

**SUPPORTING STATEMENT**  
**U.S. Department of Commerce**  
**National Oceanic & Atmospheric Administration**  
**Applications and Reporting Requirements for the Incidental Take of Marine**  
**Mammals by Specified Activities (Other than Commercial Fishing Operations)**  
**Under the Marine Mammal Protection Act**  
**OMB Control No. 0648-0151**

**Abstract**

This request is for a revision of an existing information collection under OMB Control No. 0648-0151. The revision is necessary because on June 22, 2018, the National Marine Fisheries Service (NMFS) published a Federal Register Notice (83 FR 29212) notifying the public of a proposed rule (RIN 0648-BB38) to issue 5-year incidental take regulations allowing for the take of marine mammals incidental to geophysical survey activities conducted by industry operators in Federal waters of the U.S. Gulf of Mexico (GOM). NMFS does not anticipate that the proposed regulations will substantially add to the burden to individual private applicants for incidental take authorizations under the existing Control Number. In fact, we expect individual applicant's information collection burdens will be substantially less than the typical applicant under the existing OMB Control Number. This is due to the fact that the application for these regulations (one of the three information collection burdens for this Control Number) was completed by the Bureau of Ocean Energy Management (BOEM) instead of individual applicants. The main difference we expect related to these proposed regulations is that there will be a larger number of applicants/respondents than accounted for in the existing OMB Control Number. The proposed rule forecasts that 95 to 151 geophysical surveys will take place annually on average over the five years of the proposed regulations in the GOM that would be subject to potential information collection requirements.

The remainder of this supporting statement details the justification for the existing information collection while highlighting the changes resulting from the GOM proposed rulemaking.

**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 [Marine Mammal Protection Act of 1972](#) (MMPA; 16 U.S.C. 1361 *et seq.*) prohibits the "take" of marine mammals unless otherwise authorized or exempted by law. Among the provisions that allow for lawful take of marine mammals, sections 101(a)(5)(A) and (D) of the MMPA direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by United States (U.S.) citizens who engage in a specified activity (other than commercial fishing), within a specified geographical region, if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review. Authorization for incidental takings shall be granted if the Secretary, acting by delegation through the National Marine Fisheries Service (NMFS) finds that the taking will have a negligible impact on the species or stock(s) and will not have an immitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such

takings are set forth.

Issuance of an incidental take authorization (Authorization) under section 101(a)(5)(A) or (D) of the MMPA requires three sets of information collection:

- (1) a complete application for an Authorization, as set forth in our implementing regulations at [50 CFR 216.104](#), which provides the information necessary for us to make the necessary statutory determinations;
- (2) information relating to required monitoring; and
- (3) information related to required reporting.

These collections of information enable us to:

- (1) evaluate the proposed activity's impact on marine mammals;
- (2) arrive at the appropriate determinations required by the MMPA and other applicable laws prior to issuing the Authorization; and
- (3) monitor impacts of activities for which we, NMFS, have issued Authorizations to determine if predictions regarding impacts on marine mammals were valid.

#### **Letters of Authorization – MMPA § 101(a)(5)(A)**

In 1981, Congress amended the MMPA to provide for Authorizations for activities other than commercial fishing, provided that we found that the takings would consist of small numbers and would have no more than a "negligible impact" on those marine mammal species not listed as depleted under the MMPA, and not having an "immitigable adverse impact" on subsistence harvests of these species by Alaskan Natives. NMFS, may prescribe regulations authorizing take for periods of up to five consecutive years. Implementing regulations require that any such regulations set forth:

- Permissible methods and the specified geographical region of taking;
- The means of effecting the least practicable adverse impact on the species or stock and its habitat and on the availability of the species or stock for "subsistence" uses; and,
- Requirements for monitoring and reporting, including requirements for the independent peer-review of proposed monitoring plans where the proposed activity may affect the availability of a species or stock for taking for subsistence uses.

[50 CFR 216.105](#). Once we issue the regulations to authorize the taking, those conducting the activity must request and obtain a subsequent Letter of Authorization from us. Once we issue the Authorization, the applicant must abide by the prescribed reporting requirements.

