

**DEPARTMENT OF THE INTERIOR
BUREAU OF OCEAN ENERGY MANAGEMENT MANUAL**

TRANSMITTAL SHEET

Release No. 1

SUBJECT: Program Series
Part 491: Regulations and Guidance Documents
Chapter 1: Procedure for Notices to Lessees and Operators (NTLs) and
Handbook for Preparing Notices to Lessees and Operators

EXPLANATION OF MATERIAL TRANSMITTED:

This chapter and handbook specifies procedures for the development and issuance of new and revised NTLs and for review of existing NTLs.

REPORTS REQUIRED: Not applicable

EFFECTIVE DATE: **MAR 13 2017**


Walter D. Cruickshank
Deputy Director

FILING INSTRUCTIONS:

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IPD No. Pages

IPD 07-06 6

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Part Chapter Pages Version

491	1	6	1
491-1-H		9	1

OPR: Office of Policy, Regulation, and Analysis

**DEPARTMENT OF THE INTERIOR
BUREAU OF OCEAN ENERGY MANAGEMENT MANUAL**

Effective Date: MAR 13 2017
Series: Program
Part 491: Regulations and Guidance Documents
Chapter 1: Procedure for Notices to Lessees and Operators (NTLs)

Originating Office: Office of Policy, Regulation and Analysis (OPRA)

1.1 Purpose.

The purpose of this Manual chapter is to specify procedures for development and issuance of new and revised NTLs and for review of existing NTLs.

1.2 Objectives of an NTL.

An NTL may be issued to:

- A. Reiterate, clarify, interpret, or outline existing obligations imposed by a statute, regulation, lease, condition of approval, or requirement for the submittal or disclosure of information;
- B. Offer examples of acceptable practices; or
- C. Provide information regarding matters such as meetings, workshops, points of contact, or the outcome of an analysis or consultation (e.g. re: provisions of a Memorandum of Understanding (MOU)).

1.3 Authority.

The statutes and regulations authorizing issuance of NTLs include:

- A. Section 5(a) of the Outer Continental Shelf Lands Act, as amended (43 U.S.C. §1334(a)).
- B. 30 CFR 550.103. *Where can I find more information about the requirements of this part?*

1.4 References.

References consulted in preparing this Manual chapter include:

- A. 5 U.S.C. 552 - *Public Information; agency rules, opinions, orders, records, and proceedings*
- B. 5 CFR 1320 - *Controlling Paperwork Burdens on the Public*

1.5 Definitions.

Terms used in this manual chapter are defined as follows:

- A. BOEM NTL means any NTL issued by BOEM only.
- B. Guidance document means an agency statement of general applicability and future effect, other than: a rule or regulation adopted pursuant to the notice and comment provisions under the Administrative Procedure Act (APA) that sets forth a policy on a statutory, regulatory, or technical issue. An NTL is an example of a guidance document.
- C. Joint NTL means an NTL issued by BOEM and another agency, such as BSEE or the Office of Natural Resources Revenue (ONRR). A joint NTL can be either a Joint National or a Joint Regional NTL.
- D. National NTL means an NTL that applies to or addresses requirements, obligations, or responsibilities specific to more than one Outer Continental Shelf (OCS) region.
- E. NTL means a document issued to parties doing business with BOEM such as lessees and operators that clarifies or provides more detail about certain requirements, or outlines the information a lessee or operator must provide in a submission to BOEM. Typically, an NTL is a guidance document. An NTL is not a regulation, but can provide authoritative interpretation of a regulation.
- F. Office of Primary Responsibility (OPR) is the region or office that initiates and takes the lead on preparation or revision of an NTL.
- G. Regional NTL means an NTL that applies to or addresses requirements, obligations, or responsibilities specific to only one OCS region.
- H. Regulation means an agency statement of general applicability and future effect, which the agency intends to have the force and effect of law that is designed to implement or interpret a statute. As used herein, it does not include interpretative rules, general statements of policy, or rules of agency organization, procedure, or practice, inasmuch as those do not require notice and comment procedures.

1.6 Policy.

- A. BOEM will issue (send to stakeholders) NTLs as needed to achieve the objectives in paragraph 1.2.
- B. An NTL will not be issued until after it has been approved and signed according to the protocols in this manual chapter for review, approval and publication (posting). For a Regional or Joint Regional NTL, approval requires surnaming by the Director and signature by the Regional Director. For a National or Joint National NTL, approval requires surnaming by the Deputy Director and the Director, and signature by the Director.

