

**Supporting Statement A for Paperwork Reduction Act Submissions
30 CFR Part 580, Prospecting for Minerals Other than Oil, Gas, and Sulphur
on the Outer Continental Shelf (OCS), Form BOEM-0134**

**OMB Control Number 1010-0072
Current Expiration Date: March 31, 2012**

Terms of Clearance: None

General Instructions

A completed Supporting Statement A must accompany each request for approval of a collection of information. The Supporting Statement must be prepared in the format described below, and must contain the information specified below. If an item is not applicable, provide a brief explanation. When the question, "Does this information collection request (ICR) contain surveys, censuses, or employ statistical methods?" is checked "Yes," then a Supporting Statement B must be completed. The Office of Management and Budget (OMB) reserves the right to require the submission of additional information with respect to any request for approval.

Specific Instructions

A. Justification

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

The Outer Continental Shelf (OCS) Lands Act, as amended (43 U.S.C. 1331 et seq. and 43 U.S.C. 1801 et seq.), authorizes the Secretary of the Interior to prescribe rules and regulations to administer leasing of mineral resources on the OCS. Such rules and regulations will apply to all operations conducted under a lease, right-of-way, or a right-of-use and easement. Section 1337(k) of the OCS Lands Act authorizes the Secretary ". . . to grant to the qualified persons offering the highest cash bonuses on a basis of competitive bidding leases of any mineral other than oil, gas, and sulphur in any area of the Outer Continental Shelf not then under lease for such mineral upon such royalty, rental, and other terms and conditions as the Secretary may prescribe at the time of offering the area for lease." An amendment to the OCS Lands Act (P.L. 103-426) authorizes the Secretary to negotiate agreements (in lieu of the previously required competitive bidding process) for the use of OCS sand, gravel, and shell resources for certain specified types of public uses. The specified uses will support construction of governmental projects for beach nourishment, shore protection, and wetlands enhancement; or any project authorized by the Federal Government.

Section 1340 states that ". . . any person authorized by the Secretary may conduct geological and geophysical [G&G] explorations in the outer Continental Shelf, which do not interfere with or endanger actual operations under any lease maintained or granted pursuant to this Act, and which are not unduly harmful to aquatic life in such area." The section further requires that, permits to conduct such activities may only be issued if it is determined that the applicant is qualified; the activities are not polluting, hazardous, or unsafe; they do not interfere with other users of the area; and they do not disturb a site, structure, or object of historical or archaeological significance. Respondents are required to submit Form BOEM-0134 to provide the information necessary to evaluate their qualifications.

Under Section 1352, permittees are to be reimbursed for the costs of reproducing any G&G data required to be submitted and for the reasonable cost of processing geophysical information when processing is in a form or manner required by the Director and is not used in the normal conduct of the business. Regulations implementing these responsibilities are in 30 CFR Part 580 and are the responsibility of the Bureau of Ocean Energy Management (BOEM), formerly part of the Bureau of Ocean Energy Management, Regulation and Enforcement.

The Independent Offices Appropriations Act (31 U.S.C. 9701), the Omnibus Appropriations Bill (Pub. L. 104-133, 110 Stat. 1321, April 26, 1996), and the OMB Circular A-25, authorize Federal agencies to recover the full cost of services that confer special benefits. Under the Department of the Interior's (DOI) implementing policy, BOEM is required to charge fees for services that provide special benefits or privileges to an identifiable non-Federal recipient above and beyond those that accrue to the public at large. Prospecting permits are subject to cost recovery, and BOEM regulations specify service fees for these requests.

This information collection request (ICR) concerns the regulations at 30 CFR Part 580, Prospecting for Minerals Other than Oil, Gas, and Sulphur on the OCS.

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.

BOEM uses the information: (1) to ensure there is no environmental degradation, personal harm or unsafe operations and conditions; (2) to ensure the activities do not damage historical or archaeological sites or interfere with other uses; (3) to analyze and evaluate preliminary or planned drilling activities; (4) to monitor progress and activities in the OCS; (5) to acquire G&G data and information collected under a Federal permit offshore; and (6) to determine eligibility for reimbursement from the Government for certain costs. The information is necessary for BOEM to determine if the applicants for permits or filers of notices meet the qualifications specified by the Act. Respondents are required to submit BOEM Form 0134 to provide the information necessary to evaluate their qualifications. BOEM also uses the information collected to understand the G&G characteristics of hard mineral-bearing physiographic regions of the OCS. It aids the Secretary in obtaining a proper balance among the potentials for environmental damage, the discovery of hard minerals, and adverse impacts on affected coastal States. Information from permittees is necessary to determine the propriety and amount of reimbursement.