#### **Incidental Harassment Authorization – MMPA § 101(a)(5)(D)**

In 1994, Congress amended MMPA section 101(a)(5) to establish an expedited process by which U.S. citizens can apply for an authorization to take incidentally, but not intentionally, small numbers of marine mammals by harassment. This amendment eliminates the need for applying for regulations but retains the requirements for applications for the Incidental Harassment Authorization, including monitoring and reporting interactions with marine mammals. This type of Authorization does not reduce the paperwork burdens significantly on the activity, but, rather, it expedites our review and subsequent approval or denial of the application. The 1994 amendments also established specific time limits for public notice and comment on requests for an Incidental Harassment Authorization.

## **The Endangered Species Act**

In 1986, Congress amended both the MMPA, under the Incidental Take Program, and the [Endangered Species Act](#) (ESA; 16 U.S.C. 1531 *et seq.*) to authorize takings of depleted (and endangered or threatened) marine mammals. The amendments required that the taking (lethal, injurious, or harassment) would be small in number and would have a negligible impact on marine mammals. The 1986 amendments provided for an authorization to incidentally take ESA-listed marine mammals provided the taking (including mortality) was authorized under section 101(a)(5) of the MMPA. As a result, we must authorize any take of ESA-listed marine mammals under both the MMPA as well as the ESA.

## **The National Environmental Policy Act**

Issuance of an Authorization is subject to our conducting an environmental review under the [National Environmental Policy Act](#) (NEPA; 42 U.S.C. 4321 *et seq.*) which may take the form of either an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) or we may Categorically Exclude the action from NEPA. Adequate and complete applications allow us to determine whether an EA or EIS is appropriate because the information provided is sufficient to complete our NEPA analyses. On the other hand, incomplete applications or applications without sufficient information on the environmental impact of the proposed activity would typically delay our evaluation under NEPA.

### **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.**

If the applicant determines that their activity has the potential to cause take, they may request an Authorization and/or regulations from us to obtain an exemption under the MMPA. Once the applicant determines that it is appropriate to request an Authorization and/or regulations, it is their responsibility to collect the information required to answer the fourteen questions listed in [50 CFR 216.104\(a\)\(1-14\)](#) to support their request.

The collection of information is the responsibility of the individual, organization, state, local, or tribal government, or business petitioning us for an authorization to allow the incidental, but not intentional, taking of small numbers of marine mammals. Without this collection of information requirement, we cannot authorize the incidental taking of marine mammals for the applicant's activities. The Authorization does not permit the underlying activity and only authorizes the incidental take of marine mammals during the course of that activity. Failure to obtain an Authorization and/or regulations does not mean the activity cannot take place, but if an applicant takes a marine mammal (by harassment, injury, serious injury, or mortality) while conducting that activity, the applicant may be subject to prosecution under the MMPA or vulnerable to third party litigation.

The Director, Office of Protected Resources will use the information collection as:

- (1) a basis for a decision on issuance or denial of an Authorization and/or regulations under the MMPA (application); and
- (2) a basis for monitoring and evaluating the impacts of the authorized activity's impact on marine mammals (monitoring and reporting);

## **Information Collection – Application and Supporting Documentation**

The regulations for an Authorization (Incidental Harassment Authorization or Letter of Authorization) require applicants to include responses to fourteen questions listed in [50 CFR 216.104\(a\)\(1-14\)](#).

All applications for marine mammal Authorizations and/or regulations must include this information in sufficient detail necessary for us to conduct appropriate analyses and make necessary findings under the MMPA and other applicable laws. In addition to the information collection required under 50 CFR 216.104, applicants often voluntarily provide environmental analyses, raw data, and/or geospatial data files to further support their request for an ITA.

We use the information to:

- (1) review the application and ensure that it is adequate and complete.
- (2) determine the status of the proposed action under the ESA and NEPA.
- (3) determine the size, scope and duration of the proposed activity (Questions 1 and 2).
- (4) determine the environmental setting of the activity (Questions 3 and 4).
- (5) complete an analysis of the effects of the action on marine mammals, their habitat, and subsistence uses (including methods of take) (Questions 5 -10).
- (6) verify an estimate of the numbers of animals likely to be taken (Questions 5-10).
- (7) ensure that the applicant included adequate mitigation measures (Question 11).
- (8) ensure the applicant included adequate monitoring and reporting measures (Question 13).

