

UNITED STATES DEPARTMENT OF AGRICULTURE
Farm Service Agency (FSA)
OMB Number 0560-NEW
Ammonia Nurse Tank Additive Program

The Farm Service Agency (FSA) is requesting **EMERGENCY CLEARANCE** because of the September 30, 2010, deadline to obligate funds and the approaching fall harvest and planting season. This is a one-time collection of data that only runs through May 1, 2011.

The Notice of Funds Availability (NOFA) to Announce Funding for the Ammonia Nurse Tank Additive Program” will be published in the Federal Register to notify the eligible entities, as well as outreaching to trade associations for producers, cooperatives, and agricultural chemical retailers. The 60-Day comment period is also included in the NOFA to requesting for comments on the information collection request.

1. Explain the circumstances making collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

The Ammonia Nurse Tank Additive Program (ANTAP) is authorized under Section 14203 of the Food, Conservation, and Energy Act of 2008 (P.L. 110-246, the 2008 Farm Bill). ANTAP is funded through September 30, 2010, under Section 735 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010, (P.L. 111-80). FSA is partnered with the Agricultural Marketing Service (AMS) on this information collection activity. (AMS requested FSA’s help with the NOFA and implementation of the grant program.)

FSA requires proposals, work plans and forms from retailers in order to select agricultural cooperatives or agricultural chemical retailers that will fulfill the ANTAP objectives and ensure that limited funds are used for the intended purpose. The selected agricultural cooperatives and agricultural chemical retailers will strategically add calcium nitrate to anhydrous ammonia fertilizer cargo tanks, commonly known as “nurse tanks.” The addition of calcium nitrate in prescribed amounts substantially reduces the amount of methamphetamine (meth) that can be produced from any ammonia stolen from nurse tanks.

Congress authorized \$15 million for the period of fiscal years 2008 through 2012 in the 2008 Farm Bill, but did not appropriate any funds for 2008 or 2009 fiscal years. In fiscal year 2010, \$1 million was appropriated. USDA plans to target the limited funding to eligible entities in several States that have both a high level of anhydrous ammonia usage and a high number of illegal methamphetamine labs, as this would be the most effective approach.

ANTAP will request grant proposals (work plans) from eligible entities in Indiana, Illinois, Iowa, and Missouri. Eligible entities include:

- (1) A producer of agricultural commodities.
- (2) A cooperative association, a majority of the members of which produce or process agricultural commodities.
- (3) A person in the trade or business of:

- (a) selling an agricultural product (including an agricultural chemical) at retail, predominantly to farmers and ranchers, or
- (b) aerial and ground application of an agricultural chemical.

Grant funding to an eligible entity requires them to submit an ANTAP work plan, in addition to standard grant forms. FSA will publish a Notice of Funds Availability (NOFA) to solicit proposals and provide guidance.

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.

This is a new information collection request. The work plans and forms submitted by eligible entities will be used to select grantees and ensure compliance with Federal requirements. The NOFA will provide the following guidance:

Priority consideration will be given to work plans from agricultural cooperatives or agricultural chemical retailers providing strategic injections in Indiana, Illinois, Iowa, and Missouri that:

- Can be implemented quickly between September 30, 2010, and May 1, 2011 (to coincide with the fall harvest and spring planting seasons)
- Utilize an easy process for producers willing to participate
- Have available infrastructure, equipment, training, and producer customer base to safely inject calcium nitrate into a strategic number of nurse tanks
- Provide in kind matching
- Provide a good communications plan alerting producers and potential thieves (e.g. signage, advertising, etc.) that nurse tanks may be treated with calcium nitrate
- Provide a good plan for engaging industry groups, State and local law enforcement, agricultural officials, community, academia, etc.
- Provide viable strategies for making targeted injections in high risk areas and covering strategic geographic areas in Indiana, Illinois, Iowa, and/or Missouri
- Provide a plan designed to serve all producers in the geographic area (i.e. not just exclusively the agricultural cooperatives members or agricultural retailers' customers)
- Require reasonable administrative costs
- Has a recordkeeping plan that documents the purchase of calcium nitrate, identifies the nurse tanks and the dates treated, and the specific locations where the treated anhydrous ammonia is used or stored
- Certify the sound financial condition of the agricultural cooperative or agricultural fertilizer retailer applying for the grant

As a condition for receiving grant funding, each eligible entity selected will receive a memorandum that will include a grant agreement that establishes terms, conditions, and expectations. Required standard forms and two copies of the grant agreement must be signed with an original signature and dated once by grantees after their work plans have been approved and before grant funds are dispersed. The information will be used to affirm the award amount, time frame, objectives and work plan agreed upon by the grantee and FSA. The grant agreement also outlines responsibilities of both parties with regard to the grant.

