

2007 SUPPORTING STATEMENT
Generic OMB Fruit Crops
Marketing Order Administration Branch
OMB No. 0581-0189

OMB's Terms of Clearance: *The AMS must ensure that all forms related to 0581-0189 are posted on www.forms.gov by no later than March 2005.*

The Agricultural Marketing Service (AMS) does not plan to post any of the forms in this information collection on www.forms.gov. The forms contained in this submission belong in two categories: 1) Fruit and Vegetable (FV) forms; and 2) Committee/Board forms. F&V forms are controlled forms, some of which are used infrequently (once every six years). In addition, nomination and referendum ballots require validation of voter identity. The Committee/Board forms are developed by industry Committees/Boards, therefore, their placement on the Internet is at their discretion. These forms are not submitted to USDA by the respondents, but directly to the Committees/Boards.

A. Justification

1. EXPLAIN THE CIRCUMSTANCES THAT MAKE THE COLLECTION OF INFORMATION NECESSARY. IDENTIFY ANY LEGAL OR ADMINISTRATIVE REQUIREMENTS THAT NECESSITATE THE COLLECTION.

Marketing Orders (Orders) and Agreements (Agreements) covering the respective commodities emanate from The Agricultural Marketing Agreement Act of 1937, Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674. This legislation, hereinafter referred to as the Act, was designed to permit regulation of certain agricultural commodities for the purpose of providing orderly marketing conditions in interstate commerce and improving returns to producers. The Act provides in section 608(d)(1) that information necessary to determine the extent to which an order has effectuated the declared policy of the Act shall be furnished at the request of the Secretary of Agriculture (Secretary).

Orders/Agreements become effective only after public hearings are held in accordance with formal rulemaking procedures specified by the Act. Orders/Agreements can authorize the issuance of grade, size, quality, maturity, inspection requirements, pack and container requirements, pooling and volume regulations. Some Orders also provide

authority for research and development to be conducted, including paid advertising.

Pursuant to section 608(e)(1) of the Act, certain grade and condition requirements are imposed on commodities imported into the United States for which marketing orders regulate domestic production.

2. INDICATE HOW, BY WHOM, HOW FREQUENTLY, AND FOR WHATPURPOSE 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.

Orders/Agreements are administered by Committees/Boards that consist of producers/growers, handlers, and, in some cases, a member representing the public. Members serve one, two, or three year terms as specified in their respective Orders. Each member has an alternate. Members and alternates are appointed by the Secretary to administer the Orders locally, and are selected from nominees submitted by the producers and handlers of the respective commodity in the regulated area. Marketing Orders and Agreements, and rules and regulations issued thereunder, authorize the Committees/Boards to require handlers and processors to submit certain information as specified in the Orders/Agreements. Producers who voluntarily apply to participate in certain programs are required to submit certain information, pursuant to the specified sections in the Order/Agreement.

Committees/Boards design forms as a convenience to persons who are required to comply with information requirements of the respective Order/Agreement needed to carry out the purpose of the Act and the Order/Agreement. These forms require the minimum of information necessary to effectively carry out the requirements of the Order/Agreement, and their use is necessary to fulfill the intent of the Act. Under the Act, importers are also required to submit certain information.

On December 27, 2005, M.O. 931 (Fresh Bartlett Pears) terminated, and the information collection under the program was merged into M.O. 927 (Pears Grown in Oregon and Washington, formerly known as Winter Pears), as published in the Federal Register (Vol.70, No. 247, page 76377).

The information required under Orders/Agreements is gathered on the following forms, and is used by the Committee/Boards and/or Secretary as outlined below:

a) Confidential Background Questionnaire/Confidential Nominee Questionnaire, FV-163 (Section 905.23); FV-164 (Section 905.23); FV-82 (Section 906.23); FV-97 (Section 915.23); FV-97-1 (Section 915.23); FV-84 (Section 916.23); FV-76 (Section 917.22); FV-266 (Section 920.25); FV-266-1 (Section 920.25); FV-152 (Section 922.21); FV-23 (Section 923.23); FV-15 (Section 924.23); FV-74 (Section 925.22); FV-120 (Sections 927.20 and 927.26); FV-129 (Sections 927.20 and 927.26); FV-259 (Section 929.20); FV-260 (Section 929.22); and FV-260

(Section 929.22): Producer/grower, handler, and public member and alternate public member nominees are required to prepare this form. The information requested pertains to the nominee's relation to the industry being regulated by the respective Order/Agreement. The information collected is used by the Secretary to determine whether nominees are eligible to serve in the positions for which they were nominated. In some cases, this statement also fulfills the respective Order/Agreement section relative to a nominee's acceptance to serve on the Committee/Board.

b) Committee Ballots/Nominations, FV-208 (Sections 915.22 and 915.115); No form number (Section 915.22); FV-216 (Section 915.115); No form number (Section 916.22); No form number (Section 917.22); No form number (Section 920.122); FV-650 (Section 929.22 (e) (1)&(2); and FV-651 (Section 929.22(f)(1):

This form is prepared by independent producers and handlers for the purpose of nominating candidates to serve as producer, handler, and public members on the Committee/Board. Producers may only nominate producers. Handlers may only

nominate handlers. A producers/handler may nominate either a producer or a handler, but not both.

c) Letter of Acceptance, No form numbers, one form for each section unless otherwise noted:

Sections 905.28, 906.25, 915.25, 920.25, 922.25, 924.25, 925.25, and 929.25: In conjunction with the background questionnaire, an acceptance letter is sent by the Secretary to each of the nominees for signature. By signing the letter, the nominees agree to serve and administer the Order/Agreement to the best of their ability.

d) Marketing Agreement/Handler Agreement, FV-162, FV-81, FV-96, FV-85, FV-93, FV-71,

