

**SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT SUBMISSION
HELIUM CONTRACTS (43 CFR 3195)
OMB CONTROL NUMBER 1004-0179**

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.

The Helium Amendments Act of 1960 authorizes the Secretary of the Interior to sell crude helium for Federal, medical, scientific, and commercial uses. The Helium Privatization Act of 1996, amended, 74 Stat. 918 (the Act), altered the method that private firms use to acquire Federal helium. The regulations located at 43 CFR part 3195 provide the authority for the Bureau of Land Management (BLM) to collect helium sales information from Federal agencies and helium suppliers of major helium requirements, in order to balance crude helium purchases from the BLM with sales of helium to Federal agencies.

Both Federal helium suppliers and Federal agencies and their contractors purchasing helium must use the “In-Kind Crude Helium Sales Contract” to provide the BLM with information on the purchases of crude helium by Federal helium suppliers from the BLM and the amount of refined helium supplied by them to Federal agencies and their contractors. The BLM requires reporting and record keeping of equivalent amounts of crude helium purchased and sold.

2. Explain 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. If this collection is a form or a questionnaire, every question needs to be justified.

The BLM collects and uses information on the In-Kind Crude Helium Sales Contract for reporting and record keeping of equivalent amounts of crude helium purchased and sold.

We require Federal helium suppliers to do the following:

- a. Report the deliveries of refined helium each quarter. The BLM uses this information to track sales of refined helium and to determine the use of helium.
- b. Notify the BLM 14 days in advance of the request for helium. The BLM needs this information in order to have sufficient time to deliver the helium.
- c. Make available all pertinent records for inspection by the BLM. We use this information

to audit the suppliers and to determine whether or not helium sales are reported accurately.

- d. Notify the BLM of any billing errors in the statement. The BLM uses this information to correct amounts owed or overpaid.
- e. Provide the name and address of the Federal helium supplier, proposed supplier, and the contract number. The BLM uses this information for identification purposes and to ensure billing of the correct suppliers.
- f. Attest that he/she did not secure an outside party to seek or secure the contract. The BLM uses this information to verify the sales contract.

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.

In accordance with the Government Paperwork Elimination Act (GPEA), the public can submit documentation electronically in the format of their choice. With the passage of the Helium Privatization Act of 1996, and the start of the In-Kind Helium program, Form 1422x-922 has become obsolete and is no longer in use at the Amarillo Field Office. The data is still collected to fulfill the obligations of the In-Kind Crude Helium Sales Contract; however, there is no specific format to follow or form required to report this information. The following is required quarterly in the reporting process from eight companies in private industry: name of Federal user, location, date, volume of helium, invoice number, and total. Most submit the documentation electronically as long as it is compatible with BLM software.

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.

The information we collect is unique to the helium supplier. No other Federal or State agencies collect similar information that we could use to track Federal helium sales and deliveries.

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

The BLM is not required to collect information on whether the respondents qualify as small businesses or small entities. The information we require from all respondents is limited to the minimum requirements necessary to comply with agency responsibilities under the Act. It imposes no special burden on small entities who may wish to distribute or resell helium. The only government bodies affected by this collection are large Federal agencies, most notably the National Aeronautics and Space Administration.

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 burden.

If we did not collect the information, we could not account for the equivalent sales of crude helium to private industry in return for their refined helium sales to Federal agencies. The Act requires that all Federal agencies, including the Department of Defense and the Department of Energy, purchase all major helium requirements from entities with enforceable contracts to purchase equivalent amounts of helium from the Department of the Interior. Less frequent collection would make the program unmanageable.

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.

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. Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every three 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 June 14, 2010 (75 FR 33632) soliciting comments from the public and other interested parties. The comment period closed on August 13, 2010. The BLM did not receive any comments from the public in response to this notice.

Because there were no responses during the above notice, BLM consulted respondents on the phone to solicit their comments on the burden hour and cost estimates, availability of data, frequency of collection, and clarity of instructions. The hour burden estimate is at 3.25 hours. The estimates in Question 12 reflect their input in these consultations.

