

Bureau of Safety and Environmental Enforcement Information Quality Guidelines

Guidelines issued by the Bureau of Safety and Environmental Enforcement (BSEE) for ensuring the quality, objectivity, utility, and integrity of information disseminated by BSEE.

I. Introduction, Purpose, and Scope

Introduction

Section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Public Law 106-554) directs the Office of Management and Budget (OMB) to issue government-wide guidelines that “provide policy and procedural guidance to Federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by Federal agencies.” OMB complied by issuing guidelines in the *Federal Register* on February 22, 2002 (67 FR 8452), that direct each Federal agency to: (a) issue its own guidelines ensuring and maximizing the quality, objectivity, utility, and integrity of information disseminated by the agency; (b) establish administrative mechanisms allowing affected persons to seek and obtain correction of information that does not comply with the OMB 515 Guidelines; and (c) report periodically to the Director of OMB on the number and nature of complaints received by the agency regarding the accuracy of information disseminated by the agency and how such complaints were handled by the agency. On December 16, 2004, OMB issued its “Final Information Quality Bulletin for Peer Review” (M-05-03).

In compliance with OMB directives, the Department of the Interior (DOI) issued draft Information Quality Guidelines Pursuant to Section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 in the *Federal Register* on May 24, 2002 (67 FR 26642).

BSEE’s mission is to promote safety, protect the environment, and conserve resources offshore through vigorous regulatory oversight and enforcement. This document represents implementation of BSEE’s Information Quality Guidelines. These guidelines are a living document and may be revised periodically to reflect changes in DOI’s or BSEE’s policy or as best practices emerge about how best to address, ensure, and maximize information quality. BSEE welcomes comments on the guidelines and will consider those comments in future revisions.

Purpose

These guidelines describe BSEE’s policy and procedures for reviewing and substantiating the quality of information it disseminates. The guidelines also describe BSEE’s administrative mechanisms to allow affected persons to seek and obtain, where appropriate, correction of information disseminated by BSEE that they believe may be in error or otherwise not comply with the law.

These guidelines are not intended to replace existing procedures that are in place for rulemaking documents for correcting or commenting on information quality contained in those documents; rather, they are designed to supplement them.

Scope

These guidelines apply to information that BSEE sponsors and disseminates to the public. BSEE has evaluated and identified the types of information that the bureau disseminates that are subject to these guidelines. Information may pertain to organization and management; programs; services; and products; research and statistics; policy and regulations; and general reference information. OMB and DOI information quality guidelines, standards, and definitions also apply to BSEE's guidelines.

[OMB Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies](#)¹

[U.S. Department of the Interior Information Quality Guidelines Pursuant to Section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001](#)²

Exemptions

Information disseminated prior to October 1, 2002, but not archived and still being used in a decision-making process is not exempt from these guidelines. Information disseminated from studies completed and archived before October 1, 2002 is exempt from these guidelines. Additional items that are exempt under these guidelines include, but are not limited to the following:

- Dissemination of information by a BSEE-employed scientist, grantee, or contractor is not subject to these guidelines in those situations in which they publish and communicate their research findings in the same manner as their academic colleagues, therefore not implying official agency endorsement of their views or findings.
- Inadvertent or unauthorized disclosure of information intended only for inter-agency and intra-agency use or communication—Documents in working form that are generated in day-to-day internal conduct of BSEE and other Government business are exempt from these guidelines.
- Records covered by other laws—Responses to requests for BSEE records under the Freedom of Information Act, the Privacy Act, the Federal Advisory Committee Act, or other similar laws are not included in these guidelines.
- Correspondence with individuals—an exchange of information between two individuals is not considered to be dissemination.
- Press releases—these guidelines do not apply to press releases, fact sheets, press conferences or similar communications in any medium that announce, support the

¹ https://www.whitehouse.gov/omb/fedreg_final_information_quality_guidelines/

² <https://www.doi.gov/sites/doi.opengov.ibmcloud.com/files/uploads/515Guides.pdf>

announcement, or give public notice of information that BSEE has disseminated elsewhere.

