

**2008 SUPPORTING STATEMENT
FOR
7 CFR PART 56
REGULATIONS GOVERNING THE VOLUNTARY GRADING OF SHELL
EGGS
OMB NO. 0581-0128**

A. Justification

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

Approval is requested under the Paperwork Reduction Act and 5 CFR Part 1320 for the collection of information in 7 CFR Part 56, Regulations Governing the Voluntary Grading of Shell Eggs and Forms PY-100, PY-157, PY-240P and PY-240S. The regulations provide a voluntary program for grading shell eggs on the basis of U.S. standards, grades, and weight classes.

The Agricultural Marketing Act of 1946 (60 Stat. 1087-1091, as amended; 7 U.S.C. 1621-1627) (AMA) directs and authorizes the Department to develop standards of quality, grades, grading programs, and services to enable a more orderly marketing of agricultural products so trading may be facilitated and so consumers may be able to obtain products graded and identified under USDA programs with the confidence of receiving quality in accordance with the standards, grades, and regulations.

To provide programs and services, section 203(h) of the AMA directs and authorizes the Secretary of Agriculture to inspect, certify, and identify

the grade, class, quality, quantity, and condition of agricultural products under such rules and regulations as the Secretary may prescribe, including assessment and collection of fees for the cost of the service.

For a voluntary program to provide efficient service to the users, there must be written requirements, guidelines, and rules, which in this case are these regulations, for both the provider (USDA) and the user (industry) to use as a basis for common understanding. The regulations outline the information the Agency needs from the respondents to provide the types of services the respondents wish, to administer the program, to assess the cost of providing service, and to assure shell eggs are processed under sanitary conditions and are properly labeled.

Because this is a voluntary program, respondents need to request or apply for the specific service they wish, and in doing so, they provide information. Since the AMA requires that cost of service be assessed and collected, there is no alternative but to provide voluntary programs on a fee-for-service basis and to collect the information needed to establish the cost.

Only respondents who elect to utilize this voluntary user fee-for-service are eligible to identify shell eggs with official USDA grademarks.

The information collection requirements in this request are essential to carry out the intent of the AMA, to provide the respondents the type of service they request, and to administer the program.

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 information from respondents is used only by authorized representatives of the USDA (AMS, Poultry Programs national staff, regional directors and their staffs, Federal-State supervisors and their staffs, and resident Federal-State graders, which include the authorized State agencies). The information is used to administer and to conduct and carry out the grading services requested by the respondents. The Agency is the primary user of the information and the secondary user is each authorized State agency which has a cooperative agreement with AMS.

This collection of information serves the Agency mission, program objectives, and management needs in providing information on the efficiency and effectiveness of the program.

Since the Agency does not know what the respondents' wishes or needs are until asked, there is no other choice but to have the respondents request or ask for the specific services or benefits they wish. In requesting or applying for service, the respondents would only need to provide name, company name and address, title and signature of a company official, and applicable box or space(s) to specify the kind of services or benefits they wish. The Agency only requests the information necessary to efficiently make arrangements for the types of service requested and to assure service

is provided.

Plants are required to designate in writing, company employee(s) required and authorized to furnish information to the resident grader (56.52(b)(1)). Since the Agency has asked that title(s) of company employee(s) be provided rather than the name of employee(s), the frequency of the burden has been reduced since title(s) do not often change.

Information requirements are minimal and limited to those necessary to provide service and to assure products are sanitarily processed and are properly graded and grade-labeled.

For plant surveys to determine whether the facilities are satisfactory for grading product (56.17(b)), the information needed by the Agency is obtained by direct observations of a USDA supervisor and from non-standardized oral discussions with plant management.

Chemical compounds; e.g., cleaning and sanitizing compounds, insecticides, inks, mineral oils, etc., are required to receive approval from USDA before they are used in food processing plants (56.76(h)). This is necessary to determine whether they are satisfactory for use in food processing plants and to control their proper use within the plant; i.e., in non-product areas, where food products are exposed, or in contact with food products. Since there are so many various compounds with numerous and varying uses, the Agency has found no other satisfactory alternative to

control adulteration and contamination of food products.

The amount of product in a lot is needed by graders when issuing USDA grading certificates, for sampling, and for certifying contract and specification compliance (56.21(a) and 56.56(a)). Information on the amount of product in a lot would be obtained by the grader through direct observations and from oral discussions with plant management.