FV-151, FV-21, FV-14, FV-78, FV-119, FV-130, and FV-263 (Section 900.14): This form is used whenever an Order is promulgated or amended. Handlers voluntarily sign the agreement, indicating their willingness to abide by the provisions regulating the handling of the respective commodity in the promulgated or amended Order. Referendum agents distribute and collect the marketing agreements from the handlers.

e) Certificate of Resolution/Cooperative's Certified Resolution, FV-162A; FV-306-A; FV-306-

B; FV-151A; FV-21A; FV-14A; FV-119A; and FV-130A (Section 900.14): Occasionally a corporation's board of directors may attach a Certificate of Resolution that it agrees to be a party to the agreement.

f) Producer Referendum Ballot/Official Producer Referendum Ballot/Cooperative

Association Producer Ballot/Cooperative Official Ballot/Cooperative Certified

Resolution/Cooperative Association Referendum Ballot/, FV-160 (Sections 900.14 and

905.83); FV-161 (Section 905.83); FV-83 (Sections 900.14 and 906.55); FV-98 and FV-98-A

(Section 900.14 and 915.64); FV-304-A (Sections 900.14 and 916.64); FV-304-B (Sections

900.14 and 917.61); FV-92-A (Section 917.61); FV-92-B; FV-305-A; and FV-305-B (Section

900.14); FV-70 (Sections 900.14 and 920.63(c)); FV-150, FV-150A, and FV-150B (Sections

900.14 and 922.64); FV-22, FV-22A and FV-22B (Sections 900.14 and 923.64); FV-13, FV-

13A, and FV-13B (Sections 900.14 and 924.64); FV-77 (Sections 900.14 and 925.63); FV-118, FV-118A, and FV-118B (Sections 900.14 and 927.78); FV-53 (Sections 929.69); FV-288 (Section 900.403); FV-287 (Section 900.403); FV-286 (Section 900.403); and FV-128, FV-128A, and FV-128B (Sections 900.14 and 927.78): This form is used by producers/growers to vote on promulgation of, amendments to, or continuance of the Order/Agreement. The purpose of this ballot is to allow eligible producers/growers to vote in a referendum and to verify eligibility of voters. When the cooperative elects to bloc-vote, the Cooperative's Official Ballot/Cooperative Association Referendum Ballot and the Cooperative's Certificate of Resolution are used by cooperatives to vote on amending or continuing the marketing order. Other information requested on the ballot is used for the purpose of verifying the cooperative's eligibility to vote and volume produced. The agents are officials of the Marketing Order Administration Branch of the Fruit and Vegetable Programs.

g) Certificate of Privilege, CAC-100 (Section 905.147); CAC-200 (Section 905.147); CAC-110 (Section 905.148); No form number (Section 906.120(d); No form number (Sections 923.54 and 923.322): Grade, size, quality, maturity, pack, container, and inspection requirements specified in the handling regulation apply only to that portion of the commodity that is shipped to the fresh market. Commodities shipped to other outlets are exempt from these requirements, provided that certain safeguards are met. These safeguards provide a method to certify that the commodity shipped to exempt outlets does not enter fresh market channels. Prior to shipping the commodity to an exempt outlet, the handler must apply to the Committee/Board to acquire a certificate permitting such shipments, free from other regulatory requirements. This form is obtained from the Committee/Board office and is filled out by the handler or an authorized representative of the handler. Permission to ship commodities to exempt outlets must be obtained for all shipments. This form requests handlers to submit information pertaining to the purpose of

shipments, period for which the permit is required, name and address of shipper and receiver, quantity to be shipped, and destination of shipments. The Committee/Board needs this information for compliance and verification purposes.

h) Special Purpose Shipment, CAC-201 (Section 905.147); FV-212 (Sections 915.55 and 915.140); No form number (Sections 923.54 and 923.322): This form is used by handlers to report shipments made under Certificates of Privilege to special purpose or exempt outlets.

Information provided by the shipper includes the destination of the shipment, the purpose for which it is to be used, the volume of commodity shipped, the date and origin of the shipment, and handler identification information. Upon receipt of the shipment, the receiver is required to provide the Committee/Board with information concerning the volume of commodity received, the date received, the unloading point, and actual use of the commodity received. This information is used by the Committee/Board for compliance purposes.

i) Application for Registered Handler, FV-209 (Sections 915.50(c) and 915.120): This form ensures that handlers of avocados during the season are kept informed of current requirements. It is sent to all persons with adequate facilities for grading and packing avocados for market. This form requests the handler to submit information, i.e. mailing address, street address and office phone, in order to facilitate information sharing between the applicant and the Committee. The applicant is also requested to submit additional information on designated contact persons, whom the Committee can notify in regard to marketing order regulations and field management. This information is also used by the Committee to determine if a handler is eligible to participate in the nomination meetings as outlined in the order.

j) Application for Registered Processor, FV-217 (Sections 915.50(c) and 915.141(b)): This form registers any person who desires to buy, as an approved manufacturer of avocado products, avocados for commercial processing. The form requests name, address, registered avocado handler

number, facility location, facility description, unloading point, source of avocados, how transported, quantity of avocados processed last season and estimate of quantity to be processed this season. It also requires the signature of the applicant on a statement ensure that avocados obtained will be used for processing only and not returned to fresh fruit channels. The Committee needs this information to verify that avocados obtained for processing into products will be used for that purpose only and will not be resold or disposed of in fresh fruit channels.

k) Recordkeeping, No form numbers, (Sections 905.148, 906.51(c), 915.50, 916.60, 917.50, 920.60(c), 922.60, 923.60, 924.60, 925.60(a)(b)(c), 927.70, and 929.63): This is the requirement imposed on a person organization to maintain specified records; retain such records; notify third parties, such as Government, that such records exist; disclose such records to third parties, such as the Government; and, to report to third parties, such as the Government or the public, regarding such records.

