2011 SUPPORTING STATEMENT
for
National Organic Program: Periodic Residue Testing; Reporting; and Recordkeeping Requirements
OMB NO. 0581-NEW

(Proposed Rule)

NOTE: Upon OMB's approval of this new information collection for National Organic Program; Periodic Residue Testing Reporting and Recordkeeping Requirements, we will request to merge this collection into currently approved OMB Control Number 0581-0191 National Organic Program Reporting and Recordkeeping Requirements.

A. Justification.

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

The National Organic Program (NOP) is authorized by the Organic Foods Production Act of 1990 (OFPA), as amended, (7 U.S.C. § 6501 et. seq.). The Agricultural Marketing Service (AMS) administers the NOP. Under the NOP, AMS oversees national standards for the production and handling of organically produced agricultural products. The NOP is issuing a proposed rule to amend its regulations to require that accredited certifying agents conduct periodic residue testing of agricultural products that are to be sold, labeled, or represented as "100 percent organic," organic," or "made with organic (specified ingredients or food group(s))." The proposed rule would expand the amount of residue testing of organically produced agricultural products by requiring sampling and testing on a regular basis. This action is necessary to ensure that the NOP regulations are consistent with the OFPA. In March 2010, the USDA Office of the Inspector General (OIG) issued an audit of the NOP in which they recommended NOP

pursue a legal review to assess whether the NOP regulations should require periodic residue testing, per the OFPA. In conducting this legal review to assess consistency between the authorizing statute and the regulations, the NOP concluded that the current NOP regulations do not require certifying agents to conduct periodic residue testing of agricultural products and, therefore, could be amended to improve consistency with the OFPA. This action and its associated information collection will promulgate changes to the NOP regulations consistent with the OFPA.

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 proposed rule would maintain the current reporting requirements for submitting results of all analyses and tests performed under § 205.670. Certifying agents would continue to be required to submit results promptly to the AMS Administrator; except, that, where a State organic program exists, all results shall be provided to the State organic program's governing State official.

The proposed rule would amend § 205.670 to clarify the reporting requirements when test results indicate that a specific agricultural product contains pesticide residues or environmental contaminates that exceed the Food and Drug Administration's (FDA) or Environmental Protection Agency's (EPA) regulatory tolerances. Under the OFPA (7 U.S.C. 6506), certifying agents, to the

extent that they are aware of a violation of applicable laws relating to food safety, are required to report such violation to the appropriate health agencies. This is promulgated in § 205.670(e) of the NOP regulations, which requires reporting to the Federal health agency whose regulatory tolerance or action level has been exceeded. The NOP has previously provided additional information on reporting health and safety violations to stakeholders and interested parties and is available on the NOP Web site at http://www.ams.usda.gov/nop. The proposed rule would amend § 205.670(e) to clarify that these results must also be reported to the appropriate State health agency or foreign equivalent. This change is proposed to acknowledge the role of State agencies, or their foreign equivalents, in responding to residues in violation of food safety requirements.

The test results will be used by the certifying agents as the basis for conducting follow up investigations for any detected residues that are not compliant with the NOP regulations. These results will also form the basis for issuing any noncompliances or other adverse actions against certified operations for contamination of organic products. Furthermore, the results will be provided to the NOP and other agencies as applicable (e.g. FDA or EPA) to facilitate any significant actions such as issuance of civil penalties or recall of product that necessitate agency involvement. The overall purpose of the information is as a compliance tool to ensure integrity of organic products.

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 USDA encourages producers, handlers, and certifiers to use any electronic means available to them to create, submit and store records, including keeping database records of products produced on certified operations; maintaining lists of producers and handlers and their location; creating certification or training documents; maintaining business accounting records; and sending documents over the Internet. Research of the industry indicates that many certifiers use electronic data creation, storage and the Internet. For reporting test results conducted under the proposed regulations, certifying agents will be able to submit results via e-mail to the NOP. This is the preferred method of submission.

AMS 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. To minimize disruption to the normal business practices of the certifying agents, they will be permitted to develop their own format for documenting how they met the requirements of § 205.670.

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.

We have made every effort to contact appropriate sources within USDA, other Government agencies, and outside sources to ensure that we are not duplicating information collection. Some of the requirements for organic production and handling, certification, accreditation, State Organic Programs, peer review panels, and petitions to add substances to the National List are unique to the organic industry.

We encourage participants in the NOP to reduce the paperwork burden by establishing business operating plans and procedures that incorporate the NOP requirements. Because this is a new requirement to conduct additional residue testing of certified operations, certifying agents do not have existing information or data to meet the purpose described in item 2.

