

**Supporting Statement for Paperwork Reduction Act Submissions**  
**Notices to Lessees and Operators (NTLs) - Implementation of Seismic Survey Mitigation**  
**Measures and Protected Species Observer Program;**  
**Vessel Strike Avoidance and Injured/Dead Protected Species Reporting;**  
**and, Marine Trash and Debris Awareness and Elimination**  
**OMB Control Number 1010-0154**  
**Expiration Date: December 31, 2006**

**General Instructions**

A Supporting Statement, including the text of the notice to the public required by 5 CFR 1320.5(a)(i) (iv) and its actual or estimated date of publication in the Federal Register, must accompany each request for approval of a collection of information. The Supporting Statement must be prepared in the format described below, and must contain the information specified in Section A below. If an item is not applicable, provide a brief explanation. When statistical methods are used, Section B of the Supporting Statement must be completed. OMB reserves the right to require the submission of additional information with respect to any request for approval.

**Specific Instructions**

**A. Justification**

***1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.***

The Outer Continental Shelf (OCS) Lands Act, as amended (43 U.S.C. 1331 et seq. and 43 U.S.C. 1801 et seq.), authorizes the Secretary of the Interior (Secretary) to prescribe rules and regulations to administer leasing of the OCS. Such rules and regulations will apply to all operations conducted under a lease. Operations on the OCS must preserve, protect, and develop oil and natural gas resources in a manner that is consistent with the need to make such resources available to meet the Nation's energy needs as rapidly as possible; to balance orderly energy resource development with protection of human, marine, and coastal environments; to ensure the public a fair and equitable return on the resources of the OCS; and to preserve and maintain free enterprise competition.

As a Federal agency, we have a continuing affirmative duty to comply with the Endangered Species Act (ESA). This includes a substantive duty to carry out any agency action in a manner that is not likely to jeopardize protected species as well as a procedural duty to consult with the Services (Fish and Wildlife Service [FWS] and National Oceanic and Atmospheric Administration Fisheries [NOAA Fisheries]) before engaging in a discretionary action that may affect a protected species.

The MMS follows these procedural requirements by conducting formal consultations with FWS and NOAA Fisheries prior to lease sales. Consultations on OCS lease sales 181, 184, and the 5-year multisale (2002-2007) program in the Central and Western Planning Areas of the Gulf of Mexico resulted in no-jeopardy biological opinions from the FWS and NOAA Fisheries. In their biological opinions, NOAA Fisheries determined that some activities associated with the proposed action (lease sale and related exploration, development, and production activities) may adversely affect (harm) sperm whales and sea turtles in the action area and that certain reasonable and prudent measures are necessary

to minimize the potential for incidental take of these animals. To be exempt from the prohibitions of Section 9 of the ESA (which prohibits taking listed species), MMS must implement and enforce nondiscretionary terms and conditions. The ESA also requires monitoring and reporting. Monitoring programs resulting from ESA interagency consultations are designed to (1) detect adverse effects resulting from a proposed action, (2) assess the actual level of incidental take in comparison with the level of anticipated incidental take documented in the biological opinion, (3) detect when the level of anticipated take is exceeded, and (4) determine the effectiveness of reasonable and prudent alternatives and their implementing terms and conditions.

To provide supplementary guidance and procedures, MMS issues Notices to Lessees and Operators (NTLs) on a regional or national basis. Regulation 30 CFR 250.103 allows MMS to issue NTLs to clarify, supplement, or provide more detail about certain requirements. To implement the non-discretionary terms and conditions of these biological opinions, the MMS issued three NTLs. These NTLs, listed below, are the subject of this information collection request.