l) Application for Producer Exemption Certificate, FV-210 (Section 915.53); FV-210-1 (Section 915.110): The Committee uses this form to verify if an Exemption Certificate should be furnished to growers who provide evidence that certain avocados are maturing earlier than normal. This application, as outlined in Section 915.110, includes the following information: Name and mailing address of the applicant; location of grove from which avocados are to be shipped pursuant to the requested exception certificate; regulation from which exemption is requested; reasons for requesting exemption from such regulation; date when it is proposed to ship avocados for which exemption is requested; and certification as to the correctness of the information contained in the application. This information is needed by the committee to evaluate and, when necessary, authorize the applicant to ship such avocados sooner than provided for in the maturity regulation.

m) Handler's Packout Report, No form number (Sections 927.70 and 927.125): Every other Friday, during the season, handlers report the total packout for each variety, the quantity of each

variety loose in storage, the volume of each variety sold, and the name and address of the handler. Every Friday, during the shipping season, handlers report by variety, the projected total packout, packout to date, volume sold and shipped export (not including Canada and Mexico), volume sold and shipped to Canada and Mexico, volume sold domestically (shipped/not shipped), volume in controlled atmosphere (C.A.) storage sold, C.A. packout to date, and the name and address of the handler. This information is used for these reports is for compliance purposes.

905 – Citrus Grown in Florida:

n) Florida Citrus Crop Prospects, No form number (Section 905.50): This form is used by growers and handlers of Florida citrus to estimate the size, grade and available crop of each variety of citrus regulated under the Florida citrus marketing order. This information is used by Committee staff to develop an advisable marketing policy for the current shipping season.

o) Animal Feed, No form number (Section 905.142): This form has not been used in the last three years, but may be used in the future.

p) Certificate of Certain Shipments, No form number (Section 905.145): This form has not been used in the last three years, but may be used in the future.

q) Administrative Regulation – Size 48 and Smaller Sized Red Grapefruit, CAC-301 (Section 905.153): This form is filed by both handlers loaning and/or receiving base quantity transfers during the extended 11-week regulation period (weeks 12 through 22).

r) Report of Red Grapefruit Shipments by Day Regulation Week, CAC-302 (Section 905.153): This form is used by handlers to inform the Committee of their daily shipments of size 48 and size 56 red grapefruit during the extended 11-week regulation period (weeks 12 through 22).

s) New Handler Application, CAC-303 (Section 905.153): This form is used when a handler first applies to the Committee to handle size 48 and size 56 red seedless grapefruit.

t) Grower Tree Run Certificate Application, CAC-401 (Section 905.149): This application will be filled out by growers who choose to participate in the program. Each participating grower must provide the Committee with his/her name; address; phone number; description of the citrus grove; and the variety and estimated number of boxes of citrus to be tree run under this program. The grower also must certify that the tree run fruit comes from the grove owned by the grower.

u) Report of Shipments Under Grower Tree Run Certificate, CAC-402 (Section 905.149): Growers must file this form with the Committee for each tree run shipment. The information includes the location of the grove, the amount of tree run fruit shipped, the shipping date, and the type of transportation and vehicle license number used to ship the fruit. This report will enable the Committee to maintain program compliance and gather data used to determine the effectiveness of the tree run exemption. The grower must provide a copy of the completed form to Road Guard Stations passed within the State. Road Guard Stations are operated by the Florida Department of Agriculture to monitor shipment of agricultural production in the State.

906 – Texas Citrus:

v) Diversion Report, No form number (Section 906.51): This form is used by handlers who ship fruit to a processing plant. A form is used for each load. One copy is retained by the handler, one is submitted to the Committee and one to the processor. A fourth copy would accompany the load if it is leaving the production area and is also used for charity and home use. The form is necessary as a safeguard for compliance of Marketing Order regulations.

w) Handler Application, No form number (Section 906.51): This form is completed by handlers who handle citrus in the three county production area. The information on this form is important to the Committee office staff in determining the approval or denial for requests to handle fruit in Cameron, Hidalgo, and Willacy counties.

x) Confidential Citrus Crop Questionnaire, No form number (Section 906.51 (a)): Response

to this questionnaire is not mandatory. Information gathered regarding crop outlook includes acreage, supplies, quality, sizes, maturity and general information about the year's crop. The information is summarized and used as a base for planning merchandising and advertising programs financed by the Committee. The information is helpful in setting assessment rates to determine budgetary expenses.

y) Seller/Buyer Certificate, No form number (Sections 906.51(b), 906.151 (a)(b)(c)): The form would be completed by the seller (handler) in triplicate on all sales of over 400 pounds of oranges or grapefruit, or both, destined for resale inside the production area to help ensure that such oranges or grapefruit do not leave the production area without meeting order requirements. The information compiled from use of this form will provide the committee with valuable statistics on fruit sold and marketed within the production area.

z) Application & Certification Citrus By-Products Purchase Agreement, No form number (Section 906.123 (b)): This form is used by the Committee to sign up processors who intend to acquire fruit for processing outside the three (3) county production area. The applicant is required to provide on the form a name and address, the name of an authorized agent, and the location of the processing facility; and agree to use the fruit in processing only.

aa) Information Data Sheet on Citrus Processor, No form number (Section 906.123(b)): This form is used by the Committee to sign up processors who intend to acquire fruit for processing outside the three-county production area. The form requires an applicant to provide the manufacturer's name and address; the types of products the firm will be manufacturing; the outlets for the products; what type of packaging will be used; and the method of juice extraction.

