

**¹Supporting Statement A for
Paperwork Reduction Act Submission**

OMB Control Number 1076-0157

**Grazing Permits, 25 CFR 166
(Forms 5-5423, 5-5514, 5-5515, 5-5516, 5-5519,
5-5521, 5-5522, 5-5523, 5-5524, 5-5525, 5-5527, 5-5529)**

Terms of Clearance. None.

1. Explain the circumstances that make the collection of information necessary.

The “American Indian Agricultural Resource Management Act,” (AIARMA), 25 U.S.C. §§ 3701 et seq., makes this collection necessary by authorizing the Secretary of the Interior, in participation with the beneficial owner of the land, to manage Indian agricultural lands in a manner consistent with identified tribal goals and priorities for conservation, multiple use, and sustained yield and consistent with trust responsibilities. The regulations at 25 CFR 166, Grazing Permits, implement the AIARMA and include the specific information collection requirements.

2. Indicate how, by whom, how frequently, and for what purpose the information is to be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, explain how the collection complies with all applicable Information Quality Guidelines.

The parties submitting information in accordance with 25 CFR 166 are tribes, tribal organizations authorized by Indian tribal governments, individual Indians, and non-Indians seeking grazing permits on land held by the U.S. Government in trust for tribes and individual Indians.

The Department of the Interior, the Bureau of Indian Affairs (BIA) uses the information provided through this information collection in preparing grazing permit documents. Individuals seeking grazing permits provide information such as: name, address, phone number, number of livestock owned, type of livestock, class of livestock, season of use, brand identification, brand ownership, brand location, grazing fee bid information, disease vaccination information, range improvement location and value, and information relating to permit violations or livestock trespass. Subparts of the rule that contain information collection requirements and the associated forms are summarized below.

Subpart B contains provisions regarding grazing permit requirements. These items include what information must be included in a permit; the requirement for recording permits; the use of a permit as collateral for a loan; how permits are acquired – through negotiations or advertisement; how permits may be amended, modified, assigned, transferred or sub-permitted. The provisions of this subpart deal largely with format and are, for the main part, a reflection on the responsibility of the BIA to ensure that grazing permits are equitable to the Indian landowner. The information collected within this subpart is collected at the time a grazing permit is proposed and, depending upon the circumstances, after the permit has been granted (use of permit as collateral and later amendments to the permit).

Subpart C contains provisions regarding the operation and management of the lands under a grazing permit. Grazing capacities are determined; livestock is identified as appropriate or not for a particular range unit; responsibility for the protection of grazing livestock is discussed; improvements to the land are detailed along with required permit provisions regarding the removal of such improvements; and the necessity of agricultural and conservation resource plans are detailed. Information collected within this subpart is largely the responsibility of the tribal or individual Indian landowner. The information is collected prior to the granting/approval of a grazing permit.

Subpart D contains provisions concerning the jurisdiction of tribal laws to grazing permits. Information collected in determining the application and enforcement of tribal laws is done prior to the granting/approval of a grazing permit.

Subpart E contains provisions regarding grazing rental rates — their determination and adjustment, if any. Sections discuss the establishment of an equitable rental rate; when to pay rentals; to whom rental payments are made. The information necessary to establish equitable rental rates and properly administer prompt payment is required prior to the granting/approval of a grazing permit.

Subpart G contains provisions regarding bonding and insurance requirements. These sections describe bond forms; necessary insurance/surety coverage; and forms that are acceptable for bonds and insurance/surety. The information collected to make these determinations is required prior to the granting/approval of a grazing permit.

Subpart H contains administrative provisions regarding violations of lease provisions. These items refer to time lines and format for filing a dispute of a permit violation; and the settlement of disputes through provisions of the lease.

Subpart I contains provisions regarding trespass. This is a statutory requirement of Public Law 103-177, the “American Indian Agricultural Resource Management Act,” as amended, and contains elements of notice, actions to be taken against a trespasser and the penalties, damages and costs to be assessed against a trespasser. Information collection requirements refer to information the alleged trespasser would provide to the BIA to rebut the allegations of trespass and, in cases of impoundment, to satisfy ownership requirements to redeem impounded livestock. This information would be collected at the time filing an appeal or asserting an objection to a charge of trespass and whenever livestock is redeemed.

Forms:

The following 12 forms are used to collect this information, as explained chronologically here. Six of the forms are currently approved, and six are new. The new forms are identified by an asterisk.

BIA will complete the following form and send it to each landowner that owns an interest in the trust land on which grazing is to occur in order to obtain each landowner’s permission to allow grazing on that land:

- Form 5-5525 – Authority to Grant Grazing Privileges on Allotted Lands.* This form requires the allotment number, description of the area, and other information regarding the ownership interest.

