

2008 SUPPORTING STATEMENT
Honey Packers and Importers Research,
Promotion, and Consumer Education and Industry Information Program

7 CFR Part 1212
OMB Number 0581-NEW
(Final Rule)

CLEARANCE NOTATION:

OMB review and approval of a new information collection is necessary for the establishment of a National Honey Packers and Importers Research, Promotion, Consumer Education, and Industry Information Program (Packers Order (7 CFR Part 1212)). The Packers Order was approved in a referendum conducted among first handlers and importers of honey and honey products.

With the approval of the Packers Order, the collection of assessments under the Honey Research, Promotion, and Consumer Information Order (Current Order (7CFR Part 1240)), will be suspended. The remaining provisions of the Current Order will be terminated at a later date, and eliminate the need for information collection under the Current Order, (which is part of the generic OMB No. 0581-0093).

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Justification

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

A new Honey Packers and Importers Research, Promotion, Consumer Education, and Industry Information Program (Packers Order) is being established under the Commodity Promotion, Research, and Information Act of 1996, (PL 104-127, 110 Stat. 1032, April 4, 1996, 7 U.S. C. 7411-7425). This legislation is hereinafter referred to as the 1996 Act. Under the enabling legislation, Congress has delegated the Department of Agriculture (USDA) the responsibility of establishing and overseeing agricultural commodity research and promotion orders, which may include a combination of promotion, research, industry information, and consumer information activities funded by mandatory assessments. These programs are designed to maintain, develop, and expand markets and uses for agricultural

commodities.

The Packers Order will provide for the continued development and financing of a coordinated program of research, promotion, and information for honey and honey products. The programs will include projects relating to research, consumer information, advertising, sales promotion, producer information, market development and product research to assist, improve, or promote the marketing, distribution, and utilization of honey and honey products.

The program will be administered by a Board appointed by the Secretary of Agriculture and financed by a mandatory assessment on first handlers and importers of honey or honey products. The Agricultural Marketing Service will provide oversight to ensure: (1) funds are collected and properly accounted for; (2) expenditures of all funds are for the purposes authorized by the enabling legislation; and (3) the board's administration of the program conforms to USDA policy.

Section 515(i) of the 1996 Act provides authority to request from persons covered under the order any information required to carry out the responsibilities of the program. Each appointed board is responsible for collecting assessments from the affected persons covered under the program in order to carry out the Board's responsibility. These programs require the use of the forms described in item 2 below.

This new information collection package for the Packers Order is for a total of 350 hours. The Honey Packers and Importers Research, Promotion, Consumer Education and Industry Information Order; Referendum Procedures, OMB Control Number 0581-0245, was approved on March 14, 2008, for 4 burden hours to cover the referendum ballot. Upon approval, we will submit a request to merge this collection for Packers Order for 350 burden hours into the 0581-0245.

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 Honey Packers and Importers Research, Promotion, Consumer Education and Industry Information Order (Packers Order) is being established under the 1996 Act. A referendum was conducted among honey first handlers and importers and the Packers Order was approved. The Packers Order will replace the Current Order (7 CFR Part 1240), and thus suspend the collection of assessments and at a later date will terminate the Current Order, thus terminating the collection of honey information from the existing information collection OMB No. 0581-0093.

Under the Packers Order, first handlers and importers of honey or honey products will be subject to a mandatory assessment of \$0.01 per pound of honey and honey products to fund a coordinated program to maintain, develop, and expand the demand of honey and honey products. The Packers Order will be administered by a 10-member Honey Packers and Importers Board (Board) comprised of three first handlers, two importers (who import at least 75 percent of the honey they market into the U.S.), one importer-handler (who handles at least 250,000 pounds of honey annually and markets at least 75 percent of its honey in the U.S.), one national honey marketing cooperative representative and three honey producers (who produce a minimum of 150,000 pounds of honey in the U.S. annually). For each Board member, there will be an alternate member. The members and alternates will be appointed by the Secretary of Agriculture to administer the program with AMS oversight, and will be selected from nominations submitted by national qualified organizations representing honey producers, first handlers, and importers.