- Implementation of Seismic Survey Mitigation Measures and Protected Species Observer Program
- Vessel Strike Avoidance and Injured/Dead Protected Species Reporting
- Marine Trash and Debris Awareness and Elimination

MMS will use the information collected to report annually to NOAA Fisheries the effectiveness of mitigation, any adverse effects of the proposed action, and any incidental take, in accordance with 50 CFR 402.14(i)(3). MMS engineers, geologists, geophysicists, environmental scientists, and other Federal agencies (FWS, NOAA Fisheries, etc.) will also analyze the information and data collected under these NTLs to better evaluate the potential impacts to listed species and to plan operations in a manner that will further reduce and/or avoid adverse impacts to protected species on the OCS.

MMS has been working on rulemaking, 1010-AD10, to incorporate the requirements in the NTLs into our regulations. Once final rulemaking becomes effective, the burden hours for this collection will be consolidated into the primary collection of 30 CFR 250 subpart B, 1010-0151. We will then submit to OMB a request to discontinue this collection.

***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.]***

NOAA Fisheries requires MMS to submit an annual report to NOAA Fisheries by January 30th. The report must include, among other items, the number of vessel operations resulting from the proposed action with observer reports and takes of NOAA Fisheries protected species that result from the proposed action for the previous year. This reporting requirement is a direct implementation of 50 CFR 402.14(i)(3), which states “in order to monitor the impacts of incidental take, the Federal agency or any applicant must report the progress of the action and its impact on the species the Service as specified in the incidental take statement.” MMS engineers, geologists, geophysicists, environmental scientists, and other Federal agencies (FWS, National Marine Fisheries Service, etc.) will also analyze the information

and data collected under these NTLs to better evaluate the potential impacts to listed species and to plan operations in a manner that will reduce and/or avoid adverse impacts to protected species on the OCS. Specifically, MMS and NOAA use the information as described below.

- *Implementation of Seismic Survey Mitigation Measures and Protected Species Observer Program*

MMS and NOAA will use marine mammal reporting to monitor takes and the effectiveness of the mitigation measures and to ensure compliance with the ESA.

- *Vessel Strike Avoidance and Injured/Dead Protected Species Reporting*

The injured/dead protected species reports to the Marine Mammal and Sea Turtle Stranding Networks will be used to aid in the rescue of injured animals. MMS and NOAA will use this information to monitor incidental take of marine mammals and sea turtles.

- *Marine Trash and Debris Awareness and Elimination*

MMS and NOAA require training certification reports to ensure lessees' compliance with the training requirements that are being implemented to increase awareness and reduce marine trash and debris on the OCS.

***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].***

All information may be submitted via electronic means, including email. Most of the monitoring information can be submitted digitally via internet. All of the seismic survey reporting is submitted electronically through the protected species mailbox. This comprises 75 percent of the total reporting requirements. MMS is in the process of establishing an additional mailbox ([marinedebris@mms.gov](mailto:marinedebris@mms.gov)) for questions and report submittal. This will further reduce the burden and time required by providing electronic formats for these reports.

The MMS Offshore Minerals Management (OMM) program is moving to fully implement the Government Paperwork Elimination Act with re-engineered business processes. MMS is re-engineering the OMM full complement of business processes and related information collection burdens incrementally, which began with the pre-implementation effort in FY 2002 and will continue through FY 2008. The first component was the Public Commenting System implemented in July 2004.

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

No other Federal agency has the responsibility for collecting information relative to the impacts of OCS oil and gas exploration, development, and production activities. Similar information does not exist and has not been collected. Respondents will report to MMS, and, in turn, MMS will provide the required

information to NOAA Fisheries and FWS. Therefore, there will be no additional burden to the public.

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

This collection of information does not have a significant economic effect on a substantial number of small entities. Any direct effects primarily impact the OCS lessees and operators. In general, these companies need large technical and financial resources and experience to conduct offshore activities successfully. However, approximately 45 of the OCS lessees and operators may have less than 500 employees and would be considered small businesses as defined by the Small Business Administration. The hour burden on any small entity subject to these regulations cannot be reduced to accommodate them and still comply with the ESA and the NOAA Fisheries' Biological Opinions.

