

Marketing Order No. 958 became effective on February 4, 1957, following a public hearing and producer referendum in accordance with formal rulemaking procedures specified under the Act. The order authorizes the issuance of grade, size, quality, maturity, pack, container markings, shipping holidays, inspection, and reporting requirements. Regulatory provisions apply to onions shipped for fresh market both within and out of the production area to any market, except for those specifically exempt. The order also contains authority to fund projects involving production research, marketing research and development, and marketing promotion, including paid advertising.

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.

The order is administered by an 11-member Idaho-Eastern Onion Committee (Committee) consisting of six producer members, four handler members, and one public member. Each member serves a two-year term of office and has an alternate. The terms are staggered, with approximately one-half of the members' terms expiring each year. The members and alternate members are selected by the Secretary to administer the program locally, and are selected from nominations submitted by onion producers and handlers in the production area. Nominees for the public member (and alternate) are chosen by the ten industry members, and subsequently selected by the Secretary.

As provided in sections 900.24, 958.22, 958.56, 958.65, 958.71, and 958.328, the Order authorizes the U.S. Department of Agriculture (USDA) and the Committee to collect information from individuals and firms who are involved in the production, handling and processing of onions grown in the production area to ensure the effective administration of the program. The Committee, in conjunction with the USDA, has developed forms as a

convenience to the producers, handlers, processors, and Committee members required to file such information. These forms require the minimum information necessary to effectively carry out the requirements of the Order, and their use is necessary to fulfill the intent of the Act as expressed in the Order.

The information required under the order is gathered on forms which are included and approved under OMB No. 0581-0178, “Vegetable and Specialty Crop Marketing Orders”, and is used by the Committee and/or the Secretary. The forms, FV-34, “Application to Make Special Purpose Shipments-Certificate of Privilege”; FV-35, “Onion Diversion Report”; FV-36, “Special Purpose Certificate for Handling Onions Which do not Meet Fresh Market Requirements”; and FV-37, “Rehandling of Onions Report”, are also included under OMB No. 0581-0178. However, the Committee recommended the following changes through rulemaking: 1) Modifying forms, FV-34, FV-35, FV-36, and FV-37 for clarification purposes by adding and removing language; 2) increasing the reporting frequency for FV-34; 3) no longer requiring receivers to fill out FV-35, as well as reducing the reporting frequency for that form; and 4) adding a new form, “Assessment Credit Report.” Please note that the changes to forms FV-36 and FV-37 did not result in any significant change in burden, therefore, these forms were addressed in a change of worksheet approved by the Office of Management and Budget on July 12, 2006. We are, however, seeking emergency approval under this information collection for forms FV-34, FV-35, which involves both an increase and decrease in burden approved under OMB No. 0581-0178, as well as the new form, “Assessment Credit Report”, because the 2006 regulation period began August 15, 2006. Upon approval of this information collection, we are requesting that the burden and information collection be merged into OMB No.

0581-0178, Vegetable and Specialty Crop Marketing Orders. A description of all three forms appear below.

- a) **Application to Make Special Purpose Shipments-Certificate of Privilege (FV-34); (Sections 958.56 and 958.328):** Grade, size, maturity, and pack standards specified in the handling regulation apply only to onions shipped to the fresh market. Onions shipped to other outlets are exempt from these standards provided that certain safeguards are met. Handlers who desire to make shipments outside the production area to canners, dehydrators, extractors, freezers, and/or picklers, which do not meet the requirements for fresh shipments, are required to use this form (prior to such shipments), to apply to the Committee for permission. The Committee will evaluate the application and if approved, will issue a Certificate of Privilege, assigning a Certificate of Privilege number. If disapproved, the Committee will indicate the reason. The frequency of this form increased from once annually, to three times annually. The form also contains a penalty clause for falsifying information on the certificate.
- b) **Onion Diversion Report (FV-35) (Sections 958.56 and 958.328):** This form is completed by the handler for each Certificate of Privilege number. The handler indicates on the form the date(s) of shipment(s), receiver name or agent and the address to whom the shipment is being made, and the railroad car or truck license, container and label information, and the cwt. shipped. The handler also certifies to the Committee and USDA that the onions indicated on this form were diverted from fresh channels in accordance with the handling regulations. The form also contains a penalty clause for falsifying information on the report.

