

**2010 SUPPORTING STATEMENT
MARKETING ORDER NO. 930
FOR
TART CHERRIES GROWN IN THE STATES OF MICHIGAN, NEW YORK,
PENNSYLVANIA, OREGON, UTAH, WASHINGTON, AND WISCONSIN
OMB NO. 0581- 0177**

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. 930 (7 CFR Part 930) regulates the handling of tart cherries grown in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin. Enabling legislation is contained in the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), hereinafter referred to as the Act. The Act authorizes the promulgation and amendment of marketing orders for certain agricultural commodities and the issuance of regulations thereof for the purpose of providing orderly marketing conditions in interstate and intrastate commerce and for improving returns to producers. 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.

Marketing Order No. 930 (Order) became effective on September 25, 1996, following a series of public hearings held in accordance with formal rulemaking procedures specified under the Act. Growers and processors approved the marketing order in referendum as specified by the Act. In addition to volume regulations, the Order

authorizes the issuance of quality, size, maturity, pack, and container regulations, as well as inspection and reporting requirements. Production, processing and marketing research and promotion projects are also authorized. The Order's primary purpose is to stabilize the supply of tart cherries. Only tart cherries that will be canned or frozen will be regulated. Whereas volume regulations will be issued in only those districts with a three-year annual average production of 15 million pounds or more of tart cherries, grade, size, quality, maturity, pack, and container regulations will be issued as needed for the entire production area based on justifiable Cherry Industry Administrative Board (Board) recommendations.

2. INDICATE HOW, BY WHOM, HOW FREQUENTLY, 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 the 18-member Board, comprised of 17 producers and handlers and one public member, plus alternates for each. The members will each serve for a three-year term of office. The consecutive terms of office for all members and alternates will be limited to two three-year terms. Since the Board terms will be staggered, approximately one-third of the Board positions will be up for reelection each year. Nominations and elections will be conducted in a two-part process via the U.S. Mail on an annual basis. The public member and alternate will be selected by the Board every three years.

Members and alternates are appointed by the Secretary to administer the marketing order program locally, and are selected from nominees submitted by tart cherry producers and handlers in the production area. The marketing order, and rules and regulations issued thereunder, authorize the Board to require producers, handlers and

processors to submit certain information as provided in sections 930.23, 930.26, 930.27, 930.31, 930.41, 930.44, 930.55, 930.57, 930.58, 930.59, 930.60, 930.61, 930.62, 930.63, 930.70, 930.83, and 930.94.

The Board has developed forms as a convenience to persons who are required to file information with the Board relating to tart cherry inventories, shipments, diversions, and other information needed to carry out the purposes of the Act and the Order. Since this Order regulates the canned and frozen form of tart cherries, reporting requirements will be in effect all year. These forms require a minimum of information necessary to effectively carry out the requirements of the Order, and their use is necessary to fulfill the intent of the Act as expressed in the Order.

The information required under the Order is gathered on the following forms, and is used by the Secretary as outlined:

- a) **Producers Referendum Ballot, FV-43 (§§ 900.14 and 930.83)**: This form would be mailed to all tart cherry producers within the production area for the purpose of providing them the opportunity to cast a vote in favor or opposition to the marketing order. Other information requested on this form is used for the purpose of verification of the grower's eligibility to cast such a vote and to provide the Secretary with the volume of tart cherries produced by each grower. Referendum agents of the Secretary tabulate the results of such referenda. The agents are officials of the Marketing Order Administration Branch, Fruit and Vegetable Programs, Agricultural Marketing Service.
- b) **Cooperative Association of Producers Referendum Ballot, FV-43A (§§ 900.14 and 930.83)**: If such a request is made to the Department, this form is

mailed to cooperative associations of producers for the purpose of providing such cooperatives the ability to vote on amendments or continuation of the marketing order on behalf of their producers (as authorized in the Act). Other information requested on this form is used for the purpose of verification of the cooperatives eligibility to cast such a ballot on behalf of its producers, and to provide the Secretary with the volume of tart cherries produced by each grower within the cooperative. Referendum agents of the Secretary tabulate the results of the referendum. The agents are officials of the Marketing Order Administration Branch, Fruit and Vegetable Programs, Agricultural Marketing Service.