915 – Avocados:

bb) Avocado Handlers Weekly Report Form (Sections 915.60 and 915.150(a)(b)): This form is used by the Committee to determine the quantity of avocados, by variety, each handler receives

weekly from other growers' groves and from his/her own groves, and the method of disposition of all such avocados not packed in regulated containers by date and quantity. This information is needed by the Committee to help determine if such avocados are handled in accordance with marketing order requirements.

916 – Nectarines:

cc) Producer List for Referendum, FV-279 (Section 916.64): This form is used by handlers to report the names, addresses, and volumes of nectarines for fresh shipment produced by the growers whose fresh nectarines the handler handles. This information is utilized by the Secretary to verify that referendum ballots are distributed to the greatest number of growers possible.

917 – Peaches:

dd) Producers List of Referendum on M.O. 917 (Peaches Shipped), No form number (Section 917.61): This form is used by handlers to report the names, addresses, and volumes of peaches for fresh shipment produced by the growers whose fresh peaches the handler handles. This information is utilized by the Secretary to verify that referendum ballots are distributed to the greatest number of growers possible.

920 – Kiwifruit:

ee) Application for Inspection (Waiver Form), No form number (Section 920.110): Handlers submit this form to confirm in writing their oral request for waivers of inspection requirements. This confirmation is necessary when special circumstances arise, such as when the Federal-State Inspection Service (FSIS) determines it cannot inspect, in a timely manner, a lot ready for shipment. These exempted shipments must meet all marketing order requirements.

ff) Shipment Report, No form number (Section 920.160(a)): Each handler must submit this form to the Kiwifruit Administrative Committee on a monthly basis during the crop season. This form is used to report shipments by destination and container type. This is useful for compiling

industry information and to verify individual assessments.

gg) Kiwifruit Inventory Shipment System, No form number (920.160(b)): This form must be filled out by each handler and submitted to the Committee twice a month during the season unless they have qualified with the committee and shipped less than 10,000 trays or the equivalent thereof, per fiscal year. This form keeps track of inventory by container type and fruit size. Inventory includes all fruit packed at harvest. Remaining inventory, by handler and statewide, is then calculated and used as a check at year end to see if assessments billed match with reported shipments. This information is also used to verify the total amount of fruit available for shipping and for compiling industry shipping information purposes.

hh) Return Receipt of Kiwifruit to Growers, No form number (Section 920.160(c)): Each handler must submit this form to the Committee when returning cull fruit to growers. This form contains the handler's name and address, grower's name and address, and quantity of kiwifruit returned. This information is to ensure that all fruit returned to the grower is not purchased and then sold in the fresh market. This form makes it easier for the Committee to track fruit and ensure compliance.

ii) Kiwifruit Verification Form, No form number (Section 920.303): This form is used by handlers to report information from the original inspection certificate (Positive Lot Identification and inspection certificate numbers, handler name, grade and size, number and type of containers, and brand), and information for kiwifruit placed into new containers (number and type of container and brand), to the Federal-State Inspection Service (FSIS). FSIS will assign a verification number for lots of such kiwifruit to provide a trace back to the original inspection certificate. This form is to be submitted to FSIS within 3 days of shipment. The Committee will also use this form to assist in ensuring handler compliance with the order. Information related to the burden is addressed under Item 15 of this Supporting Statement.

922 – Apricots:

jj) Application for Waiver of Inspection, No form number (Sections 922.55 and 922.111):

Shipments of apricots from isolated areas where inspection is not readily available are exempt from inspection for each shipment. This form is used by the Committee to identify those handlers who wish to be exempt from pre-shipping inspection. This exemption is for domestic shipments only; export shipments require inspection. The information is used to determine if the location of the handler's packing facilities results in excessive costs for obtaining inspection services.

Information collected on this form includes the handler's name, address, location of packing facility, and distance to nearest inspection office for the purpose of identification. The only other requirement is the signature of the handler or an authorized representative which serves to certify that the handler will comply with the established stipulations. Handlers pay an additional assessment to the Committee which reimburses the Washington State Department of Agriculture-Commodity Inspection Division (WSDA-CID) for the spot inspections they perform on these waiver of inspection handlers to ensure compliance. Handlers are required to meet all other Order requirements and furnish information to the Committee so that it may verify such compliance. Handlers submit a Waiver of Inspection Permit to the Committee for this purpose, but in applying for a waiver of inspection privilege, handlers agree to certain conditions, including furnishing such information. After approval of the handler's application, the Committee office assigns a permanent Waiver of Inspection Permit Number. This number is stamped on each individual container that is shipped under waiver of inspection. The information obtained is for compliance and verification purposes.

kk) Waiver of Inspection Permit, No form number (Sections 922.55 and 922.111): This form is used by the Committee to obtain information relating to shipments of fresh apricots made under waiver of inspection. All such apricots must be accompanied by this form certifying the apricots

are packed to meet Order requirements. Handlers who have a waiver of inspection privilege fill out this report for each shipment and return it to the Committee. These forms are sent to the Committee on a weekly basis during shipping season. The handler supplies the date, consignee's name, count, grade, variety, and container size. The information obtained is for assessment, compliance, and verification purposes.

924 – Fresh Prunes:

ll) Handler Statement for Washington-Oregon Fresh Prunes, Form No. 1 (Section 924.160):

This form is used by fresh prune handlers to report the total quantity of early and late fresh prunes handled during the season. This form is needed by the Committee to compile information that is essential for the collection of handler assessments and to provide production statistics to the industry. Previously, inspection certificates from the Inspection Service were used to obtain this information. However, this source will no longer be available under the suspension of the handling regulations. This form would help ensure compliance with the order's provisions and assist the Committee and USDA with oversight and planning.