Board members will serve terms of three years and could serve a maximum of two

consecutive terms. For the initial Board, one producer, one first handler, one importer, and the national honey cooperative representative will serve a two-year term. Additionally, one producer, one first handler, and the importer-handler will serve a three-year term of office. Also, one producer, one first handler, and one importer will serve a four-year term of office. The Board will use assessments collected under the Packers Order to carry out research, promotion, consumer education, and industry information activities. In order to carry out these responsibilities, first handlers, importers, producers, and cooperative organizations are required to submit certain information, as provided in Sections 515, 516, and 517 of the 1996 Act, and Sections 1212.42, 1212.50, 1212.70, 1212.71, and 1212.72 of the Packers Order.

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The information required under this program is gathered through the following forms, and is used by USDA's AMS, and the Board as described below:

a) Background Information Form AD-755 (OMB 0505-0001) (Section 1212.42):

This form contains questions to ascertain the nominee's qualifications for consideration of appointment to the Board by the Secretary of Agriculture. The form questions include: personal identification information, including name, social security number, date of birth, and address; length of time engaged in honey production and/or packing; quantity of pounds produced and/or packed; length of time engaged in importation of honey and the pounds of

honey imported, packed and exported; employment information; professional affiliation(s); education; income sources for amounts over \$10,000; and criminal history. The form will be completed by all Board nominees including first handlers, importers, producers, and representatives of cooperative organizations. This information will be provided to the Board and forwarded to USDA for use in the nomination process.

b) Exemption Application for First Handlers and Importers (Sections 1212.53):

First handlers or importers who handle or import less than a predetermined quantity per year could claim an exemption from assessments. This form requires handling and importation data, supporting documentation, and certification. The form requests the minimum information necessary for proof that first handlers and importers should be exempt from assessments under the Packers Order.

c) Monthly Report by each First Handler (Sections 1212.70): First handlers and importers will be required to report to the Board on a reporting period determined by the Board information necessary for the Board to perform its duties. For first handlers, the information may include: the total quantity of honey or honey products acquired during the reporting period; total quantity handled during the period; the total quantity of honey processed for sale from the first handlers own production; the quantity of honey purchased from a first handler or importer responsible for paying the assessment; the date assessment payments were made; and the first handler's tax identification number. For importers, the information may include: the total quantity of honey and honey products imported during such reporting period; a record of each lot of honey or honey products imported during the reporting period including quantity, date, country of origin, and port of entry; and the importer of record tax identification number.

Importer Report (No form) is a report submitted to the Board by the U.S. Customs, from information obtained at the port of entry. The report requires information regarding the total quantity of product imported during the reporting period and a record of each importation of such product during such period, giving quantity, date, and port of entry. Assessments are reported on the Importer Report on a calendar month basis and accompany the payment to the applicable Board. Under the Packers Order, U.S. Customs will collect assessments on imported honey and honey products and remit the funds to the Board.

Recordkeeping Requirements are required to maintain and make available information for inspection by the Board and USDA. Recordkeeping requirements will help provide for the effective operation of the Packers Order, and its conformance with the 1996 Act.

d) Application for Reimbursement of Assessment (Section 1212.53). Exempted importers would complete this form to request refunds of assessments paid to the Board. Under the Packers Order, assessments on imported honey and honey products will be collected by U.S. Customs Service (Customs) at the time of entry into the U.S. The assessments are then remitted by Customs to the Board. Customs does not distinguish between nonexempt importers and exempt importers. Accordingly, it will be the Board's responsibility to reimburse exempt importers provided the appropriate reports and justification is submitted to the Board. The information included on this form is necessary to allow the Board to verify the status of importers claiming reimbursement.

e) Application for Certification of Organizations (Section 1212.42). This form will be used to ascertain the eligibility of national organizations representing the interests of first handlers, importers, and producers for certification by the Secretary of Agriculture as eligible

to nominate persons to the Board. The form requests the following information for organizations: membership; purpose/function; whether it represents a substantial volume of honey or honey products marketed; the total volume (pounds and percentage) of honey or honey products imported in the U.S.; funding sources; and willingness and ability to further the purposes and objectives of 1996 Act.

f) Nomination Appointment Form (Section 1212.42) will be used to nominate persons to serve on the Board. Under the Packers Order, national organizations representing first handlers, producers, and importers or individual first handlers, producers, and importers may nominate persons for Board positions for consideration by the Secretary of Agriculture.

g) Organic Exemption Request Form (Section 1212.53). Under the Packers Order, the form will be completed by first handlers and importers requesting exemption from paying assessments. First handlers and importers requesting exemption must handle or import products that meet the requirements for a “100 percent organic” label under the National Organic Program (7 CFR Part 205), and are not part of a split operation. The form also includes a certification statement. This form and associated honey burden are approved under 0581-0093.

