

**SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT SUBMISSION
SALE OF MINERAL MATERIALS
OMB CONTROL NUMBER 1004-0103**

Terms of Clearance: None.

SECTION 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 Materials Act of 1947, as amended, (30 U.S.C. 601 and 602), provides for disposing of mineral materials, such as sand, gravel, and petrified wood, from public lands by sale or free use. At the discretion of the Secretary of the Interior, the Bureau of Land Management (BLM) disposes of mineral materials consistent with the regulations at 43 CFR part 3600. It constitutes trespass when you use Federal mineral materials from public lands without our authorization. To obtain the beneficial use of Federal mineral materials, applicants must submit information to identify themselves, the location of the site, and the proposed method to remove the mineral materials. The BLM uses the information to process applications and to determine whether the request to dispose of mineral materials meets statutory requirements and whether we will approve the request.

The regulations at 43 CFR parts 3600 and 3620 provide for the manner of disposal and the associated requirements for mineral material sales. The BLM has the following authorities for collecting the required information from those who wish to purchase mineral materials.

- (1) The Materials Act of 1947, as amended (Act), 30 U.S.C. 601 and 602,
- (2) The Federal Land Policy and Management Act of 1976, as amended, 30 U.S.C. 1701 *et seq.*; and
- (3) The regulations at 43 CFR parts 3600 and 3620.

2. Explain how, by whom, how frequently, and for what purpose the information is 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.]

The BLM needs the required information to determine whether an applicant qualifies for a free use permit or must purchase the mineral materials. BLM uses sales contract Form 3600-9 to authorize the sale, and to identify the legal contractual obligations of the purchaser, the amount and type of material purchased, the location of the sale removal area, the duration and terms of the sale.

Information collected in support of the contract is used to--

- (1) Determine whether the sale of mineral materials is in the public interest;
- (2) Mitigate the environmental impacts of mineral materials development;
- (3) Get fair market value for materials sold; and
- (4) Prevent trespass removal of the materials.

The BLM will contact the purchaser and conduct inspections to verify production and compliance with the terms of the sale, including the condition of the land maintained during operations and upon reclamation. In most cases, we do not require a specific form to collect the required information, because the resources differ with each location, each applicant's operation has unique aspects, and the amount of supporting information is kept to the minimum needed for the specific proposal in each application. For the purposes of this information collection request we refer to the cases in which we do not require a specific form as "non-form information requirements." This collection only contains information for exclusive sales contracts.

We presented these requirements in a different order in our answer to Item 12 in this document because we were trying to distinguish between the contract (actual form) and the non-form information requirements for a mineral materials sales contract.

43 CFR subparts 3601 and 3602 request the following information:

- a. 3602.10 Request for sale. There is no particular format to request a sale.
 - (i). Name, address, telephone number, and site information: The BLM requests the name, mailing address, and, for exclusive competitive and noncompetitive sales, the telephone number of the applicant. Also, we require the amount and nature of material the applicant desires to purchase and the location of the site. Basic to any benefits we grant, applicants must identify themselves by name. We use the address to locate the applicant to transact business and to communicate. We use the phone number to communicate directly with the applicant. We compile this data to ensure the most expeditious action possible on each request.
 - (ii). 3601.40 Mining and reclamation plans. The BLM may require applicants

to submit mining and reclamation plans before they conduct an environmental review of their proposal or issuing a contract. The majority of the plans are simple and consist of a map or sketch of the location, the area to be disturbed, existing and proposed access, and the proposed methods of operation and reclamation. In community pits and common use areas that involve multiple purchasers, the BLM may prepare the mining and reclamation plans to facilitate processing of applications. We compile this data to evaluate the proposal, minimize and mitigate environmental damage, and ensure the most expeditious action possible on each request. We estimated burden hours and costs to the public for simple and complex mining or reclamation plans separately (separate ICs) in Item 12 of this document to capture the difference between the two (instead of providing an average for all mining or reclamation plans).

(iii). 3602.14 Performance bond: This section requires the entity who obtains a mineral materials sales contract to submit a performance bond for disposals valued at greater than \$2,000. The BLM may also require a bond for disposals valued at less than \$2,000. The BLM has no information requirements associated with the bond. Generally, the information required is a matter between the bonding company and the entity holding the mineral materials sales contract.

