. Delivery Period: The BLM will use this information as a factor in determining whether or not the rate charged was commercially reasonable.
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.**

In-Kind: In accordance with the Government Paperwork Elimination Act (GPEA), In-Kind Helium Sales Contractors may, and usually do, submit electronically the documentation that is required to fulfill the obligations of the In-Kind Crude Helium Sales Contract. The BLM has created a form for this purpose.

Private Helium Storage: In accordance with the Government Paperwork Elimination Act (GPEA), the BLM has created three forms for Helium Storage Contract holders to complete the

information necessary to track Excess Refining Capacity, Tolling Activity and Tolling Occurrences.

The forms that the BLM created for collecting this information are located in the BLM website at: <https://www.blm.gov/programs/energy-and-minerals/helium/federal-helium-operations> and <https://www.blm.gov/services/electronic-forms>. The forms are completed and submitted electronically to the BLM.

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 we collect is unique to the helium supplier. No other Federal or State agencies collect similar information that we could use to track Federal helium sales and deliveries.

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

The BLM is not required to collect information on whether the respondents qualify as small businesses or small entities. The information required from all respondents is limited to the minimum requirements necessary to comply with agency responsibilities under the Act. It imposes no special burden on small entities who may wish to distribute or resell helium.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

If we did not collect the information from entities that are storing their helium in the Federal Helium System, and drawing their purchased and stored helium from the Reserve, we could not assure to Congress that their intent in passing the Helium Stewardship Act of 2013 is being met, or that the equivalent sales of crude helium to private industry in return for their refined helium sales to Federal agencies was taking place.

Moreover, the In-Kind provisions of the Act requires that all Federal agencies, including the Department of Defense and the Department of Energy, purchase all major helium requirements from entities with enforceable contracts to purchase equivalent amounts of helium from the Department of the Interior. Less frequent collection would make the program unmanageable.

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.**

With the exception of the following circumstance, there are no special circumstances that require the collection to be conducted in a manner inconsistent with the guidelines in 5 CFR 1320.5(d). One of the reporting forms, the Tolling Occurrence Form, must be completed and submitted within two weeks of entry into a tolling agreement. The BLM will collect such information throughout the year to ensure that tolling is being planned and is actually taking place in accordance with Congressional intent within the 2013 Act, and to conduct operational planning for the distribution of helium from the Federal Helium System.

- 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 May 5, 2021 the BLM published a Federal Register notice soliciting comments for a period of 60 days on this collection of information (86 FR 23979). The comment period closed on July 6, 2021. No comments were received in response to this notice.

Additionally, as required by 5 CFR 1320.5(a)(1)(iv), BLM published a notice in the Federal Register announcing the submission of this request to OMB and allowing the public 30 days to send comments on the proposed extension of this OMB number to OMB.

The BLM has consulted with the respondents to obtain their views on the availability of data; frequency of collection; the clarity of instructions; the recordkeeping, disclosure, and reporting formats; and on the data elements to be recorded, disclosed, or reported.

- Keyes Helium Company, LLC
Houston, TX
- Air Liquide Helium America, Inc.
Houston, TX
- Messer, LLC
Bridgewater, NJ

In response to the amount of time that the Bureau has estimated that it takes operators to provide this information, one respondent stated the hours per response is higher than our estimated timeframes, however another respondent stated the estimated timing is reasonable. The Bureau adjusted the hours per response in the tables below to ensure the estimate accounts for the man-hours to check, validate, and approve the data.

In response to if the collection of information is necessary and how might the Bureau enhance the quality, utility and clarity of the information that it collects, the Bureau received one comment stating that the required data are readily available from internal systems, while another respondent stated the information is generally dated by the time the information is reported to the Bureau and is of little relevance. Both respondents stated that it is unclear as to what the real benefit is for gathering this information, suggesting that the Bureau explain why it needs the information and what it does with the information. Each form under this collection of information states the Bureau collects this information to obtain documentation of refined helium deliveries. The Bureau uses this information to monitor compliance with a statutory requirement that sellers of refined helium to federal agencies buy an equivalent amount of crude federal helium.

In response to how the Bureau might minimize this burden on the public/operators, one respondent said that the Bureau should eliminate the reporting with the exception of monthly nominations and mid-month nomination adjustments, while the other respondent stated this information could be captured on a website or portal.

The Bureau will not revise this collection of information in response to these consultations; however, as noted above, the average estimated response time for operators to provide this

information was adjusted based on feedback.

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

We do not provide 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.

There is no pledge of confidentiality. Under the privacy provisions of the E-Government Act of 2002, individuals/respondents were informed as to whether or not providing the information is required to obtain a benefit. The BLM provides that the information collected will be treated as business sensitive but may be aggregated with other data for BLM's public reporting purposes.

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.

We do not require respondents 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.**

The estimated hourly cost for respondents is shown at Table 12-1. The hourly wage for Table 12-1 was determined using national Bureau of Labor Statistics data at:

http://www.bls.gov/oes/current/oes_nat.htm. The benefits multiplier of 1.4 is supported by information at <http://www.bls.gov/news.release/ecec.nr0.htm>.

