

**Supporting Statement for Department of Veterans
Affairs Acquisition Regulation (VAAR) Clause
846.246-76 (formerly 852.270-3), Purchase of Shellfish
OMB No. 2900-0589**

A. JUSTIFICATION

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

As of the result of the final rule RIN 2900-AQ04, this Paperwork Reduction Act submission seeks modification of Office of Management and Budget (OMB) approval No. 2900-0589 for collection of information for both commercial and noncommercial item, service, and construction solicitations and contracts for the former clause 852.270-3, Purchase of Shellfish. Clause 852.270-3 was moved to a new section and is renumbered as 852.246-76 to conform to the FAR requirement to place clauses and their prescriptions in the appropriate parts. The content of the clause remains unchanged. There is no change in the information collection burden that is associated with this proposed request.

The information is necessary in order for the Department of Veterans Affairs (VA) to ensure that shellfish purchased by VA comes from a State- and Federal-approved and inspected source.

2. Indicate how, by whom, and for what purposes the information is to be used; indicate actual use the agency has made of the information received from current collection.

VAAR clause 852.246-76 (formerly 852.270-3), Purchase of Shellfish, requires that a firm furnishing shellfish to VA must ensure that the shellfish is packaged in a container that is marked with the packer's State certificate number and State abbreviation. In addition, the firm must ensure that the container is tagged or labeled to show the name and address of the approved producer or shipper, the name of the State of origin, and the certificate number of the approved producer or shipper. This information normally accompanies the shellfish from the packer and is not information that must be separately obtained by the seller. The information is needed to ensure that shellfish purchased by VA comes from a State- and Federal-approved and inspected source. The information is used to help ensure that VA purchases healthy shellfish.

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.

Collection efforts do not involve the use of automation. The information collected is required to be attached to or made a part of the shellfish packaging at the packing plant. The information is specific to that particular package of shellfish and the information collection cannot be automated.

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

There are no duplicated efforts. Each reporting situation is unique and the data that must be submitted is unique to the product being offered for sale to the Government.

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

There is no significant impact on small businesses.

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.

Failure to collect the information would have a negative impact on VA's ability to ensure that shellfish purchased by VA comes from a State- and Federal-approved and inspected source and to help ensure that VA purchases only healthy shellfish.

7. Explain any special circumstances that would cause an information collection to be conducted more often than quarterly or require respondents to prepare written responses to a collection of information in fewer than 30 days after receipt of it; submit more than an original and two copies of any document; 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 and require the use of a statistical data classification that has not been reviewed and approved by OMB.

The information is needed with each shipment of shellfish rather than quarterly. Each package or container of shellfish is unique and each must be individually labeled. The information is submitted with each package or container of shellfish provided. The time for response is the same as the time for delivery of the shellfish, which may be fewer than 30 days, depending on the delivery needs of the Government. This should impose no hardship on the seller, since the shellfish is supposed to already be labeled when packaged at the packing plant.

8. a. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the sponsor'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 sponsor in responses to these comments. Specifically address comments received on cost and hour burden.

Notice regarding modification this clause was published in the Federal Register (83 FR 46023) on September 11, 2018. No public comments were received. Additionally the final rule included the modification moving the clause from one VAAR part to another and was published in the Federal Register (83 FR 48257) on September 24, 2018 with effective date on October 24, 2018.

b. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, clarity of instructions and recordkeeping, disclosure or reporting format, and on the data elements to be recorded, disclosed or reported. Explain any circumstances which preclude consultation every three years with representatives of those from whom information is to be obtained.

There were no efforts to consult with persons outside the agency beyond the 60-day and 30-day Federal Register notices.

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

No payments or gifts will be provided.

10. Describe any assurance of privacy, to the extent provided by law, to respondents and the basis for the assurance in statute, regulation, and agency policy.

This information is disclosed only to the extent consistent with prudent business practices and current regulations.

11. Provide additional justification for any questions of a sensitive nature (Information that, with a reasonable degree of medical certainty, is likely to have a serious adverse effect on an individual's mental or physical health if revealed to him or her), such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private; include 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.

The request for information does not include any questions of a sensitive nature.

12. Estimate of the hour burden of the collection of information:

a. The number of respondents, frequency of responses, annual hour burden, and explanation for each form is reported as follows:

No. of respondents	x No. of responses	x No. of minutes	÷ 60	Number of Burden Hours
25	1 per package	1		0.41

b. 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 83-1.

N/A

c. Provide estimates of annual cost to respondents for the hour burdens for collections of information. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.

The May 2017 Bureau of Labor Statistics gathers information on full-time wage and salary workers is used for this calculation. The median hourly wage is \$26.49, based on the BLS Median Hourly Rate wage code – National Industry-Specific Occupational Employment and Wage Estimates (NAICS 238900) - Other Specialty Trade Contractors “13-1020 Buyers and Purchasing Agents (Group/broad).” (http://www.bls.gov/oes/current/naics4_238900.htm) The annual cost to respondents is \$10.86 (\$26.49 x 0.41 hr.).

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).

N/A

14. Provide estimates of annual 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.

None. The tag or label is checked upon receipt of the shellfish to ensure that the product meets specification requirements. The costs to check the tag or label are negligible.

15. Explain the reason for any burden hour changes since the last submission.

There is no change in burden hour.

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.

The results will not be published.

17. If seeking approval to omit the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

VA is not seeking approval to omit the expiration date.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB 83-1.

There are no exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Statistical methods will not be employed.