Rev Sept 24, 2012

SUPPORTING STATEMENT
Irradiation Treatment; Location of Facilities in the Southern United States
Docket No: APHIS-2009-0100
OMB No. 0579-0383

TERMS OF CLEARANCE – COMMENT: OMB files this comment in accordance with 5 CFR 1320.11. This OMB action is not an approval to conduct or sponsor an information collection under the Paperwork Reduction Act of 1995. This action has no effect on any current approvals. If OMB has assigned this ICR a new OMB Control Number, the OMB Control Number will not appear in the active inventory. For future submissions of this information collection, reference the OMB Control Number provided. In accordance with 5 CFR 1320, the information collection is not approved at this time. Prior to publication of the final rule, the agency should provide to OMB a summary of all comments received on the proposed information collection and identify any changes made in response to these comments.

The proposed rule, Docket Number APHIS 2009-0100, was published in the Federal Register on September 29, 2011, with a 60-day comment period. During that time, APHIS received seven comments, in addition to 3,529 identical or nearly identical form letters, all of which have been addressed in the final rule. In summary, the comments were from an advocacy group, a State department of agriculture, and private citizens. Two commenters expressed support for the proposed rule. The remaining comments are discussed in detail in the final rule. APHIS determined that for the reasons given in the proposed rule as well as the final rule, no changes were made to the propose rule and it was, therefore, adopted as the final rule, without change, on Friday, July 20, 2012, pages 42621-42625.

A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.

The United States Department of Agriculture (USDA) is responsible for preventing plant diseases or insect pests from entering the United States, preventing the spread of pests and noxious weeds not widely distributed into the United States, and eradicating those imported pests when eradication is feasible. The Plant Protection Act authorizes the Department to carry out this mission.

Under the Plant Protection Act (7 U.S.C. 7701 – et seq), the Animal and Plant Health Inspection Service (APHIS) is authorized, among other things, to regulate the importation of plants, plant products, and other articles to prevent the introduction of plant pests into the United States.

The Phytosanitary treatment regulations contained in 7 CFR, Part 305.1 thru 305.9 (referred to below as the regulations), set out the general requirements for performing treatments and certifying or approving treatment facilities for fruits, vegetables, and other articles to prevent the introduction or dissemination of plant pests or noxious weeds into or throughout the United States.

The phytosanitary treatment regulations will provide generic criteria for new irradiation treatment facilities in the Southern States of the United States. This action will allow irradiation facilities to be located anywhere in these States, subject to approval, rather than only the previously approved locations. APHIS will allow for the irradiation treatment of certain imported fruit from India and Thailand upon arrival in the United States. This action will facilitate the importation of fruit requiring irradiation treatment while continuing to provide protection against the introduction of pests of concern into the United States.

APHIS is asking OMB to approve the use of this information collection activity, for 3 years, associated with its efforts to prevent the spread of plant pests and plant diseases in the United States.

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.

APHIS will use the following information collection activities to provide generic criteria for new irradiation treatment facilities in the Southern States of the United States.

Facility to Provide Updated Map Identifying Horticultural/Crops are Grown: The facility must maintain and provide APHIS with an updated map identifying places where horticultural or other crops are gown within a 4-mile radius of the facility. Proximity of host material to the facility will necessitate trapping or other pests monitoring activities to help prevent establishment of any escaped pests of concern, as approved by APHIS.

Contingency Plan – The facility must have contingency plans, approved by APHIS, for safely destroying or disposing of regulated articles.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, 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 considerations of using information technology to reduce burden.

A database or spreadsheet can be utilized by respondents to maintain records and for review by APHIS. Letters for facility approval and 30-day notification may be submitted electronically.

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

The information APHIS collects is exclusive to its mission to prevent the introduction of plant pests and plant diseases into the United States. The information is not available from any other source.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

The information collected is the absolute minimum needed to ensure that fruits and vegetables have been properly irradiated and thus pose no threat of introducing destructive insect pests into the United States. APHIS has determined 100 percent of the respondents are small entities.

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.

If the information was collected less frequently or not collected at all, APHIS would have no practical way of determining that any given commodity had actually been irradiated. (Irradiation leaves no residue and usually causes no discernible change to the commodity's color or texture.)

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with the general information collection guidelines in 5 CFR 1320.5.

- **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 three 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 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**
- **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.**
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There are no special circumstances associated with this information collection that would require it to be conducted in a manner inconsistent with the general information collection guidelines in 5 CFR 1320.5.
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8. 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 form, and on the data elements to be recorded, disclosed, or reported. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, soliciting comments on the information collection prior to submission to OMB.

The following individuals were consulted during 2011-2012:

Sadex Corporation
Harlan Clemmons, President and COO
2650 Murray Street
Sioux City, IA 51111
712-252-3505
(F) 712-252-3503

Sterigenics
Brenda Wheatley
1401 Morgan Circle
Tustin, CA 92780
518-886-8313

Graystar
Russell Stein COO
Mount Arlington Corporate Center
200 Valley Road, Suite 103
Mount Arlington, NJ 07856
973-398-3331
GraystarNJ@aol.com

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9. Explain any decision to provide any payment or gift to respondents, other than reenumeration of contractors or grantees.

This information collection activity involves no payments or gifts to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

No additional assurance of confidentiality is provided with this information collection. Any and all information obtained in this collection shall not be disclosed except in accordance with 5 U.S.C. 552a.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and others that are 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.

This information collection activity asks no questions of a personal or sensitive nature.

12. Provide estimates of 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.

. Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. 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 APHIS Form 71 for burden hour estimates.

. Provide estimates of annualized cost to respondents for the hour of burden for collections of information, identifying and using appropriate wage rate categories.

$35.98 (estimated hourly rate) x 14 (burden hours) = $503.72 (estimate of annualized cost)

$35.98 is the hourly rate derived from the U.S. Department of Labor, Bureau of Labor Statistics May 2011 Report – Occupational Employment and Wages in the United States. See: http://www.bls.gov/news/release/ocwage.t03.htm.

13. Provide estimates 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 in items 12 and 14). The cost estimates 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.

There is zero annual cost burden associated with capital and start-up costs, maintenance costs, and purchase of services in connection with this program.

14. Provide estimates of annualized cost 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 estimated cost for the Federal Government is $ 134.00. (See APHIS Form 79.)

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

This is a new collection of information resulting in 14 hours of burden.

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

APHIS has no plans to publish information collected in connection with this program.

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.

There are no USDA forms used in this information collection.

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

APHIS is able to certify compliance with all the provisions identified in the Act.

B. Collections of Information Employing Statistical Methods.

Statistical methods are not used in this information collection.