

the total number of eligible producers and importers want a referendum on the Order, it will be conducted within 1 year after the results are announced. If the results indicate that a referendum is not supported, a referendum would not be conducted. The Secretary of Agriculture (Secretary) will propose that persons who have been engaged in the production of hogs or pigs in the United States for sale in commerce or importation of hogs, pigs, pork or pork products between January 1, 2007, and December 31, 2007, have been at least 18 years of age on or before December 31, 2007, can provide sufficient documentation as proof of eligibility, and will certify this information on an official form, are eligible to participate in the request for a referendum.

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:

(1) Pork Promotion, Research, and Consumer Information Order: Request for Referendum Form (LS-54-1): This form is used by eligible persons who want a referendum on the Order. Producers are required to submit to USDA's Farm Service Agency (FSA), documents such as a sales receipt, or other similar documents to prove that the person was a producer during the representative period. Importers participating in the referendum are required to submit to the Marketing Programs Branch, Livestock and Seed Program, AMS, USDA records of import documents, such as U.S. Customs Form 7501 (OMB No. 1651-0022), with their request to prove that the person was an importer during the representative period.

Producers must submit completed form LS 54-1 and supporting documentation, including sales receipts, feed and veterinary bills to the appropriate county FSA office as proof of eligibility. Importers must submit completed form LS 54-1, Customs Form 7501, and any other supporting documentation as needed, that demonstrates the importation of hogs, pigs, pork, or pork products as proof of eligibility.

3. DESCRIBE WHETHER, AND TO WHAT EXTENT, THE COLLECTION OF INFORMATION INVOLVES THE USE OF AUTOMATED, ELECTRONIC, MECHANICAL, OR OTHER TECHNOLOGICAL COLLECTION TECHNIQUES OR OTHER FORMS OF INFORMATION TECHNOLOGY, E.G. PERMITTING ELECTRONIC SUBMISSION OF RESPONSES, AND THE BASIS FOR THE DECISION FOR ADOPTING THIS MEANS OF COLLECTION. ALSO DESCRIBE ANY CONSIDERATION OF USING INFORMATION TECHNOLOGY TO REDUCE BURDEN.

The LS-54-1 form is designed to minimize the burden on those persons affected under the

Federal program and to maximize the efficiency of the information collection. 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. Form LS-54-1 may be obtained by mail, facsimile, telephone, or in person from the county FSA offices or on USDA's Web site at <http://www.ams.usda.gov/lsg/mpb/rp-pork.htm>. For producers, completed forms must be returned to the county FSA office where FSA maintains and processes the producer's administrative farm records, or at the county FSA office serving the county where the producer owns or rents land. For importers, the completed form and supporting documentation must be returned to AMS by fax at (202) 720-1125, in person or via e-mail no later than the last day of the request for a referendum period or if returned by mail, it must be postmarked by the last day of the request for a referendum period.

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.

The required information for this form is not available from any other source because it relates specifically to individual pork producers and importers. The primary source of data is personal information to be furnished by pork producers and importers to decide eligibility. There is no practical method for collecting the information without the use of this form. The reporting requirements have been reduced to the greatest extent possible in order to effectively carry out the referendum requirements of the Act. Similar or modified information is not available.

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.

The Small Business Administration defines, in 13 CFR part 121, small agricultural producers as those having annual receipts of no more than \$750,000 and small agricultural service firms as those having annual receipts of no more than \$6.5 million. Under these definitions, the majority of producers that would be affected are considered small entities. We have estimated the number of respondents for this collection is 7,500, and we estimate that 6,750 are considered small businesses.

Information collection requirements have been reduced to the minimum requirements. The

primary sources of information used to complete the required form are readily available from normal business records. Such information can be supplied without data processing equipment or outside technical expertise.

Thus, the information collection and reporting burden is relatively small, and requiring the same reporting requirements does not significantly disadvantage producers or importers smaller than the average industry.

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 request for referendum is required to determine if persons want a referendum on the Order. Timing and frequency of the reporting was established to meet the needs of the industry and yet minimize the burden on the reporting entities. This action is required as part of the Settlement Agreement between USDA and the Plaintiffs, as described in Question 1.

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;

This is intended to be a one-time request for a referendum. This action is required as part of the Settlement Agreement between USDA and the Plaintiffs, as described in Question 1 (Settlement Agreement is attached).

- REQUIRING RESPONDENTS TO PREPARE A WRITTEN RESPONSE TO A COLLECTION OF INFORMATION IN FEWER THAN 30 DAYS AFTER RECEIPT OF IT;

It is not anticipated that there are any special circumstances that would require respondents to prepare a written response after their participation in the request for a Referendum.

- REQUIRING RESPONDENTS TO SUBMIT MORE THAN AN ORIGINAL AND

TWO COPIES OF ANY DOCUMENT;

It is not anticipated that there are any special circumstances that would require 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;

It is not anticipated that respondents would need to retain records for more than 3 years, as the Order requires respondents to retain records for 2 years beyond the fiscal year of their applicability, a part of normal business practice.

