

2011 SUPPORTING STATEMENT
for
Pistachios Grown in California, Arizona, and New Mexico
Revision
OMB No. 0581-0215

NOTE TO REVIEWER: With this renewal we are merging 0581-0256, Pistachios Grown in California (Recommended Decision – AZ & NM), as stated in the *Federal Register* publication of the Final Rule, November 2, 2009, Vol. 74, No. 210 and in the *Federal Register* Notice of Request for Extension and Revision of a Currently Approved Information Collection published on October 6, 2010, Vol. 75, No. 193.

A. JUSTIFICATION.

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

Marketing Order No. 983 (7 CFR Part 983, order) covering pistachios grown in California, Arizona, and New Mexico is established and regulated under the Agricultural Marketing Agreement Act of 1937, Secs. 1-19, 48 Stat. 31, as amended, (7 U.S.C. 601-674), hereinafter referred to as the “Act.” The Act authorizes the formation of marketing orders for certain agricultural commodities to provide orderly marketing conditions in interstate and intrastate commerce and to improve producer returns. The Act provides in section 608(d)(1) that information necessary to determine the extent to which an order has effectuated the declared policy of the Act shall be furnished at the request of the Secretary of Agriculture (Secretary). The rules of practice and the procedure governing proceedings to formulate marketing orders are contained in 7 CFR Part 900.

In November 2009, the order expanded from California to also include pistachios grown in Arizona and New Mexico. The amendment did not involve any additional forms, only an increase in respondents and reporting burden due to additional handlers being regulated in the expanded marketing order territory. Some forms were out of date

and required modification to meet requirements for content, format, and utility. With this renewal submission, AMS is merging OMB No. 0581-0256, “Pistachios Grown in CA (Recommended Decision AZ and NM)” into No. 0581-0215.

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 order is administered by a 12-member Administrative Committee for Pistachios (Committee), comprised of nine producers, two handlers, and one public member. Each member has an alternate member. Each member serves a two-year term, beginning July 1. The members and alternates are appointed by the U.S. Department of Agriculture (USDA) to administer the program locally, and are selected from nominations submitted by pistachio producers and handlers in the production area.

The marketing order, and the rules and regulations issued thereunder, authorize the Committee to require producers and handlers to submit certain information, as provided in Sections 900.14; 900.304; 900.400; 983.42; 983.47; 983.52; 983.53; 983.58; 983.64; 983.66; 983.71; 983.88; and 983.93.

The Committee has developed forms as a convenience for persons who are required to file information with the Committee relating to pistachio supplies, shipments, dispositions, and other information needed to effectively carry out the purposes of the Act and the order. The information required under the order is gathered on the following forms and is used by the Committee and/or the USDA as outlined below:

- a) **Producer’s Referendum Ballot and/or Official Producer’s Ballot (FV-**

240 and FV-240-A (Sections 900.14, 900.304, 900.400 and 983.88):

Producers use these ballots for voting on establishing, amending, or terminating a marketing order. The ballots allow eligible producers to vote in a referendum. Information collected includes: the vote cast; eligibility statement with production information; name and signature and type organization (individual, trust, partnership, or corporation); partnership names; address and telephone.

- a) **Cooperative Association of Producers Referendum Ballot, FV-241, and Certificate of Resolution, FV- 242A:** These forms are no longer in use as they apply only to cooperatives and there are no longer any cooperatives within the marketing order Committee area.
- b) **Marketing Agreement, FV-242 (Sections 900.14):** Handlers use this form to promulgate or amend an order. Handlers voluntarily sign the agreement, indicating their willingness to abide by provisions regulating respective commodity handling in the promulgated or amended order. Referendum agents distribute and collect the marketing agreements from the handlers.
- c) **Confidential Producer/Handler and Public Member Qualification and Acceptance Statement FV-243 (Section 983.42):** This form, used by candidates nominated to serve as members and alternates on the Committee, requests information on the nominee's role in pistachio production, handling, industry organizations, and programs. USDA uses this information to determine nominee eligibility to serve in the nominated

positions. This form includes an acceptance statement that nominees would sign to indicate that, if they are appointed, they would be willing to serve on the Committee.