It should be noted that it has become common practice for OCS lessees and operators to subcontract the marine mammal observation and monitoring activities associated with the requirements of one of the NTLs. This has a positive monetary impact on small business third-party respondents who benefit from those service subcontracts. This is also true for small businesses that provide training for the observers. Refer to item A.8 below for further explanation.

**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.***

To be exempt from the prohibitions of Section 9 of the ESA (which prohibits taking of listed species), MMS must comply with the nondiscretionary terms and conditions that outline required reporting and monitoring requirements. To monitor the impact of incidental takes resulting from exploration, development, and production activities associated with lease sales, the MMS must report the progress of the action and its impact on the species to NOAA. MMS cannot meet its mandates without the information respondents collect in compliance with these NTLs. These lease sales provide hydrocarbon resources to meet the Nation's energy needs and are the second highest revenue generation mechanism for the U.S. Treasury. The frequency of collection is dependent only upon the activities of the respondents and, therefore, is not an issue.

**7. *Explain any special circumstances that would cause an information collection to be conducted in a manner:***

***(a) requiring respondents to report information to the agency more often than quarterly.***

Vessel crews must report sightings of any injured or dead protected species (marine mammals and sea turtles) immediately to the NOAA Fisheries Stranding Hotline at (305) 862-2850. In addition, if the injury or death was caused by an OCS-related activity, operators must notify MMS within 24 hours of the strike by email to [protectedspecies@mms.gov](mailto:protectedspecies@mms.gov). These requirements aid MMS in fulfilling the NOAA Fisheries-imposed requirement for MMS to file a report detailing any incidental take within 14 days of the incident.

***(b) requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it.***

MMS requires that any marine mammal observation and monitoring reports be submitted to MMS the 1<sup>st</sup> and 15<sup>th</sup> of each month via email. This schedule is beneficial for two reasons: (1) data and sightings

gathered over a 2-week period should be a manageable quantity that can be recorded and sent quickly and easily, by mail or electronically, and (2) the rotation of a crew on typical seismic operations could make less frequent reporting problematic. A bimonthly reporting schedule will normally involve only one crew. However, there is a requirement to report to MMS within 24 hours the sighting of a sperm whale in the exclusion zone (that results in a shut down of air guns). This immediate response is necessary for MMS to comply with the NOAA Fisheries' mandate to report "takes" promptly.

***(c) requiring respondents to submit more than an original and two copies of any document.***

Not applicable in this collection.

***(d) requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than 3 years.***

Not applicable in this collection.

***(e) in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study.***

Not applicable in this collection.

***(f) requiring the use of statistical data classification that has been reviewed and approved by OMB.***

There are no special circumstances with respect to 5 CFR 1320.5(d)(2)(v) through (viii) as the collection is not a statistical survey and does not use statistical data classification.

***(g) that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use.***

This collection does not include a pledge of confidentiality not supported by statute or regulation.

***(h) requiring respondents to submit proprietary trade secrets or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.***

This collection does not require proprietary, trade secret, or other confidential information not protected by agency procedures.

***8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice [and in response to the PRA statement associated with the collection over the past 3 years] and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.***

As required in 5 CFR 1320.8(d), MMS published a 60-day review and comment notice in the Federal Register on May 10, 2006 (71 FR 27268) (discussed in more detail below). Regulations at 30 CFR 250.199 explain that MMS will accept comments at any time on the information collection burden of our regulations. In addition, we display on the NTLs, the OMB control number and approval

expiration date, and provide the address for sending comments to MMS. We received several comments in response to the Federal Register notice. The comments and our responses are as follows:

*Comment A: We request that the MMS demonstrate that the monitoring and reporting requirements of NTL 2004-G01, Implementation of Seismic Survey Mitigation Measures and Protected Species Observer Program, have in fact been approved by OMB under the PRA.*