In summary eligible entities will submit the following information to USDA:

- ANTAP Proposal/Work Plan – The work plan must describe how the eligible entity will implement the program in accordance with the above guidance. Work plans must be submitted to FSA accompanied by the following forms:
 - Standard Form (SF) 424 *Application for Federal Assistance*.
 - SF 424A *Budget Information – Non-Construction Programs*.

After approval of the work plan, the signing of the grant agreement and before grant funds are dispersed, the 4 to 5 selected grantees must complete the following forms to certify compliance with applicable Federal regulations:

- SF-424B *Assurances—Non-Construction Programs*; required by OMB Circular A-102.
- Form SF-LLL, required by 7 CFR Part 3018.
- Certification regarding lobbying, required by 7 CFR Part 3018.
- SF-1199A, Direct Deposit Form.
- SF 270, *Request for Advance or Reimbursement*.

In addition, although the forms are no longer used, by signing the grant agreement, the selected grantees agree to comply with the content of the following forms (they are not required to sign or return the forms):

- AD-1047, *Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions*.
- AD-1048, *Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions*.
- AD-1049, *Certification Regarding Drug-Free Workplace Requirements (Grants) Alternative 1—for Grantees Other Than Individuals*.

ANTAP Progress Report – A progress report is required to be submitted to FSA at the midpoint of projects approved for less than 1 year. The progress reports should:

- Briefly summarize activities performed and milestones achieved for each objective or sub element of the narrative.
- Note unexpected delays or impediments as well as favorable or unusual developments.

- o Outline work to be performed during the succeeding period.
- o Indicate the amount of grant and matching funds expended to date.

SF 425 Federal Financial Report and ANTAP Final Report – Not later than 90 days following the ending date of the grant agreement the grantee must submit the SF-425, to document the final financial status of the grant project. The grantee must also submit a final report of results and accomplishments within 90 days following the grant ending date. The final report to be submitted will include:

- o An outline of the issue or problem.
- o How the issue or problem was approached via the project.
- o Contribution of public or private agency cooperators.
- o Results, conclusions, and lessons learned.
- o Current or future benefits to be derived from the project.
- o If applicable, recommendations on how to improve the program if funded in the future.
- o Contact person for the project with telephone number and e-mail address.

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.

Eligible entities will have the options to express mail, FAX or e-mail the ANTAP work plan, forms, and the ANTAP interim and final reports.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purpose described in Item 2 above.

The ANTAP work plan and the interim and final reports are new information collections as per the 2008 Farm Bill and the 2010 agricultural appropriations bill; therefore, no similar forms exist. This data is a one time request and will only be used for a short period of time.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

FSA reviewed its most recent grant programs to minimize the burden in this new program and meet Federal requirements.

6. Describe the consequences 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.

Failure to solicit work plans will result in failure to provide grants to eligible entities to reduce the amount of methamphetamine (meth) that can be produced from any ammonia removed from nurse tanks as intended by the 2008 Farm Bill and the 2010 agricultural appropriations bill.

There are no technical obstacles to reducing burden.

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;**

None.

- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**

FSA needs to receive work plans and forms as soon as possible in order to select eligible entities, negotiate grant agreements, and obligate funds on or before September 30, 2010.

- **requiring respondents to submit more than an original and two copies of any document;**

None.

- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**

None.

- **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;**

None.

- **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**

None.

- **that includes a pledge of confidentiality that is not supported by authority established in statute 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**

None.

- **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.**

None.

- 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.**

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instruction and record keeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

This is a new information collection request (ICR). AMS consulted with Washington representatives of the Agricultural Retailers Association, The Fertilizer Institute, The National Council of Farm Cooperatives, and the American Farm Bureau Federation to get their views and allowed several weeks for these associations to obtain input from their members and provide it to AMS.

The Notice of Funds Availability (NOFA) to Announce Funding for the Ammonia Nurse Tank Additive Program will be published in the Federal Register to notify the eligible entities, as well as outreach to trade associations for producers, cooperatives, and agricultural chemical retailers. The NOFA includes the 60-day comment period required by PRA.

