

2020 SUPPORTING STATEMENT
Pecan Promotion, Research and Information Program
7 CFR Part 1223
OMB Number 0581-NEW
(Final Order)

CLEARANCE NOTATION:

OMB review and approval of a new information collection is necessary for the establishment of a newly proposed Pecan Research, Promotion, and Information Program (Order (7 CFR Part 1223)). Upon approval and passing of the referendum, this collection packages will be merged into 0581-0093.

A. Justification

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

A new Pecan Research Promotion and Information Order (Order) is being proposed under the Commodity Promotion, Research, and Information Act of 1996, (PL 104-127, 110 Stat. 1032, April 4, 1996, 7 U.S. C. 7411-7425). This legislation is hereinafter referred to as the 1996 Act. Under the enabling legislation, Congress has delegated the Department of Agriculture (USDA) the responsibility of establishing and overseeing agricultural commodity research and promotion orders, which may include a combination of promotion, research, industry information, and consumer information activities funded by mandatory assessments. These programs are designed to maintain, develop, and expand markets and uses for agricultural commodities. The Order was submitted by the National Pecan Federation (NPF).

The Order would provide for the development and financing of a coordinated program of research, promotion, and information for inshell and shelled pecans. The program would include projects relating to research, consumer information, advertising, sales promotion, producer information, market development and product research to assist, improve, or promote the marketing, distribution, and utilization of pecans.

The program would be administered by a Board appointed by the Secretary of Agriculture and financed by a mandatory assessment on producers and importers of pecans. The Agricultural Marketing Service would provide oversight to ensure: (1) funds are collected and properly accounted for; (2) expenditures of all funds are for the purposes authorized by the enabling legislation; and, (3) the Board's administration of the program conforms to USDA policy.

Section 515(i) of the 1996 Act provides authority to request from persons covered under the Order any information required to carry out the responsibilities of the program. Each appointed Board is responsible for collecting assessments from the affected persons covered under the program in order to carry out the

Board's responsibility. These programs require the use of the forms described in item 2 below.

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 Pecan Research, Promotion and Information Order (Order) is being proposed under the 1996 Act and, if adopted, would be established by USDA through the issuance of an Order, and rules and regulations. A referendum would be conducted by USDA to determine if producers and importers of pecans favor the implementation of the Order.

Under the Order, producers and importers of pecans would be subject to a mandatory assessment of \$0.02 per pound on all inshell pecans and \$0.04 per pound on all shelled pecans to fund a coordinated program to maintain, develop, and expand the demand of pecans. The Order would be administered by a 17 member American Pecan Promotion Board (Board) comprised of 10 producer members from 3 regions (3 members from the Eastern Region, 3 members from the Central Region, and 4 members from the Western Region), and 7 importer members.

The members would be appointed by the Secretary of Agriculture to administer the program with AMS oversight, and would be selected from nominations submitted by the American Pecan Council (APC) for the initial nominations or with the help of USDA as appropriate. Subsequent nominations will be conducted by the Board through a nomination and balloting process for all producers and importers.

Board members would serve terms of three years and could serve a maximum of two consecutive terms. For the initial Board, terms will be staggered for two, three, and four years. The Board would use assessments collected under the Order to carry out research, promotion, consumer education, and industry information activities. In order to carry out these responsibilities, producers and importers are required to submit certain information, as provided in Sections 515, 516, and 517 of the 1996 Act, and Sections 1223.41, 1223.52, 1223.53, and 1223.71 of the Order.

It is estimated that there are 15,902 respondents comprised of approximately 15,608 producers, 104 first handlers, and 190 importers. These 15,902 respondents are required to keep books and records to carry out the provisions of the Order.