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 Board, which administers the order. The Board is not part of a Federal agency, but is a commodity industry Board that operates under Federal authority and USDA-AMS oversight. Though

AMS is committed to complying with the e-Government Act, which requires Government agencies in general to provide the public the option of submitting information or transacting business electronically to the maximum extent possible, the availability and submission of forms electronically is at the Board's discretion. Currently, forms are transmitted by fax machine and postal delivery.

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

Information collection processes are periodically reviewed to avoid unnecessary duplication by industry and public sector agencies. At the present time, there is no duplication between Federal agencies for the Current Order and there is no duplication anticipated for the Packers Order. When the Packers Order is implemented, it will replace the Current Order, and suspend the collection of assessments and the remaining provisions of the Current Order will be eliminated at a later date. When the provisions of the Current Order are terminated the information currently being collected will be eliminated from OMB Control Number 0581-0093.

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 the Packers Order. The forms require only a minimal amount of information which can be supplied without data processing equipment or to oversee each order or agreement. This information collection and reporting burden is relatively small. Under the Packers Order, information collection will be requested from first handlers, importers, producers, and cooperative organizations. Under the Packers Order, about 100 entities of first handlers and

importers will be assessed, and such entities and producers will have the opportunity to serve on the 10-member Board. The number of entities subject to the Packers Order will be significantly reduced from 2,700 entities under the Current Order. This will result in reduced administrative costs, fewer entities filing reports, and simplified assessment collections. Since the reporting burden under the Packers Order will be the same for all entities, such entities should not be significantly disadvantaged.

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.

When the Packers Order is implemented, it will replace the Current Order. The information will be collected through a mandatory check-off program designed to maintain, develop, and expand markets for honey and honey products. If the information collection herein were not collected, the Board could not carry out the coordinated research, promotion, consumer education, and industry information program on honey and honey products, ensure compliance with the mandatory program or ensure proper assessment collection. Collecting data less frequently also will limit the Secretary's ability to oversee the order.

7. EXPLAIN ANY SPECIAL CIRCUMSTANCES THAT WOULD CAUSE AN INFORMATION COLLECTION TO BE CONDUCTED IN A MANNER:

- REQUIRING RESPONDENTS TO REPORT INFORMATION TO THE AGENCY MORE OFTEN THAN QUARTERLY;**
- REQUIRING RESPONDENTS TO PREPARE A WRITTEN RESPONSE TO A COLLECTION OF INFORMATION IN FEWER THAN 30 DAYS AFTER RECEIPT OF IT;**
- REQUIRING RESPONDENTS TO SUBMIT MORE THAN AN ORIGINAL AND TWO COPIES OF ANY DOCUMENT;**
- REQUIRING RESPONDENTS TO RETAIN RECORDS, OTHER THAN HEALTH, MEDICAL, GOVERNMENT CONTRACT, GRANT-IN-AID, OR TAX**

RECORDS FOR MORE THAN 3 YEARS;

- **IN CONNECTION WITH A STATISTICAL SURVEY, THAT IS NOT DESIGNED TO PRODUCE VALID AND RELIABLE RESULTS THAT CAN BE GENERALIZED TO THE UNIVERSE OF STUDY;**
- **REQUIRING THE USE OF A STATISTICAL DATA CLASSIFICATION THAT HAS NOT BEEN REVIEWED AND APPROVED BY OMB;**
- **THAT INCLUDES A PLEDGE OF CONFIDENTIALITY THAT IS NOT SUPPORTED BY AUTHORITY ESTABLISHED IN STATUE OR REGULATION, THAT IS NOT SUPPORTED BY DISCLOSURE AND DATA SECURITY POLICIES THAT ARE CONSISTENT WITH THE PLEDGE, OR WHICH UNNECESSARILY IMPEDES SHARING OF DATA WITH OTHER AGENCIES FOR COMPATIBLE CONFIDENTIAL USE; OR**
- **REQUIRING RESPONDENTS TO SUBMIT PROPRIETARY TRADE SECRET, OR OTHER CONFIDENTIAL INFORMATION UNLESS THE AGENCY CAN DEMONSTRATE THAT IT HAS INSTITUTED PROCEDURES TO PROTECT THE INFORMATION'S CONFIDENTIALITY TO THE EXTENT PERMITTED BY LAW.**

There are no special circumstances. The collection of information is conducted in a manner consistent with the guidelines in 5 CFR 1320.6.