925 – California Desert Grapes

mm) Grape Acreage Report, CDGAC – 7 (Section 925.50): Handlers annually prepare an estimate of grape acreage for the committee in order to estimate production necessary to develop the annual budget and assessment rate. Filing of this form is voluntary, but nearly all handlers comply with the CDGAC's request for the form.

nn) Organically Grown Grapes, CDGAC – 1 (Sections 925.54 and 925.304(c)): This form is filed annually by producers and/or handlers to request exemption from berry size regulations for organically-grown grapes. The applicant provides name, address, and phone number of the firm requesting the exemption; plus the location of the vineyards where the organic grapes are grown and the number of acres per variety which are grown organically. Currently, a State of California

law and the 1991 Farm Bill require that such organic produce be registered with the county in which produced. Starting in 1993, certification as well as registration has been required of anyone producing organic produce. For those two reasons, form 1 has been amended to reflect current and anticipated reporting requirements in both the State of California and the United States.

oo) Experimental Container Permit, CDGAC – 5 (Section 925.54): This form is filed annually by handlers who request exemption from container requirements. Under the order, only certain sizes and weights of containers are authorized for use in marketing desert grapes. With the approval of an application, a handler may use a different size container than is authorized by the order. Frequently, there are no requests for use of experimental containers.

pp) End of Season Shipment Report, CDGAC – 3 (Section 925.160): Information collected on this form includes: (1) handler name and address; (2) grower name and address; (3) reporting period; (4) invoice number; (5) shipping date; (6) variety name; (7) destination; and (8) total number of lugs in pounds. The form would be submitted once annually by each handler at the end of the season.

927 – Fresh Pears:

qq) Handler Statement of Fresh Pear Shipments, No form number (Sections 927.70 and 927.125): Every other Friday during the marketing season, handlers report shipments by date shipped, number of containers of each pear variety, and destination (city and state) for assessment and compliance purposes.

rr) Pear Size and Grade Storage Report, No form number (Sections 927.70 and 927.125): About once each month during the middle of the marketing season, each handler reports unsold supplies by variety, size, grade, and type of storage (controlled atmosphere storage or regular storage). This information is used in the marketing of the winter pear crops.

927 – Processed Pears:

ss) **Assessment Report, No form number (Sections 927.70 & 927.125)**: This form requires handlers to provide annual information to the Processed Pear Committee. The information includes the name of the processor/firm to which the handler sold the fruit, the amount of culls and graded fruit, and to the assessment amount as required by §927.237. The handler must also complete their contact information and enclose payment for the assessments to the Processed Pear Committee.

929 – Cranberries:

tt) **Grower Sales and Acreage Report, CMC-GSAR-1 (Sections 929.48 and 929.107)**: This form indicates the total acreage harvested, total commercial cranberry sales in barrels from such acreage, and the amount of any new or renovated acreage planted, to allow the Committee to compute the sales history. The grower must file this report by January 15 of each crop year.

uu) **Leased Acreage Form, CMC-L1 (Sections 929.49 and 929.50)**: A lessor completes this form and submits it to the Committee if such lessor transfers sales history to a lessee. The lessor must indicate the terms of the lease of acreage and whether the lease is a partial or total lease of owned cranberry acreage.

vv) **Cranberry Acreage & Sales History Transfer Forms, CMC-TS-94-1 (Seller) and CMC-TS-94-2 (Buyer) (Sections 929.50 and 929.110)**: These forms are completed by the seller and the buyer of cranberry acreage and indicates if sales history is being transferred by the seller to the buyer.

ww) **Interhandler Transfer Form, 1HTR (Section 929.55)**: This form is completed by handlers who transfer cranberries to another handler. The handler must also indicate on this form which handler is assuming the assessment obligation. Currently, this form is submitted four times a year.

xx) **Grower Acquisition Listing, CMC-GAR-1 (Section 929.62)**: This form is a pre-printed grower acquisition report. On it, handlers list growers from whom they acquired cranberries from

during the previous crop year. The Cranberry Marketing Committee fills out a portion of the form relating to cranberries acquired during the previous crop year. Handlers fill out, if applicable, information relating to the acquisition of cranberries during the current harvest season, such as the names and addresses of growers not previously listed, and amount acquired from each grower listed.

yy) Handler Inventory Report, HIR-2 (Sections 929.62 and 929.105): Handlers report all barrels of cranberries on hand for a specific period, all barrels acquired, all barrels sold, and the new balance of barrels on hand.

zz) Handler Inventory Report - Amended, HIR-Amended (Sections 929.62 and 929.105): This form is only used if the original Handler Inventory Report is not filled in correctly. This form makes it easier to determine whether the original error was corrected.

aaa) Handler Inventory Report - Supplement, HIR-Supplement (Sections 929.62 and 929.105): This form is completed by handlers who sell cranberries to a processor. The handler must indicate the name, address, and amount sold to each processor.

bbb) Processor Inventory Report, PIR A-D (Sections 929.62 and 929.105): This is an inventory report voluntarily filled out by processors. It provides the Committee with the processors' beginning inventory, acquired cranberries, cranberry sales, and ending inventory. This form is used for third-party verification of handler inventory reports.

ccc) Growers Notice of Intent to Produce and Qualifying for Annual Allotment CMC-AL 1 (Section 929.49(d)): This form is completed by growers in the event volume regulation is implemented. The Committee would require all growers to qualify for their allotment by filing this form with the Committee, on or before April 15 of each year. This form requires growers to provide the following information: 1) The location of their cranberry producing acreage from which their annual allotment will be produced; 2) the amount of existing or new acreage which will

be harvested; and 3) such other information, including a copy of any lease agreement, as is necessary for the Committee to administer Section 929.49. This form helps ensure compliance of allotment regulations by growers.

ddd) Allotment Transfer and Disposition Agreement, CMC -T7 (Section 929.151(c)):

Growers who complete this form may enter into an agreement with a handler or handlers as to the disposition of the grower's annual allotment. The terms of the agreement shall be contained in this form and shall include: 1) The quantity of the allotment available to the handler for transfer; 2) the effective date of the agreement; and 3) the signature of the grower and handler or their authorized representatives. This form clarifies for the committee how the grower's annual allotment will be disposed of and helps monitor allotments to ensure compliance under the Order.

