

The Supporting Statement for OMB 0596-0086

Operating Plans
January 2007

Terms of Clearance - 2004

"The Agency should update its % of collected electronically if the applicants choose to submit their operating plans via e-mail. The Agency must consult with persons outside of the agency prior to seeking an extension of OMB approval and seek their views on the accuracy of this burden estimate."

Response:

The Agency has updated the estimated percent of electronically submitted responses to 10 percent. Though respondents are aware that electronic submissions are accepted, most choose to respond via conventional mail or by facsimile (fax machine).

The Forest Service has increased the estimated response time from 0.5 hour to 1.6 hours per response. See item 8, Supporting Statement, for additional information.

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.

APPLICABLE STATUTES AND REGULATIONS

- The National Forest Management Act (16 U.S.C. §472a)
- 36 CFR 223.32
- 36 CFR 223.47
- 36 CFR 223.115
- 40 CFR 112

The National Forest Management Act requires timber sale operating plans for timber sales that exceed 2 years in length. The regulations at 36 CFR 223.32 have a similar requirement. Collection of operating plans occurs within 60 days of the award of a timber sale contract, and annually thereafter until the contract is completed. Contracts of less than 2 years in length only require an annual operating plan. Title 36 CFR 223.47 covers the relationship between permanent road construction completion dates and the plan of operation.

The National Forest Management Act (NFMA) requires the Forest Service use the collected information to determine eligibility for additional contract time. Implementation of this provision outlined in 36 CFR 223.115. It is required that the information be submitted by timber sale contract provisions found in contracts FS-2400-3P, FS-2400-3S, FS-2400-3T, FS-2400-6, FS-2400-6T, FS-2400-13, and FS-02400-13T. Operating plans may have different information components depending on the in size, scope, and length of the contract.

Environmental Protection Agency (EPA) regulations (40 CFR 112) require

contractors to prepare a spill prevention control and countermeasures plan if oil product storage in the contract area meets criteria established in the regulation.

Timber sale operating plans are filed under Forest Service filing schedule 2450-3 (Timber Sale Contracts) and have a retention period of 6 years.

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.

a. What information will be collected - reported or recorded? (If there are pieces of information that are especially burdensome in the collection, a specific explanation should be provided.)

Forest Service officials have two options regarding the format of operating plans. They may have contractors submit operating plans on form FS-2400-67 (Annual Operating Plan - Timber sale and Integrated Resource Contracts) or in a format chosen by the contractor. In either situation, the operating plan must contain the following information.

- 1) A general plan showing planned periods for and methods of road construction, timber harvesting, stewardship work (Integrated Resource Contracts only), and completion of slash disposal, erosion control measures and other contractual requirements from start to finish of the contract.
- 2) An annual schedule of anticipated major activities and needs for logging, road maintenance, road construction including construction staking, material deliveries and erosion control measures.
- 3) A traffic control plan will be submitted for contracts operating adjacent to or on Forest Service controlled roads and trails open to the public. The plan must indicate locations of temporary control devices.
- 4) Measures used to prevent and control fires, including a detailed list of personnel and equipment at the contractor's disposal.
- 5) Methods to prevent and control spills of petroleum products stored in the area covered by the contract.

b. From whom will the information be collected? If there are different respondent categories (e.g., loan applicant versus a bank versus an appraiser), each should be described along with the type of collection activity that applies.

Contracting Officers will collect this information from contractors that have entered into timber sale and/or integrated resource contracts with the Forest Service.

c. What will this information be used for - provide ALL uses?

The Forest Service uses this information to administer timber sale and integrated resource contracts. Specifically, Forest Service personnel use this information to:

- 1) Plan and schedule contract administration workloads.
- 2) Plan and schedule the delivery of government furnished materials needed

by contractors.

- 3) Assure the public's safety near contract work.
- 4) Identify contractor resources used in emergency fire fighting situations.
- 5) Determine contractor's eligibility for additional contract time.

d. How will the information be collected (e.g., forms, non-forms, electronically, face-to-face, over the phone, over the Internet)? Does the respondent have multiple options for providing the information? If so, what are they?