*Response A: As a means to implement non-discretionary terms and conditions imposed by NOAA in their July 2002 biological opinion for Lease Sale 184 and subsequent Endangered Species Act section 7 consultations, MMS sought emergency information collection (IC) approval from OMB. OMB issued the emergency IC approval (OMB Control Number 1010-0154) on 3/26/2003, for 180 days with an expiration date of 9/30/2003. MMS issued NTL 2003-G08 "Implementation of Seismic Survey Mitigation Measures and Protected Species Observer Program" with an effective date of 6/5/2003. MMS then began the process of obtaining the standard 3-year OMB IC approval for the NTL. During that process, MMS expanded the scope of the NTL to cover additional marine mammals and water depths less than 200 meters in the Eastern Planning Area of the Gulf of Mexico. OMB IC approval for the NTL with revised scope was granted (1010-0154) on 12/05/03. MMS reissued the NTL (after the effective date of the OMB IC approval) in 2004, with a 2004 NTL number, NTL 2004-G01 (which means the first NTL issued by the Gulf of Mexico Regional Office in the year 2004).*

*Comment B: We request that MMS demonstrate that there are no costs to comply with the monitoring and reporting requirements of NTL 2004-G01.*

*Response B: The initial standard IC request for this NTL went out for public comment with a 60-day (68 FR 25905 May 14, 2003) and 30-day (68 FR 56313 September 30, 2003) *Federal Register* notice. In the standard IC request, MMS states "...Agencies must also estimate the "non-hour cost" burdens to respondents or recordkeepers resulting from the collection of information. Therefore, if you have costs to generate, maintain, and disclose this information, you should comment and provide your total capital and startup cost components or annual operations, maintenance, and purchase of service components..." MMS did receive a comment expressing concern about the possible costs associated with these NTLs. However, the commenter did not identify any specific non-hour cost estimates associated with the activities. Therefore, in the 2003 submission to OMB requesting a standard three-year extension of the emergency approval, MMS reported that we had not identified any non-hour cost burdens associated with the NTLs. OMB granted the three-year approval with the current December 31, 2006, expiration date.*

During this current 2006 renewal process, we again published the 60-day comment notice in the *Federal Register* (71 FR 27268, 5/10/2006). We received the above comment pertaining to the non-hour cost burdens. Based upon this comment, and the previous 2003 comment expressing concern over the costs associated with the requirements imposed by these NTLs, MMS has further investigated both the hour and non-hour cost burdens. Our findings revealed that lessees and operators now routinely subcontract the marine mammal observation and monitoring activities detailed in one of the NTLs. This results in "non-hour" cost burdens (\$1,854,080) in the form of service contracts, rather than in-house company employees performing these duties with corresponding "hour" burden costs. Therefore, in this ICR we have adjusted all of our estimates accordingly for both the hour (section A.12) and non-hour cost (section A.13) burdens.

*Comment C: We request that MMS confirm our understanding that the proposed extension of OMB No. 1010-0154 indicates that MMS does not intend or foresee any changes in the NTL 2004-G01 monitoring, reporting, and mitigation requirements. Any new requirements would require a new ICR, would require a new public comment period, and would have to pass the practical utility test.*

*Response C: After OMB renews this collection, MMS will reissue NTL 2004-G01 with no changes in requirements. Should MMS need to impose new requirements, MMS would seek OMB IC approval and provide notice for public comment. However, the NTL will be reissued with a current year NTL number (which will have either a 2006 or 2007 to signify the year that the NTL was issued, and a different G number, signifying the alphanumerical order of an NTL) and will display the new OMB approval expiration date and a revised PRA paragraph to reflect the re-estimated IC hour and non-hour cost burdens.*

*Comment D: One commenter posed a question concerning the validity of observers and their qualifications.*