Question 12 is specific to actions in Alaska. For activities conducted in the Arctic, the MMPA and/or implementing regulations require that the applicant's monitoring plan undergo an independent review. Question 14 requests information on what plans the applicant may have to conduct research on the impacts on marine mammals from the activity. This information is requested to effectuate legislative intent behind the 1981 Amendments to the MMPA (H. Rept. 97-228, p. 20) that persons operating under the incidental take authority engage in appropriate research designed to reduce incidental take.

We review the application and analyze the information collection to make statutory findings under the MMPA that the taking: will satisfy the small numbers requirement, where applicable; will have a negligible impact on the species or stock(s) (Questions 1-11); and will not have an immitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant) (Questions 8, 11, and 12). The authorization (if issued) must set forth the permissible methods of taking, other means of effecting the least practicable adverse impact on the species or stock and its habitat, and monitoring and reporting of such takings.

Our review of a complete application is followed by one 30-day public comment period in the Federal Register for an Incidental Harassment Authorization (Section 101(a)(5)(D)) or by two public comment periods (e.g., one 30-day upon receipt and one 30-45-day period when regulations are proposed) for regulations and subsequent Letters of Authorization ([Section 101\(a\)\(5\)\(A\)](#)).

### **Information Collection – Monitoring and Reporting**

We use monitoring requirements and interim, annual, and comprehensive reports to determine:

- (1) if the activity took place as described in the request for an Authorization;
- (2) if the applicant complied with the terms and conditions of the Authorization;

- (3) if the applicant conducted the monitoring plan as authorized;
- (4) if the taking of marine mammals was more than that authorized; and
- (5) if the impacts of the activity are consistent with what we anticipated and permitted in the Authorization.

The reports must include a description of the activity including the time, location, and place; a summary of the monitoring program; and an assessment of the effects of the activity on marine mammals including the estimated level of incidental take by species.

We may require additional reporting requirements (submission of raw data and/or geospatial data files) on a case-by-case basis for activity-specific regulations and authorizations.

### **Compliance with the Information Quality Act Guidelines**

We disseminate the information collection to the public to provide a detailed description of the proposed action and to explain how we arrived at a determination (either preliminary or final) that an Authorization and/or a regulation is or is not appropriate under the MMPA.

The information collected is available to the public under the Freedom of Information Act and on-line at: <https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act>. We provide the information in a standard data format (Adobe PDF files) and provide unit style conventions within the Federal Register notice to facilitate the public's understanding.

Before disseminating information in any format, we review the data internally (pursuant to [Section 515 of Public Law 106-554](#)) to ensure that they are scientifically sound and meet standards for data quality. The review process for Authorizations and/or regulations includes review of the application by the principal drafter of the Authorization to ensure that the applicant has met the requirements under section 101(a)(5) of the MMPA. The principal drafter's supervisor and the National Oceanographic and Atmospheric Administration's (NOAA) Office of General Counsel review the proposed and final Federal Register notices for the Authorization and/or regulation, as well as the actual Authorization or regulation. If applicable, a NMFS biologist also conducts an independent review of the action's effects on ESA-listed species under Section 7 of the ESA.

Our dissemination of all electronic information adheres to the standards set out in Appendix III, Security of Automated Information Resources, [Office of Management and Budget Circular A-130](#); the [Computer Security Act](#); and the [Government Information Security Reform Act](#).

We will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See Response #10 of this Supporting Statement for more information on confidentiality and privacy.

This information collection meets the standards for utility under the Paperwork Reduction Act, as we use the information collection to meet statutory requirements under the MMPA, ESA (e.g., ESA section 7 and/or section 10), and NEPA.

### **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.**

Applicants may transmit an electronic application or report (e.g., a Microsoft Word (.docx) or Adobe Acrobat (.pdf) file) via email or deliver paper forms via hand delivery, the U.S. Postal Service, or by an overnight delivery service. During the processing of the application for an Authorization, we correspond with the applicant either by e-mail or by telephone.

All Authorization applications and reports are available on the internet as Adobe Acrobat .pdf files at <https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act> as electronic format allows the public easy access to applications and activity reports. The interested public may also obtain a copy of the application by writing to the Office of Protected Resources, Permits and Conservation Division or by telephoning the contact listed in the Federal Register notice.