- C. The Office of Public Affairs (OPA) will distribute NTLs to BOEM stakeholders.
- D. All NTLs will be issued on a date in alignment with the Bureau's priorities.
- E. OPA will publish (post) NTLs on the internet after OPA receives the final approved NTL from OPRA.
- F. If an NTL is deemed by the Office of Management and Budget (OMB) to be an information collection under 5 CFR 1320.3(c), the NTL will comply with OMB's Paperwork Reduction Act requirements¹, and will display the OMB control number and the control number's expiration date on the first page of the NTL, along with the OMB-required statement saying that failure to display a valid control number means that lessees are not required to supply the normally required information.
- G. NTLs will not have an expiration date unless the time-sensitive nature of the NTL requires one. All NTLs should not be allowed to reach 5 years without an intermittent review. If an NTL has a stated expiration date, it will expire on that date unless BOEM publishes an extension of the expiration date.
- H. Within 4.5 years after the effective date of each NTL, OPRA will notify the OPR and the OPR will review each NTL for accuracy and currency following which the NTL may be revised or cancelled, as appropriate. If the OPR determines that no changes are needed, the NTL will be reviewed again starting approximately 4.5 years from the most recent review.
- I. If an NTL is cancelled, a formal cancellation notice will be drafted by the OPR, surnamed, and posted by OPRA through OPA on the website, and the NTL will be removed from BOEM's list of active NTLs.

1.7 Responsibilities.

A. Director

The BOEM Director will:

- 1. Review all National, Joint National, Regional NTLs and Joint Regional NTLs;
- 2. Determine if an NTL requires revision, based on his or her review;
- 3. Approve National NTLs, Joint National NTLs, Regional NTLs and Joint Regional NTLs; and
- 4. Sign National NTLs and Joint National NTLs.

B. Deputy Director

The BOEM Deputy Director will:

- 1. Make the final determination on whether an NTL is National, Regional, and/or Joint;
- 2. Review all NTLs, whether National, Regional, or Joint; and

¹ Since the OMB Information Collection approval expires after 3 years, the Bureau Information Collection officer may contact the OPR concerning updating the NTL's Information Collection requirements so they can be reapproved by OMB prior to their expiration.

3. Surname all NTLs, whether National, Regional, or Joint.

C. OPR

OPR will:

1. Inform the Chief, OPRA, when it determines it will produce a new or revised NTL, or will cancel an existing NTL;
2. Prepare any new or revised NTL in compliance with this chapter and the accompanying handbook (*Handbook for Preparing Notices to Lessees and Operators*, BOEMM 491.1-H);
3. Work with OPRA, other affected regions, offices, or agencies (if any) and other NTL drafters on writing, revising, and formatting the NTL, and responding to reviewer comments;
4. Make the initial recommendation on whether an NTL is a National, Regional, or a Joint NTL;
5. After the drafting and surnaming of the NTL within OPR, provide the NTL, the briefing paper, and the surnaming record up to the Regional Director (for Regions) or program office Chief (for Headquarters program offices) to OPRA;
6. Within 4.5 years after the effective date of each NTL, review the NTL and advise OPRA of its recommendation to retain, revise or cancel the NTL; and
7. Prepare the notice of cancellation for any NTL that will be cancelled and provide the cancellation notice to OPRA, who will publish this information in the quarterly *Federal Register* Notice announcing new, revised or cancelled NTLs.

D. Chief, OPRA

OPRA Chief will:

1. Receive the NTL and briefing sheet from the OPR, which will arrive with the NTL's surnaming record up to the Regional Director (for regions) or the Program Office Chief (for headquarters offices). OPRA will perform analysis, coordination, upper-level surnaming, and finalizing of the NTL;
2. Make a recommendation to the Deputy Director on whether a specific NTL is a Regional, National, or Joint NTL;
3. Assign an NTL contact person within OPRA to analyze, coordinate, and finalize all NTLs;
4. Coordinate the NTL with the Solicitor's Office (SOL) in the Department of the Interior (DOI) for a legal sufficiency review and to receive their surname;
5. Assign an NTL number, effective date, and review date to each final approved or re-issued NTL;
6. Submit approved and signed NTLs to OPA (at headquarters) for internet posting and to the appropriate OPA office (either headquarters or a region) for stakeholder distribution (OPA branch offices within the regions issue Regional NTLs for stakeholder distribution);
7. Provide a copy of approved and signed National NTLs to all regions and offices;
8. Provide a copy of an approved and signed Joint NTL to the affected agency;
9. Maintain the official external index of active NTLs;
10. Maintain the official internal index of active NTLs, which includes NTL expiration dates and review status;