The information required under this program is gathered through the following forms, and is used by USDA's AMS, and the Board as described below:

a) Background Information Form AD-755 (OMB 0505-0001) (Section 1223.41): This form contains questions to ascertain the nominee's qualifications for consideration of appointment to the Board by the Secretary of Agriculture. The form questions include: personal identification information, including name, social security number, date of birth, and address; length of time engaged in producing pecans; quantity of pecans in terms of pounds produced; employment information; professional affiliation(s); education; income sources for amounts over \$10,000; and criminal history. The form would be completed by all Board nominees including producers and importers. This information would be provided to the Board and forwarded to USDA for use in the nomination process. Upon approval of this collection, a change of worksheet will be submitted to increase the burden of 0505-0001 by 17 hours.

b) Application for Exemption from Assessments (PEC-AAE) (Section 1223.53): Producers or importers that sell less than a predetermined quantity per year could claim an exemption from assessments. This form requires production and/or import data, supporting documentation, and certification. The form requests the minimum information necessary for proof that producers and importers should be exempt from assessments under the Order.

c) First Handler/Importer Report (PEC-FHR) (Section 1223.52): First Handlers and importers (if assessments are not collected by Customs) would be required to report to the Board on a reporting period determined by the Board, information necessary for the Board to perform its duties. For first handlers and importers, the information may include: the total pounds of inshell and shelled pecans handled during the reporting period; pounds of organic and exempt inshell and shelled pecans handled during the period; and the first handler or importers tax identification number and other business information.

Recordkeeping Requirements (Section 1223.71) are required to maintain and make available information for inspection by the Board and USDA. Each producer, first handler, and importer are subject to the 1996 Act and Order, and shall maintain appropriate records to carryout the requirements of theses regulations. Recordkeeping requirements will help provide for the effective operation of the Order, and its conformance with the 1996 Act.

d) Nomination Appointment Form (PEC-NOM) (Section 1223.41). This form would be used to nominate producers and importers to serve on the Board. For regional producers or importers, the nomination form may be used to nominate persons to Board positions. Once all of the nominations for each position of the Board have been received, the Board will put the names on the ballot and send to eligible producers and importers, respectively to vote. Once the votes are tallied from the ballots those receiving the most votes would be nominated to the Board and forwarded to USDA for consideration by the Secretary of Agriculture.

e) Nomination Appointment Ballot (PEC-BAL) (Section 1223.41). This form would be used by producers and importers to vote on nominees to the Board. Once the votes are tallied from the ballots, those receiving the most votes

would be nominated to the Board, and those nominees will be forwarded to USDA for consideration by the Secretary of Agriculture.

Background Statement (No Form) is information provided by producers and importers outlining their qualifications and desire to serve on the Board.

f) Application for Certified Organizations (PEC-ACO) (Section 1223.41). Under the Order, the form would be completed by a national importer association and certified by the Secretary as a qualified national organization representing importer interests. An organization must meet the following criteria, as evidenced by completing the form and submitting it to the Secretary: (i) the organization's voting membership must be comprised primarily of importers of pecans; (ii) the organization has a history of stability and permanency and has been in existence for more than one year; (iii) the organization must derive a portion of its operating funds from importers; (iv) the organization must demonstrate it is willing and able to further the Act and Order's purposes; and (v) to be certified by the Secretary as a qualified national organization representing importer interests, an organization must agree to take reasonable steps to publicize to non-members the availability of open Board importer positions.

g) Organic Exemption Request Form AMS-15 (OMB No. 0581-0093) (Section 1211.53). Under the Order, the form would be completed by producers and importers requesting exemption from paying assessments. Producers and importers requesting exemption must produce or import pecans that meet the requirements for "organic" or "100 percent organic" label under the National Organic Program (7 CFR Part 205), and maintains a valid organic certificate issued by an AMS accredited certifying agent. The form also includes a certification statement.

h) Application for Reimbursement of Assessments (PEC-AFR) (1223.52). Under the Order, the form would be completed by producers or importers who should have been exempt from paying assessments. The producers and importers requesting reimbursement must show the pounds and the amount of assessments collected that are to be reimbursed. In addition, the applicant must give name address, telephone number, tax identification number for proof payment of assessments for which they are requesting reimbursement.

i) Application for Refund of Assessments Paid (PEC-AFR) (Section 1223.54). Under the Order, the form would be completed by producers and importers that are requesting a refund from the Board. Because the program is being implemented before the industry conducts a referendum, the board is required to create an escrow account during the period beginning on the effective date of an order and ending on the date the Secretary announces the results of the referendum. Producers and importers would request a refund on the form, and the producers and importers would be entitled to the refund, or a prorated share if the program fails in referendum.

j) Referendum Ballot (PEC-ORB) (Section 1223.71) is used in voting for the implementation, suspension, termination or continuation of the Order. The

other information requested on this form is used for the purpose of verification. The form includes the Certification, Vote, Signature, and Mailing requirements. Referendum agents or the Secretary of Agriculture will tabulate the results of the referendum. The agents are officials of USDA who are charged with promulgating and administering the proposed programs.