The application instructions are available for downloading on our website at <https://www.fisheries.noaa.gov/national/marine-mammal-protection/apply-incidental-take-authorization>. Upon request, we can forward these instructions to the interested party via e-mail in either Adobe Acrobat or Microsoft Word format.

**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 Question 2**

We and the U.S. Fish and Wildlife Service (USFWS), Department of the Interior (DOI), are responsible for different species under the MMPA. Our agency manages and conserves whales, dolphins, porpoise, seals, and sea lions and the USFWS is responsible for the manatee, dugong, sea otter, walrus, and polar bear populations. *The applicant may submit a single application to both agencies when there is a potential to take a marine mammal species within the same activity under each agency's jurisdiction.*

The Bureau of Ocean Energy Management (BOEM) of the DOI has an overlapping collection requirement with us and the USFWS for reporting impacts on the marine environment from offshore oil and gas activities. This is a large information collection which mostly does not involve us (or the USFWS). There is a small overlap of collecting responsibilities when oil companies apply for an Authorization. When there is an overlap, we work cooperatively with the USFWS and BOEM to implement unified mitigation, monitoring and reporting requirements to reduce duplicative information collection on the part of the applicant.

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

There should not be a significant burden to small businesses or other small entities. We do not anticipate significant impacts to small businesses, unless they are involved in an activity that will otherwise have an unauthorized taking of a marine mammal (e.g., they have not applied for an Incidental Take Authorization and are subject to prosecution).

We anticipate that the affected applicants would include university researchers, municipalities, oil and gas exploration companies, other energy companies, and their contractors. While contractors fall within the category of a small business, in many cases they supply the information required under this

collection to Federal agencies, and thereby obtain a benefit. Otherwise, they are unaffected.

**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.**

Without the information collection, required by statute and regulations, we would be:

- (1) unaware of the applicant's need for an exemption to the MMPA's moratorium on taking marine mammals;
- (2) unable to evaluate the proposed activity's impact on marine mammals;
- (3) unable to arrive at the appropriate determinations required by the MMPA and other applicable laws prior to issuing the authorization;
- (4) unable to meet the "shall allow" or "shall issue" requirements of the MMPA due to the agency's inability to make the appropriate determinations without adequate information; and
- (5) unable to monitor impacts of activities for which take authorizations have been issued to determine if predictions regarding impacts on marine mammals were valid.

The interim (e.g., 90-day), annual, and/or comprehensive report must summarize activities conducted during the reporting period. If the applicant does not submit this information, we would not be able to adequately monitor compliance with the terms and conditions of the Authorization. Additionally, we use the information mined from the annual reports in making management decisions to aid in our assessment of potential impacts of the incidental take on marine mammals. We also use this information to comply with any analyses required under section 7 of the ESA and/or the NEPA.

**7. Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with OMB guidelines.**

The collection will be conducted in a manner consistent with OMB guidelines.

**8. If applicable, provide a copy and identify the date and page number of publications 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 describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

A Federal Register Notice published on **October 3, 2016 (81 FR 67984)** soliciting public comment on this information collection.

We received **XX** comment during the public review and comment period, which was from **Xx**

**External Consultation:** We receive input regularly from the Marine Mammal Commission, industry, the scientific community, and other interested parties, to obtain their views on the availability of data, frequency of collection, clarity of instructions and record keeping, the amount of burden imposed, and ways to minimize burden. Such information exchanges occur via phone/email from applicants and during professional society meetings such as the Biennial Conference on Marine Mammals and other national and international protected species meetings and workshops.

**Solicitation of Comments from Stakeholders:** In their application for the GOM incidental take authorization, BOEM provided burden estimates for the number of respondents we should expect based on their historical amount of activity in this sector and their outreach with stakeholders.

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

We do not provide payments or gifts to respondents.

**10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. If the collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.**

The information collection is a matter of public record (with the exception of classified military materials), and the MMPA and our regulations do not require the submission of confidential material.

The statute and our regulations require that we publish a notice of receipt of an application in the Federal Register requesting comments on the proposed action. The interested public can review the application and supporting documentation at <https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act> and submit comments electronically. For each Federal Register notice, we include a disclaimer that a commenter should not submit Personal Identifying Information (for example, name, address, etc.), confidential business information, or otherwise sensitive or protected information with his/her public comment, as we typically post the comments online without change.