To obtain privileges to graze on trust land, a person must submit a competitive bid for grazing privileges, or if the person is an allottee, must apply to allocate grazing privileges:

- Form 5-5514 – Bid for Grazing Privileges. This form requires the bidder to record the bid and provide information identifying the solicitation to which the bid is in response.
- Form 5-5524 – Application for Allocation of Grazing Privileges. This form identifies the land area, grazing season, information about the livestock, and acceptance of the applicant for grazing privileges without competitive bidding.

BIA issues a grazing permit. If the land is owned by an organized tribe, an alternative form is used to record the tribe's approval of the grazing.

- Form 5-5515 – Grazing Permit. This form is primarily filled out by the BIA, with information from the permittee on the desired number of livestock and how the livestock are branded.
- Form 5-5516 – Grazing Permit for Organized Tribes.* This form is similar to Form 5-5515, but is for tribal (as opposed to allotted individual) lands.

If the permittee owns non-trust land that is adjacent to the trust land for which he or she has obtained grazing privileges, the permittee may apply for an on-and-off grazing permit, as a companion to the original grazing permit, to allow grazing on both the trust and non-trust lands and calculating the head of livestock based on that larger land area.

- Form 5-5521 – Certificate and Application for On-and-Off Grazing Permit. This form requires identification of the non-Indian lands, Federal and State lands, and/or other Indian lands that are adjacent to the trust lands where grazing is to occur on both the trust and non-trust lands. This form also requires information identifying permits to graze on the trust lands.

When a grazing permit is issued, the permittee must provide a bond using one of the following forms, unless the BIA has waived the requirement.

- Form 5-5519 – Cash Penal Bond. This form requires a permittee to list the range unit, reservation, amount of penal bond, and contact address and requires the signatures of witnesses and the permittee. This form is used when BIA requires a performance bond in association with issuing a grazing permit and there is no guarantor.
- Form 5-5423 – Performance Bond.* This form requires the name of the permittee (principal) and guarantor (surety), the amount of the bond, to identify the bond; the permit number and date, to identify the permit; and requires the signatures of witnesses and each of the principals. This form is used when BIA requires a performance bond in association with issuing a grazing permit and there is a guarantor.

If a change to the grazing permit is required, any of the following forms may be used:

- Form 5-5522 – Modification of Grazing Permit.* This form requires information to identify the permit being modified and then the modification of land area, livestock, or other permit term.
- Form 5-5523 – Assignment of Grazing Permit. This form requires information to identify the permit being assigned, acceptance by the assignee and branding of the assignee's livestock.

If the permittee wants to construct improvements on the permitted land, and remove the improvements upon termination of the permit, the following form is used:

- Form 5-5529 – Removable Range Improvement Records.* This form identifies removable improvements that have been constructed on the range land for which the permittee claims ownership. The second page requires a drawing showing where such improvements are located.

The following form is used to determine whether the permittee is in compliance with the permit:

- Form 5-5527 – Stock Counting Record.* This form is filled out by BIA employees who inspect the land to ensure compliance with the permit requirements for number and type of livestock, but the permittee must review the record and ensure its accuracy.

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].

Tribes, tribal organizations and individual Indians submit required information in standard written formats to meet the needs of the permit and its special considerations. Barriers to the use of electronic technology to collect this information include lack of telecommunications infrastructure, language barriers, and the fact that many or most of the respondents do not own personal computers.

4. Describe efforts to identify duplication.

This information is not duplicated in any other data collection. This information is unique to the administration of permits on tribal and individual Indian lands. In keeping with the Paperwork Reduction Act and other statutory requirements, the information collected is the minimum needed for the intended purpose.

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

Tribes are not considered to be small entities under the Small Business Regulatory Enforcement Fairness Act (SBREFA); however, the BIA has minimized the burden on tribes and individual Indians by restricting the information collection to only that information that is required and not available to BIA through other means. The BIA consulted with the tribes and through various tribal member non-governmental organizations to determine what information was necessary for fair and equitable administration of grazing permits on Indian 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.

The information collection burden cannot be reduced any further without jeopardizing the integrity of the grazing permit program. Information is collected, as needed, when tribe, tribal entities or individual Indians want to allow grazing on their lands. If the collection is not conducted, or is conducted less frequently, the BIA will not be able to properly administer and monitor grazing permits on Indian lands or ensure sustainable practices are followed.