- d) **Handler and Alternate Member Nomination Ballot, FV-244 (Section 983.42)**: This form permits qualifying handlers to vote for a handler member or alternate for the Committee. Information requested includes: name and signature; type or organization (individual, trust, partnership or corporation); name of business entity; telephone number; verification of address, production information, tax identification number, and vote cast.
- e) **Producer and Alternate Member Nomination Form, FV-245 (Section 983.42)**: Producers prepare this form to nominate candidates to serve as a producer member on the Committee. A producer/handler may nominate either a producer or a handler, but not both.
- f) **Handler Member Nomination Form, FV-245A (Section 983.42)**: Handlers use this form to nominate candidates to serve as a handler member on the Committee. A producer/handler may nominate either a producer or a handler, but not both.
- g) **Producer and Alternate Member Ballot, FV-246 (Section 983.42)**: This form permits qualifying pistachio producers to vote for the producer members and alternates of their choice. Information requested includes a signature, verification of address, production information, tax identification number, and vote cast.
- h) **Receipts/Assessment Report (Form ACP-1), (Sections 983.64 and**

983.71): Pistachio handlers, who receive pistachios for processing (removal of green hulls and drying pistachios to 5 percent moisture), file this form once a year with the Committee. Regulated handlers would be required to pay an assessment attributable to the assessed weight of pistachios received by the handler and to report that assessed weight to the Committee on the ACP-1, Receipts/Assessment form. The form covers the following worksheet on pistachio data: total marketable in-shell; total marketable closed-shell; total marketable shelling stock; total assessed weight; total assessment due; any penalty due; and the handler employee signature.

- k) Failed Lot Notification (Form ACP-2), (Section 983.52(b))**): Pistachio handlers who have a failed pistachio lot due to minimum size/quality certification and/or maximum aflatoxin concentration, send this form to the Committee within 10 days of test completion and retain a copy for their records. The handler completes Section A and is required to describe the lot, report the lot ID marks, list the weight in pounds, the container size and description, identify the product's owner/handler, list the handler's address, by whom the product was sampled, the sampling date, and the name of the agency that sampled the product. The USDA inspector completes Section B, recording if the lot passes marketing order requirements and the sampling certification number. If a lot fails minimum size/quality inspection, the inspector returns the form to the handler who, under supervision of the inspector, sends it to the

Committee. An accredited aflatoxin testing laboratory completes Section C of this form and records whether the lot failed aflatoxin requirements and notes the laboratory certification number, as well as the results of the tests conducted and the test averages. If the lot fails minimum size/quality certification, the handler completes the bottom of the form with signature, date, and identification information. If the lot failed aflatoxin tolerances, an accredited lab representative completes the bottom by providing the signature, date, and lab identification information.

- a) **Failed Lot Disposition and Rework Report (Form ACP-3), (Sections 983.52, 983.152(a) and 983.152(b))**: The handler notifies the Committee with this form when disposition or rework of a failed lot has been completed (Committee previously notified by filing on the ACP-2 form). Section A covers the lot description, identification, and size, container description, handler/owner of the lot, as well as aflatoxin and minimum quality certificate numbers. Section B1, “Non-Human Consumption,” covers the number of pounds, appropriate bills of lading, the identity of the person receiving the pistachios, and the intended use. Section B2, “Export,” covers the pounds of failed pistachios shipped to export, bills of lading numbers, customers, and contact information. Section B3, “Rework,” covers the number of pounds reworked; pounds accepted and submitted for certification, as well as the pounds rejected; the rework procedure location; a description of the rework process, new lot description and identification, including container description; minimum

quality inspection results and certificate number; maximum aflatoxin inspection and certificate numbers with aflatoxin results and averages.