Form FS-2400-67 is available for use by Forest Service officials, if they so desire. Other than FS-2400-67 and the required information listed in item 2a, there is no prescribed format for the collection of this information.

When form FS-2400-67 is not used, contractors may submit the information in a chart or letter. Most repeat contractors have developed their own templates or forms for submitting the information. To assist first time contractors and small businesses, many Forest Service contracting officers will provide examples or outlines as a guide for organizing the required information. Submission of information is by mail (USPS), FAX, or electronic mail.

e. How frequently will the information be collected?

Collection frequency varies. Some information is required within 60 days of contract award and updated only if it substantially changes. For some information, annual submission is required. A single submission may cover multiple contracts. Each contract includes specifications regarding the type of information provided as well as the frequency of collection.

f. Will the information be shared with any other organizations inside or outside USDA or the government?

State firefighting organizations in some states may receive information regarding availability of a contractor's resources.

g. If this is an ongoing collection, how have the collection requirements changed over time?

Contract clauses developed in the 1970s are the basis for most of the information collected. In 2002, the EPA added a requirement for a spill prevention control and countermeasures plan. The requirements for a technical proposal apply only to the integrated resource contracts implemented in 2004, although much of the information collection in a technical proposal mirrors that of a general plan of operation, which has been a part of timber sale contracts since the 1970s.

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.

Most respondents submit the information on paper, but there are no prohibitions on submitting the information by FAX or electronic mail.

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.

The information is specific to a single contract with two exceptions. Contractors may prepare a fire-prevention and control plan covering more than one contract. In addition, a spill prevention control and countermeasures plan may cover multiple contracts.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

To assist first time contractors and small businesses most contracting officers will provide outlines or examples as guides for organizing and submitting the required information. The information should be a part of the contractor's business plan and be readily available to the contractor.

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.

The minimum requirement of the NFMA is for the contractor to submit one plan shortly after contract award. If the contractor strictly conforms to the original plan, there is no consequence to the government or contractor if that was the only plan submitted. Usually contracts are 2-5 years long and changes in weather, markets and other factors result in a need to change the original plan. Contracts require plans be updated annually. Accurate plans allow the Forest Service to schedule contract administration activities and ensure timely delivery of government furnished materials, which facilitate a contractor's performance. Accurate plans assure a contractor is progressing at a satisfactory rate to complete the contract or qualify for additional time if needed.

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

- Requiring respondents to report information to the agency more often than quarterly;**

Contractors are required to update operating plans if weather, markets or other factors substantially change existing plans. These situations likely to occur on a semiannual basis, but could occur more frequently in an extreme situation.

- Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- Requiring respondents to submit more than an original and two copies of any document;**
- Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- 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;**
- Requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- 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

- **Requiring respondents to submit proprietary trade secret, 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.**

Other than indicated above, there are no special circumstances. The collection of information is conducted in a manner consistent with the guidelines in 5 CFR 1320.6.

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 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 record keeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

A notice was published in the Federal Register (71 FR 61706) on October 19, 2006, seeking comments from the public on this information collection. Two respondents provided comments.

List of commenters (response to comments, dated January 18, 2007, is included as a separate attachment with this package):

- Federal Timber Purchasers Committee, letter dated January 12, 2007
- Missouri Forest Products Association, letter dated December 20, 2006

In January 2007, Forest Service officials contacted timber sale purchasers, via telephone, to obtain their views regarding this information collection. Contracting officers asked the timber sale purchasers to share their views on the availability of data, frequency of collection, record keeping, and reporting format.

- Jack Batte and Sons, Justin Harrelson, 601-479-7515
- Bowman Timber Company, George Bowman, 662-285-8166
- Gulf Lumber Company, Jim Heath, 251-709-3620
- Western Wood Products, Ed Coates, 307 782 - 3388
- Southwest Forest Products, Ed Martin, 602-388-6469
- Mescalero Forest Products II, Mark Hare, 505-437-1671

The individuals contacted by phone, in general, indicated that they were spending more time preparing operating plans than previously estimated by the Forest Service. Contractors indicated that it took anywhere from 45 minutes to 1 day to update an operating plan.