These regulations have been developed to provide flexibility as they affect a constantly changing and developing industry. The respondents may request various types of services to meet their needs and the approval of alternate processing and grading procedures. The regulations permit experimentation (56.3(a)) so new procedures and techniques may be developed to aid technological improvements and increase efficiency. Although flexibility is provided, it directly affects the information burden.

Forms submitted under this request:

(a) **Form PY-100, Work Schedule Request**, Voluntary Grading Service, is required by the Office of the General Counsel as the basis for written agreement between the Agency and the respondents for the work schedule of grader(s) and/or inspector(s) in plants with resident service. The form provides the basis for regular and overtime hours of service and for the cost of the hours of voluntary service required by section 203(h) of the AMA. This form provides simplicity and eliminates the time-consuming difficulties in obtaining proper wording for an agreement from the applicants that would

be needed through correspondence. Based on years of experience, a written schedule has proven to have reduced the hours of overtime and regular service needed by a plant and effectively reduced the cost of service to the applicant.

In addition to 7 CFR Part 56, Form PY-100 is designed for use under Poultry Programs regulations - Regulations Governing the Voluntary Grading of Poultry Products and Rabbit Products. The majority of the respondents (plants) only have service under one program regulation. A few respondents may have service under more than one of the program regulations. In these cases, only one Form PY-100 would need to be submitted to cover the information requirements for all the program services in the plant. Currently, there are no respondents who have both voluntary shell egg and poultry grading services.

(b) **Form PY-157, Application for License**, is used under all Programs regulations (7 CFR Parts 56, 59, and 70) to document that a USDA or State employee is qualified to perform the duties of a shell egg grader, a poultry grader, or a shell egg surveillance inspector. State employees under cooperative agreements grade or inspect products for USDA. The form is also used to license USDA or State employees who perform laboratory analyses for the Poultry Programs (chemists, microbiologists, etc.) in plants with resident service. The form is the basis for issuing a license. Form PY-157 is used as proof that an employee is qualified and authorized to

investigate and document violations (shell egg surveillance inspector); or to perform the duties of a shell egg grader, a poultry grader, or a laboratory technician; and to issue official certificates as prima facie evidence when challenged by industry or in representing testimony in judicial proceedings, etc.

After training under USDA-licensed graders or inspectors and USDA supervisors, USDA and State employees can be licensed to grade or inspect one or more products according to the applicable program regulations. A Form PY-157 is used to document that a USDA or State employee is qualified to grade or inspect one or more products according to one or more program regulations. Form PY-157 is a multiple-part form with sections for the employee to provide his or her education or work experience applicable to the position(s), sections for a USDA supervisor to document USDA training and the results of the employee's/supervisor's comparative examination of gradings and/or inspections of products under plant conditions, and sections for USDA approval and license information. State employees who are licensed to grade shell eggs and poultry are supervised by USDA supervisors.

(c) **Form PY-240, Grading Volume Report**, has now become forms PY-240P, Poultry Grading Volume Report and PY-240S, Shell Egg Grading Volume Report. The forms are completed each month by a resident grader based on the information provided by plant management. These forms provide Poultry Programs administration information regarding the volume of

poultry (PY-240P) or shell eggs (PY-240S) handled and graded in each plant having resident service.

To clarify, Form PY-240P is designed for use under program regulations 7 CFR part 70, Regulations Governing the Voluntary Grading of Poultry Products and Rabbits Products. Form PY-240S is designed for use under program regulation 7 CFR part 56, Regulation Governing the Voluntary Grading of Shell Eggs. (OMB No. 0581-0127).

Information for the contract acceptance section of the form is from the resident grader's own record and is not an information burden on the respondent. The majority of respondents only have service under one of the program regulations and therefore, provide information on either the Form PY-240P or Form PY-240S. Respondents with service under more than one program regulation would need to provide information for both forms. There is no duplication of information on these forms.

In respondents' plants with voluntary shell egg grading or poultry grading service on continuous basis or on as-needed basis, plant management provides information on volume of product once a month. The information is from the plant's routine production records. Using this form, the resident grader calculates administrative charges for continuous resident service based on the volume of shell eggs (56.52(a)(4)) or poultry (70.77(a)(4)) handled.