11. Notify the OPR to review each NTL for accuracy and currency approximately 4.5 years after its effective date;
12. Maintain the internal index table of archived NTLs;
13. When an existing NTL requires an updated OMB control number for its information collection, request from OMB the necessary expiration date extension and prepare and publish the *Federal Register* Notice to publicize the extension as per OMB requirements;
14. Support OPRs in cancellations and minor administrative revisions to NTLs;
15. Publish quarterly *Federal Register* Notices announcing new or revised NTLs or NTL cancellations;
16. May determine the need for new or revised NTLs; and
17. Coordinate and/or prepare new or revised National or Joint National NTLs in compliance with this chapter and the accompanying handbook (*Handbook for Preparing Notices to Lessees and Operators*, BOEMM 491.1-H).

E. Regional Directors

Regional Directors will:

1. Support initiation and development of proposed Regional NTLs;
2. Sign and issue Regional NTLs and Joint Regional NTLs after the Director's approval;
3. Provide the signed Regional or Joint Regional NTL to OPRA for the official publication and distribution process;
4. Ensure that implementation of NTLs in their respective region is consistent with the objectives of the program and with BOEM policies;
5. Ensure 4.5-year review of NTLs from their region;
6. Support regional review of National NTLs and Joint National NTLs;
7. Develop and maintain a list of regional stakeholders; and
8. Inform stakeholders of the release of any new, revised, or cancelled NTL as per the OPA publication plan.

F. OPA

The Chief, OPA will:

1. Determine if a public announcement is needed for an approved NTL and inform the OPRA Chief of this determination;
2. Ensure preparation of the press announcement, in consultation with OPRA, Regional and Headquarters Program Offices involved in the development or use of the NTL, the Directorate, and with any affected agency in the case of a Joint NTL;
3. If a press release or other stakeholder communication is planned, at least two weeks prior to the scheduled date, provide specific information to OPRA, Directorate, Regional and Headquarters Program Offices, as appropriate, OPA personnel at Headquarters and OPA personnel in any affected agency, on the day and time of the press announcement;
4. Provide stakeholders copies of signed NTLs;
5. Ensure the internet posting of signed NTLs and the active NTL index;
6. Ensure intranet posting of the internal NTL index and NTL archive;
7. Issue NTLs for stakeholder distribution after they are appropriately approved and signed; and
8. Notify OPRA when NTLs have been issued to stakeholders.

1.8 Procedures.

Details on procedures for NTL preparation are found in the *Handbook for Preparing Notices to Lessees and Operators* (BOEMM 491.1-H). The process will include the following steps.

- A. OPR will identify the need for a new or revised NTL;
- B. OPR will work with OPRA as needed to determine if the NTL is a Joint, National, or Regional NTL;
- C. OPR will prepare the NTL and seek and respond to comments;
- D. OPR will submit the NTL with its surnaming briefing paper and surnaming record (up to its Regional Director or Program Office Chief) to OPRA for review, analysis, coordination, comment, and for finalizing;
- E. OPRA will manage the NTL through the surnaming process;
- F. OPA will post NTLs to the bureau's internet page, and OPRA will publish a list of new or revised NTLs and NTL cancellation notices in a quarterly *Federal Register* notice; and
- G. For NTL maintenance responsibilities, OPR will review the NTL 4.5 years from its effective date and every 4.5 years thereafter, and will recommend to OPRA if the NTL will be re-issued, revised or cancelled; OPA will post NTL lists on the website and will maintain stakeholder lists; OPRA will maintain the NTL lists, and will work with OMB to extend the expiration date of an NTL's OMB control number when applicable.

HANDBOOK FOR PREPARING NOTICES TO LESSEES AND OPERATORS

BOEM Policy Manual 491.1-H

**U.S. Department of the Interior
Bureau of Ocean Energy Management
Washington, DC**



Foreword

This Bureau of Ocean Energy Management (BOEM) handbook contains the procedures related to preparing Notices to Lessees and Operators (NTLs). The policy and responsibilities related to preparation of NTLs are found in BOEM Manual (BOEMM) Chapter 491.1, which is found at <http://www.boem.gov/Manuals/>.