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.

The Regulatory Impact Analysis and the Regulatory Flexibility Analysis indicate that many of the businesses in the organic industry are small businesses. Several options have been explored and every effort has been made to mitigate any negative impacts caused by a reporting or recordkeeping burden. For example, the NOP considered instituting a higher level of testing by certifying agents that was based upon statistical sampling. However, this approach would have burdened the smaller entities by requiring higher sampling for smaller

certifying agents. As such the NOP opted for an equal level of testing and reporting across all certifying agents to minimize this burden.

The NOP has made every effort possible to secure information about the smallest segments of the industry, to provide open dialogue with them, to develop performance standards with a range of practices, and to accept the required documents in a reasonable, logical fashion.

The AMS has also considered the economic impact of this action on small entities. The AMS has determined that the impact on entities affected by this proposed rule would not be significant. Of the 94 respondents, all are considered to be small businesses by the Small Business Administration (SBA).

Small agricultural service firms, which include producers, handlers, and accredited certifying agents, have been defined by SBA (13 CFR 121.201) as those having annual receipts of less than $7,000,000 and small agricultural producers are defined as those having annual receipts of less than $750,000.

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 Agricultural Marketing Service (AMS) is issuing this proposed rule in response to an audit of the NOP which was conducted in March 2010 by the USDA Office of Inspector General (OIG). As part of the audit, the OIG visited four certifying agents accredited by the NOP. The audit found that none of the four certifying agents visited conducted periodic residue testing. The OIG

indicated that these certifying agents noted that they considered periodic residue testing to be required by the regulations only under certain circumstances.

In response, the AMS conducted a legal review of this issue. The AMS has concluded that, under 7 U.S.C. § 6506 of the OFPA, accredited certifying agents are required to conduct residue testing of organic products on a regular and random basis, as well as when there is reason to believe contamination has occurred.

If the proposed action and associated reporting are not undertaken, then the NOP regulations would remain inconsistent with the OFPA. This inconsistency could make the NOP vulnerable to litigation and to additional audits by the OIG with unsatisfactory outcomes. In considering its options on whether to move ahead with a proposed rule, the NOP considered issuing guidance to the industry as an alternative. However, this rulemaking was determined to be preferable because it would codify a legally enforceable requirement as specified by the OFPA.

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;

Under the proposed rule, test results need to be reported promptly to the NOP. This is expected to occur on a real time basis as certifying agents receive results from laboratories. The prompt reporting is

necessary to ensure that certifying agents and appropriate agencies can follow up on any positive results while the organic product is still in commerce and available for additional investigation.

- 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;

The OFPA § 6511(d)(1) requires that producers and handlers maintain records concerning the production and handling of agricultural products sold or labeled as organically produced for 5 years. OFPA § 6515(c)(1) requires any certifying agent to maintain all records concerning its activities for a period of not less than 10 years. The recordkeeping requirements include any test results conducted as part of the residue testing requirements.

The three categories of records with varying retention periods that are addressed in the NOP regulations are: (1) records created by certifying agents regarding applicants for certification and certified operations to be maintained 10 years; (2) records obtained from applicants for certification and certified operations to be maintained 5 years; and (3)

other records created or received by certifying agents to be maintained 5 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.**

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- There are no other 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 NOP has solicited preliminary feedback from certifying agents in preparation for this proposed action. In June 2010, the NOP conducted two sessions with certifying agents to discuss potential requirements for periodic residue testing under the NOP regulations and received initial feedback on the sampling procedures, costs, and laboratory requirements. Over half of the certifying agents, both domestic and foreign, participated in these sessions. Based upon their initial feedback, the NOP is issuing this proposed rule to specify a reasonable requirement for periodic residue testing which will ensure that the NOP regulations are consistent with OFPA.

The NOP also contacted three domestic and three foreign certifying agents to request their input on the reporting and recordkeeping burden imposed by this action. Their comments were taken into considerations when preparing the information collection of the proposed rule. The proposed rule provides for a 60-day comment period for stakeholders on the accuracy of the information collection request.

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

There would be no payment or gift rendered to any respondent.

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

Evaluators reviewing private certifiers' confidential records would be Federal employees representing the USDA. The OFPA § 6515(g) states "that any certifying agent shall maintain strict confidentiality with respect to its clients under the applicable organic certification program and may not disclose to third parties (with the exception of the Secretary or the applicable State Program's governing State official) any business related information concerning such client obtained while implementing this chapter." Section 205.504(b)(4) of the rule further states that a private certifying agent shall establish policies for protecting the confidentiality of client records.