The bond serves as insurance to ensure compliance with the terms of the contract and the reclamation standards required for the site. If the purchaser does not comply with the contract terms, the BLM uses the bond money to perform the required work. Without bonding, the U.S. Government can incur losses and is liable for costly reclamation work at the mine sites.

(iv). 3602.21 Payments: For small sales of \$2,000 or less, purchasers must pay the full amount before the BLM signs the contract. For larger contracts, the contract holder makes monthly payments based on the production of the previous month. The BLM requires contract holders to at least make an annual report of production of mineral materials and may require more frequent reporting if it is found to be necessary. The BLM uses this information to monitor production and payment to prevent loss of Federal revenues.

- b. 3601.30 Sampling and testing: Applicants may obtain permits to test potential sources of mineral materials without a mineral materials sales contract. We require the name and address of the entity seeking the permit, the desired location of the testing site, the kind of material to sample or test for, and a description of the sample or test method. If the BLM issues a permit, it requires that the permittee submit the findings after completing the testing and sampling operation or before negotiating disposal actions. The BLM uses the information to determine the volume and quality of materials present in a subject area. If the BLM failed to collect this information, it could lead to faulty appraisals and loss of revenues.

- c. Contract for the Sale of Mineral Materials, Form 3600-9: The BLM revised Form 3600-9 to conform to the regulations at 43 CFR part 3600. In addition to the regulatory information requirements we describe in 2a above, the form requires identification of the precise location authorized by the BLM, the amount and price of the mineral materials sold, and any stipulations and mining plan required by the contract. Except for the contract holder's signature and corporate seal (if applicable), the BLM fills out this form.
- d. 3602.28 Records Maintenance: Applicants are required to maintain and preserve for 6 years records, maps, and surveys relating to production verification and valuation, identifying the quantity, types, and value of the commodities the purchaser moved, processed, sold, delivered, or used. The BLM uses this information to monitor production and payment to prevent loss of Federal revenues on contracts that can have terms that can extend up to ten years or longer. If the BLM failed to collect this information, it could lead to faulty appraisals and loss of revenues.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological 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].

The BLM uses no automated, electronic, mechanical, or other technological techniques to collect the information. No standard form is required for an application to purchase mineral materials. The narrative application is a clear, concise method of obtaining the information we need to examine requests for purchase of Federally-owned mineral materials.

The only form required is contract Form 3600-9, which is available in electronic format to BLM personnel as part of overall efforts to automate all frequently used forms. The form is prepared by the BLM and signed by the purchaser at the time of the sale authorization by the BLM.

In accordance with the Government Paperwork Elimination Act (GPEA), the public can download forms for review of the standard wording. They cannot submit the forms to the BLM electronically because these are contracts that are prepared by the BLM. Locations and details of the sales that are authorized by the BLM may change from the initial requests in purchase applications.

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 duplication of information occurs in the information we collect. The requested information is unique and is not available from any other data source. No similar information is available or

able to be modified. The information is required to receive a benefit.

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

The information we request is the minimum required from those seeking to use mineral materials from public lands. If the BLM did not collect this information, we could not process the request for a mineral materials sales contract. The collection of information does not have a significant impact on small entities.

6. Describe the consequence to the 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 the burden.

If applications were not filed, the BLM could not process the applications to dispose of Federally-owned mineral materials under the Materials Act. If the BLM did not collect this information, the BLM would be unable to: determine whether the sale of mineral materials is in the public interest; mitigate the environmental impacts of mineral materials development; get fair market value for materials sold; and prevent trespass removal of the materials. If annual production reports are not filed, the BLM's ability to monitor production and payments is reduced and unauthorized use and loss of Federal revenues will occur.

Less frequent collection would impair the BLM's ability to ensure that the sale is in the public interest. Consequences would include a substantial increase in trespass removal of mineral materials, resulting in a loss of fair market value and increased environmental impacts.

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;
- * 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 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.

There are no special circumstances that require the collection to be conducted in a manner inconsistent with the guidelines in 5 CFR 1320.5. Most sales are issued from community pits, which are not subject to processing fees. Applicants requesting a purchase from other areas must pay the processing fee provided in 43 CFR 3602.31(a) and 3602.44(f) before the BLM can begin work on the application. If the applicant seeks to have the BLM begin processing the application in less than 30 days, they must respond to information collection requirements and provide payment in less than 30 days.