Questions regarding the instructions in this handbook or in the basic manual chapter (BOEMM 491.1) may be directed to the Office of Policy, Regulation, and Analysis (OPRA).



Walter D. Cruickshank
Deputy Director

Dated **MAR 13 2017**

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Acronyms and Abbreviations

BOEM	Bureau of Ocean Energy Management
BOEMM	BOEM Manual
BSEE	Bureau of Safety and Environmental Enforcement
NTL	Notice to Lessees and Operators
OCS	Outer Continental Shelf
OPA	Office of Public Affairs
OPR	Office of Primary Responsibility
OPRA	Office of Policy, Regulation and Analysis

Handbook for Preparing Notices to Lessees and Operators (491 BOEM Policy Manual 1-H)

This Handbook for Preparing Bureau of Ocean Energy Management (BOEM) Notices to Lessees and Operators (BOEM Manual 491.1-H) contains procedures for the development and issuance of new or revised Notices to Lessees and Operators (NTLs) and for review of existing NTLs. Some of the procedures are applicable to all NTLs, while others are specific to NTLs that are characterized as National, Joint, or Regional NTLs. In addition, Standard Operating Procedures (SOPs) for several NTL-related steps are available on the Standard Operating Procedures page on the BOEM intranet site, *Currents*.

1. Initiating an NTL

This section addresses why a new NTL is developed, what it should contain, and how the NTL type is determined.

1.1 Purpose

An NTL may be issued to:

- Reiterate, clarify, interpret, or outline existing obligations imposed by a statute, regulation, lease, condition of approval, or requirement for the submittal or disclosure of information;
- Offer examples of acceptable practices; or
- Provide information regarding matters such as meetings, workshops, points of contact, or the outcome of an analysis or consultation.

An NTL may be revised at any time the guidance, practices and procedures and/or other information (e.g. regulatory citations) contained therein needs to be updated.

1.2 Content

All NTLs, regardless of type:

- Must identify the regulation authorizing the issuance of NTLs;
- May not be issued to create a new legally binding requirement;
- Must identify any statute, regulation, or lease term that is being clarified or interpreted, and provide guidance that relates back to the substance of the statute, regulation, or lease term;
- May only use mandatory language such as “will,” “must,” “required,” or “requirement” to describe an obligation imposed by statute or regulation; and
- Should make clear that any examples of acceptable practices included are not the only method of satisfying BOEM requirements.

1.3 Types

The office that writes or revises an NTL is called the Office of Primary Responsibility (OPR). For a National NTL or a Joint NTL, the OPR is the Office of Policy, Regulation and Analysis (OPRA). For a Regional NTL, the region that is producing the NTL is the OPR.

If a region has determined that a new or revised NTL is needed, the region must notify the OPRA Chief of its intention. This notification allows early coordination between the region and headquarters to determine the NTL type, which affects how the NTL will be developed and the level of approval it will require.

An NTL may be a:

- Regional NTL, which affects operations within a single Outer Continental Shelf (OCS) region; or
- National NTL, which affects operations within more than one OCS region or within at least one OCS region and headquarters.

Once an NTL is determined to be a Regional NTL or a National NTL, a second determination is made as to whether the NTL is a BOEM-only NTL or a Joint NTL. An NTL need not be a Joint NTL unless the NTL's reference to or coverage of another agency's requirements, obligations, or responsibilities are a significant focus of the NTL.

- A Joint National NTL involves more than one BOEM OCS region and another agency or agencies and the NTL's reference to or coverage of the other agency's requirements, obligations, or responsibilities is a significant focus of the NTL; and
- A Joint Regional NTL involves a single BOEM OCS region and another agency or agencies, and when the NTL's reference to or coverage of the other agency's requirements, obligations, or responsibilities is a significant focus of the NTL.

The OPR makes the initial determination of the NTL type and transmits this information to OPRA. Based on the criteria above, OPRA either concurs or makes a different recommendation. The final determination is made by the Deputy Director.