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 Board, which administers the Order. The Board is not part of a Federal agency, but is a commodity industry Board that operates under Federal authority and USDA-AMS oversight. Though 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, the availability and submission of forms electronically is at the Board's discretion. Currently, forms will be transmitted by fax machine and postal delivery; however, the American Pecan Promotion Board would like to provide an online version of all forms which will be accessed on their website. The burden for both versions is the same and accounted for on the AMS-71.

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.

The information to be included on these forms is not available from other sources because such information relates specifically to individual producers and importers who are subject to the proposed Order. The primary sources of information would be books and records pertaining to production and importation of pecans inshell and shelled.

Information generated by State, Federal, and private sources would not generate information of a proprietary nature relative to producers and importers who are subject to the provision of the Order. Such information would not be detailed enough to be used for the specific purposes of determining the amount of pecans produced or imported. Therefore, there is no practical method for collecting the required information without the use of these forms.

1. 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.

The Small Business Administration (SBA) defines, in 13 CFR part 121, small tree nut operations as those having annual receipts total no more than \$1 million. This standard applies to pecan producers. Importers belong to the “Postharvest crop activities” classification, and is considered small per the SBA if annual receipts equal no more than \$30 million. Under these definitions, the majority of producers and the majority of importers that would be affected are considered small entities. We have estimated the total number of respondents for this collection is 15,902, which includes 15,608 producers, 104 first handlers, and 190 importers. We estimate that 15,432 are considered small businesses (15,168 producers, 186 first handlers and 78 importers).

Information collection requirements have been reduced to the minimum requirements of the Order. The primary sources of information used to complete the required forms are readily available from normal business records maintained by producers and importers. Such information can be supplied without data processing equipment or outside technical expertise.

Thus, the information collection and reporting burden is relatively small, and requiring the same reporting requirements for all producers, first handlers and importers does not significantly disadvantage any producer, first handler or importer that is smaller than the 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.

The information will be collected through a mandatory research and promotion program designed to maintain, develop, and expand markets for pecans inshell and shelled. If the information collection herein were not collected, the Board could not carry out the coordinated research, promotion, consumer education, and industry information program on pecans, ensure compliance with the mandatory program or ensure proper assessment collection. Collecting data less frequently also would limit the Secretary’s ability to oversee 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;

- 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 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.**

There are no special circumstances. The collection of information is conducted in a manner consistent with the guidelines in 5 CFR 1320.6.

1. **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 for comments s embedded in a proposed rule published in the Federal Register on September 22, 2020. Four comments were received regarding information collection. All four commenters believed that the estimated recordkeeping burden of 7,951 hours was overstated by 100 percent. They reasoned that none of the information required by the Order would be in addition to any of the information normally kept and already required by normal accounting, state and Federal Tax preparation and other USDA programs. The estimated recordkeeping burden hours are the hours associated with maintaining records to verify reports required by the Order. While it is understood that some of the information required under the Order may be complied from records currently maintained, there may be additional records not currently maintained

that would be needed to verify the reports required by the Order. Furthermore, the estimated burden is nominal.

In addition, three of the commenters stated that the First Handler/Importer Report should be estimated at 5 minutes per response, and not the ½ hour (0.5 hour) that was proposed. This was based on their experience of having to file forms as required by the Federal marketing order. After further review of the First Handler/Importer Report form, it was determined that a reduction to ¼ hour (0.25 hour) per response would be appropriate since there is information that is readily available, but there is some (such as producer information) that may not be readily available by first handlers. Therefore, USDA has decreased the response time on the First Handler/Importer report to 0.25 hours for a total burden for this form being reduced from 1,050 to 525 hours. Lastly, the total hours will be reduced from 13,262 to 12,737.

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.