Volume information is used to calculate and bill for administrative

charges in shell egg and poultry plants with continuous resident service because, as a rule, the larger the volume in a plant, the more complex the operation. Usually, as complexity increases, so does the number of graders needed and the related cost due to the increase in supervisory workload, travel, and other administrative services. In using volume as the basis, the cost to users increases in proportion to increased volume. Since the total volume for all plants is an invaluable management tool for calculating the cost-per-unit graded, volume and cost-per-unit offset competitive effects and have been found to be a fair basis for administrative charges. Volume is not used for calculating the administrative charges for resident service on as-needed basis because of the numerous variables associated with providing this type of service. Voluntary service is paid for by the user (user-fee).

Plant management is asked to review the information and the calculations for the administrative charges (voluntary grading of shell eggs or poultry or rabbits) on Forms PY-240P and PY-240S, as applicable, and to sign the form (voluntarily--we cannot require) so the respondent will know how the information they provided is used and submitted to the Agency.

The volume of products graded or inspected under the voluntary programs is used in preparing internal Agency and Department management reports.

Forms PY-32 and PY-33 (OMB No. 0581-0127) and Form PY-518-1 (OMB No. 0581-0113) shown in the attached AMS Form 71 are designed for use

under 7 CFR Part 56 and the other Programs regulations. These forms are discussed below:

(a) Form PY-32, Application for Service, is completed and submitted by a respondent when applying for continuous resident grading. Form PY-32 is the basis for a written contract/agreement between the Agency and the respondent for continuous resident service. Respondents only need to complete one form to request any one or more of the program services provided under the Poultry Programs regulations by checking the box(es) on the form that apply to the service(s) they wish.

(b) Form PY-33, Application for Specifications Approval, is completed by a respondent when submitting their product specifications to USDA for approval. Form PY-33 is the basis for a written contract/agreement between the Agency and the respondent for the Agency to grade or inspect products the respondent purchases according to the respondent's specifications. Respondents may request approval of specifications under any one of the three voluntary program regulations applicable to the specifications. Each specification or group of specifications must be submitted with a Form PY-33 for approval under each applicable program regulation because of the differences in the grading or inspection requirements for the products in each program regulation.

(c) Form PY-518-1, Alleged Violation and Detention Notice, is used to report and document alleged violations of the Egg Products Inspection Act (7

CFR Part 59) and section 203(h) of the AMA (7 CFR Parts 56 and 70). The form also serves as a record and notice of product detained outside of a plant due to noncompliance with these Acts. A form is prepared for each alleged violation. The PY-518-1 is completed by USDA or State regulatory inspectors and USDA supervisors based on facts and opinions obtained through direct observations during inspections and non-standardized oral discussions with management of the firms in connection with these direct observations. If the information under this request were not collected, the Agency would not be able to provide the voluntary grading service authorized and requested by Congress under the AMA, to provide the types of services requested by industry, to administer the program, to ensure properly grade-labeled products, to calculate the cost of the service, and to collect for the cost of furnishing service as required by section 203(h) of the AMA.

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.

Forms PY-100, PY-157, and PY-240-P, PY-240-S are available electronically and can be filled out and printed off by Agency personnel. Agency personnel obtain facts or opinions through direct observations and

non-standardized oral communications with plant management in connection with these direct observations to complete the form.

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.

There is no known duplication of information burden. There is no source other than from each respondent. The information must be obtained from each respondent specifically for their product, plant operation, product label, or chemical compound for their specific purposes or needs. The Agency works with the respondents to ensure there is no duplication of information.

The regulations in this request reference and apply appropriate requirements of the Federal Food, Drug, and Cosmetic Act; the Fair Packaging and Labeling Act; and the regulations promulgated under these two Acts. To prevent duplications on respondents, the regulations in this request require products to be labeled in accordance with these two Acts.

Any information burden incurred under one program would fulfill the information needs of the other programs. In these cases, there would be no additional information needed or burden for the other programs

States and the Agency require that water used in food processing plants be potable (56.76(f)(6)). The frequency of testing required by the States is equal to or greater than the frequency required by the Agency

(annually for municipal sources and semiannually for private wells). Because the majority of the States perform the test at no cost to respondents and the respondents provide the Agency a copy of the results, the burden for 56.76(f)(6) on the attached AMS Form 71 is reflected primarily as a reporting burden. The Agency's requirement for iron analysis is also included in this burden (when the plant is initially approved for resident service and whenever the source of water changes).