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 two circumstances that require exceptions to 5 CFR 1320.5(d)(2):

- Permit Violations: The regulations at Section 166.704 require a permit holder to respond within a certain period of time established in the written notice of the permit violation of the. This is an exception to the 30-day rule because time is of the essence in correcting many violations of permit terms. A 30-day period to respond to a permit violation could endanger the integrity of the permit and possibly do irreparable damage to the corpus of the trust resource.
- Trespass: An alleged trespasser must contact the BIA within the timeframes established in the trespass violation notice to explain why the notice is in error or to take appropriate corrective action. See Section 166.803. The notice document itself could specify a time period of less than 30 days, depending upon the nature of the trespass. Again, the circumstances of a trespass may be of such a serious nature that the 30 day response time would not be appropriate and, furthermore, could harm the corpus of the trust resource.

8. Provide 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 (or in response to a PRA statement) and describe actions taken by the agency in response to these comments.

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.]

A 60-day Federal Register notice requesting comments was published February 25, 2010 (75 FR 8731). No comments were received. Farmers and ranchers that are affected by this information collection periodically visit the local BIA or tribal office to discuss their permit and other actions that affect their permit. BIA and tribal staff also make periodic site visits to the land covered by the permit for compliance inspection and monitoring, at which time the public is contacted concerning the information. In addition, BIA contacted the following member of the public for input on the availability of data, frequency of collection, clarity of instructions and

format:

Clell Pete
Tribal Rancher
P.O. Box 6047
Ibapah, UT 84034
(435) 234-1138

Mr. Pete stated that the forms were self explanatory, and the form was not complicated to fill out so he has no problems with filling it out as needed.

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

The respondents will not receive payment or gifts.

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

No assurance of confidentiality is provided to respondents.

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.

There is a potential that some information collected will be of a sensitive nature. Pursuant to section 166.223, the permit holder may use a permit as collateral for a loan. The loan must be approved by the BIA to further encumber the property. It is conceivable that the information in the loan documentation would be of a sensitive nature, e.g., annual salary, the amount of debt being carried, any outside income (alimony, child support), and outstanding judgments against the permit holder. This information is necessary for the BIA to properly administer the grazing permit program on tribal and individual Indian lands. Without this information the integrity of the program would be compromised.

12. Provide estimates of the hour burden of the collection of information.

The following table provides estimates of the hour burden. Those requirements and forms that are to be newly approved appear in red font.

CFR Section	Form	Description	Respondents	Annual responses	Hour Burden per response	Total Annual Hour Burden	Total Hourly Burden Cost*
166.203	5525	Authority to Grant Grazing Privileges on Allotted Lands	8,200	8,200	1/3 hr.	2,733	\$ 78,410
166.217	5514	Bid for Grazing Privileges	400	400	1/3 hr.	133	\$ 3,910
	5524	Application for Allocation of Grazing Privileges	600	600	1/3 hr.	200	\$5,880
166.200	5515	Grazing Permit	990	990	1/3 hr.	330	\$ 9,702

	5516	Grazing Permit for Organized Tribes	10	10	1/3 hr.	3	\$ 88
166.308	5521	Certificate and Application for On-and-Off Grazing Permit (in addition to grazing permit)	100	100	1/3 hr.	33	\$ 970
166.225 166.227 166.229	--	Other amendment, assignment, subpermit, mortgage, or change to number of livestock	200	200	1/3 hr.	67	\$ 1,960
	5522	Modification of Grazing Permit					
	5523	Assignment of Grazing Permit					
166.317	5529	Removable Range Improvements Record	50	50	1/3 hr.	17	\$ 500
166.413	--	Specify to whom grazing rental payments should be made	1,000	1,000	1/3 hr.	333	\$ 9,790
166.419	--	Respond to permit violation	50	50	1/3 hr.	17	\$ 500
166.601	5519	Cash Penal Bond	100	100	1/3 hr.	33	\$ 970
	5423	Performance Bond (Surety)					
166.701	5527	Stock Counting Record	1,000	1,000	1/3 hr.	333	\$ 9,790
166.704	--	Respond to notice of permit violation	50	50	1/3 hr.	17	\$ 500
166.705	--	Respond to written notice of cancellation	10	10	1/3 hr.	3	\$ 88
166.803	--	Respond to trespass notice	50	50	1/3 hr.	17	\$ 500
166.808	--	Respond to notice of intent to impound	10	10	1/3 hr.	3	\$ 88
Totals			9,200	12,820		4,272	\$123,646

The respondents for the first information collection (§ 166.203, Form 5-5525) are landowners. There are approximately 82,000 individual Indian landowners who allow grazing on their trust lands; however, not every one of these landowners must complete Form 5-5525, rather BIA requires landowners to complete this form only when there is a change in ownership or, at some BIA agencies, when the five-year permit period has expired. For this reason, we estimate that each landowner completes the form approximately every 10 years. The annual number of respondents and responses is thus 8,200.