Table 12-1: Hourly Cost Calculation

Position	Mean Hourly Pay Rate (\$/hour)	Benefits Multiplier	Hourly Rate with Benefits
Office and Administrative Support Occupations (43-0000)	\$19.73	1.4	\$27.62

Estimated annual hour and cost burdens to respondents are shown at Table 12-2, below, and include time spent for researching, preparing, and submitting information. The average hourly wage associated with these information collection activities is shown at Table 12-1, above. The frequency of response for each of the information collection activities is shown in Table 12-2.

Table 12-2: Hour and Cost Burdens for Respondents

Collection of Information	Number of Respondents	Frequency	Number of Annual Responses	Hours Per Response	Annual Burden Hours	Dollar Equivalent (Hours x \$27.62)
Form 3195-4, Refined Helium Deliveries Detail	7	Quarterly	28	8	224	\$6,187
Form 3195-1, Calculation of Excess Refining Capacity	11	Annually	11	7	77	\$2,127
Form 3195-2, Refiners' Annual Tolling Report	11	Annually	11	7	77	\$2,127
Form 3195-3, Refiners' Tolling Occurrence Report	11	On occasion	44	6	264	\$7,292
Totals:	40	----	94	----	642	\$17,733

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.

Respondents are not required to purchase additional computer hardware or software to comply with these information requirements. There is no filing fee associated with this information collection. There are no capital and start-up costs involved with this information collection. There is no “non-hour” burden.

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 estimated Federal burdens is estimated to be \$8,828 annually.

The hourly cost to the Federal Government is shown in Table 14-1 and based on data at: <http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2021/general-schedule/>.

The benefits multiplier of 1.6 is implied by information at: <http://www.bls.gov/news.release/ecec.nr0.htm>.

Table 14-1: Federal Hourly Cost Calculation

Occupational Category and GS Level	Hourly Pay Rate	Hourly Rate with Benefits (Hourly pay Rate x 1.6)	Percent of Collection Time Completed by Each Occupation	Weighted Avg. Hourly Cost
Secretary - GS-06, Step 2	\$16.79	\$26.86	15%	\$4.03
Crude Helium Sales Analyst - GS-09, Step 4	\$24.29	\$38.86	50%	\$19.43
Lead Engineer - GS-13, Step 4	\$41.89	\$67.02	15%	\$10.05
Engineer - GS-12, Step 10	\$41.63	\$66.61	20%	\$13.32
Totals:	—	—	100%	\$46.83

The estimated annual cost to the Federal Government includes time spent for processing the information provided by the respondents. The weighted average hourly wage is shown at Table 14-1, above. Table 14-2, below, shows the annualized Federal costs for each component of this collection of information. The estimated time spent to process the information collections is based on the BLM’s experience.

Table 14-2: Estimated Annual Federal Burden

Collection of Information	Number of Responses	Processing Time (hours)	Total Staff Hours	Dollar Equivalent (Total Staff Hours x \$46.83)
Excess refining capacity	11	8	88	\$4,121
Annual documentation of tolling agreements	11	8	88	\$4,121
Notice of new tolling agreement	11	0.5	5.5	\$258
Refined helium detail form	7	1	7	\$328
Totals:	40	—	188.5	\$8,828

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

There are no program changes however, the annual burden hours are being adjusted upward by 402 hours (from 240 to 642). The adjustment in burden hours results from the following:

- The hours per response for respondents was adjusted higher after receiving comments from industry (See Item 8, above);
- The estimated number of respondents has been adjusted upward by 18 (from 22 to 40); and
- Likewise, the number of responses has been adjusted upward by 34 (from 60 to 94).

The burden changes for each collection of information are itemized below in Table 15-1 and the overall summary of burden changes for this OMB control number are provided below in Table 15-2.

Table 15-1: Burden Changes

Collection of Information	Respondents			Annual Responses			Hours		
	Current	New	Change	Current	New	Change	Current	New	Change
Form 3195-4, Refined Helium Deliveries Detail	10	7	-3	40	28	-12	160	224	+64
Form 3195-1, Calculation of Excess Refining Capacity	4	11	+7	4	11	+7	16	77	+61
Form 3195-2, Refiners' Annual Tolling Report	4	11	+7	4	11	+7	16	77	+61
Form 3195-3, Refiners' Tolling Occurrence Report	4	11	+7	12	44	+32	48	264	+216
Totals:	22	40	+18	60	94	+34	240	642	+402

Table 15-2: Burden Change Summary:

	Annual Responses	Annual Burden Hours	Annual Cost Burden
Current Burden Inventory	60	240	\$0
Requested Burden	94	642	\$0
Difference	+34	+402	\$0
Program Change	0	0	\$0
Due to New Statue	0	0	\$0
Due to Agency Discretion	0	0	\$0
Violation (Lapsed or Unapproved Collection)	0	0	\$0
Adjustment	+34	+402	\$0

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 will publish an alphabetical list of crude helium suppliers to Federal agency users to assist them in identifying authorized procurement sources. We also provide this information on the BLM Amarillo Field Office’s Helium Operations website at: www.blm.gov/programs/energy-and-minerals/helium/federal-helium-operations under “Crude Helium Auctions & Sales”, then “Authorized List of Federal Helium Suppliers.”

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.

The BLM will display the expiration date of the OMB approval on the forms included in this information collection. The OMB number and expiration date displayed on the form as well as 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 of 5 CFR 1320.9.

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