- 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;

There are no such special circumstances. The Agency will not be using any statistical surveys that are 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;

There are no such special circumstances. The Agency will not be using 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

There are no special circumstances where a pledge of confidentiality would be required which is not supported by statutory authority.

- 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 such 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 the notice of information collection and request for comment, in the Federal Register on U.S. Customs Form 7501 May 23, 2008, Vol.73, No. 101. The 60-day comment period ended on July 22, 2008. Three comments were received, none of which were relevant to this collection.

- 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.

Pork industry representatives have been consulted on the use of this form. The use of this form has been discussed with: Steve Murphy, Chief Executive Officer, National Pork Board, 515/223-2600; Lynn Harrison, President, National Pork Board, 515/223-2600; Steve Weaver, Vice-President, 515/223-2600.

- 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.

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.

To assist the Secretary in the collection of information, the regulations governing the referendum provides that pork producers and importers would be required to maintain and submit such information as proof of eligibility to participate. Section 7 CFR 1230.82 of the Order specifically provides that all information collected would be kept confidential by those individuals having access to such information. The Order also provides for a fine and/or imprisonment, and removal from office for employees of USDA convicted of violating these confidentiality provisions.

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.

Estimates of the burden of collection of information and recordkeeping are summarized on the AMS-71 spreadsheet.

- **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 83.1.**
- **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 estimated annual cost of providing the information to the Board by the total estimated number of persons subject to information collection burden (7,500) would be \$27,825 or \$3.71 per respondent. This total has been estimated by multiplying 1,500 (total burden hours) by \$18.55, the mean hourly earnings of first line supervisors and managers of farming, fishing, and forestry workers as obtained from the U.S. Department of Labor Statistics' National Compensation Survey: Occupational Wages in the United States, June 2006 (NCS Occupational Wages). 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).

- **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.**

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.**

Costs incurred by USDA in conducting the request for a referendum are estimated to be a minimum of \$300,000. This total has been estimated by AMS and FSA.

AMS Estimated Expenses

Program salary expenses	\$ 40,000
<u>Federal Register expenses</u>	<u>\$ 10,000</u>
<u>Total AMS estimated expenses</u>	<u>\$50,000</u>

FSA Estimated Expenses

Program Salary Costs (includes headquarter, State, and county office costs)	<u>\$250,000</u>
<u>Total FSA estimated expenses</u>	<u>\$250,000</u>
<u>Total estimated referendum expenses</u>	<u>\$300,000</u>

15. EXPLAIN THE REASON FOR ANY PROGRAM CHANGES OR ADJUSTMENTS REPORTED IN ITEMS 13 OR 14 OF THE OMB FORM 83-1.

This is a new program and no changes or adjustments are reported.

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 specific information or data collected. An announcement will only be made to make the public aware whether or not producers and importers favor the conduct of a referendum.

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 Livestock and Seed (LS) Program orders forms well in advance, so forms are mailed to field offices in a timely manner. The LS Program attempts to order forms in quantities large enough

to get a price break. If the LS Program needs to order more forms prior to an OMB submission for extension of approval, there is no guarantee that a requested expiration date will be used 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 application period. Therefore, we are seeking approval to not display the OMB Expiration date on these forms.

18. EXPLAIN EACH EXCEPTION TO THE CERTIFICATION STATEMENT IDENTIFIED IN ITEM 19, "CERTIFICATION FOR PAPERWORK REDUCTION ACT SUBMISSIONS," OF OMB FORM 83-1.

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

THE AGENCY SHOULD BE PREPARED TO JUSTIFY ITS DECISION NOT TO USE STATISTICAL METHODS IN ANY CASE WHERE SUCH METHODS MIGHT REDUCE BURDEN OR IMPROVE ACCURACY OF RESULTS. WHEN ITEM 17 ON THE FORM OMB 83-1 IS CHECKED "YES", THE FOLLOWING DOCUMENTATION SHOULD BE INCLUDED IN THE SUPPORTING STATEMENT TO THE EXTENT THAT IT APPLIES TO THE METHODS PROPOSED:

- 1. DESCRIBE (INCLUDING A NUMERICAL ESTIMATE) THE POTENTIAL RESPONDENT UNIVERSE AND ANY SAMPLING OR OTHER RESPONDENT SELECTION METHOD TO BE USED. DATA ON THE NUMBER OF ENTITIES (E.G., ESTABLISHMENTS, STATE AND LOCAL GOVERNMENT UNITS, HOUSEHOLDS, OR PERSONS) IN THE UNIVERSE COVERED BY THE COLLECTION AND IN THE CORRESPONDING SAMPLE ARE TO BE PROVIDED IN TABULAR FORM FOR THE UNIVERSE AS A WHOLE AND FOR EACH OF THE STRATA IN THE PROPOSED SAMPLE. INDICATE EXPECTED RESPONSE RATES FOR THE COLLECTION AS A WHOLE. IF THE COLLECTION HAD BEEN CONDUCTED PREVIOUSLY, INCLUDE THE ACTUAL RESPONSE RATE ACHIEVED DURING THE LAST COLLECTION.**

This information collection does not employ statistical methods.