c) **Assessment Credit Report, (no form number), (Sections 958.42, 958.240 and 958.250):** This is a new form. Those handlers who would like to receive a credit for assessments on onions that have been levied in accordance with the order and are subsequently regraded, resorted, repacked within the production area, or shipped in accordance with a special purpose shipment, would complete this form and submit it to the Committee, along with a copy or copies of the inspection certificates. The handler must indicate the purpose of the handling of onions, such as regrading, dehydration, freezing, planting, livestock feed, charity, et al. In addition, the original inspection certificate number must be indicated, the original bag count, original container, original grade, new inspection certificate number, new bag count, new container, and new grade. The form also contains a penalty clause for falsifying this document.

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.

The forms in this information collection are part of the AMS Integrated eGovernment Report. AMS is committed to complying with the E-Government Act, which requires Government agencies in general to provide the public the option of submitting information or transacting business electronically to the maximum extent possible.

These forms are used infrequently by a small number of respondents. However,

forms will be integrated into the system when the appropriate e-Authentication solution has been selected to meet the agency's needs, a risk assessment conducted and the program completes setting up its electronic record retention system to meet NARA compliance. All applicable forms that have been converted to a PDF fillable format in the interim will then be posted on the internet allowing the public the option of electronic submission.

Information collection forms are periodically reviewed to ensure that they can be understood by industry members. This ensures that they are easy to fill out, and place as small a burden as possible on respondents.

4. DESCRIBE EFFORTS TO IDENTIFY DUPLICATION. SHOW SPECIFICALLY WHY ANY SIMILAR INFORMATION ALREADY AVAILABLE CANNOT BE USED OR MODIFIED FOR USE FOR THE PURPOSE(S) DESCRIBED IN ITEM 2 ABOVE.

Information collection processes are periodically reviewed to avoid unnecessary duplication by industry and public sector agencies. At the present time, there is no duplication between Federal agencies.

5. IF THE COLLECTION OF INFORMATION IMPACTS SMALL BUSINESSES OR OTHER SMALL ENTITIES (ITEM 5 OF THE OMB FORM 83-1), DESCRIBE THE METHODS USED TO MINIMIZE BURDEN.

Information collection requirements have been reduced to the minimum to oversee each order or agreement. This information collection and reporting burden is relatively small. Requesting this information from producers does not significantly disadvantage any of the respondents.

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 is collected on an as-needed basis. If the information collection herein was not collected, the Secretary could not ascertain the level of support for the order, nor in fact, carry out obligations required by the Act. Collecting data less frequently would also eliminate the Secretary's ability to administer the order.

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 3 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 STATUE 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 SECRET, 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. The collection of information is conducted in a manner consistent with the guidelines in 5 CFR 1320.6.

- 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 DESCRIBE ACTIONS TAKEN BY THE AGENCY IN RESPONSE TO THESE COMMENTS. SPECIFICALLY ADDRESS COMMENTS RECEIVED ON COST AND HOUR BURDEN.**

The 60-day notice for this information collection is embedded into the interim final rule, which was published in the Federal Register on (FR), which invited comments through . No comments are expected.

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.

The data for the information collected is not available anywhere. Use of the ballot forms are required by regulations governing referendum procedure.

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.

The committee members and staff are constantly alert to what is going on in other marketing orders through correspondence, meetings, and information received from the USDA. The committee endeavors to consult with representatives from whom the information is to be obtained on an annual basis. In addition, notices of the committee's meetings are sent to all those associated with the Idaho-Eastern Oregon onion industry, and any concerns regarding committee business are welcome at those meetings. USDA marketing specialists will attend committee meetings and respond to questions and recommendations from members. Use of these forms has been discussed with the Committee Manager, Candi Fitch, phone number (208) 722-5111, and Marketing Specialist, Susan Hiller, U.S. Department of Agriculture, Agricultural Marketing Service, Marketing Order Administration Branch, Northwest Marketing Field Office, located in Portland, Oregon, phone (503) 326-2054.