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.

Upon approval, these forms will be used to submit information directly to the Committees/Boards, which administer the order. The Committee/Board is not part of a Federal agency, but is a commodity industry that operates under Federal authority and oversight. The availability and submission of forms electronically is at the Committee's/Board's discretion. Currently, forms are transmitted by fax machine and postal delivery.

Information collection forms are periodically reviewed by the Board to ensure that they are understood by industry members, are easy to complete, and place as small a burden as possible on the person required to file the information.

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.

Reports and forms are periodically reviewed to avoid unnecessary information collection duplication by industry and public sector agencies. At the present time, there is no duplication between Federal agencies. The Federal-State Inspection Service (FSIS) exchanges information with Committees/Boards. The Committees/Boards use information on inspection certificates for billing and statistical purposes. The Committees/Boards, in turn, supply the FSIS with copies of its statistical reports and other applicable reports, such as the marketing policy and annual report, upon request of the FSIS. The marketing policies and annual reports are prepared through information collected from OMB approved forms and data obtained by outside sources, such as the FSIS, industry and trade associations, and industry and public publications.

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 requirements of each order. Forms require only a minimal amount of information which can be supplied without data processing equipment or a trained statistical staff. The primary sources of data used to complete the forms are routinely used in all business transactions. Thus, the information collection and reporting burden is relatively small, and requires the same reporting requirements for all handlers and receivers does not significantly disadvantage any handler or receiver that is smaller than industry average.

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.

Collecting data less frequently would eliminate data needed to keep the respective marketing order industries and the Secretary abreast of changes at the State and local level. Timing and frequency of the various reports was established to meet the needs of the industry and yet minimize the burden on the reporting public.

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.**

On May 4, 2007, a notice concerning this information package appeared in the Federal Register (Vol. 72, No. 86, page 25242). That notice announced AMS' request for a revision and extension of a currently approved information collection and requested comments.

One comment was received in response to the notice, however, the comment was not relevant to the information collection burden. This comment is attached.

- **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 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/Board members and staff are constantly alert to what is going on in other marketing orders through correspondence, meetings, and information received from USDA. The Committees/Boards endeavor to consult with representatives from whom the information is to be obtained at least every three years. Notice of the Committee/Board meetings are sent to all those associated with the respective industry, and any concerns regarding Committee/Board business are welcome. Use of these forms have been discussed

with the Committee/Board managers and their staff.

M.O. No. 905 - Citrus Administrative Committee, Manager, Arthur (Duke) Chadwell, (863) 682-3103; or U.S. Department of Agriculture, Agricultural Marketing Service, Marketing Specialist, William (Bill) G. Pimental, Winter Haven Florida, (863) 324-3375.

M.O. No. 906 - Texas Valley Citrus Committee, Manager, John McClung, (956) 581-2190; or U.S. Department of Agriculture, Agricultural Marketing Service, Marketing Specialist, Belinda G. Garza, McAllen, Texas, (956) 682-2833.

M.O. No. 915 - Florida Avocado Administrative Committee, Manager Alan Flinn, (305) 247-0848; or U.S. Department of Agriculture, Agricultural Marketing Service, Marketing Specialist, William (Bill) G. Pimental, Winter Haven Florida, (863) 324-3375.

M.O. No. 917 - Nectarine Commodity Committee, Manager, Sheri Mierau, (559) 638-8260; or U.S. Department of Agriculture, Agricultural Marketing Service, Marketing Specialist, Jennifer Garcia, Fresno California, (559) 487-5901.

M.O. No. 916-Peach Commodity Committee, Manager, Sheri Mierau, (559) 638-8260; or U.S. Department of Agriculture, Agricultural Marketing Service, Marketing Specialist, Jennifer Garcia, Fresno California, (559) 487-5901.

M.O. No. 920 - Kiwifruit Administrative Committee, Manager Barbara Windmiller, (559) 638-5951; or U.S. Department of Agriculture, Agricultural Marketing Service,

Marketing Specialist, Shereen Marino, Fresno, California, (559) 487-5901.

M.O. No. 922 - Washington Apricot Marketing Committee, Manager

Lucille McFarland, (509) 457-7697; or U.S. Department of Agriculture, Agricultural Marketing Service, Marketing Specialist, Robert Curry, Portland, Oregon, (503) 326-2724.

M.O. No. 923 - Washington Cherry Marketing Committee, Manager B.J. Thurlby,

(509) 453-4837; or U.S. Department of Agriculture, Agricultural Marketing Service, Marketing Specialist, Robert Curry, Portland, Oregon. (503) 326-2724.

M.O. No. 924 - Washington - Oregon Fresh Prune Marketing Committee, Manager

Lucille McFarland, (509) 453-4784; or U.S. Department of Agriculture, Agricultural Marketing Service, Marketing Specialist, Teresa L. Hutchinson, Portland, Oregon, (503) 326-2724.

M.O. No. 925 - California Desert Grape Administrative Committee, Manager, Larry Edge,

(760) 342-4385; or U.S. Department of Agriculture, Agricultural Marketing Service, Marketing Specialist, Terry Vawter, Fresno, California, (559) 487-5901.

M.O. No. 927 Fresh Pear Committee, Manager, Kevin Moffitt, (503) 652-9720; or U.S.

