

Supporting Statement for Paperwork Reduction Act Submission
43 CFR 5420
Timber Export Reporting and Substitution Determination
OMB Control Number 1004-0058

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 contained at 43 CFR part 5420. These regulations govern the compliance of Federal timber purchases with timber export restrictions. The BLM administers export restrictions on timber sales and determines whether there was a substitution of Federal timber for exported private timber. Under the following authorities, the BLM manages Federal timber sales, reporting, and record keeping:

- The Act of August 28, 1937 (43 U.S.C. 1181a);
- The Act of July 31, 1947 (30 U.S.C. 601 *et seq.*); and
- The Timber Resources Conservation and Shortage Relief Act of 1990 (16 U.S.C. 620 *et seq.*).

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) Whether applicants will qualify to purchase Federal timber resources; and
- (b) If substitution of Federal timber for exported private timber occurred.

The BLM uses Form 5450-17, Export Determination, and Form 5460-17, Substitution Determination, to collect the information in the regulations at 43 CFR 5424.1.

In Form 5450-17, the BLM requires applicants to supply:

- a) The location of the processing facility to determine the tributary area;
- b) An answer (yes or no) to the question, “Have you exported private timber from lands tributary to the above processing facility within the last 12 months?”
- c) If the answer is “yes” to the above question, the date of the last export sale;

- d) The names of affiliates (as defined at 43 CFR 5424.0-5) who have exported private timber from lands tributary to the above processing facility within the last 12 months and date of last export sale;
- e) The name of the firm for identification purposes;
- f) Signature of signing officer;
- g) Title of signing officer; and
- h) Date.

In Form 5460-17, the BLM requires the applicants to supply:

- (a) The name of the firm and contract number for identification purposes;
 - (b) The location of the processing facility to determine the tributary area;
 - (c) Historical base determination (the 12-month period before the firm's last export sale);
- and
- (d) Timber transactions since the historical base period.

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].

In accordance with the Government Paperwork Elimination Act (GPEA), the public can fill out and download forms; however, they cannot submit them electronically at this time.

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 comes from private company records and is unique to each company and cannot be obtained from another source. Each purchaser or affiliate is the only source of its own timber volume exported and the dates of such exports.

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

There are no small businesses or small entities affected by this information collection. We limit the required information to the minimum necessary to maintain a complete and accurate record of export restrictions on the BLM timber sales and whether there was a substitution of Federal timber for exported private timber.

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, it would be impossible to determine if there was any substitution in violation of the regulations and the timber sales contract.

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 August 20, 2009 (74 FR 42090), soliciting comments from the public and other interested parties. The comment period closed on October 19, 2009. We did not receive any comments

from the public in response to this notice or unsolicited comments from respondents covered under these regulations.

In the last 3 years, no new applications have been filed. Interviewing timber producers under these circumstances would not provide any further information that is not already of record with the BLM.

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 respondent's 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 required 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 \$60. This cost was determined using national Bureau of Labor Statistics data at: http://www.bls.gov/oes/current/oes_nat.htm. The benefits multiplier of 1.4 is implied by 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 Cost Calculation

Position	Hourly Pay Rate (\$/hour)	Hourly Rate with Benefits (x 1.4)
Purchase Manager	\$42.86	\$60.00
Total	\$42.86	\$60.00

Estimates of Hour and Cost Burdens: Hour and cost burdens to respondents include time spent for 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 [1], the total hour burden is [1] hour, and the total wage cost burden is \$60.

Table 12-2 — Hourly Burden of Complying with Timber Export Restrictions

(a) Type of Response and 43 CFR Citation	(b) Number of Responses	(c) Hours Per Response	(d) Total Hours	(e) Total Wage Cost (d x [insert per-hour cost])
Form 5450-17, Export Determination 43 CFR 5424.1	1	1	1	\$60
Form 5460-17, Substitution Determination	1	1	1	\$60

Total	2		2	\$120
-------	---	--	---	-------

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.

As shown below, the estimated average annualized cost to the Federal Government for this information collection is \$90.08 (omitting inspections of exploration and mining sites).

Table 14-1 — Federal Wage Cost

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

\$Pay Grade	Hourly Pay Rate (\$/hour)	Hourly Rate with Benefits (x 1.5)
GS-11	\$30.03	\$45.04

The table below shows the annualized Federal costs for this collection of information. The estimated time spent to process the information collections is based on the BLM's experience. The derivation of the weighted average hourly wage is shown at Table 14-1, above.

Table 14-2 — Estimated Annual Cost to the Government

(a) Type of Response and 43 CFR 3500 Citation	(b) Number of Responses	(c) Hours Per Response	(d) Total Hours (b x c)	(e) Total Wage Cost (d x \$45.04)
Form 5450-17, Export Determination 43 CFR 5424.1	1	1	1	\$45.04
Form 5460-17, Substitution Determination	1	1	1	\$45.04
Totals	2	1	1	\$90.08

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

Burden	Previous Collection	This Collection	Change
---------------	----------------------------	------------------------	---------------

Responses	1	2	+1
Burden hours	1	2	+1

The addition of one response and one burden hour to this submission is due to a program change. We are adding back Form 5450-17, which we mistakenly removed from the control number 1004-0058, because we were receiving fewer than 10 responses annually. However, the regulatory requirement to collect the information in Form 5450-17 results in a possibility that we might receive 10 or more responses in the future. Accordingly, we are adding Form 5450-17 back into this submission.

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.