The authorization documentation, including reports, is subject to the Freedom of Information Act (FOIA). However, any personal information that is subject to the Privacy Act is redacted if contained within documents released under FOIA.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior or 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 statute and regulations do not require the submission of sensitive material.



## 12. Provide estimates of the hour burden of the collection of information.

We estimate the total annual burden hours at 25,973 hours, as shown in the below tables. We based our prior burden estimates on discussions with current Authorization holders from three different sectors (e.g., oil and gas, state agency, and other non-NOAA Federal agencies) and an accounting of the number and different types of actions that we have processed recently. For the change in number of respondents and responses due to the GOM proposed rule we estimate 95 new LOA applications, the low end of the annual estimate discussed in the proposed rule because the GOM rule is not expected to be finalized until late 2020 and this OMB Control Number expires less than a year later (June 30, 2021). Because there will be less than a year for respondents to carry out work under the GOM regulations before this OMB Control Number expires, we estimate no more than one-quarter of respondents (24) will complete work to the point of developing an annual report.

As our application process has not changed, we do not anticipate a substantial increase in burden hours per applicant as a result of this revision. As stated in the FR notice for the Proposed Information Collection Comment Request (83 FR 29212), “we expect individual applicant’s information collection burdens will be substantially less than the typical applicant under the existing OMB Control Number. This is due to the fact that the application for these regulations (the first information collection burden noted above) was completed by the Bureau of Ocean Energy Management (BOEM) instead of individual applicants.” There were no comments received that disagree with this assessment from any project proponents.

The complexity of the information required in applications or reports varies greatly due to the following: (a) level of controversy over the activity; (b) level and type of incidental take of marine mammals; and (c) level of unresolved questions involving the activity's long-term impact on marine mammals, habitat and/or subsistence needs for marine mammals. Response times will vary for the public based upon the complexity of the requested action. For the responses related to the GOM proposed rule we estimate the application burden to be the same (or less) for other annual LOA applications (70 hours) and add the increased number of responses to that information request line in Table 2. For the reporting burden estimate for the GOM proposed rule we estimate the reporting burden will be 140 hours for preparing the draft annual report and 28 hours for preparing the final annual report.

**Table 1 - Estimated total annual burden hours.**

<b>Summary</b>	<b>2016 Estimate</b>	<b>Current Estimate</b>
Estimated Number of Respondents	93	188
Estimated Number of Responses	93	236
Estimated Annualized Burden Hours	15,291	25,973

**Table 2 – Detailed Estimates of total annual burden hours.**

Information Collection	Type of Respondent (Occupational Title)	# of Respondents (a)	Annual # of Responses / Respondent (b)	Total # of Annual Responses (c) = (a) x (b)	Burden Hrs / Response (d)	Total Annual Burden Hrs (e) = (c) x (d)	Mean Hourly Wage Rate (for Type of Respondent) (f)	Total Annual Wage Burden Costs (g) = (e) x (f)
IHA Application	Zoologist/Wildlife Biologist	19	1	19	281	5,339	\$32.31	\$172,503.09
IHA Interim Draft Report	Zoologist/Wildlife Biologist	1	1	1	30	30	\$32.31	\$969.30
IHA Draft Report	Zoologist/Wildlife Biologist	19	1	19	140	2,660	\$32.31	\$85,944.60
IHA Final Report	Zoologist/Wildlife Biologist	19	1	19	28	532	\$32.31	\$17,188.92
LOA - Initial Application Preparation	Zoologist/Wildlife Biologist	1	1	1	1200	1,200	\$32.31	\$36,588.00
LOA - Annual LOA Application	Zoologist/Wildlife Biologist	105	1	105	70	7,350	\$32.31	\$237,478.50
LOA - Draft Annual Report	Zoologist/Wildlife Biologist	10	1	10	225	2,250	\$32.31	\$72,697.50
LOA - Final Annual Report	Zoologist/Wildlife Biologist	10	1	10	70	700	\$32.31	\$22,617.00
LOA - LOA Draft Final Report	Zoologist/Wildlife Biologist	2	1	2	640	1,280	\$32.31	\$41,356.80
LOA - LOA Final Report	Zoologist/Wildlife Biologist	2	1	2	300	600	\$32.31	\$19,386.00
GOM - Draft Annual Report	Zoologist/Wildlife Biologist	24	1	24	140	3,360	\$32.31	\$108,561.16
GOM - Final Annual Report	Zoologist/Wildlife Biologist	24	1	24	28	672	\$32.31	\$21,712.32
<b>Totals</b>				<b>236</b>		<b>25,973</b>		<b>\$837,003.19</b>