- Archival records and information disseminated prior to October 1, 2002—Archived records of information disseminated and subsequently archived are exempt from these guidelines.
- Public filings—Information in public filings (such as public comments that BSEE receives during rulemaking proceedings), except where BSEE distributes information submitted by a third party in a manner that suggests that BSEE endorses or adopts the information, or indicates in its distribution that it is using or proposing to use the information to formulate or support a regulation, guidance, or other BSEE decision or position.
- Subpoenas.
- Adjudicative processes—Information intended to be limited to adjudicative processes, including information developed during the conduct of any criminal or civil action or administrative enforcement action, investigation or audit against specific parties, or information distributed in documents related to any formal or informal administrative action determining the rights and liabilities of specific parties under applicable statutes and regulations.
- Solicitations (e.g., program announcements, requests for proposals).
- Hyperlinks—Information that others disseminate, as well as paper-based information from other sources referenced but not approved or endorsed by BSEE.
- Testimony and other submissions to Congress—Information presented or submitted to Congress as part of legislative or oversight processes, such as testimony of BSEE officials, and information or drafting assistance provided to Congress in connection with proposed or pending legislation that is not simultaneously disseminated to the public.
- Information distributed for the purpose of peer review (but not formally disseminated by BSEE), including draft and unpublished documents and data.

III. Guidelines

These guidelines provide guidance to BSEE staff and inform the public of BSEE's policies and procedures. To the greatest extent practicable and appropriate, information BSEE disseminates is internally reviewed for quality—including objectivity, utility, and integrity—before such information is disseminated. BSEE adopts the basic guidance published by OMB on February 22, 2002, as adopted by DOI in a *Federal Register* Notice, dated May 24, 2002, as well as OMB's information quality definitions.

These guidelines are not regulations. They are not legally enforceable and do not create any legal rights or impose any legally binding requirements or obligations on BSEE or the public. Nothing in these guidelines affects any otherwise available judicial review of BSEE actions. Any decisions regarding a particular case, matter, or action will be made based on applicable statutes, regulations, and requirements. Factors, such as imminent threats to public health or

homeland security, statutory or court-ordered deadlines, or circumstances beyond BSEE's control, may limit or preclude applicability of these guidelines.

Requests for Correction of Information

Administrative Process

BSEE's Information Quality Point of Contact (POC) maintains records on each information quality inquiry that the bureau receives. BSEE will send an annual report to the Department of the Interior describing the number, nature and resolution of correction inquiries received during the fiscal year. Correction requests should be made by contacting the BSEE Information Quality POC by the following means:

Email: informationquality@bsee.gov

Bureau of Safety and Environmental Enforcement
Attn: BSEE Information Quality POC
Information Quality, MS-5438
1849 C St. NW
Washington, DC 20240

Requirements

A Request for Correction of Information must include the following:

- A written statement that the person is seeking correction of information disseminated by BSEE and the specific reasons for believing the information is in error for failure to meet information quality standards, along with supporting documentation.
- The name, mailing address, telephone number, email address (if applicable), and organizational affiliation (if any) of the individual making the correction request. Organizations submitting a correction request should identify one individual to serve as the primary contact.
- The complainant should use the subject line, "Request for Correction of Information submitted under BSEE Information Quality Guidelines," so that it may be clearly recognized by those managing the process.
- A detailed description of the specific information in question, including where the information is located (such as publication title, date, and number, or the website address).
- A description of how the person submitting the correction request is affected by the BSEE information believed to be in error. The complainant may also include suggestions for correcting the challenged information.

Evaluation and Response

BSEE's Information Quality POC will notify the complainant of receipt of the inquiry within 10 business days of receipt. BSEE will first determine the applicability of information quality

guidelines, and if the information in question is deemed without merit and exempt from the guidelines, will so notify the complainant. If the inquiry is covered by the guidelines, the Information Quality POC will forward the correction request to the appropriate office for evaluation.

After BSEE has completed its review, it will determine whether a correction is warranted, and if so, what corrective action to take. Any corrective action will be determined by the nature and timeliness of the information involved and factors such as the significance of the error on the use of the information, the magnitude of the error, and the cost of undertaking a correction. If the request requires more than 90 calendar days to resolve, BSEE will inform the complainant that more time is required and indicate the reason why.

BSEE is not required to change, or in any way alter, the content or status of information simply based on the receipt of a Request for Correction. BSEE need not respond substantively to frivolous or repetitive requests for correction, and BSEE is not required to respond substantively to requests that concern information not covered by these guidelines.

