

**U.S. Department of Agriculture
Farm Service Agency
OMB No.: 0560-0026**

**Form FSA-325, Application for Payment of Amounts Due Persons Who Have Died,
Disappeared, or Have Been Declared Incompetent**

Purpose:

The purpose of this request for OMB review is to obtain approval for an extension without change of a currently approved information collection request for Application for Payment of Amounts Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent (Form FSA-325).

Background:

Representatives or survivors of producers who die, disappear, or are declared incompetent must be afforded a method of obtaining any payment intended for the producer. 7 CFR 707 provides that Form FSA-325 be used as the form of application for persons desiring to claim such payments.

1. Circumstances making collection of information necessary

Collection of this information is authorized by 54 Statute 728 and described in 7 CFR 707. It is necessary to collect the information recorded on FSA-325 in order to determine whether representatives or survivors of a producer are entitled to receive payments earned by a producer who dies, disappears, or is declared incompetent before receiving the payments due. A large number of FSA payments are paid to producers after the payment has been earned, entitling the survivors of producers who die, disappear or are declared incompetent to have possible rights to the existing payments. This form will assist FSA in determining if the survivors have rights to the unpaid portions of the producer's payments.

2. How, by whom, and for what purpose is the information used

Form FSA-325 can be prepared by County Office personnel, with the representative(s) or survivor(s) providing the required information or by a representative(s) or survivor(s) electronically. The form is available in electronic format through the FSA website or in hard copy at the county office. This information is maintained in paper format and used by county FSA office employees to document and determine eligibility for representatives or survivors to receive payment of amounts due persons who have died, disappeared, or have been declared incompetent. Survivors must show proof of death, disappearance, or incompetency.

3. Use of information technology

Form FSA-325, Application for Payment of Amounts Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent and instructions for completing the form are available through the USDA e-Forms web site. Though no official survey has been conducted on electronic usage of this form, it is envisioned that 10% of the total respondents will retrieve and submit this form electronically. This small percentage is based upon the need to discuss proper completion of the form with county office staff. There will be no changes to the electronic forms from the hard copy version. FSA is requesting approval to use FSA-325 in hard copy and electronic formats.

4. Efforts to identify duplication.

The information collected on FSA-325 is not currently available from any other source. Similar information collection efforts in NRCS and RD that could potentially be combined into one standardize format resulting in reduced burdens to producers are being reviewed.

5. Method to minimize burden on small businesses or other small entities

The collection of information does not involve small businesses or other small entities.

6. Consequences if information collection were less frequent

The information is collected only when a producer who is entitled to a program payment dies, disappears, or is declared incompetent before receiving such payment. There are no consequences to Federal program or policy activities if the information were collected less frequently: however, if FSA-325 is not filed, payments earned will not be paid.

7. Special Circumstances

There are no special circumstances that require the collection to be conducted in a manner inconsistent with guidelines in 5 CFR 1320.6.

8. Federal Register notice, summarization of comments and consultation with persons outside the Agency

Federal Register notice regarding this information collection was published for public comments on June 9, 2010 (75 FR 32737). No comments were received.

Since obtaining comments from persons using this form would likely involve the solicitation of personal information from relatives of deceased individuals, no consultation with persons outside the Agency was conducted. Consultations were however, performed with County Office employees. Robyn Potter, County Executive Director (CED), Jefferson County FSA Office in West Virginia polled her staff and other CEDs in her state and found no additional internal comments on this form.

9. Explain any decision to provide any payment or gift to respondent

No gifts or payments are provided to respondents in return for completion of Form FSA-325.

10. Confidentiality provided to respondents

The data that is collected is handled according to established FSA procedures for implementing the Privacy and Freedom of Information Acts. This information collection complies with the Privacy Act of 1974 and OMB Circular A-130, Responsibilities for the Maintenance of Records about Individuals by Federal Agencies.

11. Questions of a sensitive nature.

Data collected is not considered sensitive in nature.

12. Estimates of burden.

FSA-325 is only prepared when a representative or survivor of a producer who has died, disappeared, or declared incompetent, submits a request for payments earned by the producer. The burden was estimated using historical findings. The estimated cost incurred by the respondents is \$46,590 based on 3000 hours (2000 annual responses at ½ hour per response plus 1 hour travel time to/from service center) X \$15.53 (hourly minimum wage). Though the form can be completed in as little as ten minutes, response time for a number of applicants is longer due to the need to discuss proper completion of the form.

13. Total annual cost burden to respondents or record keepers resulting from the collection of information.

No special equipment or services must be purchased by the respondent in order to collect the information. There are no additional cost burdens for recordkeeping, as this task is performed by county office personnel.

14. Annual cost to Federal Government.

The estimated annual cost to the Federal Government for forms maintenance is \$320, based on a \$0.08 cost per form for development, printing, distribution, storage, retrieval, and dissemination of an estimated 2000 forms. The estimated cost to the Federal Government is \$35,800 for the county office work load, based on ½ hour per response or 1000 hours at \$35.80 per hour (this amount provided by Agency's Budget Division).

15. Reasons for changes in burden.

There is no change to the burden since the last OMB approval.

16. Tabulation, analysis and publication plans.

There are no plans to publish, in any form, the data collected from the FSA-325.

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

The form will display the OMB approval expiration date.

18. Exceptions to 83-1 certification statement.

There are no exceptions to the 83-1 certification statement.

19. How is this information collection related to the Customer Service Center? Will this information be part of their one stop shopping?

It is likely that customer service center employees will collect information on form FSA-325. It is important to note that Form FSA-325 is currently applicable only to programs in Title 7 of the Code of Federal Regulations. These programs are administered by the Farm Service Agency under which payments are made to eligible program participants, as well as all other programs to which 7 CFR 707 is applicable by the individual program regulations.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

No statistical methods of collecting information will be employed in this information collection.