Section B4, “Shelled,” provides data on the number of pounds shelled and the location of the sheller. Additionally, this section requires the handler signature, as well as the date for the individual who filled out the ACP-3 form.

b) **FMO Exempt Handler Notification, (Form ACP-4), (Sections 983.93):**

Handlers submit this form to the Committee for an exemption under §983.70 if they receive 5,000 pounds or less (assessed weight) of pistachios in a given production year. The form must be submitted by November 15 of each production year. The handler completes Section A and is required to provide his/her name, address, and the assessed weight handled in pounds, as well as the production year. The handler signs, dates, and completes handler identification information, and then submits it to the Committee.

c) **Minimal Testing Form, (Form ACP-5), (Section 983.53):** Handlers

complete this form by August 1, prior to each production year if they handle less than 1,000,000 pounds (assessed weight) of pistachios in a given production year. Upon form approval, the Committee offers the option of complying with the marketing order, according to §983.41. The handler completes Section A and provides the handler name, address, assessed pounds handled, and the production year. The handler is required to complete the middle of the form by signing, dating, and

completing the handler identification information. The Committee completes Section B by providing the signature, date, and Committee identification information and returns a copy of the form to the handler.

- o) Inter-Handler Transfer, (Form ACP-6), (Sections 983.58 and 983.150(c)):** Pistachio handlers file this form with the Committee as needed. The information collected on this form includes the date of transfer, the transferring and receiving handlers, a description of the inventory including lot description and identification marks, weight and container size/description, inspection status of the lot, aflatoxin and minimum size/quality certificate numbers, and signatures of both the transferring and receiving handlers. The transferring handler fills out the form and submits a copy to the Committee within 30 days of the transfer. The transferring handler must also provide the receiving handler with the original and a copy of the form. The receiving handler must sign and submit the original to the Committee within 30 days of the transfer. Both handlers are responsible for maintaining a copy of the completed forms for their records for three years after the end of the production year in which the transfer took place.

- p) Monthly Report of Inventory/Shipments (Form ACP-7), (Sections 983.47 and 983.66):** Pistachio handlers currently file this form on a monthly basis to the Committee. The form covers inventory/shipment of pistachios that are open shell, artificially opened, closed shell, shelling stock, and loose kernels. Handlers must report each category (with

exceptions listed below) under the descriptions of beginning inventory, grower deliveries (new crop), current month's shipments domestic, export, splitting/shelling adjustments, inter-handler transfers, non-handler purchases of product, inventory adjustments, and ending inventory.

Instructions are attached to assist in filling out ACP-7. Handlers may opt to fill out the monthly inventory/shipment report; they may also attach a photocopy of the CPC report and sign the ACP-7.

(q) Producer Delivery Report (Form ACP-8) Section 983.164(g):

Handlers are required to annually provide the names of producers who deliver pistachios to them, producers' mailing and email addresses, telephone and facsimile numbers, and tax identification number, as well as total receipts of pistachios from each producer and counties in which the pistachios were grown. These reports allow the Committee to identify all authorized voters for Committee selections and referenda in which each business entity is entitled to cast one vote. Individual producers may produce and deliver pistachios under more than one business entity. The information collected on this report also allows the Committee to determine individual producer's eligibility to represent more than one business entity based upon the tax identification numbers.

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 forms in this information collection are part of the AMS Integrated e-Government Report and will be exempt from e-Government Act implementation. There are a total of eight FV-Forms that will be exempt from requirements. Four of the forms involve balloting, which requires strict voting procedures that currently need in-person oversight implementation by the AMS Compliance office to ensure confidentiality and validity. These forms are only used once every six years. The remaining four forms are used infrequently by a small number of respondents and are submitted directly to the Committee. The Committee administers the order and operates under Federal oversight, but is not part of a Federal agency. Though AMS complies with the e-Government Act, the availability and submission of forms electronically is at the Committee's discretion. The Committee periodically reviews all forms to ensure ease-of-use.

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.

5. IF THE COLLECTION OF INFORMATION IMPACTS SMALL BUSINESSES OR OTHER SMALL ENTITIES (ITEM 5 OF THE OMB FORM 83-I), DESCRIBE THE METHODS USED TO MINIMIZE BURDEN.

Information collection requirements have been reduced to the minimum to

oversee each order or agreement. Requesting this information from producers does not pose a significant disadvantage to any of the respondents; therefore it does not significantly or negatively impact small businesses. An estimated 80% of growers in the Pistachio industry are small business owners.

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 information is collected on an as-needed basis. If the information collection herein was not collected, the Secretary could not ascertain the support level for the order, nor in fact, carry out obligations required by the Act. Collecting data less frequently would also eliminate the Secretary's ability to administer 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.**

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.

