

**Supporting Statement for Paperwork Reduction Act Submission**  
**43 CFR Parts 3620 and 5510**  
**Free Use Application and Permit for Vegetative or Mineral Materials**  
**OMB Control Number 1004-0001**

**Terms of Clearance:** None.

**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 Bureau of Land Management (BLM) seeks approval for an extension of the information collection requirements at 43 CFR parts 3620 and 5510. These regulations govern free use of vegetative resources (timber), mineral materials, and petrified wood on public lands. Under the following authorities, the BLM grants free use of materials on public lands:

- The Nonsale Disposal Act of June 3, 1878 (16 U.S.C. 604-606);
- The Act of March 3, 1891 (16 U.S.C. 607);
- The Nonsale Disposal Act of May 4, 1898 (48 U.S.C. 423); and
- The Materials Act of 1947 (30 U.S.C. 601 and 602).

**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 BLM needs the required information to determine:

- (a) Determine if the materials may be disposed of under the regulations;
- (b) Determine if we allow free use of the materials;
- (c) Determine the charge/cost for the materials (if required);
- (d) Determine whether or not the disposal will be consistent with local land use plans;
- (e) Monitor the environment; and
- (f) Ensure a fair return on the resources.

The BLM uses Form 5510-1, Free Use Application and Permit, to collect the information in the regulations at 43 CFR parts 3620 and 5510.

The BLM requires the applicants to:

- (a) Supply the name and mailing address;
- (b) Provide the general location of the materials sought;
- (c) Provide the purpose/use of the materials removed;
- (d) In Alaska, notify the State Director of the amount of materials removed (43 CFR 5511.2-2(e)); and

- (e) Supply, for mineral materials and petrified wood, all the information on Form 5510-1.

The BLM will issue a permit to the applicant that includes:

- (a) Type of material that may be removed;
- (b) Quantity of material; and
- (c) Exact legal land description of the location of the material (including county and State).

**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].**

It would be inappropriate to have this permit available which requires no remuneration and therefore a receipt, available to the general public for printing and potential forgery. This could create a serious law enforcement issue that would not be easy to remedy.

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

There is no duplication of this information with other programs. This information is unique to each applicant and cannot be obtained from another source.

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

We limit the required information to the minimum necessary to maintain a complete and accurate record of who removes mineral and vegetative materials available for free use from the public lands.

**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.**

If the BLM does not collect the information, the following could happen:

- (a) We could not determine who removed mineral and vegetative materials from the public lands;
- (b) We would not know how these mineral and vegetative materials are used;
- (c) We would not know if these mineral and vegetative materials were used properly; and
- (d) We would not have the information base to manage the disposal of mineral and vegetative materials (determining whether or not these materials are improperly removed from the public lands).

For these reasons, BLM cannot collect the information less frequently.

**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. 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), the BLM published a 60-day notice in the Federal Register on January 12, 2010 (75 FR 1647), soliciting comments from the public and other interested parties.

The comment period closed on March 15, 2010. We did not receive any comments from the public in response to this notice or unsolicited comments from respondents covered under these regulations.

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 the instructions. The burden estimates in Question 12 reflect their input during the consultation.

Tim Newkirk  
(541) 573-4469

Candy Harmon  
(541) 573-4400

**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 the respondents.

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

The respondents' confidentiality is protected 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 were informed as to whether or not providing the information is mandatory to obtain a benefit. The BLM provides no promises to applicants that the application is protected under the Privacy Act.

**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.**

**\*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.**

***Hourly Cost Calculations:*** As shown at Tables 12-1 and 12-2, below, the weighted average respondent hourly cost is \$15.85. The cost was determined using the National Bureau of Labor Statistics data at: [http://www.bls.gov/oes/current/oes\\_nat.htm](http://www.bls.gov/oes/current/oes_nat.htm). The benefits multiplier of 1.4 is implied by the information on page 4 of USDL 09-1098, September 10, 2009, at <http://www.bls.gov/news.release/pdf/ecec.pdf>.

**Table 12-1 – Hourly Calculation**

<b>Position</b>	<b>Hourly Pay Rate (\$/hour)</b>	<b>Hourly Rate with Benefits (x 1.4)</b>
Farming, Fishing, and Forestry Occupations	\$11.32	\$15.85
Total	\$11.32	\$15.85

***Estimates of Hour and Cost Burdens:*** Hour and cost burdens to respondents include time spent researching, preparing, and submitting information. The derivation of the weighted average hourly wage associated with these information collections is shown at Table 12-1, above. The frequency of response for each of the information collections is “on occasion.” As shown below, the total number of responses is 476, total burden is 30 minutes, and the total wage cost burden is \$15.85.

**Table 12-2 – Hourly Burden of Complying with Free Use Permits**

<b>(a) Type of Response and 43 CFR Citation</b>	<b>(b) Number of Responses</b>	<b>(c) Hours per response</b>	<b>(d) Total Hours</b>	<b>(e) Total Wage Cost [\$15.85] x [238]</b>
Form 5510-1, Free Use Application and Permit	476	.50	238	\$3,772

**13. Provide an estimate of the total annual [non-hour] cost burden to respondents or recordkeepers resulting from the collection of information.**

**\*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.**

There is no non-hour burden estimate associated with this information collection. Applicants incur no annual capital or start-up costs, and no recurring annual costs to prepare or respond to the 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.**

The cost to the Federal Government consists of the time spent with the applicants assisting them in filling out the type and location of the materials and in giving instructions and answering questions. There is an additional cost of entering the data on the timber management and mineral materials management information data bases. We estimate the time spent is 30 minutes per application. **We estimate \$10,222 as the total cost to the Federal Government for this information collection (30 minutes per form at \$42.17 per hour per 476 forms per year and a \$186 mailing cost for the non-electronic applicants).**

**Table 14-1 – Federal Wage Cost**

The hourly cost to the Federal Government is based on the U.S. Office of Personal Management 2010 General Pay Schedule located at <http://www.opm.gov/oca/10tables/indexGS.asp>. The benefits multiplier is implied by the information on page 4 of USDL 09-1098, September 10, 2009, at <http://www.bls.gov/news.release/pdf/eced.pdf>.

<b>\$Pay Grade</b>	<b>Hourly Pay Rate (\$/hour)</b>	<b>Hourly Rate with Benefits (x 1.5)</b>	<b>Percent of time spent on these collections</b>	<b>Weighted Avg. (\$/hour)</b>
GS-7	\$20.22	\$30.33	50%	\$15.17
GS-12	\$36.00	\$54.00	50%	\$27.00
<b>Weighted Average Hourly Pay Rate (\$/hour)</b>				<b>\$42.17</b>

**Table 14-2 – Estimated Annual Cost to the Government**

<b>(a) Type of Response and 43 CFR Citation</b>	<b>(b) Number of Responses</b>	<b>(c) Hours per response</b>	<b>(d) Total Hours</b>	<b>(e) Total Wage Cost[\$42.17] x [238]</b>
Form 5510-1, Free Use Application and Permit	476	.50	238	\$10,036

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

<b>Burden</b>	<b>Previous Collection</b>	<b>This Collection</b>	<b>Difference</b>
Responses	476	476	0
Burden hours	952	238	-714

The difference in burden hours was changed from 2 hours to 30 minutes based on comments we received from respondents that completed the form.

**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 have no plans to publish the information in 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.**

We will display the expiration date of the OMB approval.

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

There are no exceptions to the certification statement.