Form BOEM-0134 -- *Requirements for Geological and Geophysical Prospecting or Scientific Research in the Outer Continental Shelf Related to Minerals Other than Oil, Gas, and Sulphur.*

This form consists of the requirements and application for commercial G&G prospecting or scientific research, that are submitted to BOEM for approval, as well as a nonexclusive use agreement for scientific research, if applicable. The requirements portion of the form lets the respondents know the authority, requirements, and relevant information for the permit. The application portion requires the respondent to fill in relevant information such as company identification and the type of activity that will be conducted.

The portion pertaining to G&G with a nonexclusive use agreement for scientific research (1) identifies which data and information from the proposed activity will be made available to the public for inspection

and (2) contains the applicant agreement that information obtained will not be sold or withheld for exclusive use and the applicant signature for submission to BOEM for approval. For this renewal, we revised the form to adapt to new advances in technology (digital options) and to clarify requirements for environmental compliance.

Upon approval, respondents are issued a specific permit depending on whether they are prospecting or conducting scientific research for “geological” or “geophysical” mineral resources.

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.

BOEM encourages respondents to use the form available on the website and submit it electronically. Currently, 3 percent of all information is submitted electronically. Due to the nature of the requirements, very little information can be submitted electronically; however, the final report is submitted electronically.

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

There is no duplication as the Department of the Interior has specific statutory authority. Respondents are applying for individual permits and each notice for processing of G&G data is unique, as are requests for reimbursement. There is no similar information available. To the extent that identical information or data were available from prior permits or other sources, BOEM would not require respondents to resubmit such information or data.

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

Respondents could be small businesses or other small entities. However, the majority of entities conducting offshore activities are not considered small because of the technical and financial resources needed to carry out such activities. BOEM needs the information to evaluate all applications and review all notices, regardless of the size of the respondent, and we do not consider the burden to be significant.

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.

Except for status reports, the information is not collected periodically but on occasion. Therefore, less frequent reporting is not applicable. The frequency of status reports varies according to the permit specifications. The reports are necessary for resource evaluation and ecological consequences. If BOEM did not collect the information, the Secretary could not meet the obligations of the OCS Lands Act in a timely manner, possibly resulting in economic losses to the Federal Government.

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;

Section 580.72(a) states that BOEM will provide a notice of intent to disclose data or information to an independent contractor or agent or to an adjacent State. The notice will afford the permittee a period of not less than 5 days in which to submit comments on the intended action. Industry is aware, through the regulations and the permit, that BOEM may have a contractor reproduce, process, etc., data for a sale evaluation. BOEM may only have 90 days in which to conduct the entire sale. Therefore, if there were any special circumstances, the permittee would need to notify BOEM immediately. BOEM notice would allow for a longer response time if feasible.

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

Not applicable in this collection.

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

Respondents must submit four copies of Form BOEM-0134. After BOEM approval, one signed copy is needed for the OCS region, the permittee, the permittee's contractor, and the public. The copy for the public, however, will not include some information in Item D that is determined to be proprietary data and not subject to release.

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

The permit form specifies that at any time within 10 years after receiving notification of the completion of the acquisition activities conducted under the permit, BOEM may request that the permittee submit for inspection and possible retention all or part of the G&G data and/or information. As a normal business practice, respondents will generally retain acquired G&G data and/or information for very long periods of time, beyond even the 10-year requirement in the permit form. This is not an unreasonable retention period for valuable mineral resources data that BOEM may need at a future date if it conducts a strategic mineral sale or requires data to conduct a national or regional resource assessment.

(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;

Not applicable in this collection.

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

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 year] and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years – even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

As required in 5 CFR 1320.8(d), BOEM published the required 60-day notice in the Federal Register on August 24, 2011, (76 FR 52963). We requested comments on the need for the collection, the accuracy of the burden estimates, ways to enhance the collection, and ways to minimize the burden. Section 580.80 explains that BOEM will accept comments at any time on the information collection burden of our 30 CFR Part 580 regulations and the related form. We display the OMB control number and provide the address for sending comments to BOEM. We received two comments in response to the notice. One was not relevant to the information collection, and the other expressed support for competitive bidding processes. No changes in burden resulted.

