

**U.S. Department of Agriculture
Farm Service Agency
Supporting Statement
OMB Number 0560-0151
7 CFR Part 782 - - END-USE CERTIFICATE PROGRAM**

The purpose of this request is a revision of a currently approved collection of information regarding the End-use Certificate Program for Wheat under OMB Number 0560-0151.

1. Circumstances making collection of information necessary.

Public Law 103-182, Section 321 (f) of the North American Free Trade Agreement Implementation Act mandates that the Secretary of Agriculture shall implement, in coordination with the Commissioner of Customs and Border Protections, a program requiring that end-use certificates be included in the documentation covering the entry into the United States of any wheat originating from Canada. The end-use certificate program is designed to ensure that Canadian wheat does not benefit from USDA or CCC-assisted programs.

This document is to request a revision and extension of the collection of information regarding the End-use Certificate Program for Wheat under OMB Number 0560-0151. Failure to collect the information on an entry-by-entry basis would make it impossible to ensure that imported grain retains its' identify preserved status and does not benefit from USDA or CCC-assisted programs. In order to protect U.S. agricultural producers, the Secretary may, after consulting with them and reporting to the Congress, suspend end-use certificate requirements if the requirements have directly resulted in reduction of income to U.S. producers of agricultural commodities; or the reduction of competitiveness of U.S. agricultural commodities in world export markets.

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

Kansas City Commodity Office (KCCO) is accepting the form FSA-750, End-Use Certificate for Wheat from importers of Canadian-produced wheat by mail, facsimile, or e-mail. The KCCO, Contract Reconciliation Division, collects the information on an entry-by-entry basis to ensure that imported grain retains its' identify preserved status and does not benefit from USDA or CCC-assisted programs.

FSA-750 End-Use Certificate for Wheat: Importers of Canadian-produced wheat use this form to report Canadian-produced wheat entry into the United States. This form must be submitted by the importer within 15 workdays following the date of entry. Wheat covered by an end-use certificate must be stored identity preserved (the identical wheat loaded out as that received) and may not be commingled or blended with U.S.-produced wheat until such time as the Canadian-produced wheat is loaded onto a conveyance for direct delivery to an

end user or foreign country. When wheat covered by this end-use certificate is sold to subsequent buyers or end users, the importer and all subsequent buyers must also provide purchasers with copies of form FSA-750.

FSA-751 Wheat Consumption and Resale Report: Millers, exporters, and other users of imported Canadian wheat use the FSA-751, Wheat Consumption and Resale Report, to report final disposition of Canadian wheat in the United States.

3. Use of improved information technology.

The FSA-751 is available for electronic submission at <http://forms.sc.egov.usda.gov/eforms/mainservletwebsite>. Major importers already have the FSA-750 form in their computer systems and can e-mail or FAX it to KCCO. Wheat importers have direct contact with KCCO.

4. Efforts to identify duplication.

U.S. Customs and Border Protection, Department of Homeland Security, collects similar entry data and sends a data cartridge summarizing the previous week's activities to USDA. The Customs and Border Protection data is compared to the data submitted by the importer on the FSA-750. However, the Customs and Border Protection collection of import data does not include the tracking of shipments through to the end-user. The U.S. Census also collects some entry data on grain imports but does not track shipments through to the end-user. USDA does not know of any entity/source that has established a tracking system that collects information to verify that the imported wheat is used in accordance with provisions in the regulations found at 7 CFR 782.

5. Methods to minimize burden on small business or entities.

Since the information collected is readily available from participant's records, these collections do not impose significant additional burden. There are 67 small entities.

6. Consequence if information collection were less frequent.

Failure to collect the information on an entry-by-entry basis would make it impossible to ensure that imported grain retains its identity preserved status and does not benefit from USDA or CCC-assisted programs.

7. Special circumstances.

There are no special circumstances.

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

A Federal Register notice was published on Wednesday, December 29, 2011, at 76 FR 81910-81911. This notice requested interested parties to submit comments on or before February 27, 2012. No comments were received. It was an oversight that the Federal Register notice should have stated revision and extension of a current approved information collection request.

The Consultations outside the Agency are in the following:

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9. Any decision to provide any payment or gift to respondents.

There are no payments or gifts provided to respondents.

10. Confidentiality provided to respondents.

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

11. Questions of a sensitive nature.

Questions of a sensitive nature are not asked on the information collection or solicited by any method.

12. Estimates of Burden.

See attached FSA-85-1 for burden breakdown for each information collection. That data is summarized as follows.

Reporting Burden: 67 wheat importers, traders, and end-users will submit an average of 344.28 reports annually that average 0.1753 hours to complete each of the 23,089 reports. The total reporting burden is 4,068 hours.

The estimated annual cost to the public is \$61,630.00. This is based on annual burden hours of 4,068 hours times an average hourly wage of \$15.15.

13. Total annual cost burden to respondents or recordkeepers.

There are not capital and start-up or ongoing operation/maintenance costs associated with this information collection.

14. Provide estimates of annualized cost to the Federal government.

The total estimated annual cost to the Federal government for program administration is \$99,261. Cost for development, printing, distribution, and storage is estimated at \$15,938. The cost for gathering, maintaining, retrieving, and disseminating the data is \$9,305. Employee wages of specialists responsible for tracking imported Canadian-produced wheat is estimated at \$74,017.

15. Reasons for changes in burden.

The number of respondents decreased by 354 (341-67), and the number of responses decreased by 2836 (25,927-23,091). The total annual burden hours decreased by 452 (4520-4068) in this request. The adjusted changes are due to a fewer numbers of participating entities using FSA-750. Those entities that filed in Fiscal Year 2011 are mainly grain merchants and The Canadian Wheat Board. Also, those entities using FSA-751 are predominately flour mills and there has been consolidation in that industry. There are not many resellers.

16. Tabulation, analysis and publication plans.

Tabulations and cursory analysis will be performed when necessary for domestic origin compliance audits. There will be no publication of the information other than aggregate monthly totals.

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

The agency is seeking approval to not display the OMB expiration date on the forms associated with this information collection since the forms do not change and it is not cost effective for Forms officer to change the expiration date every three years to post or reprint and distribute new version form.

18. Exceptions to 83-1 certificate statement.

The FSA is able to certify compliance with all provisions under Item 19 of OMB Form 83-I

19. How is this information collection related to the Customer Service Center?

This information collection is not related to USDA Customer Service Centers. Wheat importers will have direct contact with KCCO.