The respondents for the remaining information collections are the ranchers who obtain permits for grazing activities.

*We estimate the salary of the landowners who must approve grazing on their lands to be **\$28.69**. This estimate is based on the wages and salaries for all Civilian Workers, \$20.49, from the Bureau of Labor Statistics' Employer Costs for Employee Compensation – December 2009, Table 1, Employer Costs Per Hour Worked for Employee Compensation, USDL 10-0283, at

www.bls.gov/news.release/pdf/ecec.pdf. Including a multiplier of 1.4 for benefits results in a total salary of \$28.69 per hour. The multiplier of 1.4 is derived from the Bureau of Labor Statistics' Employer Costs for Employee Compensation – December 2009, USDL 10-0283, at www.bls.gov/news.release/pdf/ecec.pdf.

We estimate the salary of the remaining respondents, who are private ranchers, to be **\$29.40** per hour. While most of these private ranchers don't have an hourly wage job, this estimate is based on what would be their hourly salary as a rancher. This estimate is based on the wages and salaries for Natural Resource Workers, \$21.00, from the Bureau of Labor Statistics' Employer Costs for Employee Compensation – December 2009, Table 2, Civilian Workers, USDL 10-0283, at www.bls.gov/news.release/pdf/ecec.pdf. Including a multiplier of 1.4 for benefits results in a total salary of \$29.40 per hour. The multiplier of 1.4 is derived from the Bureau of Labor Statistics' Employer Costs for Employee Compensation – December 2009, USDL 10-0283, at www.bls.gov/news.release/pdf/ecec.pdf.

The following provisions were not included in the burden estimates for the reasons stated:

CFR Section	Description	Not included in burden estimate because:
166.104	Notify of tribal law affecting grazing	Complete
166.209	Provide permit for recording	Incorporated in "Fill out and submit permit to BIA for approval"
166.222	Provide information on prescribed forms	Incorporated in "Fill out and submit permit to BIA for approval"
166.312	Conservation plan	BIA responsibility
166.315	Conservation practice agreement	BIA responsibility
166.422	Arrange for direct pay	Simple certification/acknowledgment

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

There is no non-hour burden cost to respondents associated with this collection.

14. Provide estimates of annualized costs to the Federal Government.

We estimate the annual cost to the Federal Government to administer this information collection to be **\$133,695**.

CFR Section	Description	Annual responses	Federal Hour Burden per response	Total Annual Hour Burden	Total Hourly Burden Cost (\$27.68/hr x hour burden)
166.203 166.217	Review permit for approval (individuals' and tribes' submissions)	1,000	1 1/4 hr.	1,250	\$ 34,600
166.209	Record permit	1,000	1/4 hr.	250	\$ 6,920

166.222	Review forms	1,000	1 hr	1,000	\$ 27,680
166.225	Review leasehold interest	100	1/4 hr.	25	\$ 692
166.229 166.308	Approve modification (amendment, assignment, subpermit, or mortgage)	200	3/4 hr.	150	\$ 4,152
166.312	Conservation plan	100	2 hr.	200	\$ 5,536
166.315	Conservation practice agreement	1,000	1/4 hr.	250	\$ 6,920
166.413	Review who grazing payments should be made to	1,000	1/2 hr.	500	\$ 13,840
166.419	Issue permit violation	50	1/2 hr.	25	\$ 692
166.422	Arrange for direct pay	1,000	1 hr.	1,000	\$ 27,680
166.601	Review bond	100	1/2 hr.	50	\$ 1,384
166.704	Issue notice of permit violation	50	1 hr.	50	\$ 1,384
166.705	Issue notice of cancellation	10	1 hr.	10	\$ 277
166.803	Issue trespass notice	50	1 hr.	50	\$ 1,384
166.808	Issue notice of intent to impound	10	2 hr.	20	\$ 554
Totals		6,670		4,830	\$133,695

BIA estimates that a GS-7, Step 5, employee on average will be implementing this program and has based its estimates on that salary level (\$18.45). See the Salary Table 2010-GS Incorporating the 1.5% General Schedule Increase, http://www.opm.gov/oca/10tables/html/gs_h.asp. The multiplier of 1.5 is derived from the Bureau of Labor Statistics, Employer Costs for Employee Compensation – December 2009 at www.bls.gov/news.release/pdf/ecec.pdf, for a total salary of **\$27.68**.

The cost is based solely on salary because overhead operational expenses would have been incurred even without this collection of information.