*Response D: This comment does not pertain to the information collection burden of the requirements. But, in response, it should be noted that all visual observers must have completed a protected species observer training course. MMS will not sanction particular trainers or training programs. Training is offered by independent entities. However, basic training criteria have been established and must be adhered to by any entity that offers observer training. Operators may utilize observers trained by third parties, may send crew for training conducted by third parties, or may develop their own training program. All training programs offering to fulfill the observer training requirement must: (1) furnish to MMS, at the address listed in the NTL titled, Implementation of Seismic Survey Mitigation Measures and Protected Species Observer Program, a course information packet that includes the name and qualifications (i.e., experience, training completed, or educational background) of the instructor(s), the course outline or syllabus, and course reference material; (2) furnish each trainee with a document stating successful completion of the course; and (3) provide MMS with names, affiliations, and dates of course completion of trainees. The training course must include the following elements: overview of the MMPA and the ESA as they relate to seismic acquisition and protection of marine mammals and sea turtles in the GOM; overview of seismic acquisition operations in the GOM; overview of seismic mitigation measures (NTLs) and the protected species observer program in the GOM; discussion of the role and responsibilities of the protected species observer in the GOM, including the legal requirements (why you are here and what you do), professional behavior (code of conduct), integrity, authority of protected species observer to call for shut-down of seismic acquisition operations, assigned duties - what can/cannot be asked of the observer, reporting of violations and coercion; identification of GOM marine mammals and sea turtles, with emphasis on whales; cues and search methods for locating marine mammals, especially whales, and sea turtles; data collection and reporting requirements - forms and reports to MMS on the 1<sup>st</sup> and 15<sup>th</sup> of each month, whale in exclusion zone/shut-down report within 24 hours.*

***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. [Please list the names, titles, addresses, and phone numbers of persons contacted.] Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years – even if the collection of information activity is the same as in prior periods.***

***There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.***

During the comment period, MMS regional offices requested input from several respondents. The burden estimates in A.12 and A.13 reflect their input. The following companies were contacted:

Sandi Fury, Senior Advisor for Advocacy, (504) 592-6095, Chevron Texaco  
935 Gravier Street, New Orleans, LA 70112

Dan Allen, Senior Ecologist, (504) 592-6301, Chevron Texaco  
935 Gravier Street, New Orleans, LA 70112

Allen Verret, Executive Director, (504) 561-2427, Offshore Operators Committee  
P.O. Box 50751, New Orleans, LA 70150-0751

G.C. Gill, President, (713) 957-8080, International Association of Geophysical Contractors  
2550 North Loop West, Suite 104, Houston, TX 77092

Philip Fontana, Geophysicist, (832) 351-8300, Veritas Geophysical Corporation  
10300 Town Park Drive, Houston, TX 77072

Dan Quinn, Manager - Business Development, (713) 625-5488, Baker Atlas  
17015 Aldine Westfield, Houston, TX 77073

Mary Jo Barkaszi – Director of Ecological Programs, (281) 325-1080 GeoCet Group, LLC  
One Sugar Creek Center Blvd., Suite 355, Sugar Land, TX 77478 (Observer Subcontractor)

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

We will not provide payment or gifts to respondents in this collection.

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

We protect proprietary information according to the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR 2), and 30 CFR 250.196, “Data and information to be made available to the public.”

***11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.***

The collection does not include sensitive or private questions.



**12. Provide estimates of the hour burden of the collection of information. The statement should:**

**(a) Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**

**(b) If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.**

**(c) Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

Potential respondents are approximately 130 lessees and operators. The frequency of response is on occasion. We estimate the annual burden to be 1,002 hours. Based on \$50 per hour, the “hour” burden cost to lessees and operators is \$50,100 (1,002 hours x \$50 = \$50,100). Refer to the following chart for a breakdown of the burden hours.