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.

The 60-day notice for this information collection was published in the Federal Register on October 6, 2010, (Vol. 75, No. 195 and Pages 61692-61693). The notice invited comments on AMS' request for an extension for and revision to the currently used forms, as well as the merging of two OMB form packages. No comments were received.

The data for the information collection are not available anywhere. Use of the forms is required by regulations governing marketing order administration. AMS marketing specialists participate in and monitor Committee meetings that are attended by pistachio producers and handlers, and regularly convey information on the overall marketing order updates. Meetings are held throughout the year in the production area.

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.

Private information is required on the Confidential Producer/Handler and Public Member Qualification and Acceptance Statement (FV-243), which a nominee to the Committee must fill out. These questions are asked to ascertain his/her qualifications to serve on the Committee and include position in the industry or firm, years producing or

handling, approximate volume produced or handled, and office held in industry organizations. This information is provided to the Secretary for use in the selection process.

The information collected on form ACP-8 requires handlers to annually provide the producer names, addresses, tax identification number, and other contact information. The information collected allows the Committee to determine whether individual producers are eligible to represent more than one business entity based on the tax identification numbers.

Section 608(d) of the Act states that information acquired will be kept confidential, and that penalties exist for violating confidentiality requirements. Therefore, USDA requires AMS field office staff and employees in Washington, D.C. to maintain confidentiality. Confidential information is 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 a 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.

See AMS-71 spreadsheet for breakout.

- PROVIDE ESTIMATES OF ANNUALIZED COST TO RESPONDENTS FOR THE HOUR BURDENS FOR COLLECTIONS OF INFORMATION, IDENTIFYING AND USING APPROPRIATE WAGE RATE CATEGORIES.

The respondents' estimated annual cost of providing information to the Committee is \$14,256. This total has been estimated by multiplying 432 (total burden hours) by \$33.00, which is the average hourly earnings of Farm, Ranch, and Other Agricultural Managers, for California, Arizona and New Mexico. Data for computation of this hourly wage were obtained from the U.S. Department of Labor Statistics' State Occupational Employment and Wage Estimates, May 2009 and can be located at the following websites:

http://www.bls.gov/oes/current/oes_ca.htm

http://www.bls.gov/oes/current/oes_az.htm

http://www.bls.gov/oes/current/oes_nm.htm

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 is 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 eight agency forms contained in this information collection package that are funded by the USDA. The Committee uses assessment funds to pay for all the administrative costs of all other forms not included in the cost estimate. The Federal government's annual cost for providing oversight and assistance for this marketing order program is estimated at \$21,259.05 the first year and for subsequent year it is estimated to be \$22,259.05, assuming overhead costs. The previous estimate was \$186,925. However, this estimate was based on an inaccurate method of taking the overall budget and dividing by the number of marketing order programs. Since then, methods of calculating the salary and other line items have been since revised for a more accurate representation of the costs. A breakdown of the costs for the first year is the following:

Salaries/Benefits/Awards	\$3,659.05
Travel	\$2,000
Printing/Copying/Mailing/Postage	\$1,800
Federal Register Notices	\$2,400
OGC (Legal Services)	\$8,000

Supplies/Equipment	\$3,400
TOTAL	\$21,259.05

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

This revised submission shows an adjustment increase of +258 burden hours. The increase is attributed to the merging of 0581-0256 that expanded the marketing area to include Arizona and New Mexico. We will submit a request to delete OMB 0581-0256 Pistachios Grown in CA (Recommended Decision AZ & NM) upon approval of this collection.

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.

AMS requests approval not to display the expiration date on the forms associated with this information collection. The Agency requests approval not to display the expiration date for OMB approval on the information collection. This requirement significantly affects mandatory programs by having to destroy otherwise usable forms when the date expires. Such needless actions are counter-productive to the Administration's goal of increasing program efficiency, as well as the effect that an expiration date could have on the Agency. 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 expiration 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.

Lastly, having an expiration date on forms in addition to the creation date and/or revision date could cause confusion to the users of the forms, which could result in delays in payments for services. A delay in payments from users of program services could lead to additional late payment costs and ultimately to legal challenges by the users, which would increase costs and inefficiencies in the Agency.

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.