

**SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT SUBMISSION
CAVE MANAGEMENT: CAVE NOMINATIONS AND CONFIDENTIAL
INFORMATION (43 CFR PART 37)
OMB CONTROL NUMBER 1004-0165**

Terms of Previous OMB 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 Federal Cave Resources Protection Act (FCRPA) of 1988 (102 Stat. 4546, 16 U.S.C. 4301-4310) requires identification, protection, and maintenance, to the extent practical, of significant caves on Federal lands managed by the Secretary of Agriculture or the Secretary of the Interior. The implementing regulations for the Department of the Interior are at 43 CFR Part 37 — Cave Management. Federal agencies must consult with “cavers” and other interested parties to develop a listing of significant caves. The regulations also integrate cave management into existing planning and management processes and provide for the protection of cave resource information in order to prevent vandalism and disturbance of significant caves.

The information covered in this Information Collection Request (ICR) applies to caves on Federal lands administered by the Bureau of Land Management, National Park Service, U.S. Fish and Wildlife Service, and Bureau of Reclamation. Lands administered by other Federal land-management agencies (e.g., the Forest Service and Bureau of Indian Affairs) are not included in this ICR.

One of the two information collections in this ICR is necessary to implement Section 4 of the FCRPA (16 U.S.C. 4303). Section 4 requires the Secretary of the Interior to prepare an initial list of significant caves on Federal lands under that Department’s jurisdiction, and update the list periodically after consultation with cavers and others with an interest in the management and use of cave resources. Regulations at 43 CFR 37.11(c) list the criteria for determining whether or not a nominated cave is significant within the meaning of the FCRPA.

The other information collection in this ICR is necessary to implement Section 5 of the FCRPA (16 U.S.C. 4304). Section 5 provides that information concerning the specific location of a significant cave may not be made available under the Freedom of Information Act (5 U.S.C. 552) unless the Secretary determines that disclosure of such information would further the purposes of the FCRPA and would not create a substantial risk of harm, theft, or destruction of such cave. Our cave management regulations (43 CFR Part 37) extend this protection to the location of caves that are nominated, but for which the final determination of significance is pending. The FCRPA and cave management regulations allow this confidential information to be made available to Federal and state governmental agencies and their cooperators, and to *bona fide* educational and research institutions, if certain conditions are met. The conditions include a

written request that includes the following:

- (1) Name, address, and telephone number of the individual responsible for the security of the information received;
- (2) A legal description of the area for which the information is sought;
- (3) A statement of the purpose for which the information is sought, and
- (4) Written assurances that the requesting party will maintain the confidentiality of the information and protect the cave and its resources.

43 CFR 37.12(b). Thus, the FCRPA requires that persons or organizations desiring access to confidential information on caves provide information to the Secretary of the Interior.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection. [Be specific. If this collection is a form or a questionnaire, every question needs to be justified.]

The Department of the Interior uses the information required for cave nominations (43 CFR 37.11(c)) to determine which caves will be listed as significant under the FCRPA and the Department's regulations at 43 CFR 37.11(c). Nominations are strictly voluntary. No specific form is required. However, a nomination must include the following information:

- The name, address, and telephone number of the individual or organization submitting the nomination. This allows us to confirm the source of the information;
- The name of the cave, which is necessary for the listing of caves and to ensure there are no duplications;
- The location of the cave, which is essential for verification, management, and future planning purposes;
- The name of the agency and the administrative unit, which is necessary to ensure that the application is forwarded to the appropriate agency office;
- A discussion of how the cave meets the criteria, which is the key aspect of the nomination, and is used to determine whether the cave should be designated as significant;
- Studies, maps, research papers, and other supporting documentation, which are important in the significance evaluation;
- The name, address, and telephone number of the individual who is knowledgeable about the resources in the cave, which are necessary in case the information in the nomination is unclear or there is a need for additional information to complete the evaluation;
- The date that the nomination is submitted, which is essential for tracking

purposes; and

- The signature and title of the individual submitting the nomination, which is necessary to confirm that it is an official nomination.

If we do not receive this information, we may not be aware of a cave's existence or may have insufficient information upon which to base a judgment as to its significance.

We use the information required in confidential information requests to determine whether to grant access to confidential cave data. Without such information, the Secretary will not be able to provide access to confidential cave data, as provided for in Section 5 of the FCRPA and 43 CFR 37.12, to those entities with a legitimate need for the data. If we are not allowed to collect information on caves for purposes of sharing cave data with cooperating agencies, academia, and cavers, we will be less effective in identifying, protecting, and managing significant caves and their resources.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden [and specifically how this collection meets GPEA requirements].