Subject to applicable laws, rules, and regulations, corrective measures may include, without limitation, personal contacts via letter, email, or telephone, form letters, press releases, or postings on BSEE's website to correct a widely disseminated error or address a frequently raised request. Corrective measures, where appropriate, will be designed to provide reasonable notice to affected persons of any corrections made.

If a complainant does not receive the notices within the time frame described, the complainant may contact the Chief of BSEE's Office of Policy and Analysis at the information quality address listed above to determine the complaint's status.

If BSEE receives a second correction request within the 60-calendar-day evaluation notice for an overlapping and substantially similar complaint under review, the second complaint will be treated with simultaneous consideration. BSEE will notify the second complainant within 10 business days of receipt that an analysis is in progress and provide the status. BSEE will combine the first and any subsequent complaints and issue a combined 60-calendar-day notice.

If a second complaint on the same subject is received after a 60-calendar-day evaluation notice, BSEE will notify the complainant of its prior decision unless substantial new information has been submitted. In that instance, a new and separate review will be conducted.

Requests for Reconsideration

If the requestor disagrees with BSEE's denial of the request or with the corrective action it intends to take, the requestor may file a Request for Reconsideration with BSEE. BSEE will provide instructions on the procedures to request reconsideration of BSEE's decision in its final determination response to the requestor.

Procedures for Requesting Reconsideration of BSEE's Decision

Requests for Reconsideration should be addressed to the Director, Bureau of Safety and Environmental Enforcement, 1849 C St. NW, MS-5438, Washington, DC 20240 and emailed to informationquality@bsee.gov within 30 calendar days of the date that BSEE transmitted its decision on the original Request for Correction. Requests for reconsideration that are filed after the 30 calendar-day deadline will be denied as untimely.

Requests for reconsideration should include the following:

- A written statement indicating that the person is requesting a reconsideration of a BSEE decision on a previously submitted information correction request, including the date of the original submission and date of BSEE's response.
- Name, mailing address, telephone number, email address (if applicable), and organizational affiliation (if any), of the individual submitting the Request for Reconsideration. Organizations submitting a Request for Reconsideration should identify one individual as the primary contact.
- The requestor should use the subject line, "Request for Reconsideration of the BSEE Response to a Request for Correction of Information submitted under BSEE Information Quality Guidelines," so that it may be clearly recognized by those managing the process.
- An explanation of why the requestor disagrees with the BSEE decision, and if possible, a recommendation of corrective action.
- A copy of the information originally submitted to support the Request for Correction.
- A copy of BSEE's response to the Request for Correction.

BSEE's Review of the Request for Reconsideration

Within 10 business days of receipt, BSEE will notify the requestor of receipt of the Request for Reconsideration. The Information Quality POC will provide the Request for Reconsideration to the appropriate offices and will coordinate the appeal process similarly to the process for addressing initial information correction requests. BSEE will decide, on a case-by-case basis, the method to use in evaluating an appeal to determine whether it has merit. Those evaluating the appeal will make an objective recommendation to the Director, BSEE, who will make the final decision on the appeal.

If BSEE determines that the Request for Reconsideration is without merit, the complainant will be so notified. If BSEE determines that the appeal request has merit, BSEE will notify the complainant and include corrective steps planned.

If the Request for Reconsideration involves information on which BSEE has sought public comment and BSEE has an existing process for handling those requests for the reconsideration, such as comment periods on proposed rules, BSEE will use that process. Otherwise, the Request for Reconsideration will be handled the same as information on which BSEE has not sought public comment.

BSEE's Response to the Request for Reconsideration

The BSEE Director, or a designated representative, will issue a response to the Request for Reconsideration, generally within 90 calendar days of receipt. The response will include an explanation of the decision and the actions that BSEE plans to take (if any) in response to the Request for Reconsideration. If BSEE determines additional time is needed, the requestor will be informed, and if possible, given an estimated response date. BSEE will determine the schedule and procedure for correcting information that it has deemed is in error. The appeal and response documents will be posted on the same web page that contains documentation about the original information correction request.

IV. Administrative Procedures Act Guidance

Rulemakings and Analyses

BSEE conducts substantial business following the public notice and comment procedures of the Administrative Procedures Act (5 U.S.C. 553). These activities include rulemakings and analyses conducted under the Outer Continental Shelf Lands Act, as amended; Federal Oil and Gas Royalty Management Act; Federal Oil and Gas Royalty Simplification and Fairness Act; and the National Environmental Policy Act.