If the Deputy Director determines that an NTL:

- Is a BOEM National or Regional NTL, the OPRA Chief will contact the affected BOEM program or regional office to develop a schedule for the development of the NTL and to discuss the responsibility for drafting the NTL.
- Should not be a Joint NTL, the other agency should be notified by the OPRA Chief of BOEM's intent to proceed with a BOEM NTL prior to issuance of the NTL. The OPRA Chief may provide a courtesy copy of the draft BOEM NTL to the other agency prior to issuance of the NTL, and may solicit or accept the other agency's comments on the BOEM NTL.
- Should be a Joint NTL, the OPRA Chief will initiate contact with any affected agency by contacting the agency to determine whether it agrees the NTL should be a Joint NTL. OPRA will also provide any affected agency with a plan for developing the NTL, including identifying BOEM's principal contact person for the NTL, providing a suggested schedule for developing the NTL, and discussing whether BOEM or the other affected agency should assume responsibility for preparing a first draft of the NTL. If it

determined that the NTL is a Regional Joint NTL, the OPR will coordinate the NTL with the affected agency and provide to OPRA the NTL briefing paper and the surnaming record up to the Regional Directors from both BOEM and the affected agency. OPRA will coordinate and obtain surnames in the Office of the Solicitor and the BOEM Directorate and finalize the NTL.

2. Preparing an NTL

Although certain requirements for NTLs remain constant, the procedures for coordination, surnaming and periodic review vary, depending on the type of NTL.

For a Regional or Joint Regional NTL, the principal NTL drafter is assigned by a Regional Director. Working with headquarters subject matter experts (SMEs) is suggested but optional in this situation.

For a National or Joint National NTL, the principal NTL drafter is assigned by the OPRA Chief. Additional SMEs from within program offices or other regions will serve together on a National NTL drafting team.

Joint NTLs will include designated contact people from other affected agencies to serve together as principal drafters. The principal drafter(s) must work with both affected agencies in the development of the Joint NTL.

The OPR may involve the Solicitor's Office in the early stages of development of a proposed NTL if desired, but this step is optional because SOL review of the NTL will occur during surnaming.

The draft NTL is submitted for review and comment within the NTL drafting team and the OPR; comments at that level are addressed on a collaborative basis to resolve issues.

When the NTL is ready for surnaming in the regions, it is formally entered into the electronic surnaming system, which is currently the Data Tracking System (DTS). Details on NTL surnaming are in an SOP located on the Currents SOP page. The final surname at this level is the head of the Region or Program Office.

3. Headquarters Surnaming of an NTL

3.1 OPRA Functions in Surnaming

After surnaming in the program office or region, the head of OPR will submit the following to the OPRA Chief for surnaming in the Solicitors Office and the BOEM Directorate:

1. The NTL, updated to reflect any surnaming comments;
2. A briefing paper submitted by the head of the OPR that describes the background, main issues and Bureau perspective.; and
3. The Data Tracking System Control Sheet from the surnaming within the region or program office.

OPRA will perform analysis, review and comment on the NTL before entering it into surnaming at the Directorate.

OPRA will identify if additional requirements apply to this NTL. Certain circumstances can result in additional review, publication, and comment response requirements for an NTL; for example, if the NTL meets the definition of an “information collection.”

SOPs located on the SOP page on *Currents* are available to address OPRA’s NTL review process and its procedures to address information collection requirements.

OPRA coordinates with the Solicitor’s Office during surnaming of the final NTL, even if the Solicitor’s Office was involved in an earlier review.

Following Solicitor’s Office review, OPRA will surname and coordinate the proposed NTL within the BOEM Directorate. BOEM’s Directorate will review the NTL and may require changes.

3.2 Solicitor’s Office Review and Comment

The Solicitor’s Office will review the NTL for legal sufficiency and will surname the NTL.

If the NTL is a Joint NTL, OPRA will coordinate with the affected agency so that the document has concurrent Solicitor’s Office reviews for both agencies.

3.3 Revisions during Surnaming

During the surnaming process, the NTL may require revisions for responses to comments. For this reason, the document drafter(s) in the OPR need to remain available to either help with comment response (if comment response is performed in OPRA) or to revise the document themselves, if it is returned to the OPR for comment response.

Any substantial changes made after the Solicitor’s Office has surnamed the NTL must be returned to the Solicitor’s office for further review and surname. Editorial changes do not require additional Solicitor’s Office review.

3.4 Approval and Effective Date

A National NTL must be approved and signed by the BOEM Director.

A Regional NTL must be approved by the BOEM Director, but it is signed by the Regional Director. After Directorate review and approval of a Regional NTL, OPRA will provide to the Regional Director and the Region’s designated NTL contact, the approved version of the Regional NTL for the Regional Director’s signature.

A Joint NTL must be approved and signed by both affected agencies, based on their delegations of authority.