Each cave is unique and requires unique descriptive information. There is no uniform computer-based program from which this information collection could or should be obtained due to the uniqueness of individual caves and the Department's mandate to manage and protect significant caves. Use of automated information technology could possibly compromise the confidentiality of significant cave information and the caves themselves. However, we do collect the non-confidential portion of the required information (about half the total information submitted) through e-mail. This is a non-form information collection, and there are no requirements to be met regarding electronic conversion.

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.

Some duplication of significant cave nominations may occur. The number of duplications will depend on how well individuals and organizations coordinate their submissions for significant cave nominations. However, it is unlikely that any individual or organization will submit the same information more than once. Also, it is unlikely that duplications of requests for confidential cave information will occur, because the only access to such data is through the Secretary.

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

Some caving organizations that nominate caves may be small businesses. They supply the same information as other entities nominating caves. The information we request is the minimum necessary to determine whether the cave is significant, and to determine whether to grant access to information about the cave. The information collection methods are uniform regardless of the size of the entity.

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.

We use the information required in confidential information requests to determine whether to grant access to confidential cave data. Without such information, the Secretary will not be able to provide access to confidential cave data, as provided for in Section 5 of the FCRPA and 43 CFR 37.12, to those entities with a legitimate need for the data. If we are not allowed to collect information on caves for purposes of sharing cave data with cooperating agencies, academia, and cavers, we will be less effective in identifying, protecting, and managing significant caves and their resources.

Submission of information is voluntary. We collect the information once, either at the time a person or entity submits a cave nomination, or at the time we receive a request for access to confidential cave data.

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 collection to be conducted in a manner inconsistent with the guidelines. We do not exceed the guidelines in 5 CFR 1320.5.

- 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), on November 20, 2008, we published a 60-day notice in the **Federal Register** (73 FR 70364) inviting public comment. The comment period closed on January 20, 2009. We did not receive any comments in response to this notice or unsolicited comments from respondents covered under these regulations.

During the approval period, we contacted the following respondents to solicit comments on the burden hour and cost estimates, availability of data, frequency of collection, and clarity of instructions. Based on these discussions, and consultation with OMB, we raised our estimate of the burden per nomination in order to incorporate some burden elements that were not fully considered previously, including travel time, time spent on-site gathering information, and time spent answering follow-up questions from the bureau.

We consulted the following respondents:

Dave Belski
401 Southern Sky
Carlsbad, NM 88220
575-885-6168

Ken Harrington
4509 King Rd.
Carlsbad, NM 88220
575-234-1664

Joe Hummel

29 Moya Loop
Santa Fe, NM 87508
505-466-3355

Jason Knight
545 N. 450 E.
Payson, UT 84650
801-380-3550

Ron Kerbo
6160 S. Oak Way
Littleton, CO 80127
303-904-2422

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.

Section 5 of the FCRPA exempts cave information from availability to the public under the Freedom of Information Act (5 U.S.C. 552). The regulations in 43 CFR 37.12 make it clear that the Secretary determines, before disclosing, whether disclosure of such cave information would further the purposes of the FCRPA and would not create a substantial risk of harm to, theft, or destruction of such cave or its resources.

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

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 in Item 13.
- * 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.

As shown in the tables below:

- the estimated annual hour and cost burdens for cave nominations are 1,080 hours and \$32,713.20, respectively (table 12-2),
- the estimated annual hour and cost burdens for requests for confidential information are 10 hours and \$302.90, respectively (table 12-3); and
- the estimated total annual hour and cost burdens for these information collections are 1,090 hours and \$33,016.10, respectively (table 12-4).

Table 12-1 – Hourly Cost Calculations: The hourly mean wage in Table 12-1, below, is based on data for “all full-time workers in private industry” on page 21 Table 11 of Bureau of Labor Statistics News Release USDL: 09-0634 (“Employer Costs for Employee Compensation – December 2008”(dated March 12, 2009)), at <http://www.bls.gov/news.release/pdf/ecec.pdf>. The benefits multiplier is based on data on page 4, Chart A of the same News Release.

Mean hourly wage	Benefits multiplier	Total mean hourly wage (including benefits)
\$21.64	1.4	30.29

Table 12-2 – Estimates of Hour and Cost Burdens for Cave Nominations: The annual burden estimates are based on the estimated number of cave nominations received within a three-year collection period from Fiscal Year (FY) 2006 through FY 2008 (10/01/2005 through 09/30/2008). The hour and cost burden is based on information obtained from the applicants and our experience with the information collection. The hour and cost burden includes the time it takes an applicant to read instructions, gather information, and answer questions.