When a sound process exists (such as a process that provides opportunities for public participation in making an agency decision), BSEE will not duplicate that process with a separate request response mechanism under these guidelines. For example, when an agency issues a notice of proposed rulemaking (PR), it typically describes in the preamble the basis for its proposed regulatory provisions, which may include technical or scientific studies and a regulatory evaluation. In so doing, it disseminates these studies or evaluations, within the context of these guidelines. The public comment process can, and often does, generate views from interested persons about the soundness of the underlying information. If someone submits a Request for Correction pertaining to a document cited in a PR, BSEE will treat it procedurally like a comment to the rulemaking, responding to it in the preamble of the final rule or a subsequent document such as a supplemental PR, rather than through the separate request response mechanism of these guidelines. The content of the response will address the issues of the document's compliance with the information quality principles of OMB's, DOI's, and BSEE's guidelines. This approach will also apply to other processes involving a structured opportunity for public participation on a proposed document, such as a draft environmental impact statement (EIS), before a final document is issued.

With respect to information appearing for the first time in a final rule or EIS, BSEE will consider a Request for Correction. BSEE will not stay the final action involved. However, if it appears that the information that was the subject of the request did not comply with the guidelines, and that as a result, the final document was materially flawed, BSEE will treat the matter as a Request for Reconsideration. In such cases, BSEE will use any already existing mechanisms and procedures to reconsider corrections, such as the process to petition for a new rule or to request a supplemental EIS. The submission of a Request for Correction by itself does not in any way affect the finality of a decision by BSEE.

This section addresses Requests for Correction concerning information on which BSEE has sought public comment. For example, a PR, studies cited in a PR, a regulatory evaluation or cost-benefit analysis pertaining to the PR, a draft EIS, a proposed policy notice or order on which comment has been sought, and a request for comments on an information collection request subject to the Paperwork Reduction Act (PRA).

BSEE's response to the Request for Correction will normally be incorporated in the next document issued concerning the matter in which the request was made (e.g., in the case of a PR, it would be addressed in the preamble to the final rule). BSEE may choose to provide an earlier response, if doing so is appropriate and will not delay the issuance of the final action in the matter. BSEE will consider issuing an earlier response if the complainant can demonstrate that actual harm will result from BSEE's dissemination of this information. BSEE may also reject a Request for Correction with respect to information in a final rule, final EIS, or other final document, if there was an opportunity for public comment or participation and interested persons could have requested the correction of the information at the proposed rule stage. The submission of a Request for Correction by itself does not in any way affect the finality of a decision by BSEE.

V. Paperwork Reduction Act Guidance

For all proposed collections of information that will be disseminated to the public, BSEE will demonstrate in its PRA clearance submissions to OMB that the proposed collection of information will result in information that will be collected, maintained, and used in a way consistent with OMB's, DOI's, and BSEE's information quality guidelines.

VI. OMB Reporting Requirements

As stated in the DOI Information Quality Guidelines, BSEE will submit a report for each fiscal year to DOI's Office of the Chief Information Officer (OCIO) no later than November 30. The report will identify the number, nature, and resolution of complaints received. The OCIO staff will consolidate all bureau reports into a DOI annual report and submit it annually by January 1 to the Director of OMB.

VII. BSEE Peer Review Agenda

In December 2004, OMB issued the Final Information Quality Bulletin for Peer Review, issued under the Information Quality Act and OMB's general authorities to oversee the quality of agency information, analyses, and regulatory actions. The Bulletin establishes government-wide guidance to enhance the practice of peer review of government science documents that are defined as "influential scientific information" or "highly influential scientific assessments." BSEE disseminates a Peer Review Agenda listing products that will be peer reviewed as influential scientific information or highly influential scientific assessments. This Peer Review Agenda is posted to the Bureau website and updated as needed to remain current. The BSEE Peer Review Agenda is available at <http://www.bsee.gov/Technology-and-Research/Peer-Review/>.

VIII. Legal Effect

These guidelines are intended only to improve the internal management of BSEE relating to information quality. Nothing in these guidelines is intended to create any right or benefit, substantive or procedural, enforceable by law or equity by a party against the United States, its agencies, its offices, or any other person. These guidelines do not provide any right to judicial review.