- c) **Processor's Referendum Ballot, FV-44 (§§ 900.14 and 930.83):** This form is mailed to processors for the purpose of providing them the opportunity to vote in favor or in opposition to amendments or continuance of the marketing order. Other information requested on this form is used for the purpose of verification of the processor's eligibility to vote and to provide the Secretary with evidence of the volume of tart cherries processed. Referendum agents of the Secretary tabulate the results of the referendum. The agents are officials of the Marketing Order Administration Branch, Fruit and Vegetable Programs, Agricultural Marketing Service.
- d) **Marketing Agreement, FV-45 (§ 900.14):** This form will be used to ascertain handler support for amendments or continuance of the marketing order. Handlers voluntarily sign this agreement, indicating their willingness to abide by the Order provisions regulating the handling of tart cherries grown in the production area. Referendum agents distribute and collect the marketing agreement from handlers.

If a handler is a corporation, a **Certificate of Resolution, FV-45-A**, is also required from such handler indicating that corporate authority has been granted for the submission of the marketing agreement.

- e) **Background/Acceptance Statement (Producer and Handler Member/Alternate), FV-46 (§ 930.26)**: This form will be forwarded to those candidates nominated to serve as producer and handler members and alternate members on the Board. It requests information on the nominee's role in tart cherry production, handling, industry organizations, and programs. This information is used by the Secretary to determine whether nominees are eligible to serve in the positions for which they were nominated. This form would also be used by the Secretary to ascertain whether a person selected to serve on the Board is willing to serve. A signature, address, and date are also required.
- f) **Background/Acceptance Statement (Public Member/Alternate), FV-47 (§ 930.26)**: This form will be forwarded to those candidates elected by the Board to serve as public member or alternate member on the Board. It requests information on the nominee's financial interest in tart cherry production, handling, membership in industry organizations and programs. This information is used by the Secretary to determine whether the elected individuals are eligible to serve in the positions for which they were nominated. This form is also used by the Secretary to ascertain whether a person selected to serve on the Board is willing to serve. A signature, address, and date are also required.
- g) **Nomination Petition Forms, FV-48 (§ 930.23)**: Subsequent to the nomination, election, and appointment of the initial Board members, this form will be mailed

annually to all affected producers and handlers for the purpose of receiving names of eligible individuals for vacant Board positions.

- h) Nomination Ballot, FV-49 (§ 930.23):** Subsequent to the receipt of nominees on the Nomination Petition Form, (FV-48), this form will be mailed to eligible industry members in affected districts. The ballot will contain the names of all eligible nominees.
- i) Sales /Inventory Report, CIAB 3 (§ 930.50(a)):** This report is completed by handlers. The purpose of this report is to provide sales information which may be used by the Board in order to establish an optimum supply level for the crop year.
- j) Inventory Reserve Summary, CIAB 5A (§ 930.55(b)):** This form is used by handlers to report the form (frozen, canned in any form, dried or concentrated juice) of tart cherries placed in the primary inventory reserve. The purpose of this report is to enable the Board to obtain information concerning the quantity of tart cherries held in the primary reserve. This information is also used in the marketing policy statement.
- k) Cherries Acquired from Producers, CIAB 2 (§ 930.59(b)):** This form is used by handlers to record the receipt of cherries delivered to them by growers and also to record grower diversion certificates redeemed by handlers. Handlers must show compliance with the terms and conditions of the order regarding their applicable restricted percentage amount that each handler must hold. The purpose of this form is to provide the Board with necessary information for handler participation in a tart cherry diversion program and to monitor compliance in such a program.

- l) Weekly Raw Product Report, CIAB 1 (§ 930.50(a)):** This report is completed by handlers. The purpose of this report is to provide information which may be used by the Board, to monitor shipments of tart cherries.
- m) Handler Reserve Plan and Field Pack Report, CIAB 4 (§ 930.55(c)):** This report is completed by handlers. The purpose of this report is to provide the Board with verification of the condition of inventory reserve cherries.
- n) Inventory Location Report, CIAB 5B (§ 930.70):** This report is completed by handlers. Handlers must file promptly, reports showing weekly production data; monthly sales and inventory data; and other information, including the volume of any tart cherries placed in or released from a primary or secondary reserve or diverted. The purpose of this report is to provide information as to the storage location of inventory reserve.
- o) Tart Cherry Orchard Map and Grower Diversion Application, No form number (§ 930.58(c)):** Page one of this application (Tart Cherry Orchard Map) is prepared and submitted by those growers desiring Board approval to participate in a voluntary tart cherry diversion program. Growers are required to file supporting documentation to enable the Board to verify location and acreage. The purpose of this application is to provide the Board with necessary information for growers to receive diversion privileges and to monitor compliance in such a program. Page 2 (Grower Diversion Application) is used by growers when applying to divert cherries under the grower diversion program. Growers desiring to participate in the diversion program must map their orchards and complete this form. This will enable the Board to monitor compliance with

the program.