Mr. Bob Redding, National Pecan Federation (NPF), and Jeb Barrow, Chairman of the NPF, telephone number (202) 543-7464; Mr. Paul Quinoa, Attorney and Georgia Pecan Grower, telephone number (678) 592-2292 were contacted on their views of the information collection.

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 Order has not yet been implemented. There are no obstacles to consulting with industry members who must submit information to the Board. Industry members are consulted on an ongoing basis on the information collection requirements.

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

AMS does not provide 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.

The forms are being cleared in accordance with the Privacy Act of 1974 (U.S.C.522a) and the Paperwork Reduction Act of 1995. The authority for requesting this information to be supplied on these forms is section 1205(m)(2) of the 1996 Act, which provides that information collected from books and records will be kept confidential by those individuals having access to such information. The 1996 Act also provides for a fine and/or imprisonment for employees of the Board or USDA convicted of violating this confidentiality provision.

All information collected will be treated as confidential, as indicated on the forms and in conformance with the Privacy Act and Freedom of Information Act. Other confidential information will be withheld from public review under the Freedom of Information Act and the Privacy Act, 5 USC 552.

The SORN was published in the Federal Register on December 15, 2010. This system of operation and enforcement for the Research and Promotion programs collects and protects confidential information and data collected on these forms. Data collected on these forms includes, but is not limited to: producers, handlers, importers and others in the marketing chain names; addresses; business identification numbers, education; production, handler and importer data; assessments paid; and other contact information

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. The only private information required is on the Background Information Form that a nominee to the Board must fill out. These questions are asked to ascertain his/her qualifications to serve on the Board and include: personal identification information, including name, social security number, date of birth, and address; length of time engaged in the producing or importing of pecans; volume/quantity of sales; employment information; professional affiliation(s); education; income sources for amounts over \$10,000; and criminal history. The form would be completed by all Board nominees. This information would be provided to the Board and forwarded to USDA for use in the nomination process. 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-I.

See AMS Form 71.

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

An estimated 15,902 respondents would provide information to the Board (15,608 producers, 206 first handlers, and 190 importers). The estimated cost of providing the information to the Board by respondents would be \$631,018. This total has been estimated by multiplying 13,279 hours by (\$36.08 hourly wage x 0.317 benefits = \$11.44 (benefits) + \$36.08 (wage) = \$47.52), \$47.52 for the average mean hourly earnings of producers and importers plus benefits.

Data for computation of the hourly rate for producers (Occupation Code 11-9013: Farmers, Ranchers, and other Agricultural Managers=\$38.63) and importers (Occupation Code 13-1020: Buyers and Purchasing Agents=\$33.53) was obtained from the U.S. Department of Labor's Bureau of Labor Statistics. The average of the producer and importer wages is \$36.08. Data for computation of this hourly wage were obtained from the U.S. Department of Labor Statistics' publication, "May 2019 National Occupation Employment and Wage Estimates in the United States," updated May 31, 2019. This publication can also be found at the following website: https://www.bls.gov/oes/current/oes_nat.htm#45-0000. Data for the benefit costs of 31.7 percent was obtained by U.S. Department of Labor's Bureau of Labor Statistics press release dated Dec. 14, 2018.

1. 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).

- **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, startup, operation, or maintenance costs associated with this program. The primary sources of information will be books and records pertaining to the production and importation of pecans inshell and shelled that are normally maintained as part of usual and customary business practices.

- 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.**

There are no additional costs associated with this information collection. The Federal government's estimated annual cost for providing oversight and assistance for this information collection is estimated at \$162,363 the first year and for subsequent years. AMS is reimbursed by the Board for all of its oversight costs. A breakdown of the oversight costs for the first year is the following:

Salaries/Benefits/FERS Contributions/Awards	\$135,326
Travel	\$5,836

Printing/Copying/Mailing/Postage	\$3,638
Rent/Communication/Utilities/FTS	\$5,268
OGC (Legal Services)	\$10,000
Supplies/Equipment	<u>\$2,295</u>
TOTAL	\$162,363

1. 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. See the AMS-71 form for the new burden hours.

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.

There are no plans to publish any information or data collected. The information collected on these forms is not for publication or statistical use.

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 Agency will display the expiration date on these forms upon OMB Notice of Action.

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.

A. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This information collection does not employ statistical methods.