A Joint National NTL in BOEM must be approved and signed by the BOEM Director.

A Joint Regional NTL in BOEM must be approved by the BOEM Director and signed by the appropriate region’s Regional Director.

After signature, the office that signs the NTL must provide a copy of the signed NTL to the

Chief, OPRA. The Chief, OPRA, will then provide a copy to the Chief, OPA for publication.

The NTL's Effective Date is usually the signature date. This is stamped or typed in the NTL heading at the time of signature. If it is determined that industry needs time to adjust to the new NTL requirements or if workshops are required to implement significant changes due to the NTL, the Effective Date could be set at a later date than the NTL's signature date. If this is the case, it will be clearly delineated in the NTL and the actual Effective Date will be stated in the NTL.

3.5 Identification Number

After an NTL is finalized, it is assigned a unique identification (ID) number by OPRA. The ID number indicates the NTL's:

- Year of issuance
- Chronological sequence number for that year
- NTL type (whether it is a Joint [J], National [N], or Regional [P for Pacific, G for Gulf of Mexico, A for Alaska] NTL).

A sample BOEM National NTL identification number format is: BOEM NTL No. 2012-N01.

The NTL ID number is placed above and to the left, and the effective date is placed above and to the right, of the NTL title.

Figure 1. Example of an NTL Heading

UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF OCEAN ENERGY MANAGEMENT	
NTL No. 2016-N01	Effective Date: September 12, 2016
NOTICE TO LESSEES AND OPERATORS OF FEDERAL OIL AND GAS, AND SULFUR LEASES, AND HOLDERS OF PIPELINE RIGHT-OF-WAY AND RIGHT-OF-USE AND EASEMENT GRANTS IN THE OUTER CONTINENTAL SHELF	

NTLs are reviewed starting approximately every 4.5 years after which they may be revised or cancelled. When necessary, an NTL can be updated at a point less than five years from its date of issuance. If the OPR determines that no changes are needed, the NTL will be reviewed again starting approximately 4.5 years from the last review.

No expiration date for the NTL is displayed on an NTL unless the time-sensitive nature of the NTL requires one.

However, if the NTL requires an Information Collection (IC) Control Number from the Office of Management and Budget (OMB) then that number is displayed on the NTL in the Paperwork Reduction Act paragraph. This only occurs if the NTL includes IC requirements that meet the definition of an IC under the Paperwork Reduction Act.

4. Publishing an NTL

Publication of an NTL is a coordinated process involving OPRA and the Office of Public Affairs (OPA). If it is a Regional NTL, the region is involved in publishing the NTL. If it is a Joint NTL, the other affected agency is also involved in publishing the NTL.

4.1 OPRA Publication Functions

OPRA's NTL publication functions depend on the type of NTL, as shown in Table 1.

Table 1. OPRA's NTL Functions

NTL Type	OPRA NTL Publication Function
All Types	Provide a signed copy to the Chief, OPA for web posting Publish a quarterly <i>Federal Register</i> notice listing new, revised or cancelled NTLs.
National	Provide a signed copy to all affected regions for distribution to regional stakeholders
Joint	Provide a signed copy to the other affected agency for their use and distribution
Regional	Provide information to regions on Regional NTL release date and time (This is done only if OPA is not managing the NTL release date in conjunction with a press announcement).

4.2 OPA Publication Functions

The Chief, OPA, must:

- (a) Determine whether a press announcement is appropriate and advise the Chief, OPRA, of that determination.
- (b) Prepare a press announcement or other stakeholder communication if appropriate. The press announcement, if any, shall be prepared in consultation with OPRA, Regional and Headquarters Program Offices involved in the development or use of the NTL, the Directorate, and with the affected agency if it is a Joint NTL.
- (c) Inform each Regional and Headquarters office, the Chief, OPRA, (and for a Joint NTL only, the affected agency OPA point of contact) of the day and time of the press announcement (if one is to be issued).
- (d) Post the NTL to BOEM's website promptly following its effective date.
- (e) Notify press contacts of the NTL, if appropriate.
- (f) Notify OPRA when the NTL has been issued to stakeholders.
- (g) Develop and maintain a list of stakeholders that may be affected by a National, Regional or Joint Regional NTL, including all current regional lessees and operators, but excluding press contacts.
- (h) Distribute a new or revised National, Regional or Joint Regional NTL to stakeholders.