9. EXPLAIN ANY DECISION TO PROVIDE ANY PAYMENT OR GIFT TO RESPONDENTS, OTHER THAN REMUNERATION OF CONTRACTORS OR GRANTEES.

AMS does 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.

Questions of a sensitive nature are not included on any form. The information requested on these forms relate to shipments of onions outside the production area for approved outlets, as well as onions that have been levied and are subsequently regraded, repacked, etc., for the purpose of receiving a credit for assessments. This information is provided to the Committee to improve the accounting of assessments, as well as for enhancing overall compliance.

In addition, Section 608(d) of the Act provides that information acquired will be kept

confidential, and that penalties exist for violating confidentiality requirements. Therefore, USDA's AMS field office staff and employees in Washington, D.C., are required to maintain confidentiality. Other confidential information will be withheld from public review under the Freedom of Information Act and the Privacy Act, 5 USC 552.

- 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.**

No questions of such sensitive nature are included in this information collection.

- 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 DIFFERENCE 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 OF OMB FORM 83-I.

See applicable IC information which is attached.

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.

The respondents' estimated annual cost of providing information to the committee is \$3,589.00. This total has been estimated by multiplying 358.80 hours (total burden hours) by \$10.00 (a sum deemed to be reasonable should the respondents be compensated for their time).

- 13. PROVIDE AN ESTIMATE OF THE TOTAL ANNUAL 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).**
- 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 KEEPING RECORDS FOR THE GOVERNMENT, OR (4) AS PART OF CUSTOMARY AND USUAL BUSINESS OR PRIVATE PRACTICES.

There is no capital, startup, operation, or maintenance costs associated with this program.

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, OPERATION 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.

There are no additional costs associated with this information collection. The Federal government's estimated annual cost for providing oversight and assistance for each of the respective marketing order programs is estimated at \$179,412. This total has been estimated by adding the costs of providing oversight and assistance to all marketing order committees/boards (Annual Budget for administration of Federal fruit, vegetable, and specialty crop marketing orders is \$6,100,000) and dividing the total amount by the number of fruit, vegetable and specialty crops marketing order programs (34).

The committee pays for all the administrative costs in connection with these forms, since they are committee forms, and are not included in the cost estimate. Committee funds are derived from assessments on shipments of Idaho-Eastern Oregon onions.

15. EXPLAIN THE REASON FOR ANY PROGRAM CHANGES OR ADJUSTMENTS REPORTED IN ITEMS 13 OR 14 OF THE OMB FORM 83-I.

This is a new information collection and, upon approval, will be transferred into OMB No. 0581-0178. The IFR creates a new form with a burden of 91 hours. The IFR also creates program changes for forms FV-34 and FV-35, currently approved under OMB No. 0581-0178, that will result in a decrease of 177 hours. The overall merging of burden into 0581-0178 will reflect a decrease of 86 hours (18,161 to 18,075). See breakout below:

<u>Reg #</u>	<u>Reason</u>	<u>Previous Burden</u>	<u>New Burden</u>	<u>Difference</u>	<u>Type</u>
958.42	New form	0	91	+91	PC
958.56 958.328	Increase in frequency of response (FV-34)	2.60	7.80	+5.20	PC
958.56 900.90	Decrease in frequency of response (FV-35)	442	260	<u>-182</u>	PC
		Total change in burden		-86	

- 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.**

There are no plans to publish any information or data collected.

- 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.**

AMS requests approval not to display the expiration date on the forms associated with this information collection. USDA orders forms well in advance of the marketing year, so forms can be mailed to growers in a timely manner. USDA orders forms in quantities large enough to get a price break. If USDA needs to order more forms prior to an OMB submission for extension of approval, there is no guarantee that OMB will use a requested expiration date. Also, there is some confusion to respondents thinking their forms can be submitted by the time noted in the expiration date, rather than an earlier date as stated elsewhere on the forms.

18. EXPLAIN EACH EXCEPTION TO THE CERTIFICATION STATEMENT IDENTIFIED IN ITEM 19, □CERTIFICATION FOR PAPERWORK REDUCTION ACT SUBMISSIONS, OF OMB FORM 83-I.

The agency is able to certify compliance with all provisions under Item 19 of OMB Form 83-I.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This information collection does not employ statistical methods.