Department of Agriculture, Agricultural Marketing Service, Marketing Specialist, Susan Hiller, Portland, Oregon, (503) 326-2724.

M.O. No. 927 Processed Pear Committee, Manager, B.J. Thurlby, (509) 453-

4837; or U.S. Department of Agriculture, Agricultural Marketing Service, Marketing Specialist, Susan Hiller, Portland, Oregon, (503) 326-2724.

M.O. No. 929 Cranberry Marketing Committee, General Manager, David Farrimond, (508) 291-1510, ext. 14; or U.S. Department of Agriculture, Agricultural Marketing Service, Patty Petrella, Riverdale, Maryland, (301) 334-1174.

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.

Section 608(d) of the Act provides that information acquired will be kept confidential. Reports submitted to the Committees/Boards are accessible only by the Committee/Board managers, field office and headquarters staff, and certain USDA employees in Washington, D.C. Committee/Board members never have access to any handler's reports or assessment records. Committee or Board staff are aware of the penalties for violating confidentiality requirements.

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).

Questions of a sensitive nature are not included on any form. Private information is

required on the “Confidential Background Statement” for grower and public members/alternates which a nominee to the Committee/Board must fill out. These questions are asked to ascertain their qualifications to serve on the committee and include position in firm, years growing or handling, approximate volume grown or handled, and offices held in industry organizations. This information is provided to the Secretary for use in the selection process.

12. PROVIDE ESTIMATES OF THE HOUR BURDEN OF THE COLLECTION OF INFORMATION. THIS 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.**
- PROVIDE ESTIMATES OF ANNUALIZED COST TO RESPONDENTS FOR THE HOUR BURDENS FOR COLLECTIONS OF INFORMATION, IDENTIFYING AND USING APPROPRIATE WAGE RATE CATEGORIES.**

The respondents’ estimated annual cost of providing information to the Committees/Boards is \$279,180. This total has been estimated by multiplying 8,460 (total burden hours) by \$33.00, the average mean hourly earnings of professional, specialty and technical white collar occupations, and executive, administrative, and managerial white collar occupations by worker and establishment characteristics and geographic (metropolitan). Data for computation of this hourly wage were obtained from the U.S. Department of Labor

Statistics' publication, "National Compensation Survey: Occupational Wages in the United States, June 2005", published August 2006 (Bulletin 2581). This publication can also be found at the following website: <http://www.bls.gov/ncs/ocs/sp/ncb10832.pdf>.

- 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).**
- **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. 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, PREPARATION 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 OR KEEPING RECORDS FOR THE GOVERNMENT, OR (4) AS PART OF CUSTOMARY AND USUAL BUSINESS OR PRIVATE PRACTICES.**

There are no cost burdens to respondents or recordkeepers not included in No. 12 and 14.

- 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.

The total Federal cost of providing oversight and assistance to the Committees/Boards for the 12 fruit crop marketing order programs added in this revision is estimated at \$1,843,200 (\$153,600 per program x 12 programs). The average cost per program (\$153,600) was derived by dividing the total budget of \$6,144,000 by 40 (for all marketing order programs, as well as other related marketing order programs administered by the Marketing Order Administration Branch.

AMS pays approximately \$26,960 in costs to administer agency forms for the 12 programs. Committees and boards pay for all the administrative costs of all other forms not included in the cost estimate. Committee and board funds are derived from assessments on shipments of the commodities that they regulate. Marketing orders are directly managed through industry Committees/Boards which collect assessments in order to administer most marketing order forms. However, further oversight is provided by USDA through AMS to ensure that each marketing order program is properly administered by the industry Committees/Boards, whose members are funded by the Secretary or the Secretary's designee. AMS directly administers and pays for the cost of 81 forms. The forms are used in two processes, Committee Nominations and Producer Referenda.

Committee Nominations require a total of 36 forms (18 Background Questionnaires, 10 ballots, and 8 letters of acceptance) to develop selection orders.

Background Questionnaires: The number of Background Questionnaire forms for each program are as follows (Note: The number of forms per program is assumed to be one unless

otherwise denoted): Citrus Grown in Florida (two forms), §905.23; Texas Citrus, §906.23; Florida Avocados (two forms), §915.23; California Nectarines, §916.23; California Peaches, §917.22; California Kiwifruit (two forms), §920.25; Apricots §922.21; Sweet Cherries, §923.23; Fresh Prunes, §924.23; California Desert Grapes, §925.22; Fresh Pears/Processed Pears (two forms), §§927.20 and 927.26; Cranberries (three forms), §§ 929.20 and 929.22.

Ballots/Nomination Forms: These are for the following programs, Florida Avocados, §§ 915.22 and 915.115 (four forms); California Nectarines, §916.22; California Peaches, §917.22; California Kiwifruit (two forms), §920.122 and Cranberries (two forms), §§ 929.20(e)(1)&(2) and 929.22(f)(1).

Letters of Acceptance: One for each program under §§905.28, 906.25, 915.25, 920.25, 922.25, 924.25, 925.25, 929.25.

Producer Referenda are conducted to determine: 1) changes to certain regulatory requirements under the orders, and 2) approval of the continuance of a marketing order. The referenda process requires use of 12 Marketing Agreements, and 8 Certificates of Resolution, 31 Referendum Ballots and these comprise 51 forms.

Marketing Agreements: One for each program and all are authorized under §900.14.

Certificates of Resolution: Each authorized under §900.14 for the following program sections: 905, 916, 917, 922, 923, 924, and 927.

Referendum Ballots: Note that many of the marketing orders have two balloting options to collect grower votes. Votes may either be collected directly from the individual growers or from designated cooperatives that may submit a block vote on behalf of the growers.