- p) **Producer List for Referendum, No form number (§ 930.83):** This form is used by handlers to report the names, addresses, and tonnage of tart cherries produced by the growers whose cherries the handler handles. This information is utilized by the Secretary to verify that referendum ballots are distributed to the greatest number of tart cherry growers possible.
- q) **Report of Export Sales Activity, CIAB 3A (§ 930.70(b)):** Handlers who process tart cherries must file this form by July 10 at the beginning of each season. The season starts July 1. The form requires handlers to estimate quantities of export shipments, their ports of entry and type of packing used. This information will help the Secretary and Board verify shipments that are in compliance with certain marketing order provisions.
- r) **Memorandum of Agreement between Handlers Regarding Responsibilities for Tart Cherry Production under the Marketing Order for Red Tart Cherries, No form number (§ 930.70):** This agreement is used by handlers to inform the Board on who is responsible for paying assessments. This form only requires the signature of the “selling” handler and the “buying” handler, as well as the date signed.

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.**

Upon approval, these forms will be used to submit information directly to the

Committee, which administers the order. The Committee is not part of a Federal agency, but is a commodity industry that operates under Federal authority and oversight. Though the Agricultural Marketing Service is committed to complying with the e-Government Act, which requires Government agencies, in general, to provide the public the option of submitting information or transacting business electronically to the maximum extent possible, the availability and submission of forms electronically is at the Committee's discretion. Current announcements about Board activities are made through the website (www.cherryboard.org) and some forms may be submitted electronically by those who have the capabilities to send such information. Further, Facsimile (FAX) machine transmissions are limited to those firms in possession of such equipment. The balance of information transmissions is by phone and postal deliveries.

Information collection forms are periodically reviewed by the Board to ensure that they are understood by industry members, are easy to complete, and place as small a burden as possible on the person required to file the information.

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.

Reports and forms are periodically reviewed to avoid unnecessary information collection duplication by industry and public sector agencies. At the present time, there is no duplication between Federal agencies. The marketing policy and the annual report are prepared through information collected from OMB approved forms and data obtained by outside sources, such as the USDA, industry and trade associations, and industry and public publications.

Information generated by State, Federal, and private sector reports would pertain

to tart cherries in general, but would not specifically address tart cherries grown in the Order's production area. In addition, such information would not necessarily contain information of a proprietary nature relative to the affected producers, handlers, and processors. Therefore, such information would not be detailed enough to be used for the specific purposes required under Marketing Order No. 930.

5. IF THE COLLECTION OF INFORMATION IMPACTS SMALL BUSINESSES OR OTHER SMALL ENTITIES (ITEM 5 OF THE OMB FORM 83-1), DESCRIBE THE METHODS USED TO MINIMIZE BURDEN.

Information collection requirements have been reduced to the minimum requirements of the Order. The forms require only a minimal amount of information which can be supplied without data processing equipment or a trained statistical staff. The primary sources of data used to complete the forms are routinely used in all business transactions. Thus, the information collection and reporting burden is relatively small. Requiring the same reporting requirements for all handlers, producers, and processors will not significantly disadvantage any handler, producer, or processor that is smaller than industry average.

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.

If the information collection herein was not collected, the Secretary could not ascertain the level of support 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;**

All Board forms require a respondent to prepare a written response in fewer than 30 days after receipt of it. The information supplied on Board forms needs to be received in a timely manner for timely Board selection and/or informational purposes.

- **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 SECRETS, 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 other special circumstances. The collection of information is conducted in a manner 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.

A 60-day notice was published in the Federal Register on April 12, 2010, (Vol. 75, No. 69, Page 18470), which invited comments from interested persons through June 11, 2010. No comments were received.

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 Board meets throughout the year to assess the Order's regulatory and informational needs. Discussed at these meetings is the type of information that is collected while keeping close contact with the industry and trade associations to ensure the utmost efficiency. The Board members and staff are constantly alert to what is going on in other marketing orders through correspondence, meetings, and information received from USDA. The Board endeavors to consult with representatives from whom the information is to be obtained at least once every three years. In addition, notices of these meetings are sent to all those associated with the tart cherry industry, and any concerns regarding Board business are welcome. Use of these forms has been discussed with the Board Manager, Perry Hedin, Executive Director, phone number (888) 639-2422; or U.S. Department of Agriculture, Agricultural Marketing Services, Marketing Order Administration Branch, Regional Manager Kenneth Johnson, District of Columbia Marketing Field Office, located in Riverdale, Maryland, phone (301) 734-5243.