- 8. IF APPLICABLE, PROVIDE A COPY AND IDENTIFY THE DATE AND PAGE NUMBER OF PUBLICATION IN THE FEDERAL REGISTER OF THE AGENCY'S NOTICE, REQUIRED BY 5 CFR 1320.8(d), SOLICITING COMMENTS ON THE INFORMATION COLLECTION PRIOR TO SUBMISSION TO OMB. SUMMARIZE PUBLIC COMMENTS RECEIVED IN RESPONSE TO THAT NOTICE AND DESCRIBE ACTIONS TAKEN BY THE AGENCY IN RESPONSE TO THESE COMMENTS. SPECIFICALLY ADDRESS COMMENTS RECEIVED ON COST AND HOUR BURDEN.**

A second proposed rule on the Packers Order was published in the Federal Register on March 3, 2008 (73 FR 11474). This rule proposed a new industry-funded research, promotion, consumer education, and information order for honey and honey producers. The rule announced that a referendum would be conducted among eligible first handlers and importer to determine whether they favored the implementation of the Packers Order.

The referendum was conducted April 2 – 16, 2008. The first handlers and importer of

honey and honey products approved the Packers Order.

With the publication of the final rule, the Packers Order can be implemented. Once the Packers Order is implemented, the collection of assessments under the Current Order will be suspended. The remaining provisions of the Current Order and regulations will be terminated at a later date.

No significant changes were made from the proposed rule to the final rule. This new information collection package for the Packers Order is for a total of 350 hours. The Honey Packers and Importers Research, Promotion, Consumer Education and Industry Information Order; Referendum Procedures, OMB Control Number 0581-0245, was approved on March 14, 2008, for 4 burden hours to cover the referendum ballot. Upon approval, we will submit a request to merge this collection for Packers Order for 350 burden hours into the 0581-0245.

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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.

Board members and staff consult with representatives from whom the information is to be obtained through one-on-one meetings and through regular Board meetings. All meetings are widely publicized throughout the industry and all interested persons are invited

to attend and participate in discussion and deliberation concerning forms required for this new program. The Board is appointed by the Secretary of Agriculture for the purpose of representing the honey industry and making decisions for them. The staff is subsequently hired by the Board to carry out directives and attend various meetings to respond to questions and recommendations that come directly from members. Use of these forms has been discussed with the Current Order's Board staff: Chief Executive Officer, Bruce Boynton, telephone number

(303) 776-2337; and industry members: Impex Group, Hans Boedeker, telephone number (714) 544-8714; Ashurst American Honey, Everett (Buddy) Ashurst, telephone number (760) 352-8860; and Sioux Honey Association, Mark Mammen, telephone number (712) 258-0638.

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.

There are no identified obstacles for consulting with industry members who must submit information to the Board under the Packers Order. Industry members will be consulted on an ongoing basis regarding information collection requirements.

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

AMS does not provide payments or gifts to respondents.

10. DESCRIBE ANY ASSURANCE OF CONFIDENTIALITY PROVIDED TO RESPONDENTS AND THE BASIS FOR THE ASSURANCE IN STATUTE, REGULATION, OR AGENCY POLICY.

Questions of a sensitive nature are not included on any form. Private information is required on the Background Information Form AD-755 (Approved under OMB Form No. 0505-0001). The form contains questions to ascertain the candidate's qualifications for consideration of appointment to the Board by the Secretary of Agriculture. The questions include length of time engaged in honey production and/or packing; pounds produced, packed, and/or imported; professional affiliation(s) and education; income sources for amounts over \$10,000, personal identification information, including social security number and date of birth. This information is provided to the Board and forwarded to USDA for use in the nomination process. Also, other reporting forms that will be required under the Packers Order include Monthly Report by each First Handler of Honey; Application for a Certificate of Exemption; Application for Reimbursement of Assessment; Application for Certification of Organization; and Nomination Appointment Form. Under the Packers Order, these forms will be used by the Board and AMS to ensure compliance with mandatory reporting by persons subject to the order as required under Section 515(i) of the 1996 Act, and to ensure assessment collections as required under Section 517.