During the comment period, BOEM requested input from a few respondents (below) on the availability of data, frequency of collection, clarity of instructions, and elements being collected. The burden estimates in Section A.12 reflect their input.

Coastal Technology Corporation, Ms. Leighann Budde, Coastal Geologist,
3625 20th Street, Vero Beach, Florida 32960, (321) 751-1135 (x 206)

Coastal Planning and Engineering, Ms. Melany Larenas, Program Geologist,
2481 N.W. Boca Raton Blvd., Boca Raton, FL 33431, (561) 391-8102

Carteret County Shore Protection Office, Mr. Greg L. "Rudi" Rudolph,
P.O. Box 4297, Emerald Isle, NC 28594, (252) 393-2663

The Carteret County Shore Protection Office also commented on how examples of mapping and documentation formats would assist in meeting all submission requirements and on an interest to streamline the permitting process. BOEM is currently working on guidance that will assist in the permit application process, as well as provide examples of the products expected. BOEM has also made adjustments in the timing for issuing geophysical and geological permits, saving industry time and money in vessel mobilization. BOEM will continue to accept suggestions on streamlining these processes.

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

The OCS Lands Act mandates that we reimburse respondents for their reproduction and processing costs of certain data and information that BOEM requests. These implementing regulations and permit form comply with the OCS Lands Act and provide for reimbursement payment of the G&G data and information when applicable. We also pay respondents if they request reimbursement for food, quarters, or transportation they provide BOEM representatives during inspections. We do not provide gifts to respondents.

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

BOEM will protect information considered proprietary according to 30 CFR 580.70, "What data and information will be protected from public disclosure," 30 CFR 550.197, "Data and information to be made available to the public or for limited inspection," 30 CFR Part 552, "OCS Oil and Gas Information Program," and the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR 2).

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.

We estimate a total of three potential respondents to this collection of information. The burden estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Submissions are generally on occasion. We estimate a total annual paperwork burden of 128 hours. See the following table for a breakdown of the burdens.

Citation 30 CFR part 580	Reporting and Recordkeeping Requirements	Hour Burden	Average No. of Annual Responses	Annual Burden Hours
		Non-Hour Cost Burden		
Subpart B				
10; 11(a); 12; 13; Permit Form	Apply for permit (Form BOEM-0134) to conduct prospecting or G&G scientific research activities, including prospecting/scientific research plan and environmental assessment or required drilling plan.	10	3 permits	30
			\$2,012 permit application fee x 3 permits = \$6,036	
11(b); 12(c)	File notice to conduct scientific research activities related to hard minerals, including notice to BOEM prior to beginning and after concluding activities.	8	3 notices	24
Subtotal			6 responses	54 hours
Subpart C				
21(a)	Report to BOEM if hydrocarbon/other mineral occurrences or environmental hazards are detected or adverse effects occur.	1	1 report	1
22	Request approval to modify operations.	1	1 request	1
23(b)	Request reimbursement for expenses for BOEM inspection.	1	3 requests	3
24	Submit status and final reports on specified schedule.	8	4 reports	32
28	Request relinquishment of permit.	1	1 * relinquishment	1*
31(b); 73	Governor(s) of adjacent State(s) submissions to BOEM: Comments on activities involving an environmental assessment; request for proprietary data, information, and samples; and disclosure agreement.	1	3 submissions	3
33, 34	Appeal penalty, order, or decision – burden exempt under 5 CFR 1320.4(a)(2), (c).			0
Subtotal			13 responses	41 hours
Subpart D				
40; 41; 50; 51; Permit Form	Notify BOEM and submit G&G data/information collected under a permit and/or processed by permittees or 3 rd parties, including reports, logs or charts, results, analyses, descriptions, etc.	6	3 submissions	18
42(b); 52(b)	Advise 3 rd party recipient of obligations. Part of licensing agreement between parties; no submission to BOEM.	1/3	3 notices	1
42(c), 42(d); 52(c), 52(d)	Notify BOEM of 3 rd party transactions.	1	1 notice	1
60; 61(a)	Request reimbursement for costs of reproducing data/information & certain processing costs.	1	1 request *	1*
72(b)	Submit in not less than 5 days comments on BOEM's intent to disclose data/information.	1	3 responses	3
72(d)	Contractor submits written commitment not to sell, trade, license, or disclose data/information.	1	3 submissions	3
Subtotal			14 responses	27 hours
General				
Part 580	General departure and alternative compliance requests not specifically covered elsewhere in part 580 regulations.	2	1 request	2
Permits**	Request extension of permit time period.	1	1 extension	1
Permits**	Retain G&G data/information for 10 years and make available to BOEM upon request.	1	3 respondents	3
Subtotal			5 responses	6 hours
Total Burden			38 responses	128 hours
			\$6,036 Non-Hour Cost Burdens	

* NOTE: No requests received for many years. Minimal burden for regulatory (PRA) purposes only.