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

Agency Adjustment

The information collection associated with 166.217 had been submitted as a combined information collection with 166.200, Grazing Permits, in the past. It is now separated out to better account for the burden associated with actually applying for or bidding on grazing privileges, as opposed to reviewing and signing a permit once it's issued. This results in an agency adjustment increase of 1,000 responses and 333 burden hours.

Program Change Due to Agency Discretion

In addition, there are three information collections associated with regulatory requirements that have been in place, but which BIA previously determined did not require clearance under the Paperwork Reduction Act. Now, upon closer examination, BIA has determined that these

information collections do, in fact, impose a public burden. These increases of 9,250 in responses and 3,083 in burden hours are recorded as a program change due to agency discretion.

CFR Section	Form	Description	Respondents	Annual responses	Hour Burden per response	Total Annual Hour Burden
166.217	5514	Bid for Grazing Privileges	400	400	1/3 hr.	133
	5524	Application for Allocation of Grazing Privileges	600	600	1/3 hr.	200
Subtotal – Agency Adjustment				1,000		333
166.203	5525	Authority to Grant Grazing Privileges on Allotted Lands	8,200	8,200	1/3 hr.	2,733
166.317	5529	Removable Range Improvements Record	50 (inc. in 1,000)	50	1/3 hr.	17
166.701	5527	Stock Counting Record	1,000	1,000	1/3 hr.	333
Subtotal – Program Change due to Agency Discretion				9,250		3,083
Totals				10,250		3,416

Cost Burden

Finally, an entry in ROCIS previously stated that there was a cost burden of \$175,000 in the form of a 3% administrative fee. Since the fee is a regulatory fee for administering the program, it is not associated with just the information collection and should not be included.

Forms

Each of the six previously approved forms has been revised to simplify wording and correct regulatory citations.

- Form 5-5514 – Bid for Grazing Privileges.
- Form 5-5524 – Application for Allocation of Grazing Privileges.
- Form 5-5515 – Grazing Permit.
- Form 5-5521 – Certificate and Application for On-and-Off Grazing Permit.
- Form 5-5523 – Assignment of Grazing Permit.
- Form 5-5519 – Cash Penal Bond.

The following three forms are new, but implement regulatory provisions containing information collections that have already been approved:

- Form 5-5516, Grazing Permit for Organized Tribes
- Form 5-5522, Modification of Grazing Permit
- Form 5-5423, Performance Bond

The following three forms are new and are associated with new information collections:

- Form 5-5525 – Authority to Grant Grazing Privileges on Allotted Lands.
- Form 5-5529 – Removable Range Improvement Records.
- Form 5-5527 – Stock Counting Record.

Updates to Regulatory Citations

Note also that the regulatory citations identified in the previous submission have been reviewed for accuracy, so while the regulations have not changed, some citations have changed because

this submission better pinpoints the applicable regulatory citation. These changes appear in red font in the table at Appendix A.

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

We will not publish the results of this information 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 OMB control number and expiration date on all forms and other appropriate materials.

18. Certification.

There are no exceptions to the certification statement.

Appendix A

CFR Section Identified in Prior Submission	CFR Section	Form Ident. In Prior Sub.	Form	Description
None.	166.203	None.	5525	Authority to Grant Grazing Privileges on Allotted Lands
166.203	166.217	5514	5514	Bid for Grazing Privileges
166.217 166.310		5524	5524	Application for Allocation of Grazing Privileges
None.	166.200	None.	5515	Grazing Permit
None.		None.	5516	Grazing Permit for Organized Tribes
166.308	166.308	5521	5521	Certificate and Application for On-and-Off Grazing Permit (in addition to grazing permit)
166.224 166.229	166.225 166.227 166.229	5515	--	Other amendment, assignment, subpermit, mortgage, or change to number of livestock
		None.	5522	Modification of Grazing Permit
		5523	5523	Assignment of Grazing Permit
None.	166.317	None.	5529	Removable Range Improvements Record
166.411	166.413	--	--	Specify to whom grazing rental payments should be made
166.419	166.419	--	--	Respond to permit violation
166.601	166.601	5519	5519	Cash Penal Bond
		5523*	5423	Performance Bond (Surety)
None.	166.701	None.	5527	Stock Counting Record
166.704	166.704	--	--	Respond to notice of permit violation
166.709	166.705	--	--	Respond to written notice of cancellation
166.803	166.803	--	--	Respond to trespass notice
166.808	166.808	--	--	Respond to notice of intent to impound

*It appears that this was a typographical error that resulted in Form 5-5523 replacing the appropriate form, 5-5423, thereby resulting in 5-5423 never being submitted for approval.