All information collected will be treated as confidential, as indicated on the forms and in conformance with the Privacy Act and Freedom of Information Act. Also, Section 515(i) (4) of the 1996 Act provides that information acquired will be kept confidential, and that penalties exist for violating confidentiality requirements. Therefore, USDA's AMS staff in Washington, D.C. are required to maintain confidentiality. Other confidential information will be withheld from public review under the Freedom of Information Act and the Privacy Act, 5 USC 552.

11. PROVIDE ADDITIONAL JUSTIFICATION FOR ANY QUESTIONS OF A SENSITIVE NATURE, SUCH AS SEXUAL BEHAVIOR AND ATTITUDES,

RELIGIOUS BELIEFS, AND OTHER MATTERS THAT ARE COMMONLY CONSIDERED PRIVATE. THIS JUSTIFICATION SHOULD INCLUDE THE REASONS WHY THE AGENCY CONSIDERS THE QUESTIONS NECESSARY, THE SPECIFIC USES TO BE MADE OF THE INFORMATION, THE EXPLANATION TO BE GIVEN TO PERSONS FROM WHOM THE INFORMATION IS REQUESTED, AND ANY STEPS TO BE TAKEN TO OBTAIN THEIR CONSENT.

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

12. PROVIDE ESTIMATES OF THE HOUR BURDEN OF THE COLLECTION OF INFORMATION.

THE STATEMENT SHOULD:

INDICATE THE NUMBER OF RESPONDENTS, FREQUENCY OF RESPONSE, ANNUAL HOUR BURDEN, AND AN EXPLANATION OF HOW THE BURDEN WAS ESTIMATED. UNLESS DIRECTED TO DO SO, AGENCIES SHOULD NOT CONDUCT SPECIAL SURVEYS TO OBTAIN INFORMATION ON WHICH TO BASE HOUR BURDEN ESTIMATES. CONSULTATION WITH A SAMPLE (FEWER THAN 10) OF POTENTIAL RESPONDENTS IS DESIRABLE. IF THE HOUR BURDEN ON RESPONDENTS IS EXPECTED TO VARY WIDELY BECAUSE OF DIFFERENCE IN ACTIVITY, SIZE, OR COMPLEXITY, SHOW THE RANGE OF ESTIMATED HOUR BURDEN, AND EXPLAIN THE REASONS FOR THE VARIANCE. GENERALLY, ESTIMATES SHOULD NOT INCLUDE BURDEN HOURS FOR CUSTOMARY AND USUAL BUSINESS PRACTICES. IF THIS REQUEST FOR APPROVAL COVERS MORE THAN ONE FORM, PROVIDE SEPARATE HOUR BURDEN ESTIMATES FOR EACH FORM AND AGGREGATE THE HOUR BURDENS IN ITEM 13 OF OMB FORM 83-I.

Estimates of the burden of collection of information are summarized on AMS Form 71, which is attached. We estimate that the burden for maintaining records by first handlers and importers (for nomination and assessment collection purposes) is 59 hours. We estimate the burden for the forms to be 291 hours, for a total burden of 350 hours.

PROVIDE ESTIMATES OF ANNUALIZED COST TO RESPONDENTS FOR THE HOUR BURDENS FOR COLLECTIONS OF INFORMATION, IDENTIFYING AND USING APPROPRIATE WAGE RATE CATEGORIES. THE COST OF CONTRACTING OUT OR PAYING OUTSIDE PARTIES FOR INFORMATION COLLECTION ACTIVITIES SHOULD NOT BE INCLUDED HERE. INSTEAD, THIS COST SHOULD BE INCLUDED IN ITEM 14.

The respondents' estimated annual cost of providing information to the Board is

\$11,550. An estimated number of 118 respondents would provide information to the Board annually. This total has been estimated by multiplying 350 hours (total burden hours) by \$33, 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 areas (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/ncbl0832.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).**

IF COST ESTIMATES ARE EXPECTED TO VARY WIDELY, AGENCIES SHOULD PRESENT RANGES OF COST BURDENS AND EXPLAIN THE REASONS FOR THE VARIANCE. THE COST OF PURCHASING OR CONTRACTING OUT INFORMATION COLLECTION SERVICES SHOULD BE A PART OF THIS COST BURDEN ESTIMATE. IN DEVELOPING COST BURDEN ESTIMATES, AGENCIES MAY CONSULT WITH A SAMPLE OF RESPONDENTS (FEWER THAN 10), UTILIZE THE 60-DAY PRE-OMB SUBMISSION PUBLIC COMMENT PROCESS AND USE EXISTING ECONOMIC OR REGULATORY IMPACT ANALYSIS ASSOCIATED WITH THE RULEMAKING CONTAINING THE INFORMATION COLLECTION, AS APPROPRIATE.