\*Wage rate obtained from 2019 Occupational Employment data at [https://www.bls.gov/oes/current/oes\\_nat.htm#19-0000](https://www.bls.gov/oes/current/oes_nat.htm#19-0000)

**13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).**

We estimate the total annual cost burden to the respondents at \$255,352 (approximately \$1,082.00 per respondent), as shown in Table 3. The reporting and recordkeeping estimates include costs for equipment/software (not required, but incidental based on respondents' needs), copying and printing, faxing/telephony, and postage and shipping. We base these estimates on discussions with Authorization holders from three different sectors (e.g., oil and gas, state agency, and non-profit) from previous efforts. As our burden hours and costs are not anticipated to have changed substantially, we estimate that the cost burden would be approximately the same.

**Table 3. Estimated total annual cost burden.**

Summary	2016 Estimate	Current Estimate
Estimated Total Annual Cost to Public	\$100,626	\$255,352

**Table 4. Detailed estimates of total annual cost burden.**

Information Collection	# of Respondents (a)	Annual # of Responses / Respondent (b)	Total # of Annual Responses (c)=(a) x (b)	Cost Burden / Response (d)	Total Annual Cost Burden (e) = (c) x (d)
IHA Application	19	1	19	\$1,082	\$20,558
IHA Interim Draft Report	1	1	1	\$1,082	\$1,082
IHA Draft Report	19	1	19	\$1,082	\$20,558
IHA Final Report	19	1	19	\$1,082	\$20,558
LOA - Initial Application Preparation	1	1	1	\$1,082	\$1,082
LOA - Annual LOA Application	105	1	105	\$1,082	\$113,610
LOA - Draft Annual Report	10	1	10	\$1,082	\$10,820
LOA - Final Annual Report	10	1	10	\$1,082	\$10,820
LOA - LOA Draft Final Report	2	1	2	\$1,082	\$2,164
LOA - LOA Final Report	2	1	2	\$1,082	\$2,164
GOM - Draft Annual Report	24	1	24	\$1,082	\$25,968
GOM - Final Annual Report	24	1	24	\$1,082	\$25,968
<b>TOTALS</b>			<b>236</b>		<b>\$255,352</b>

There are no capital costs or operating and maintenance costs associated with this information collection.

**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.**

We estimate the annual cost to the Federal government at \$688,095 for 10 Full Time Equivalents (FTE) calculated at \$45 per hour under the original submission and a total of \$1,405,655 with the revisions from the GOM rule.

**Table 5 - Estimated annualized cost to the Federal government.**

Cost Descriptions	Grade/Step	Loaded Salary /Cost	% of Effort	Fringe (if Applicable)	Total Cost to Government
Federal Oversight	GS-15 (ZP-5) x 1	\$256,200	60		\$153,720
Federal Oversight	GS -13/14 (ZP-4) x 3	\$236,550	75		\$532,238
Federal Oversight	GS 11/12 (ZP-3) x 4	\$168,360	80		\$404,064
	GS-7 (ZP-2) x 10	\$68,809.50 (x10)	100		\$688,095
Contractor Cost (4 FTE)		\$128,064	85		\$315,633
Travel					\$0
Other Costs					\$0
<b>TOTAL</b>					<b>\$2,093,750</b>

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

Information Collection	Respondents		Responses		Burden Hours		Reason for change or adjustment
	Current Renewal / Revision	Previous Renewal / Revision	Current Renewal / Revision	Previous Renewal / Revision	Current Renewal / Revision	Previous Renewal / Revision	
LOA - Annual LOA Application	105	10	105	10	7,350	700	GOM rule
GOM - Draft Annual Report	24	0	24	0	3,360	0	GOM rule
GOM - Final Annual Report	24	0	24	0	672	0	GOM rule
<b>Total for Collection</b>	<b>153</b>	<b>10</b>	<b>153</b>	<b>10</b>	<b>11,382</b>	<b>700</b>	
<b>Difference</b>	<b>143</b>		<b>143</b>		<b>10,682</b>		