- 9. EXPLAIN ANY DECISION TO PROVIDE ANY PAYMENT OR GIFT TO RESPONDENTS, OTHER THAN REMUNERATION OF CONTRACTORS OR GRANTEES.**

Respondents are not provided with gifts or payments for providing information.

10. DESCRIBE ANY ASSURANCE OF CONFIDENTIALITY PROVIDED TO RESPONDENTS AND THE BASIS FOR THE ASSURANCE IN STATUTE, REGULATION, OR AGENCY POLICY.

Section 608(d) of the Act provides that information acquired will be kept confidential. Reports submitted to the Board are accessible only by the Board manager, staff, employees of USDA's Agricultural Marketing Service's field office staff, and certain USDA employees in Washington, D.C. Board members never have access to any handler's reports or assessment records. Board staff is aware of the penalties for violating confidentiality requirements.

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).

Questions of a sensitive nature are not included on any form. Private information is required on the Background/Acceptance Statement which a nominee to the Board must fill out. These questions are asked to ascertain his/her qualifications to serve on the Board and include position in industry or firm, years growing or handling, approximate volume grown or handled, and offices held in industry organizations. This information is provided to the Secretary for use in the selection process.

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 83.1.**

The respondents' estimated annual cost of providing information to the Committee is \$24,092.94. This estimated total is calculated by multiplying 843 (total burden hours) by \$28.58, the median hourly wage rate for Farm, Ranch and Other Agricultural Managers, according to the U.S. Department of Labor Statistics. Data for computation for this hourly wage was contained in the "National Compensation Survey," dated May 2009, and is available on the Internet at www.bls.gov/oes/current/oessrcst.htm. The median hourly wage used was changed to \$28.58 to more closely align the applicants responsible for submitting the information than in prior years.

- 13. PROVIDE AN ESTIMATE 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 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 are no start-up cost burdens to respondents or record keepers not included in items 12 and 14.

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.**

The Federal government's annual costs for providing oversight and assistance for

this information collection is estimated at \$22,188.67 the first year and for subsequent years it is estimated to be about \$24,526.21, assuming cost of living increases to salary and higher overhead costs. A breakdown of the oversight costs for the first year is the following:

Salaries/benefits/awards	\$2,188.67
Travel	\$5,000
Printing/Copying/Mailing/Postage	\$1,400
Federal Register Services	\$2,400
OGC (legal services)	\$8,000
Supplies/equipment	\$3,200
TOTAL	\$22,188.67

15. EXPLAIN THE REASON FOR ANY PROGRAM CHANGES OR ADJUSTMENTS REPORTED IN ITEMS 13 OR 14 OF THE OMB FORM 83-1.

In the previous submission, the Grower Diversion Application and the Tart Cherry Orchard Map were submitted separately and reported as two separate entries, each having a per response time of 5 minutes. These two forms are now considered a single two-page form, with a per response time of 10 minutes, versus 5 minutes per form as previously submitted. The respondents completing this form are the same group, thus the total annual responses have been reduced by -900 since the previous submission.

16. FOR COLLECTIONS OF INFORMATION WHOSE RESULTS ARE PLANNED TO 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.

The Agricultural Marketing Service requests approval not to display the expiration date on the forms associated with this information collection. This requirement significantly affects mandatory programs by increasing costs to users, because otherwise usable forms must be destroyed when the date expires, the form is revised, and redistributed. Such needless cost increases passed on to users of mandatory services are counter-productive to the Administration's goal of reducing costs and improving program efficiency. Additionally, the impact of the expiration date requirement on administrative and regulatory forms for the programs can adversely affect the operation and enforcement of the 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.

18. EXPLAIN EACH EXCEPTION TO THE CERTIFICATION STATEMENT IDENTIFIED IN ITEM 19, "CERTIFICATION FOR PAPERWORK REDUCTION ACT SUBMISSIONS," OF OMB FORM 83-1.

The agency is able to certify compliance with all provisions under item 19 of OMB form 83-1.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS.

The collection of information does not employ statistical methods.