We are requesting **EMERGENCY CLEARANCE** because of the September 30, 2010, deadline to obligate funds and the approaching fall harvest and planting season.

- 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.**

All information collected is treated as confidential. Agency policy prohibits the giving out of individual information. This information is handled according to the Privacy Act and Freedom of Information Act.

- 11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior**

or 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 or personal nature are collected. All collections of information are required for compliance with Federal requirements.

12. Provide estimates of the hour burden of the collection of information. Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated.

USDA estimates that up to 20 eligible entities may express interest in the grant program and up to five entities may be selected. This estimate is based on the level of interest in the Federal-State Marketing Improvement Program (FSMIP) and its burden of information collection, as there is no comparable program to ANTAP. Because the program has been narrowed to only four States, we are estimating each State will likely have at least one eligible entity selected, and it is possible that there could be one of these four States that has two eligible entities that are worthy of selection.

This is a one-time collection of data that only runs through May 1, 2011.

See the FSA-85-1, Reporting and Recordkeeping Requirements. (The estimates for the SF forms that are approved under other OMB control numbers are provided in the FSA-85-1.)

Providing the ANTAP work plan is estimated to take an average of 29.67 hours per response. The annual burden for providing the information is 593.4 hours. This was calculated by multiplying the estimated number of responses by the estimated total response time ($20 \times 29.67 = 593.4$ hours).

Providing the Grant Agreement is estimated to average 19.84 hours per response. The annual burden for providing the information is 99.2 hours. This was calculated by multiplying the estimated number of responses by the estimated total response time ($5 \times 19.84 = 99.2$ hours).

Providing the ANTAP Progress Report is estimated to average 14 hours per response. The annual burden for providing the information is 70 hours. This was calculated by multiplying the estimated number of responses by the estimated response time ($5 \times 14 = 70$ hours).

Providing the ANTAP Final Report is estimated to average 30 hours per response. The annual burden for providing the information is 150 hours. This was calculated by multiplying the estimated number of responses by the estimated response time ($5 \times 30 = 150$ hours).

The recordkeeping burden is estimated to average 0.5 hours per response. The annual burden for keeping the records is 2.5 hours. This was calculated by multiplying the estimated number of responses by the estimated recordkeeping time ($5 \times 0.5 = 2.5$ hours).

The annual burden for this information collection package is 915.1 hours. This was calculated by adding the annual burden hours determined for ANTAP Work Plan, Grant Agreement, ANTAP Progress Report, ANTAP Final Report, and recordkeeping ($593.4 + 99.2 + 70 + 150 + 2.5 = 915.1$ hours).

hours).

The estimated average hourly wage of an agricultural State employee from Virginia State Human Resources is \$21.79. The estimated cost is \$19,940.03 (\$21.79 X 915.1 hrs).

- 13. Provide estimates of the total annual cost burden to respondents or record keepers resulting from the collection of information (do not include the cost of any hour burden shown in items 12 and 14). The cost estimates should be split into two components: (a) a total capital and start up cost component annualized of its expected useful life; and (b) a total operation and maintenance and purchase of services component.**

There is no capital, startup, or ongoing operation/maintenance costs associated with this information collection to respondents or record keepers.

- 14. Provide estimates of annualized cost to the Federal government. Provide a description of the method used to estimate cost and any other expense that would not have been incurred without this collection of information.**

The annual cost to the Federal government is estimated to be \$5,000 to administer the program (review applications and award grants).

- 15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-1.**

This is a new information collection request.

- 16. For collections of information whose results are planned to be published, outline plans tabulation and publication.**

There are no plans to publish the results of the ANTAP program. Summaries will be provided for USDA internal reporting and the explanatory notes as part of the President's 2012 budget request, and any inquiries from Congress.

- 17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reason that display would be inappropriate.**

We are seeking approval to not display the OMB expiration date on the forms associated with this information collection since we are using the forms outside of USDA.

- 18. Explain each exception to the certification statement identified in Item 19 "Certification for Paperwork Reduction Act."**

USDA is able to certify compliance with all provision under Item 19 of OMB Form 83-1.

- 19. How is this information collection related to the Customer County Office? Will this information be part of their one-stop shopping?**

This information collection does not relate to the Customer County Office.