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 three years] 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. [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.

As required in 5 CFR 1320.8(d), the BLM published the 60-day notice in the Federal Register on January 8, 2008 (73 FR 1364), soliciting comments from the public and other interested parties. The comment period closed on March 8, 2008. The BLM did not receive any comments on this information collection request for renewal.

During the approval period, we consulted with the following respondents to solicit comments on the burden hour and cost estimates, availability of data, frequency of collection, and clarity of instructions. The burden estimates in Question 12 reflect their input in these consultations.

Derek Mattson
Quality Sand & Gravel
281 Commerce Park Ct.
N. Las Vegas, NV 89032
702-296-5738

Tad Moats
Diamond Construction
7885 Westwind Rd.
Las Vegas, NV 89139
702-644-1016

Bonnie Clark, Office Manager
Pipes Paving
3529 Clayton St.
N. Las Vegas, NV 89032
702-647-1162

John Vaselein
Baker/MO Services
P.O. Box 827
Sheridan, WY 82801
(307) 673-8800

Coralea Kilgore,
Hyland Enterprises, Inc.
P.O. Box 2377,
Rawlins, WY 82301
(307) 324-2506

Darwin Dunn,
Dunn Trucking.
P.O. Box 3,
Savery, WY 82332
(307) 380-8068

We sought comments on the form included in this information collection. All the respondents surveyed responded that the form is straightforward and clear as to instructions and reasonable as to information requirements.

The respondents' estimates varied from about 5 to 79 hours for sales ranging in size from about 50,000 tons to 1.6 million tons. Differences in estimates generally related to the size of their purchases, the frequency of their purchases, their familiarity with the process, and their role within the company for reviewing instructions, reviewing the contract form, and gathering and maintaining data. About 96 percent of all BLM exclusive sales in FY2007 were less than 150,000 cubic yards and the remaining 4 percent were over 1 million cubic yards each.

We also sought comments on the non-form information requirements associated with a mineral materials sales contract and the insight of those we consulted helped us estimate the non-form burden hours as well. We are using a conservative estimate for the overall time for the form and non-form time, 26 hours, based on the cost for obtaining and fulfilling a moderate-sized contract. Many applicants apply one time only for smaller quantities than those of the respondents and do so in a community pit where a BLM mining and reclamation plan is used directly or used with simple modifications by the purchaser. While those applicants may be less familiar with the contract form and take more time on reviewing that contract form, the smaller, shorter duration contracts will involve less total applicant time for the non-form requirements.

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

We do not provide payments or gifts to the respondents.

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

We protect the respondent's confidentiality to the extent consistent with the Freedom of Information Act (5 U.S.C. 552).

Under the privacy provisions of the E-Government Act of 2002, individuals/respondents are informed as to whether or not providing the information is mandatory to obtain a benefit. The BLM provides no promises that the application will be protected under the Privacy Act.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, or other matters that are commonly considered private. The 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.

We do not require respondents to answer questions of a sensitive nature.

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

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

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.

The estimated time includes information collection activities required in the regulations for exclusive sales for respondents. In the previous collection, our estimates combined the burden hours and costs for both exclusive (competitive and noncompetitive) and nonexclusive sales contracts. The BLM plans to modify how it collects information from the public for nonexclusive mineral materials sales contracts in the near future (including possibly adapting

Form 5450-5 or creating a new form for such contracts), and therefore we have chosen to exclude nonexclusive sales contracts from this collection. There were over 440 contracts for exclusive purchases in FY07 (we have rounded these numbers to the nearest 10 for purposes of calculation, and rounded total burden hours to the nearest hour) involving over 48 million cubic yards of mineral materials.

There is a wide range in the number of respondent and BLM burden hours involved depending on the nature of each application (ranging from less than a day to several months) – each application is unique. There is also a broad range for respondent and BLM hourly costs depending on the occupation and proportion of work performed by the individuals working for the respondent and BLM in each instance. Since the cost estimates involve estimated hours multiplied by estimated average hourly costs, the total costs are rounded to the nearest thousand dollars (e.g. the annual cost of sampling and testing is rounded from \$430.35 to \$1,000) to minimize a misleading appearance of precision and accuracy.