5. Maintaining NTLs

Review dates are assigned to every NTL by OPRA and are listed in OPRA's NTL index page on *Currents*, Bureau's intranet site. The review date for an NTL shall be six months before the earlier of:

- (a) Five years after the NTL's effective date, or
- (b) The NTL expiration date, (if any).

The OPR for the NTL is responsible for monitoring, reviewing, and revising the NTL as needed to keep it current, or cancelling it when no longer needed, and for notifying OPRA of their intentions for the NTL. The SOP about NTL Review is available on *Currents* on the SOP page. An additional copy of the same SOP is also posted with the NTL Index on OPRA's NTL Index page.

SOPs on NTLS

These Standard Operating Procedures (SOPs) are used in conjunction with BOEMM 491.1-H Notice to Lessees and Operators (NTL) Preparation Handbook.

List of SOPs about NTL Preparation

SOP: 491.1-H-1-2017: SOP on NTL Review and Comment in Regions or Program Offices

SOP: 491.1-H-2-2017: SOP on OPRA Review and Surnaming Coordination of Proposed NTLs

SOP: 491.1-H-3-2017: SOP on NTLs with Information Collection Requirements

SOP: 491.1-H-4-2017: SOP on the NTL Index

SOP: 491.1-H-5-2017: SOP on Periodic NTL Reviews by OPRs

**BUREAU OF OCEAN ENERGY MANAGEMENT
STANDARD OPERATING PROCEDURE (SOP)**

**Supplement to BOEMM 491.1 Procedures for Notices to Lessees and
Operators (NTLs) and BOEMM 491.1-H Handbook for Preparing
Notices to Lessees and Operators**

Requirements in the BOEM Manual and Handbook supersede requirements in any SOP.

NTL Review and Comment in Regions or Program Offices

All Notices to Lessees and Operators (NTLs) must be reviewed and the comments addressed. The NTL is submitted by the principal drafter(s) for review and comment to:

- The region's designated NTL contact if it's a Regional NTL
- The headquarters program office Chief or the Chief's designated NTL contact if it's a National NTL
- Both the region or headquarters office NTL contact and the appropriate contact in the affected agency if it is a Joint NTL.

The Office of Policy, Regulation and Analysis (OPRA) and the other affected agency's point of contact must coordinate closely so that the document stays at the same level of review in each agency as it goes through the review process.

If the subject matter of the proposed regional NTL is within the area of responsibility of a headquarters program office, and if the regional office has not already done so, the Office of Primary Responsibility (OPR) must submit the NTL to the Chief of the headquarters office or the Chief's designated NTL contact for review and comment.

**BUREAU OF OCEAN ENERGY MANAGEMENT
STANDARD OPERATING PROCEDURE (SOP)**

**Supplement to BOEMM 491.1 Procedures for Notices to Lessees and
Operators (NTLs) and BOEMM 491.1-H Handbook for Preparing
Notices to Lessees and Operators**

Requirements in the BOEM Manual and Handbook supersede requirements in any SOP.

OPRA Review and Surnaming Coordination of Proposed NTLs

The Office of Policy, Regulation and Analysis (OPRA) performs analysis, review and comments on proposed Notices to Lessees and Operators (NTLs) to ensure that each one:

- Relies upon and cites to appropriate statutes, regulations, and lease terms;
- Is appropriately characterized by NTL type (either as Regional or National and BOEM or Joint);
- Is reviewed for compliance with the Paperwork Reduction Act and information collection requirements;
- Is reviewed for compliance with Administrative Procedures Act requirements, in particular their notice and comment requirements;
- Is consistent with existing other relevant NTLs; and
- Does not include unresolved conflicts.

OPRA coordinates the surnaming of the NTL to ensure that it:

- Is submitted to the Solicitor's Office for legal review and surname; and
- Is submitted to the appropriate headquarters offices for review and signature approval (surnaming).

For a Joint NTL, OPRA coordinates the surnaming of the NTL to ensure that it:

- Both the NTL and the briefing paper are submitted to the agency contact person for review and surnaming;
- The NTL is reviewed by appropriate management in both agencies; and
- The NTL is reviewed by the Solicitor's Offices of both agencies and that the levels at which the review is progressing are equivalent or roughly equivalent.