However, the laboratory results collected as part of residue testing and the

certification process must be accessible to the public per § 6506(a)(9) of the OFPA. Furthermore, certifying agents must have procedures for providing the public, with the results upon request, of laboratory analysis conducted for residues per § 205.504(b)(5)(iii).

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.

There are no questions being requested that are of a sensitive nature. The information we are seeking is directly related to the applicants' business activities as they relate to the NOP.

12. PROVIDE ESTIMATES OF THE HOUR BURDEN OF THE COLLECTION OF INFORMATION.

Estimates of the hour burden of collection of information have been summarized on the enclosed AMS Form 71.

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.**

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

Estimate of Burden: Public reporting burden for the collection of information per sample analysis submitted to the Administrator or State organic program is estimated to be 15 minutes. The estimated reporting burden is based upon feedback provided to the NOP by domestic and foreign certifying agents. To meet the requirement to annually test for residues from at least five percent of the operations they certify, certifying agents would, on average, need to conduct and report results on fifteen samples on an annual basis. This estimate is based upon AMS data that the 94 certifying agents provide certification services to approximately 27,000 operations. AMS estimates the annual collection cost per certifying agent to be $121.58. This estimate is based on an estimated 3.75 labor hours per year (reporting 15 samples per year at 0.25 hour per

sample) at $32.42 per hour for a total salary component of $121.58 per year. The hourly rate is estimated based on the mean hourly wage for auditors as published by the Bureau of Labor Statistics. This classification was selected as an occupation with similar duties and responsibilities to that of a certifying agent. Such duties and responsibilities include conducting reviews of operations against accepted standards and evaluating audit or inspection findings for compliance.

Public reporting burden for information that requires submission to a Federal health agency, state agency, or foreign equivalent is estimated to be a one hour per response. Certifying agents would need to report on results that show residues that exceed regulatory tolerances per proposed § 205.670(f). Based upon the USDA AMS Pesticide Data Program data from calendar year 2008, results from residue testing of conventional commodities showed regulatory tolerances exceeded in approximately 4.2 percent of samples. While it is expected that organic products would have a lower incidence of samples with residues that exceed regulatory tolerance, the 4.2 percent estimate provides an upper limit for how often certifying agents might have to report residue testing results to Federal health agencies, appropriate State health agency, or their foreign equivalent. As a result, each certifying agent, on average, would be expected to report less than one response to a Federal health agency, State health agency, or foreign equivalent. AMS estimates the annual collection

cost per certifying agent to be $19.45. This estimate is based on an estimated 0.6 labor hours per year (reporting fewer than one result per year, on average, at one hour per submission) at $32.42 per hour for a total salary component of $19.45 per year.

Estimates for the burden of collecting information have been summarized in the OMB-83I. The respondents' estimated annual cost in providing the information is $13,259. This total has been estimated by multiplying the 409 burden hours incurred by Accredited Certifying Agents (ACAs) by $32.42, the average mean hourly earnings of ACAs. Data for computation of this hourly wage were obtained from the U.S. Department of Labor Statistics' publication.

Estimate of Burden: Public recordkeeping burden is estimated to be an annual total of 3.9 hours per respondent at $32.42 per hour for a total salary component cost of $126.44. This accounts for both the recordkeeping associated with maintaining copies of test results and documenting any correspondence with a Federal health agency, state health agency, or foreign equivalent.

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 are no capital and start-up costs associated with this new collection. There are no operational or maintenance costs associated with this new collection.

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.

We estimate the annual cost to operate the NOP at approximately $7 million. These costs include salaries and benefits; travel and transportation; rent, communications, utilities; printing; contractual services; supplies; and equipment. The NOP currently operates on appropriated funds.

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

This is a New program.

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.

No publication of data obtained through the regulation is planned.

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.

No new forms will be generated from this proposed collection.

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

- THE AGENCY SHOULD BE PREPARED TO JUSTIFY ITS DECISION NOT TO USE STATISTICAL METHODS IN ANY CASE WHERE SUCH METHODS MIGHT REDUCE BURDEN OR IMPROVE ACCURACY OF RESULTS. WHEN ITEM 17 ON THE FORM 83-I IS CHECKED "YES", THE FOLLOWING DOCUMENTATION SHOULD BE INCLUDED IN THE SUPPORTING STATEMENT TO THE EXTENT THAT IT APPLIES TO THE METHODS PROPOSED.

This information collection does not employ statistical methods.