Sampling and testing authorizations involve preliminary work by a respondent. They are not required by the BLM to obtain a contract and are only issued on requests by the applicant. However, when these are requested, information collection is required for respondents to obtain the authorization. There is no fee for these authorizations.

While we estimate that there were 440 sales contracts in FY07, these contracts consist of separate but related actions (completion of Form 3600-9 and other non-form information requirements), and therefore the total number of annual responses for this collection is 2,540.

Table 12-1 Form Information Collection

Section of Reg.	Title	Form number	Est. No. of Respondents	Reports filed annually	Total annual responses	Est. hrs. per response *	Est. total hour.	Total compensation (per hour)**	Cost to public***
43 CFR <u>3602.10</u>	<u>Contract for the Sale of Mineral Materials</u>	<u>Form 3600-9</u>	440	440	440	30 minutes	220	\$28.69	\$6,000

Table 12-2 Non-form Information Collection (Note: these respondents are included in the form applicants in the previous table.)

Section of Reg.	Title	Form of submission (call/written/photo-copy)	Est. No. of Respondents	Reports filed annually	Total annual responses	Est. hrs. per response*	Est. total hours	Total compensation (per hour)**	Cost to public***
43 CFR <u>3601.30</u>	<u>Sampling and testing</u>	Written	30	30	30	30 minutes	15	\$28.69	\$1,000
43 CFR <u>3602.10</u>	<u>Request for sale</u>	Written	440	440	440	30 minutes	220	\$28.69	\$6,000
43 CFR <u>3601.40</u>	<u>Mining and reclamation plans (complex)</u>	Written addendum to Form 3600-9	110	110	110	24 hours	2,640	\$28.69	\$76,000
43 CFR <u>3601.40</u>	<u>Mining and reclamation plans (simple)</u>	Written addendum to Form 3600-9	200	200	200	2 hours	400	\$28.69	\$11,000
43 CFR	<u>Performance</u>	Written	440	440	440	30 minutes	220	\$28.69	\$6,000

3602.14	bond	(copy)							
43 CFR 3602.21	<u>Payments</u>	Written	440	440	440	12 hours	5,280	\$28.69	\$151,000
43 CFR 3602.28	<u>Records Maintenance</u>	Written	440	440	440	6 hours	2,640	\$28.69	\$76,000
Subtotal	<u>Non-Form</u>				2,100		11,415	\$28.69	\$327,000
TOTAL	Form and Non-Form				2,540		11,635	\$28.69	\$334,000

* The estimated time includes that necessary for all information collection-related activities in the regulations to purchase mineral materials.

** U.S. Bureau of Labor Statistics: **EMPLOYER COSTS FOR EMPLOYEE COMPENSATION—SEPTEMBER 2007**, Table 13: Employer Costs per hour worked for employee compensation and costs as a percent of total compensation: Private industry workers by major industry group and establishment employment size and bargaining unit status, September 2007 (http://www.bls.gov/news.release/archives/ecec_12112007.pdf). We used the hourly rate for all workers, goods-producing industries.

We chose for total compensation the hourly rate for wages, salaries, and benefits for all workers: goods-producing industries, because those who purchase materials work in a wide variety of occupations and companies of different sizes, so that statistics from no particular occupation can be used. Respondents involve a range of costs as a group. Also, individual respondents involve a range of costs depending on how they chose to perform the information collection, the circumstances of each operation, and the proportions of personnel performing the work (e.g., managerial, technical, administrative). We used a benefits multiplier of 1.4 based on the ratio between the wages and benefits for this occupational category within the private sector as shown in Table 13 in the U.S. Bureau of Labor Statistics: **EMPLOYER COSTS FOR EMPLOYEE COMPENSATION—SEPTEMBER 2007** (http://www.bls.gov/news.release/archives/ecec_12112007.pdf), to determine the hourly rate.

***We rounded the cost to the public to the nearest \$1,000 (e.g., cost to the public for combined form and non-form portions of the sales contract was rounded from \$333,808.15 to \$334,000).

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).

The cost estimate 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. 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.

If cost estimates are expected to vary widely, agencies should present ranges of cost burdens 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.

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.