Airgas Merchant Gases
Chicago, IL 60185
773-583-4600, ext 16
Contact Person: Tim Parker

Matheson Trigas
Albuquerque, NM
505-222-0232
Contact Person: Katie Davies

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 were informed as to whether or not providing the information is required 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 when 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 under “Annual Cost to Federal Government.”**

Hourly Cost Calculations: As shown at Table 12-1, below, the estimated average respondent hourly cost is \$23.39 for this information collection

The basic hourly pay rate 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 supported by information in Table A of Bureau of Labor Statistics News Release USDL 10-1687 (December 8, 2010), at <http://www.bls.gov/news.release/ecec.nr0.htm>.

Table 12-1 — Hourly Cost Calculation

Position	Hourly Pay Rate (\$/hour)	Hourly Rate with Benefits (x 1.4)
Accounting Clerk	\$16.71	\$23.39
Total		\$23.39

Estimated Hour and Cost Burdens: The estimated hour and cost burdens shown in Table 12-2, below, include time spent for researching, preparing, and submitting information. The average hourly wage associated with these information collections is \$23.39, as shown at Table 12-1, above. The BLM’s estimate of the time it takes a respondent to supply the information was verified by consultations with respondents (see Item 8, above).

The frequency of response for this information collection is “on occasion.” As shown below, the

total number of responses is 32, the total hour burden is 3.25 hours, and the dollar equivalent of the hour burden is \$23.39.

Table 12-2 – Estimated Hour and Cost Burdens

Type of Response	A. Number of Responses Annually	B. Hours per Response	C. Annual Hour Burden (a x b)	D. Hourly Wage	E. Annual Cost (c x d)
Sales Reports	32	3.25	104	\$23.39	\$2,432

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 already reflected in item 12.)

***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 for form processing). 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 are not required to purchase additional computer hardware or software to comply with these information requirements. There is no filing fee associated with this information collection. There are no capital and start-up costs involved with this information collection. There is no extra burden.

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.

Hourly Cost Calculation: As shown at Table 14-1, below, the average government hourly cost is \$44.32 for this information collection. The hourly cost to the Federal Government is based on the U.S. Office of Personnel Management Salary Table 2010-RUS located at http://www.opm.gov/oca/10tables/html/RUS_h.asp. The benefits multiplier of 1.5 is implied by information in Table A of Bureau of Labor Statistics News Release USDL 10-1687 (December 8, 2010), at <http://www.bls.gov/news.release/ecec.nr0.htm>.

Table 14-1 — Hourly Cost Calculation

A. Position	B. Pay Grade	C. Hourly Pay Rate	D. Hourly Rate with Benefits (c x 1.5)	E. Percent of time spent on these collections	F. Weighted Avg. (d x e)
Secretary	GS-06	\$16.73	\$25.10	15	\$3.77
Crude Helium Sales Analyst	GS-09	\$22.74	\$34.11	50	\$17.06
Lead Engineer	GS-13	\$48.52	\$72.78	15	\$10.92
Engineer	GS-12	\$41.91	\$62.87	20	\$12.57
Totals					\$44.32

Estimated Annual Cost to the Government: The estimated annual cost to the government includes time spent for processing the information provided by the respondents. The average hourly wage is shown at Table 14-1, above. Table 14-2, below, shows the annualized Federal costs for each component of this collection of information. The estimated time spent to process the information collections is based on the BLM’s experience.

The frequency of response for each of the information collections is “on occasion.” As shown below, the total number of responses is 32, the total Federal hour burden is 4 hours, and the total wage cost burden is \$5,673.

Table 14-2 — Estimated Annual Cost to the Government

Type of	A. Number of	B. Hours Per	C. Total	D. Hourly	E. Annual
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Response	Responses	Response	Burden Hours (a x b)	Wage	Cost (c x d)
Sales Reports	32	4	128	\$44.32	\$5,673

15. Explain the reasons for any program changes or adjustments in hour or cost burden.

Burden	Previous Collection	This Collection	Change
Responses	40	32	-8
Burden Hours	160	104	-56

These adjustments were based upon the elimination of Form 1422x-922 and respondents are not required to submit the sales report on any particular form. Also, the burden hour per response was reduced based on our consultations.

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 publish an alphabetical list of crude helium suppliers to Federal agency users to assist them in identifying authorized procurement sources.

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 topics of the certification statement identified in “Certification for Paperwork Reduction Act Submissions.”

There are no exceptions to the certification statement.