

UNITED STATES DEPARTMENT OF AGRICULTURE
Risk Management Agency
OMB NUMBER: 0563-0055

TITLE:

General Administrative Regulations; Interpretations of Statutory and Regulatory Provisions

PURPOSE:

To implement the statutory mandates of section 533 of the Agricultural Research, Extension, and Education Reform Act of 1998 (1998 Research Act).

Section 533 of the 1998 Research Act states:

PROCEDURES FOR RESPONDING TO CERTAIN INQUIRIES.—

(1) **PROCEDURES REQUIRED.** The Corporation shall establish procedures under which the Corporation will provide a final agency determination in response to an inquiry regarding the interpretation by this Corporation of this title or any regulation issued under this title.

(2) **IMPLEMENTATION.** Not later than 180 days after the date of enactment of this subsection, the Corporation shall issue regulations to implement this subsection. At a minimum, the regulations shall establish:

(A) the manner in which inquiries described in paragraph (1) are required to be submitted to the Corporation; and

(B) a reasonable maximum number of days within which the Corporation will respond to all inquiries.

(3) **EFFECT OF FAILURE TO TIMELY RESPOND.** If the Corporation fails to respond to an inquiry in accordance with the procedures established pursuant to this subsection, the person requesting the interpretation of this title or regulation may assume the interpretation is correct for the applicable reinsurance year.

1. Circumstances making collection of information necessary:

Section 533 of the 1998 Research Act (above) requires the Federal Crop Insurance Corporation (FCIC) to publish regulations on how FCIC will provide a final agency determination in response to certain inquiries. Section 533 provides if FCIC does not respond in the time established by this regulation, the interpretation of the requested is considered correct for the crop year. It becomes necessary for the requester, or respondent, to identify himself so he can be provided a response and also to state his interpretation of the regulation for which he is seeking a final agency interpretation.

2. How, by whom, and purpose information is to be used:

The requesters name and address will be used to allow FCIC to provide a response to the requester (respondent).

The identification and quotation of the specific provision in the Act or regulations allows FCIC to research and respond to the specific identified provision.

The requesters detailed interpretation of the regulation is required to comply with the requirements of Section 533 of the 1998 Research Act and to clarify the boundaries of the request for FCIC.

The requirement to have the requester identify if the request for a final agency determination will be used in a lawsuit or the settlement of a claim is necessary to:

- identify to FCIC if the final agency determination provided will be used prospectively and applied uniformly to all participants or if the request for a final agency determination is an attempt to validate the perceived interpretation that has already been applied,
- ensure that FCIC is not providing an interpretation for any specific factual situation or case,
- ensure that the final agency determination is reviewed and approved by the Office of General Counsel,
- ensure that one person or group of people cannot use this regulation to obtain information that will unfairly and adversely impact another person or group of people, and
- ensure the information and guidance provided by FCIC is consistent with FCIC's litagatory position.

3. Use of improved information technology:

The regulation will allow submission of the request through the Internet to an identified RMA electronic mail address. Submissions can also be made through facsimile or mail.

Submissions can be made through the Internet to simplify the submission process for the respondent. Final agency interpretations will be posted to an RMA Internet Web Site for the benefit of the public and all participants of the federal crop insurance program.

4. Efforts to Identify Duplication:

The information requested by this regulation is not being collected in any other manner.

Each submission will contain a separate regulatory reference and respondent's interpretation. Final agency interpretation made in response to a request will be posted on the RMA Internet Web Site as well as provided to the requester in writing. As determinations are made and posted for the public, requests for interpretations should reduce.

5. Methods to minimize burden on small businesses or entities:

The request for a final agency interpretation for a specific regulatory reference is voluntary. There is no greater burden on small businesses or other small entities than on any other entity. The information requested is believed to be the minimum needed to comply with the requirements of Sec. 533 of the 1998 Research Act.

6. Consequence if information were not collected or collection were less frequent:

FCIC would not be able to comply with the statutory mandates of Sec. 533 of the 1998 Research Act if the requested information was not collected with each submission. The request for a final agency determination is voluntary and there are no minimum or maximum request levels established.

7. Special circumstances of the information collections:

The request for a final agency determination is voluntary. FCIC does not require a request be made. If a request is made, certain basic information is needed.

8. Federal Register Notice, Summarization of Comments and Consultation with Persons Outside the Agency:

The 60 day notice was published on October 30, 2008 at 73 FR 64595. No comments regarding this notice were received.

9. Explain any decision to provide any payment or gift to respondents:

No payment or gifts will be made to respondents.

10. Confidentiality provided to respondents:

The respondent's social security number or tax identification number is not being requested. The respondent's name and address will be handled according to established FCIC procedures for implementing the Privacy and Freedom of Information Acts.

11. Questions of a sensitive nature:

No information of a sensitive nature is being requested.

12. Estimate of information burden:

FCIC estimates the burden for the information collection requirements of this regulation is based on an anticipated 45 respondents for a total of 156 requests. The requests will be from three different entities: 18 insurance providers will respond 3 times for a total of 54 responses, 3 trade associations will respond 18 times for a total of 54 responses, and it is estimated that out of 1,755,538 active policyholders and grower groups, 24 will respond 2 times for a total of 48 requests. The estimated burden for each request is 30 minutes. The total public burden per year for all entities is estimated to be 78 hours (156 x .5 = 78).

FCIC estimates the burden to the requesters:

Potential Requesters	No. of requests	Time per request	Hourly wage	Cost
Insurance provider	54	.5 hour	\$19.25	\$519.75
Trade Association	54	.5 hour	\$19.25	\$519.75
Grower Group/Policyholder/Producer	48	.5 hour	\$ 6.32	\$ 151.68
Totals	156	x .5 = 78 hours		\$1,191.18

Cost to Respondents: The estimated total burden cost per year is \$1,191.18.

13. Total Annual Cost to Respondents or Record keepers:

There are no capital/start up costs.

14. Annual Cost to the Federal Government:

Costs to the Federal Government will be for receiving, tracking and responding to requests and will include mail costs to provide responses.

Item	Cost	Requests	Total
Mail certified, return receipt requested	\$2.00	156	\$312.00
Average salary including benefits* for Federal employees GS-2 through GS-15 * figure used by RMA Budget Office for estimating purposes	\$31.25 per hr. x 60 hours per request to receive, track, research, prepare response, obtain clearance, issue determination, maintain file	156	\$3600 per request Expected for 156 requests: \$561,600.00
Total		156	\$561,912.00

Cost to Federal Government: The estimated annual cost: \$3602. Per request
\$561,912. For 156 requests

15. Reasons for changes in burden:

No change in burden.

16. Tabulation, analysis and publication plans:

Information collection results will not be published.

17. Reasons display of expiration date of OMB approval is inappropriate:

Not Applicable.

18. Exceptions to 83-1 Certification Statement:

This information collection meets the certification requirements of SF-83-1, Item 19.

18. B. Collections of Information Employing Statistical Methods:

The information collections represented in this docket do not employ statistical methods.