GENERALLY, ESTIMATES SHOULD NOT INCLUDE PURCHASES OF EQUIPMENT OR SERVICES, OR PORTIONS THEREOF, MADE: (1) PRIOR TO OCTOBER 1, 1995, (2) TO ACHIEVE REGULATORY COMPLIANCE WITH REQUIREMENTS NOT ASSOCIATED WITH THE INFORMATION COLLECTION, (3) FOR REASONS OTHER THAN TO PROVIDE INFORMATION OR KEEPING RECORDS FOR THE GOVERNMENT, OR (4) AS PART OF CUSTOMARY AND USUAL BUSINESS OR PRIVATE PRACTICES.

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

14. PROVIDE ESTIMATES OF ANNUALIZED COST TO THE FEDERAL GOVERNMENT. ALSO, PROVIDE A DESCRIPTION OF THE METHOD USED TO ESTIMATE COST, WHICH SHOULD INCLUDE QUANTIFICATION OF HOURS, OPERATION EXPENSES (SUCH AS EQUIPMENT, OVERHEAD, PRINTING, AND SUPPORT STAFF), AND ANY OTHER EXPENSE THAT WOULD NOT HAVE BEEN INCURRED WITHOUT THIS COLLECTION OF INFORMATION. AGENCIES ALSO MAY AGGREGATE COST ESTIMATES FROM ITEMS 12, 13, AND 14 IN A SINGLE TABLE.

There are no additional costs associated with this information collection. The Federal government’s estimated annual cost for providing oversight and assistance for this information collection is estimated at \$117,042 the first year and for subsequent years it is estimated to be about \$79,000. AMS is reimbursed by the Board for its oversight costs. A breakdown of the oversight costs for the first year is the following:

Salaries/Benefits/FERS Contributions/Awards	\$97,698
Travel	\$3,352
Contracts/Services/Training	\$3,836
Printing/Copying/Mailing/Postage	\$3,638
Rent/Communication/Utilities/FTS	\$3,268
OGC (Legal Services)	\$3,955
Supplies/Equipment	<u>\$1,295</u>
TOTAL	\$117,042

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

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approval, we will submit a request to merge this collection for Packers Order for 350 burden hours into the 0581-0245. There are no significant changes from the proposed rule that was submitted to OMB and the final rule.

- 16. FOR COLLECTIONS OF INFORMATION WHOSE RESULTS WILL BE PUBLISHED, OUTLINE PLANS FOR TABULATION, AND PUBLICATION. ADDRESS ANY COMPLEX, ANALYTICAL TECHNIQUES THAT WILL BE USED. PROVIDE THE TIME SCHEDULE FOR THE ENTIRE PROJECT, INCLUDING BEGINNING AND ENDING DATES OF THE COLLECTION OF INFORMATION, COMPLETION OF REPORT, PUBLICATION DATES, AND OTHER ACTIONS.**

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

- 17. IF SEEKING APPROVAL TO NOT DISPLAY THE EXPIRATION DATE FOR OMB APPROVAL OF THE INFORMATION COLLECTION, EXPLAIN THE REASONS THAT DISPLAY WOULD BE INAPPROPRIATE.**

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 based on the expiration date, if the form is revised, and redistributed. Such needless cost increases are passed on to users of mandatory services, and are counter-productive to the Administration's goal of reducing costs and increasing program efficiency. In addition, the Board office orders forms well in advance of the fiscal year, so that forms can be mailed to first handlers and importers, producers, cooperative organizations in a timely manner. The Board office attempts to order forms in quantities large enough to get a price break. If the Board office needs to order more forms prior to an OMB submission for extension of approval, there are no guarantees that a requested expiration date will be honored by OMB. There is also some confusion among 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.

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 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.

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

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

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This information collection does not employ statistical methods.