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

Collection of the information requested does not present any additional effort on the part of small businesses or other small entities as the information burden depends upon the types of services the respondent requests and the number and frequency of their requests.

Since the voluntary grading program is designed for any size of business (smallest to biggest), the information burden increases as the size and complexity of the operation increases. The smaller and less complex operators are subject to smaller burdens.

Furthermore, since this is a voluntary program and the service is paid for by the user, the Agency strives to minimize the burden on respondents because the amount of burden is directly related to the cost of the service that must be paid for by the users.

The Small Business Administration defines, in CFR part 121, small agricultural producers as those having annual receipts of no more than \$750,000 and small agricultural service firms (first handlers and importers) as those having annual receipts of no more than \$6.5 million. Under these definitions, the majority of producers, first handlers, and importers that would be affected are considered small entities. We have estimated the number of respondents for this collection is 630, and we estimate that 48 are considered small businesses.

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 Agency could not ensure properly labeled shell eggs and the integrity of the USDA grade mark if each new label was not submitted for approval. Respondents give the Agency a copy of the results of water potability analysis annually when the water they use is from a municipal source and semiannually when from private wells. Reporting less frequently would greatly increase the risk of using contaminated water for processing food products.

Without the frequency of the information outlined in this request, the Agency would not be able to provide the program services the users need, when they are needed, or provide efficient and cost-effective service. This would be contrary to the needs of the users of the service and to the intent

Congress had in making voluntary programs available.

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;

The requirement "not to require respondents to report more often than quarterly" would effectively destroy the Agency's ability to provide grading service and to control sanitation, grading, labeling, and improperly labeled products.

When product is improperly labeled or not in compliance with the assigned USDA grade, an immediate response is necessary to prevent product from moving into consumption channels or to locate product outside the plant. In most cases, these are verbal responses obtained through non-standardized oral communication at the time of observing the noncompliance. As a follow-up, a USDA representative may ask the respondent to sign a USDA prepared form or report to acknowledge their discussion. When there is a critical history of noncompliance or noncompliance product was shipped from the plant, the respondent may be asked to prepare a short written response within a period of 1 to 10 days.

The majority of the responses are due to requests of the users for different services and benefits, and any limit in this flexibility to the users would negate or restrict their needs. For information due to the needs and

wishes of the respondents, the length of time before respondents need to prepare a written response depends entirely upon how soon they would need the specific benefit or service of the program, or a request approved. Based on our experience, respondents respond in considerably less time than 30 days because their needs require a more timely response in order to conduct or maintain normal business activities. The urgency of most applicants' needs may best be demonstrated by an example of how soon the Agency must respond in order to fulfill their needs. For example, the Agency normally must respond within 1 to 5 days in order to meet most of their requests for service or approve their request.

The regulations and/or adjudicatory proceedings of the Department outline the response times to pending regulatory or administrative actions on the applicant; e.g., 7 days for a USDA licensed employee to file an appeal why his/her license should not be suspended or revoked, 10 days for applicant's petition of a rejected application for service, and 10 days for applicant to respond to why service should not be withdrawn. In special situations, these response times may be extended. In the case of an appeal of a grading or a grader's decision, the respondent must request the appeal before the product has undergone any material change. This must be done within 1 to 2 days, and in a few instances, up to within 5 days, depending upon the type of product and the reason(s) for the appeal. The majority of the requests for an appeal are verbal.

The Agency needs the exceptions to 5 CFR 1320.5(d)(2)(i) and (ii) in order to provide the service requested; to assure products are processed under sanitary conditions, are properly graded and labeled; to control improperly labeled products; and to collect for the cost of the service.

There are two situations in which respondents provide information that may not be considered in a customary format: The printed Programs forms used and submitted under program regulations, and the information for labels. Information on labels is required to be in accordance with the program regulations. The label format provides uniformity and is the same as for other applicable kinds of food products since the Poultry Programs regulations include the applicable requirements of the Federal Food, Drug, and Cosmetic Act; the Fair Packaging and Labeling Act; and the regulations promulgated under these two Acts.

-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 other 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 Agency published a notice in the Federal Register on September 14, 2007, in Vol. 72, No. 178, page 52538 announcing its intention to request an extension for and revision of this information collection and required by 5 CFR 1320.8(d). No comments were received in response to the notice.