After due consideration, Forest Service officials revised the estimate. In the

2003 renewal, the response time estimate was .5 hours. Since the information requested should already be part of a contractor's business plan and thus readily available, the revised estimate is 1.6 hours per response.

It appears that the contractual requirement to submit operating plans may be the catalyst that motivates some contractors to update their business plans and these contractors appear to be attributing some of that time to the preparation of the contract-operating plan. That would explain the discrepancy in the time contractors reported for updating an operating plan in the paragraph above (45 minutes to 1 day).

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.

See above.

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

No payments or gifts are provided to respondents.

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

No assurance of confidentiality is provided to respondents other than that provided by the Freedom of Information Act for proprietary business information.

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.

This collection does not collect information of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated.

- Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.
 - a) Description of the collection activity
 - b) Corresponding form number (if applicable)
 - c) Number of respondents
 - d) Number of responses annually per respondent,
 - e) Total annual responses (columns c x d)
 - f) Estimated hours per response
 - g) Total annual burden hours (columns e x f)

Table 1 – Respondent's Time Burden

(a) Description of the Collection Activity	(b) Form Number	(c) Number of Respondent s	(d) Number of responses annually per Responden t	(e) Total annual response s (c x d)	(f) Estimate of Burden Hours per respons e	(g) Total Annual Burden Hours (e x f)
Contract Plans	FS-2400- 67	2500	3.8	9500	1.6	15,200
Totals	---	2500	---	9500	---	15,200

Table 2 – Respondent's Cost Burden

(a) Description of the Collection Activity	(b) Estimated Total Annual Burden on Respondents (Hours)	(c) Estimated Average Income per Hour	(d) Estimated Cost to Responde nts
Contract Plans	15,200	\$35.55	\$540,360
Totals	15,200	---	\$540,360

- **Record keeping burden should be addressed separately and should include columns for:**
 - Description of record keeping activity: None or table entry**
 - Number of record keepers: None or table entry**
 - Annual hours per record keeper: None or table entry**
 - Total annual record keeping hours (columns b x c): Zero or table entry**

There are no record keeping requirements.

13. Provide estimates of 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 shown in items 12 and 14). The cost estimates should be split into two components: (a) a total capital and start-up cost component annualized over its expected useful life; and (b) a total operation and maintenance and purchase of services component.

There are no capital operation and maintenance costs.

14. Provide estimates of annualized cost to the Federal government. Provide a description of the method used to estimate cost and any other expense that would not have been incurred without this collection of information.

The response to this question covers the actual costs the agency will incur as a result of implementing the information collection. The estimate should cover the entire life cycle of the collection and include costs, if applicable, for:

Employee labor and materials for developing, printing, storing forms: \$0, the agency does not have any standard forms for this information collection.

Employee labor and materials for developing computer systems, screens, or reports to support the collection: \$0, there are no programs or reports associated with this information collection.

Employee travel costs: \$0

Cost of contractor services or other reimbursements to individuals or organizations assisting in the collection of information: \$0

Employee labor and materials for collecting the information: Minimal and included in cost identified below.

Employee labor and materials for analyzing, evaluating, summarizing, and/or reporting on the collected information: It is estimated that Forest Service contract administration personnel will spend approximately 1 hour per plan to request, review, and file plans in the appropriate case files. Assuming an average cost of \$30/hour and 9,500 plans per year, the total annualized cost to the government is \$285,000.

15. Explain the reasons for any program changes or adjustments reported in items 13 or 14 of OMB form 83-I.

There is an overall increase of 13,325 hours from the previous submission. This increase was a result of increasing the time per response for preparing an operating plan based on discussions with respondents. After due consideration, Forest Service officials revised the estimate to 1.6 hours per response.

The number of responses increased from 1.5 to 3.8 per respondent, reflecting an increase in the average number of responses received from respondents.

16. For collections of information whose results are planned to be published, outline plans for tabulation and publication.

There are no plans to publish the results of this collection.

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 Forest Service does not seek permission to exclude the expiration date for OMB approval of the information collection.

18. Explain each exception to the certification statement identified in item 19, "Certification Requirement for Paperwork Reduction Act."

No exceptions to the certification statement are noted.