Information Collection	Labor Costs		Miscellaneous Costs		Reason for change or adjustment
	Current	Previous	Current	Previous	
IHA Application	\$162,786.11	N/A	\$20,558	\$20,558	Labor Costs calculated using BLS Occupational Employment Data. These costs were not previously calculated for this collection.
IHA Interim Draft Report	\$914.70	N/A	\$1,082	\$1,082	Labor Costs calculated using BLS Occupational Employment Data. These costs were not previously calculated for this collection.
IHA Draft Report	\$81,103.40	N/A	\$20,558	\$20,558	Labor Costs calculated using BLS Occupational Employment Data. These costs were not previously calculated for this collection.
IHA Final Report	\$16,220.68	N/A	\$20,558	\$20,558	Labor Costs calculated using BLS Occupational Employment Data. These costs were not previously calculated for this collection.
LOA - Initial Application Preparation	\$36,588.00	N/A	\$1,082	\$1,082	Labor Costs calculated using BLS Occupational Employment Data. These costs were not previously calculated for this collection.
LOA - Annual LOA Application	\$224,101.50	N/A	\$113,610	\$10,820	GOM Rule Labor Costs calculated using BLS Occupational Employment Data. These costs were not previously calculated for this collection.
LOA - Draft Annual	\$68,602.50	N/A	\$10,820	\$10,820	Labor Costs calculated using BLS

Report					Occupational Employment Data. These costs were not previously calculated for this collection.
LOA - Final Annual Report	\$21,343.00	N/A	\$10,820	\$10,820	Labor Costs calculated using BLS Occupational Employment Data. These costs were not previously calculated for this collection.
LOA - LOA Draft Final Report	\$39,027.20	N/A	\$2,164	\$2,164	Labor Costs calculated using BLS Occupational Employment Data. These costs were not previously calculated for this collection.
LOA - LOA Final Report	\$18,294.00	N/A	\$2,164	\$2,164	Labor Costs calculated using BLS Occupational Employment Data. These costs were not previously calculated for this collection.
GOM - Draft Annual Report	\$102,446.40	N/A	\$25,968	\$0	GOM Rule Labor Costs calculated using BLS Occupational Employment Data. These costs were not previously calculated for this collection.
GOM - Final Annual Report	\$20,489.28	N/A	\$25,968	\$0	GOM Rule Labor Costs calculated using BLS Occupational Employment Data. These costs were not previously calculated for this collection.
<b>Total for Collection</b>	<b>\$791,916.77</b>	<b>N/A</b>	<b>\$255,352</b>	<b>\$100,626</b>	
<b>Difference</b>	<b>\$791,916.77</b>		<b>\$154,726</b>		

Note: labor costs were not quantified in dollar terms for original application in 2017.

### **Changes to Reponses and Burden**

We based our prior burden estimates on our discussions with current Authorization holders from three different sectors (e.g., oil and gas, state agency, and Federal government) and an accounting of the number and different types of actions that we have processed during the past three years for the existing Control Number approval. The total number of respondents is expected to increase as a result of the GOM proposed rule that is the basis for this revision request. The percentage of non-Federal applicants for regulations/Letters of Authorization is likely to increase as a result of the GOM proposed rule as all of those applicants would be non-Federal. For the change in number of respondents and responses due to the GOM proposed rule we estimate 95 new LOA applications, the low end of the annual estimate discussed in the proposed rule because the GOM rule is not expected to be finalized until late 2020 and this OMB Control Number expires less than a year later (June 30, 2021). Because there will be less than a year for respondents to carry out work under the GOM regulations before this OMB Control Number expires, we estimate no more than one-quarter of respondents (24) will complete work to the point of developing an annual report.

The makeup of our applicant pool and the nature and complexity of their requested activities may vary from one information collection request cycle to the next. This inter-cycle variability will contribute to fluctuations in estimations.

### **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.**

There are no immediate plans for the government to publish the data. However, at times the public may

extract the information contained in annual reports to analyze and publish the information in peer-reviewed journals.

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

The agency plans to display the expiration date for OMB approval of the information collection on all instruments.

**18. Explain each exception to the certification statement identified in “Certification for Paperwork Reduction Act Submissions.”**

The agency certifies compliance with [5 CFR 1320.9](#) and the related provisions of [5 CFR 1320.8\(b\)\(3\)](#).