A. Number of respondents	90
B. Frequency of response	On occasion
C. Hour burden per response	12 hours
D. Annual hour burden	1080 hours
E. Per-hour cost to respondents for the hour burden	\$30.29
F. Annual cost to respondents for the hour burden (D x E)	\$32,713.20

Table 12-3 – Estimates of Hour and Cost Burdens for Requests for Confidential Information:

The annual burden estimates are based on the estimated number of applications received within a three-year collection period from Fiscal Year (FY) 2006 through FY-2008 (10/01/2005 through 09/30/2008). The hour and cost burden is based on information obtained from the applicants and our experience with the information collection. The hour and costs burden includes the time it takes an applicant to read instructions, gather information, and answer questions.

A. Number of respondents	10
B. Frequency of response	On occasion
C. Hour burden per response	1 hour
D. Annual hour burden	10 hours
E. Per-hour cost to respondents for the hour burden	\$30.29
F. Annual cost to respondents for the hour burden (D x E)	\$302.90

Table 12-4 Total Annual Hour and Cost Burdens

	Annual hour burden	Annual cost to respondents
Cave nominations	1,080 hours	\$32,713.20
Requests for confidential information	10 hours	\$ 302.90
Total	1,090 hours	\$33,016.10

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 incur no annual capital or start up costs to prepare for or respond to the information collection. Respondents do not need to purchase any computer software or hardware to comply with this information collection. There are no filing fees associated with cave nominations or requests for access to confidential cave information.

14. Provide estimates of annualized cost to the Federal Government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

As shown in the tables below, the estimated annual cost to the Federal Government is \$3204.90 for cave nominations and \$356.10 for requests for confidential information, for a total of \$3561.00. This estimate is based on quantification of hours spent in processing these information collections. There are no operational expenses that would not have been incurred without these information collections.

Table 14-1 – Federal Government Hourly Cost: The hourly cost in wages to the Federal Government is based on our experience that cave nominations and requests for confidential information are normally processed by personnel at the GS-11, Step 1 level. Hourly wage information for such personnel is shown on the U.S. Office of Personnel Management 2009 General Pay Schedule located at the following web site:
http://www.opm.gov/oca/09tables/pdf/gs_h.pdf.

The benefits multiplier of 1.5 is based on data on page 4, Chart A of Bureau of Labor Statistics News Release USDL: 09-0634 (“Employer Costs for Employee Compensation – December 2008” (dated March 12, 2009)), at <http://www.bls.gov/news.release/pdf/ecec.pdf>.

<i>Grade</i>	<i>Hourly Wage</i>	<i>Benefit Multiplier</i>	<i>Hourly Wage Plus Benefits</i>
GS-11, Step 1	\$23.74	1.5	\$35.61

Table 14-2 - Federal Government Cost to Process Cave Nominations: Time spent to process a cave nomination is based on our experience with the information collection. The hourly cost to the Federal Government is based on the data shown in Table 14-1.

<i>(a) Hourly Wage Plus Benefits</i>	<i>(b) Time to Process a Cave Nomination</i>	<i>(c) Cost per Response (a x b)</i>	<i>(d) Number of Responses Annually</i>	<i>(e) Total Cost Annually (c x d)</i>
\$35.61	1 hour	\$35.61	90	\$3,204.90

Table 14-3 - Federal Government Cost to Process Requests for Confidential Information:

Time spent to process a request for confidential information is based on our experience with the information collection. The hourly cost to the Federal Government is based on the data shown in Table 14-1.

<i>(a) Hourly Wage Plus Benefits</i>	<i>(b) Time to Process a Request for Confidential Information</i>	<i>(c) Cost per Response (a x b)</i>	<i>(d) Number of Responses Annually</i>	<i>(e) Total Cost Annually (c x d)</i>
\$35.61	1 hour	\$35.61	10	\$356.10

Table 14-4 Total Federal Government Cost

	Annual processing time	Annual cost
Cave nominations	90 hours	\$3,204.90
Requests for confidential information	10 hours	\$ 356.10
Total	100 hours	\$3,561.00

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

There are no respondents' non-hour cost burdens. This remains unchanged since the last approval.

Since the last approval, the number of annual hours requested for processing the information collections increased from 605 hours to 1,090 hours. The increase of 485 hours is an adjustment due to an increase in nominations received by the agency, and due to an increase in the estimated processing time for requests for confidential information.

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.

We will display the expiration date of the OMB approval.

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.

We are not requesting approval not to display the expiration date.

**18. Explain each exception to the certification statement identified in Item 19,
"Certification for Paperwork Reduction Act Submissions."**

There are no exceptions to the certification statement.