Respondents maintain records as part of the customary and usual business and private practices, and purchases do not involve substantial additional information collection for most respondents. Cost estimates for information collection can vary widely because the nature of the applications varies considerably in size, location, and associated environmental conflicts; all of which can substantially affect the complexity and cost of the processing and the amount of information needed. Typically, larger purchases involve more records over a longer period of time. Respondents are not required to purchase additional computer hardware or software to comply with these information collection requirements. There are no capital and start-up costs involved with this information collection.

While the BLM does not require the respondents to purchase special equipment to maintain these records and these respondents maintain records for tax purposes and production verification as part of their usual business, the BLM does ask respondents to query or search their databases or other records maintenance systems to provide a summary record so that the BLM can process the requests for an exclusive mineral materials sales contract. We therefore treat this combined records maintenance and reporting effort as part of the respondents' annual burden hours and costs in Item 12 of this document. For the purposes of this information collection request, "records maintenance" is considered one of the "non-form information requirements."

There is a filing fee associated with this information collection for independent sales that are not in a community pit or common use area. Such sales require a case-by-case analysis by the BLM of each application because each is unique. Sales vary widely depending on the magnitude and nature of the application (can range in quantity from tens to millions of tons of materials), the complexity of the mining plan proposed, the duration proposed (can range from days to years), the location of the proposed removal area, the associated environmental effects at that location, and the BLM's related processing costs for that application, including the travel time to the site.

The information collection considers a general cost range for respondents for 43 CFR 3601.40, including no cost (where respondent uses a BLM plan at a community pit), mid-range costs (respondent either prepares a simple plan for small sale at a new site, designs a plan for multiple sales at a new site, or makes adjustments to a BLM plan for a sale at a community pit), and upper-level costs (to establish a new site, typically for a larger sale, requiring original mining and reclamation plan design).

The BLM collected a total of \$66,120 in fees associated with processing information requirements connected with this collection (exclusive sales contracts) in FY2007. Although we cannot determine the filing fee per response in advance, for purposes of this information collection we have determined that the average annual filing fee per contract is \$150.27 (\$66,120 divided by 440 exclusive sales contracts). We are therefore assigning this non-burden hour cost to the sales contract Form 3600-9 Information Collection (IC) in the ROCIS database.

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 from Items 12, 13, and 14 in a single table.

Due to the extreme variability among applications, it is difficult to estimate an average annualized cost to the Federal Government. We estimate that the annual cost to the Federal Government to process the responses to this information collection is approximately \$1,033,000 (440 contracts processed at \$2,348 each at an average of \$42.83 per hour), using a benefits multiplier of 1.5. Alternatively, the average annual Federal cost per response (contract information requirement) would be \$407. The benefits multiplier was derived from the ratio between wages and benefits for state and local government workers in the U.S. Bureau of Labor Statistics: **EMPLOYER COSTS FOR EMPLOYEE COMPENSATION—SEPTEMBER 2007** (http://www.bls.gov/news.release/archives/ecec_12112007.pdf). Currently, the Bureau of Labor Statistics does not provide such a ratio for Federal workers, but in order to estimate Federal government worker costs for this collection we assumed that the ratio would be the same for Federal workers.

Activity	(A) Agency person-hours per occurrence	(B) No. of occurrences per year	(C) Agency person-hours per year (C=AxB)	(D) Technical person-hours per year	(E) Management person-hours per year	(F) Clerical person-hours per year	(G) Cost (sum of D, E & F times dollar amounts in Table 14-2)*
<u>Application for sampling and testing</u>	8 hours	30	240	225	7	7	[(225x \$45.69) + (7x\$65.13) + (7x\$27.78)]= \$11,000
<u>Request for Sale</u>	2 hours and 15 minutes	440	990	880	NA	110	[(880x\$45.69) + (110x\$27.78)]= \$43,000
<u>Contract for the Sale of Mineral Materials</u>	1 hour and 30 minutes	440	660	440	220	NA	[(440x\$45.69) + (220x\$65.13)]= \$34,000
<u>Mining and reclamation plans (complex)</u>	73 hours	110	8030	7975	55	NA	[(7975x\$45.69) + (55x \$65.13)]= \$368,000
<u>Mining and reclamation plans (simple)</u>	2 hours and 15 minutes	200	450	400	50	NA	[(400x\$45.69) + (50x\$65.13)]= \$22,000
<u>Performance bond</u>	4 hours and 15 minutes	440	1870	1760	NA	110	[(1760x\$45.69) + (110x \$27.78)]= \$83,000
<u>Payments</u>	9 hours	440	3960	NA	NA	3960	[(3960x\$27.78)]= \$110,000
<u>Records Maintenance</u>	18 hours	440	7920	7920	NA	NA	[(7920x\$45.69)]= \$362,000
Total Labor Burden and Cost				Sum of Column D 19,600	Sum of Column E 332	Sum of Column F 4,187	Sum of Column G \$1,033,000
Total Labor Hours				Sum on the previous line of columns (D), (E) & (F) 24,119			