All forms mentioned here are included on the attached AMS-71 grid. Committees and boards pay for administrative costs associated with all other forms not specifically mentioned in the estimate. Committee and board funds to cover the cost of administering marketing order forms are derived from assessments on handlers of regulated commodities. This estimate assumes that the Federally-funded form processing for each program is sufficiently similar so that estimated costs can be combined into one cost sheet for all programs in the generic package.

COSTS OF ADMINISTERING COMMITTEE NOMINATIONS TO DEVELOP SELECTION ORDERS USING BACKGROUND QUESTIONNAIRES FOR THE FRUIT CROPS GENERIC PACKAGE

Postage and Mailing and Administration of Background Questionnaires and Ballots:

All costs associated with nominations are handled by the committees or boards. Some committees or boards do request the assistance of a USDA staff member to help oversee voting at grower meetings or administration.

Estimated assistance to four programs with staff time

(1 Specialist x 5 hours @ \$35/Hour x 12 Programs)
(extra follow-up mailing time and meetings) 2,100.00

Mailings

Kiwifruit Ballots Mail Processing (1 Specialist @ \$35.00 x 4 Hours) 140.00

Kiwifruit Ballots (225 ballots @ .41) = 92.00

Follow-up mailing costs (120 @ .41) = 49.00

141.00

Selection Order Development:

Write-up of Selection Order using background questionnaires

(1 Marketing Assistant x 6 Hours @ \$20.00/Hour x 12 Programs)

1,440.00

Review (1 Marketing Specialist x 4 Hours @ \$35.00/Hour x 12 Programs)

1,680.00

ASU -- Washington HQ (1 Secretary @ \$20.00/Hour x 2 Hours x 12 Programs)

480.00 (2 Reviewers @ \$35.00/Hour x 1 Hour each x 12 Programs)

840.00 **A. Total cost of administering the selection order**

\$6,821.00

COSTS OF ADMINISTERING REFERENDUM BALLOTS, MARKETING AGREEMENTS, CERTIFICATES OF RESOLUTION, FOR FRUIT CROPS GENERIC PACKAGE PROGRAMS

(Numbers are rounded up or down as necessary)

Postage:

Ballots To Growers for 12 programs (18,036 x \$.65 each) \$11,723.00

Ballots Returned from Growers --

Assuming 50 Percent Response (9,018 x \$.41) 3,697.00

Marketing Agreements and Certificates of Resolution Sent to Handlers
for 12 Programs (837 x \$.65)

544.00

Marketing Agreements and Certificates of Resolution Returned from Handlers

Assuming 50 Percent Response in Self-Addressed Envelope (419 x \$.41) 172.00

Ballot Set up for Printing and Mail Administration:

Half Day Set up of Ballot by Marketing Specialist for 6 Programs

(1 Specialist x 4 hours @ \$35.00/per hour x 12 Programs)	1,680.00
Printing or Copies (18,036 x \$.25 per page x 4 pages per ballot)	18,036.00
Updating and Printing of Labels for 12 Programs (\$100.00 per set x 12 Programs)	1,200.00
Mailing Service -- Placing in Envelopes and Labeling (18,036 x \$.41 Each Ballot)	7,395.00

Notice:

Write-up of Notice --

(1 Marketing Specialist x 16 Hours @ \$35.00/Hour x 12 programs) (Includes: Continuance and Referendums where ballot is required)	6,720.00
Review of Notice (1 Reviewer x 4 hours @ \$35.00/hour x12 Programs)	1,680.00
Notice of Publication in the Federal Register (8 Pages @ \$500.00/Page x 12 Programs)	48,000.00

Counting of Ballots:

Two Specialists (2 Specialists x16 Hours @ \$35.00/Hour x 12 Programs)

	13,440.00
Marketing Assistant (1 Assistant x 8 Hours @ \$20/Hour x 2 Days x 12 Programs)	<u>3,840.00</u>
<i>TOTAL COST OF ADMINISTRATION OF REFERENDUM FORMS</i>	118,127.00

B. Total annual cost of administration of forms **19,688.00**

(\$118,127 total cost/6-- estimate of occurrences of Referenda is every 6 years)

TOTAL COST TO AGENCY FOR FORM ADMINISTRATION (A + B) **\$26,509.00**

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

There is a decrease of - XXXX burden hours. The Fresh Bartlett Pear marketing order (M.O. 931) terminated since the last submission. Attachment 1 gives a summary of the reasons for changes in the burden of information collection since the last submission.

16. FOR COLLECTIONS OF INFORMATION WHOSE RESULTS ARE PLANNED TO 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.

The Agency requests approval not to display the expiration date for OMB approval of the information collection. This requirement significantly affects mandatory programs by increasing costs to users because otherwise usable forms must be destroyed when the date expires, the form is revised, and redistributed. Such needless cost increases passed on to users of mandatory services are counter productive to the Administration's goal of reducing costs and increasing program efficiency. Additionally, the impact of the expiration date requirement on administrative and regulatory forms for the programs can adversely affect the operation and enforcement of statutes. Inadvertent use of a form with an expired expiration date poses an opportunity for those looking for a means of disruption to challenge paying for services rendered, the validity of the collection of information, or legal requirement imposed by regulations or statutes.

Additionally, the Committee/Board offices orders forms well in advance of the marketing year, so that forms are mailed to handlers and growers in a timely manner. The committee/board offices attempts to order forms in quantities large enough to get a price break. If the Committee/Board offices need to order more forms prior to an OMB

submission for extension of approval, there are not guarantees that a requested expiration date will be approved by OMB. There is also some confusion to respondents thinking their annual applications are good for the length of time noted in the expiration date, rather than expiring at the end of the marketing season.

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

No exceptions are requested to the certification statement identified in item 19 of OMB Form 83-I

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS.

The collection of information does not employ statistical methods.