** These permits are prepared by BOEM and sent to respondents; therefore, the forms themselves do not incur burden hours.

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

The average respondent cost is \$51/(rounded) hour. This cost is broken out in the below table using the Bureau of Labor Statistics data for the Miami-Ft. Lauderdale, Florida* area. See BLS website: <http://www.bls.gov/bls/wages.htm>.

Position	Level	Hourly Pay rate (\$/hour estimate)	Hourly rate including benefits (1.4** x \$/hour)	Percent of time spent on collection	Weighted Average (\$/hour)
Secretaries and Administrative Assistants	6	\$21	\$29	20%	\$6
Engineers	11	\$40	\$56	60%	\$34
Supv. Engineer	11	\$40	\$56	20%	\$11
Weighted Average (\$/hour)					\$51

* Note that this BLS source reflects their last update from January 2010.

** A multiplier of 1.4 (as implied by BLS news release USDL-11-1718, December 7, 2011 (see <http://www.bls.gov/news.release/ecec.nr0.htm>)) was added for benefits.

Based on a cost factor of \$51 per hour, we estimate the total annual cost to industry is \$6,528 (\$51 x 128 hours = \$6,528).

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

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

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

(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 one non-hour cost burden for this collection of information. Section 580.12 requires respondents to pay an application fee of \$2,012 when they submit a G&G permit. This fee is part of BOEM’s cost recovery fees for services provided. We estimate a total reporting non-hour cost burden of \$6,036 (\$2,012 fee x 3 responses = \$6,036). Refer to the chart in Section A.12 of this supporting statement to see the non-hour cost burden breakdown. We have not identified any other non-hour cost burdens associated with this collection of information.

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

The average government cost is \$55 hour (rounded). This cost is broken out in the below table using the Office of Personnel Management pay schedule for the REST OF UNITED STATES (Consisting of the portions of the lower 48 United States not located within another locality pay area) (<http://www.opm.gov/oca/11tables/>).

Position	Grade	Hourly Pay rate (\$/hour estimate)	Hourly rate including benefits (1.5* x \$/hour)	Percent of time spent on collection	Weighted Average (\$/hour)
Clerical	GS-5/5	\$17	\$26	5%	\$1
Geophysicist	GS-13/5	\$44	\$66	60%	\$40
Geophysicist	GS-9/5	\$26	\$39	34%	\$13
Manager	GS-15/5	\$62	\$93	1%	\$1
Weighted Average (\$/hour)					\$55

* A multiplier of 1.5 (as implied by BLS news release USDL-11-1718, December 7, 2011 (see <http://www.bls.gov/news.release/ecec.nr0.htm>)) was added for benefits.

To analyze and review the information required under 30 CFR 580 regulations and permits, the Government will spend approximately 57 hours annually. Based on a cost factor of \$55 per hour, we estimate the annualized cost is \$3,135. The annual hours are based on the following:

§§ 580.10, 11, 12, 13	1 permit x 6 hours =	6 hours
§§ 580.11, 12	1 notice x 1 hour =	1 hour
§ 580.22	1 modification x 1 hour =	1 hour
§ 580.24	4 status/final reports x 4 hours =	16 hours
§ 580.28	1 relinquishment x 1 hour =	1 hour
§§ 580.40, 41, 50, 51	2 G&G data/info submissions x 2 hours =	4 hours
§ 580.60, 61	2 reimbursements x 10 hours =	20 hours
§ 580.72	1 request/submission x 4 hours =	4 hours
§§ 580.1-580.80	Other miscellaneous submissions =	<u>4 hours</u>
	Total Government Hours =	57 hours

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

(a) The current OMB-approved hour burden is 116, and this submission requests 128 hours. There is a program increase of 6 hours as a result of modifying the form and an adjustment increase of 6 hours for re-estimating the time required to submit permit data based on consultations with respondents.

(b) The current OMB-approved non-hour cost burden is \$6,036. There is no change in the non-hour cost burden for this submission.

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.

BOEM 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.

BOEM will display the OMB control number and approved expiration date.

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

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 Submission.”