* We rounded the Federal government cost (column G) to the nearest \$1,000 (e.g. total annual Federal government cost for processing applications for sampling and testing is rounded from \$10,930.62 to \$11,000).

Table 14-2

Managerial	\$65.13 (GS-13, Step 6 x 1.5)
Technical	\$45.69 (GS-11, Step 6 x 1.5)
Clerical	\$27.78 (GS-6, Step 6 x 1.5)

Salaries are estimates based on the typical grade levels at BLM offices and the estimated mixes of personnel who participate in processing applications. Salaries for these wage categories use U.S. Office of Personnel Management Salary Table 2008-RUS for the Locality Pay Area of Rest of U.S., for the hourly costs to consider the approximate locality costs of BLM, multiplied by 1.5 to determine the burden.

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

Burden	Previous Collection	This Collection	Change
Responses	5,400	2,540	-2,860
Burden Hours	2,700	11,635	+8,935
Annual Burden Hour Cost (to Respondents)	\$54,000	\$334,000	+ \$280,000
Annual Non-Burden Hour Cost (to Respondents)	\$0	\$66,000	+\$66,120

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There are several reasons for differences from the previous analysis.

In the previous collection we estimated that there would be 5,400 annual responses filed, resulting in an estimated 2,700 burden hours and \$54,000 in annual costs to the public. Our analysis at that time was conducted for an information collection that included both exclusive (competitive and noncompetitive) and nonexclusive mineral materials sales contract. We have since decided to institute a program change to separate the nonexclusive sales contracts from the exclusive ones into separate Information Collection Requests (ICRs), at least until we decide which BLM form is appropriate for the nonexclusive sales.

This collection therefore includes fewer annual responses than in the previous collection, despite the fact that in addition to estimating the time and cost burden to the public for Form 3600-9 we also estimated the time and cost to the public for completing the related non-form information requirements. By instituting a program change to include the non-form requirements in our estimate of total annual burden hours and burden hour costs to the public in this collection we corrected an inadvertent omission from the previous collection. These form and non-form requirements now appear as separate Information Collections (ICs) within the ROCIS database and in this justification document. This program change resulted in an increase in burden hours of 8,935 hours from the previous collection.

The BLM also adjusted its estimate of the annual burden hour cost to respondents based on wage and benefit information for different relevant occupational categories in the Bureau of Labor Statistics. In the previous collection we estimated that each respondent would spend \$20 (vs. \$28.69 this time) per hour gathering information required for a mineral materials sales contract and related benefits (such as sampling and testing). The estimated annual burden hour costs to

respondents is much higher in this collection for two main reasons: 1) the BLS wage and benefit information for the affected public (private sector mineral materials operators) is higher than what we had previously estimated and 2) we also incorporated burden hour costs for both the sales contract form and the non-form information requirements.

We can attribute our change in non-burden hour costs to respondents from the previous collection to new BLM regulations (program change) that took effect in November 2005 authorizing the BLM to charge fees to recover our costs of processing some sales contracts. Those regulatory changes are contained in Minerals Management: Adjustment of Cost Recovery Fees Final Rule (43 CFR parts 3000, 3100, 3150, 3200, 350, 3580, 3600, 3730, 3810, and 3830). The BLM collected a total of \$66,120 in cost recovery fees associated with this information collection in FY2007. In order to estimate the annual non-burden hour cost to respondents for this collection, the BLM is assuming that it will collect on average \$66,000 in cost-recovery fees each year associated with this collection.

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.

The BLM will not 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 BLM will display the expiration date of the OMB approval on the forms included in this information collection.

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

There are no exceptions to the certification statement.