**HOURLY BURDEN BREAKDOWN**

<b>NTL Title</b>	<b>Reporting, Posting, or Recordkeeping Requirement</b>	<b>Hour Burden</b>	<b>Average No. of Annual Responses</b>	<b>Annual Burden Hours</b>
Implementation of Seismic Survey Mitigation Measures and Protected Species Observer Program	Submit to MMS observer training requirement materials and information.	½ hour	24 reports x 4 vessels = 96	48
	Training certification and recordkeeping.	½ hour	20	10
	If used, submit to MMS information on any passive acoustic monitoring system prior to placing it in service.	1 hour	3	3
	Submit to MMS marine mammal observation report(s) (This includes observer duty and training and are the occasional activities done in-house and not subcontracted out.)	345 hours*	2 reports	690
Vessel Strike Avoidance and Injured/Dead Protected Species Reporting	Submit injured/dead protected species report.	½ hour	2 reports	1
Marine Trash and Debris Awareness and Elimination	Submit request for training video.	½ hour	100 requests	50
	Submit annual report to MMS on training process and certification.	½ hour	200 records	100
	Training recordkeeping.	½ hour	200 records	100

	Post placards on vessels and structures. (Exempt from information collection burden because MMS is providing exact language for the trash and debris warning, similar to the “Surgeon General’s Warning” exemption.)	0
<b>Total Hour Burden</b>		<b>623 responses 1,002 hours</b>

\* Hours are based on 14 days of observing, attending a training session, and writing report(s).

**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 shown in Items 12 and 14).**

***(a) The cost estimate should be split into two components: (1) a total capital and start-up cost component (annualized over its expected useful life) and (2) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information [including filing fees paid]. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.***

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

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

We have identified three non-hour costs associated with this IC that were originally estimated as hour burdens under Section A.12. As previously explained, typically these activities are now subcontracted to other service companies with expertise in these areas. Therefore, in this submission we have significantly reduced the corresponding hours in Section A.12 and put the majority of the costs associated with these requirements in this Section, A.13. To allow for the potential in-house reporting by lessees/operators, we have retained a minimal hour burden in Section A.12, Hour Burden Breakdown table. It should be noted that these costs are associated with the NTL: Implementation of Seismic Survey Mitigation Measures and Protected Species Observer Program.

- Observer training – 8 hrs @ \$37.50 hr = \$300 x 72 observers = \$21,600
- Submit observation report/form – 1 hr @ \$52 hr = \$52 x 200 reports/forms = \$10,400
- Observation duty – 8 hrs x 3 observers = 24 x 4 vessels = 96 hrs x 365 days/yr = 35,040 hours x \$52 hr = \$1,822,080.

Therefore, we estimate that the annual non-hour cost burden is \$1,854,080.

**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. Agencies also may aggregate cost estimates in a single table.**

To analyze and review the information, the Government spends an average of 200 hours per year analyzing information received and preparing reports for NOAA. Based on a cost factor of \$50 per hour, the total annual estimated burden on the Federal Government is \$10,000 (200 hours x \$50 = \$10,000).

**15. Explain the reasons for any program changes or adjustments reported.**

There are no program changes reported for this collection of information. We are requesting adjustments as follows:

(a) The currently approved OMB inventory is 22,305 hours. This submission requests 1,002 burden hours representing an adjustment decrease of 21,303 hours resulting from re-estimating the “hour” burdens and the annual number of responses from the respondents. Therefore, we are requesting a net decrease of 21,303 hours (22,305 current OMB inventory – 1,002 hours requested = -21,303 hour adjustment).

(b) There is no currently OMB approved cost burden. This submission requests \$1,854,080, representing an adjustment increase. As previously explained, the primary reason the significant adjustment is necessary is due to converting the previously estimated “hour” burdens to “non-hour costs” that reflect current industry practice in routinely subcontracting out most of these services. These costs were also calculated from estimates that were supplied by one of the service providers.

**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.**

MMS will not tabulate or publish the data.

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

MMS will display the expiration date for OMB approval on the NTLs.

**18. Explain each exception to the certification statement.**

To the extent that the topics apply to this collection of information, we are not making any exceptions to the “Certification for Paperwork Reduction Act Submissions.”

**B. Collection of Information Employing Statistical Methods**

The agency should be prepared to justify its decision not to use statistical methods in any case where such methods might reduce burden or improve accuracy of results. If statistical methods are used then following documentation should be included in the Supporting Statement to the extent that it applies to the methods proposed.

This section is not applicable for this collection. We will not employ statistical methods in this information collection.