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.

Communications between the Agency and industry are good. When changes are planned, letters of information and proposed rulemaking are sent directly to users of the service, industry trade organizations, States, and other interested persons for their comments. The Agency meets with shell egg trade organizations at least yearly to obtain their views on issues and problems and to exchange information on efficiency and effectiveness of the grading program. Also, the Agency consults these organizations when there are significant program issues or when major changes are proposed in the shell egg grading program. There were no major problems that could not be resolved during consultations. During the last three years, representatives of the national staff or regional staffs have met, on an as needed basis, with the following organizations or have participated in their seminars and workshops:

United Egg Producers
1720 Windward Concourse, Suite 230
Alpharetta, GA 30005
(770) 360-9220
Mr. Gene Gregory

Midwest Poultry Federation
108 Marty Drive
Buffalo, MN 55313
(763) 682-2171
Mr. Steve Olson

US Poultry & Egg Assoc.
1530 Cooledge Road
Tucker, GA 30084
(770) 493-9401
Mr. Don Dalton

Pacific Egg & Poultry Assoc.
1521 "I" Street
Sacramento, CA 95814
(916) 441-0801
Ms. Debra Murdock

Plants with resident service are routinely provided copies of information and materials about service by the Federal-State, regional, or national offices. The supervisory field staff regularly visits with industry during their supervisory travel to obtain respondents' views and exchange information.

These forms of communications--between the Agency and industry and between the Agency and States--have proven to be an invaluable method of exchanging information. They give the industry and the States the opportunity to express their views and to discuss their problems. They give the Agency the opportunity to obtain their views, to answer questions, and to solve or resolve problems.

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

No payments or gifts are provided to respondents.

10. DESCRIBE ANY ASSURANCE OF CONFIDENTIALITY PROVIDED TO

RESPONDENTS AND THE BASIS FOR THE ASSURANCE IN STATUTE, REGULATION, OR AGENCY POLICY.

It is Department policy that no employee or official of USDA or State shall use to their advantage, or reveal other than to the authorized representatives of the USDA, any information acquired concerning the business or operations of the respondents or any matter entitled to protection as a trade secret.

- 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 a sensitive nature are requested.

- 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.

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 number of respondents, frequency of response, and annual burden for each information collection requirement, as well as totals, are shown in the attached AMS -71.

The majority of the estimates and calculations are based on the average yearly number of respondents and responses from 2006-2007 program records, except where there were continuous decreases or increases, or there were unusual circumstances. In these cases, estimates are projections of what is expected on the average over the next 3 years. Estimated average time for each response is based on program experience.

Estimated cost to the respondents is \$125,388.36. Estimated total cost to respondents is based on the following calculation: 5,514 total hours of information collection x \$22.74. The estimated hourly cost of \$22.74 for the respondents is an average for the various levels of management (general manager, plant manager, processing supervisor, foreman, or quality

assurance inspector) most likely to be handling specific responses (includes miscellaneous costs as applicable). This hourly wage was obtained from the U.S. Department of Labor Statistic's publication, "National Compensation Survey: Occupational Wages in the United States, June 2006", published October 24, 2007.

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

This collection of information did not require the expenditure of capital costs.

- 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 voluntary grading program is provided on a user-fee basis with the cost of the program borne by those respondents utilizing the service (section 203(h) of the AMA). Therefore, this collection package represents no cost to the Federal Government.

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

Due to changes in respondents frequency of participation, it resulted in

an overall adjustment decrease of -116 burden hours.

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.

Information under this request is not published for statistical use. The information is summarized for internal Programs management decision making and the Programs' annual progress report, to prepare Agency and Department reports, and to answer congressional requests.

This collection of information does not employ statistical methods because it is based on the needs of the respondents and the Agency as discussed within this request.

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 voluntary programs by increasing costs to users because otherwise usable forms must be destroyed when the date expires or when the form is revised and redistributed. Such needless cost increases passed on to users of voluntary services are counterproductive to the Administration's goals 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 the statutes. Inadvertent use of a form with an expired expiration date poses an opportunity for those looking for any means of disruption to challenge paying for services rendered, the validity of the collection requirement, or legal requirement imposed by regulations or statutes.

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

Statistical methods are not being used with this collection.