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NTLs with Information Collection Requirements

If a Notice to Lessees and Operators (NTL) qualifies as an information collection (IC) as defined in 5 CFR 1320.3(c), additional review and publication requirements apply. In part, this definition reads, "the obtaining, causing to be obtained, soliciting, or requiring the disclosure to an agency, third parties or the public of information by or for an agency by means of identical questions posed to, or identical reporting, recordkeeping, or disclosure requirements imposed on, ten or more persons, whether such collection of information is mandatory, voluntary, or required to obtain or retain a benefit. "Collection of information" includes any requirement or request for persons to obtain, maintain, retain, report, or publicly disclose information. As used in this Part, "collection of information" refers to the act of collecting or disclosing information, to the information to be collected or disclosed, to a plan and/or an instrument calling for the collection or disclosure of information, or any of these, as appropriate." See 5 CFR 1320 for additional details.

The Office of Management and Budget (OMB) reviews all proposed information collections for compliance with the Paperwork Reduction Act. If OMB approves the information collection, it will issue an OMB control number that must be displayed on the first page of the NTL, along with the expiration date for the OMB control number, and a statement saying that failure to display a valid OMB control number means that the lessee does not have to supply the required information.

OMB control numbers expire in a maximum of three years from when they are approved. The Office of Primary Responsibility (OPR) is responsible for getting the OMB control number extended prior to its three-year time limit. Since this short time limit does not leave time for a long sunaming period, the Office of Policy, Regulation and Analysis (OPRA) will be proactive in preparing the extension request and diligent in working with the Solicitor's Office (SOL) (where needed) and with surnamers to expedite the process.

The OMB expiration date for the information collection can be extended for up to three years, but only if the agency proves that the information is needed and is being used. During the expiration date extension process, the information collection must go through another public notice and comment process; the extension notice and NTL must be republished in the Federal Register; and comment responses prepared. The comment response process is conducted by the OPR.

Note that the date of the control number expiration is two years before the internal expiration date for the NTL, so these dates will never coincide.

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Preparing and Maintaining the NTL Index

The Office of Public Affairs (OPA) must maintain an external webpage with links to active Notices to Lessees and Operators (NTLs), and a table listing expired and cancelled NTLs. OPA must also have internal web pages with this same information; however the internal webpages shall list the review dates for active NTLs.

The Office of Policy, Regulation and Analysis (OPRA) will develop and maintain one table (index) for active NTLs and a second table for expired and cancelled NTLs. The table for active NTLs will list all active BOEM and Joint NTLs, as well as all active Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE) and Minerals Management Service (MMS) NTLs addressing subjects under BOEM's jurisdiction. The table for active NTLs will identify the name of each active NTL, its number, the issuing office (National or Regional), whether the NTL is BOEM or Joint, the hyperlink for the NTL, the NTL's effective date, its expiration date (if any), and the review date for the NTL. The table for expired and cancelled NTLs will list BOEM and Joint NTLs that have expired or been cancelled within the preceding five years. For each NTL, the NTL table will identify the name of the NTL, its number, the issuing office (National or Regional), whether the NTL was BOEM or Joint, the hyperlink for the expired or cancelled NTL, and the expiration or cancellation date for the NTL.

If an NTL will remain unchanged following a review as described in BOEM 491.1-H, OPRA must update the table of active NTLs with a new review date, which shall be no later than five years after the NTL's most recent review date.

If an NTL will be cancelled as a result of a review under BOEM 491.1-H, OPRA must update the table of active NTLs by removing the cancelled NTL, and must update the table of expired and cancelled NTLs by adding the cancelled NTL.

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Periodic NTL Reviews by OPRs

The Office of Public Affairs (OPA) must maintain internal webpages listing NTLs and their review dates.

The Office of Primary Responsibility (OPR) will review each of its Notices to Lessees and Operators (NTLs) within 1 month following its review date. No later than one month after an NTL's review date, the OPR must advise the Office of Policy, Regulation and Analysis (OPRA) in writing of its recommendation that the NTL be retained unchanged, revised and reissued, or cancelled.

- If an NTL will be retained unchanged as a result of its review, then will remain on the website unchanged.
- If the subject matter should remain unchanged, but minor administrative changes are needed (address change, point-of-contact change, etc.) those changes can be made and the NTL reposted with the same NTL number, Effective Date, and signatures. (For an administrative change, the NTL does not require a new NTL number or signatures.)
- If an NTL will be revised and reissued as a result of its review, then the procedures set out in the BOEM Manual and Handbook on NTLs 491.1-H must be followed.
- If an NTL will be cancelled as a result of its review, the OPR must prepare a notice of cancellation, which must be distributed in the same manner as NTLs.