

2008 SUPPORTING STATEMENT
7 CFR Parts 944, 980 and 999
Specified Commodities Imported into the United States
Exempt from Import Regulations
OMB No. 0581-0167-Revision

OMB's Terms of Clearance – OMB approves this (2006) collection for three years. For the next approval cycle, please report on the implementation of the automated certificate system for FV-6 and whether this has reduced burden for respondents.

Once implemented, the automated FV-6 form is expected to result in a significant reduction in burden for respondents. The Federal government will benefit through the automated certificate system (known as the Marketing Order Administration Branch's Online System, or MOLS), by being able to immediately access information relating to imports. In addition, there will also be significant savings in printing and postal delivery costs for both the Federal government and the respondents. The MOLS will prevent the filing of incomplete forms and significantly reduce costs to the Federal government of following up on incomplete "paper" forms.

A. Justification

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

Under Section 608(e) of the Agricultural Marketing Agreement Act of 1937 (Act), certain imported fruit, vegetable, and specialty crop commodities must meet the same quality standards applied to domestically-produced commodities when regulated by Federal marketing orders. The Department of Agriculture (USDA) utilizes this information collection requirement because the North American Free Trade Agreement (NAFTA) provides that imported products destined for processing or other exempt outlets must be given no less favorable treatment than that afforded to domestic products. Domestic Federal marketing orders currently in effect impact imported commodities including: Avocados; dates; hazelnuts; grapefruit; table grapes; kiwifruit; olives (other than

Spanish-style olives); onions; oranges; dried prunes (suspended); fresh prunes (suspended); Irish potatoes; tomatoes; and walnuts. However, these products are exempt from established grade, size, quality, and maturity requirements if they are to be used for processing or for other specified exempt purposes. To be consistent with the requirements of NAFTA, similar exemptions are provided for imported products.

No person may import products for processing or other exempt purposes unless the shipment is accompanied by an executed Importer's Exempt Commodity Form (FV-6). Import regulations apply only during those periods when the domestic marketing order regulations are in effect.

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.

Marketing order committees/boards, which locally administer the marketing orders, have developed a means to monitor the marketing of domestically produced exempt products between the handler to the point of final disposition. Safeguard procedures, in the form of reporting requirements, ensure that exempt products are only for authorized purposes.

Because of the ease with which imported products can enter fresh market channels of trade, an established procedure is necessary to monitor exempt imported products from the time the product enters the U.S. until it reaches the ultimate receiver. Safeguard procedures in the form of importer and receiver reporting requirements are used to ensure that the imported product is provided to

authorized exempt outlets. The safeguard procedures are similar to the reports currently required by most domestic marketing orders.

The import regulations require importers and receivers of imported fruit, vegetable, and specialty crops to submit a form, as provided in sections 944.350, 980.501, and 999.500.

The import regulations are being revised to allow importers and receivers of raisins and dates (as well as prunes, which are currently suspended), to submit the FV-6 form, instead of Raisin Forms 1 and 2; Dates Forms 1 and 2; and Prune Forms 1 and 2. These forms are currently approved under OMB No. 0581-0178, Vegetable and Specialty Crop Marketing Orders. Upon approval of OMB No. 0581-0167, a change of worksheet will be submitted to OMB for approval to remove 49 burden hours from OMB No. 0581-0178, applicable to the forms listed above.

An importer wishing to import products for exempt purposes must complete, prior to importation, an FV-6 form, which is a four-part form. Copy one is presented to the U.S. Customs Service and Border Protection. The importer files copy two with the Marketing Order Administration Branch (MOAB) of the Fruit and Vegetable Programs, AMS, within two days after the commodity enters the United States. The third copy of the form accompanies the exempt shipment to its intended destination. The receiver certifies that the commodity has been received and that it will be utilized for authorized exempt purposes. The receiver then files copy three with MOAB, within two days after receiving the commodity. The fourth copy is retained by the importer.

Importers acquire the forms from MOAB. The following information must be entered on the FV-6 form in order for it to be considered properly executed:

- (1) The product and the variety (if known) being imported;
- (2) the date and place of inspection, if applicable;
- (3) identifying marks or numbers on the containers (lot I.D.);
 - (4) identifying numbers on the railroad car, truck or other transportation vehicle transporting product to the receiver;
 - (5) the name, mailing address, phone number, and fax number of the importer;
 - (6) the place and date of entry;
 - (7) the quantity imported;
 - (8) the name, mailing address, phone number, and fax number of the intended receiver (processor, feeder, charity, or other exempt receiver);
 - (9) intended use of the exempt commodity; and,
 - (10) the U.S. Customs Service and Border Protection entry number and harmonized tariff code number.

The Civil Penalty Stipulation Agreement (FV-7) is a “volunteer” form. It provides AMS with an additional tool to obtain resolution of certain cases without the cost of going to a hearing. Stipulation agreements would be appropriate for, but not limited to, first-time offenders and those who inadvertently violate an order or importers. However, AMS is not under any obligation to issue stipulation agreements and the only requirement for this form is a signature, therefore, there is no burden on the person if they agree to the Agreement and

return it.

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.**

Section 8e of the Agricultural Marketing Agreement Act of 1937, as amended, provides that when certain domestically produced commodities are regulated under a Federal marketing order, imports of the commodity must meet the same or comparable grade, size, quality and maturity requirements. Grading and quality inspection by the Agricultural Marketing Service, USDA, is required for each shipment imported. An importer complies with Section 8e by either having the shipment inspected or filing a properly executed Importer's Exempt Commodity Form (FV-6) with the U.S. Customs Service and Border Protection and the USDA for commodities destined for processing, animal feed, charity, or other exempt outlets (requirements vary according to commodity).

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 Committees/Boards' discretion. The Committee/Board is not part of a Federal agency, but is a commodity industry that operates under Federal authority and oversight. These forms require an original signature, and currently are

transmitted by fax machine and postal delivery.

The Committee/Board forms are used to submit information directly to the Committee/Boards, which administer the Orders.

The presently employed mechanisms for confirming and quantifying destination of imports are extremely human intensive, involving mailing requests for shipment status confirmation documentation from shippers and brokers.

The FV-6 Automated Certificate system, known as MOLS, is an Internet-based system, provided by USDA to provide an efficient means for importers and receivers to file and complete the importer's Exempt Commodity Form (FV-6) online. MOLS is in the final stages of receiving approval from the Department's IT Security Branch. While AMS is awaiting final approval, the application will be loaded onto AMS' Production Server to go through further testing by "in-house" testers, i.e., AMS and Fruit and Vegetable staff. Upon successful completion of testing, a select group of firms from the industry will be invited to complete further testing. Once these tests have been completed, it is anticipated that the MOLS will go live for the entire industry to use by August or September 2008.

Until this system is activated, brokers/importers will continue to contact AMS' Marketing Order Administration Branch (MOAB) office personnel to obtain FV-6 certificates in paper form that require being filled out and mailed in, and processor/receivers will complete this form upon receipt of shipment and mail it to MOAB.

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.

To provide consistency and ease the reporting burden on importers who import several types of regulated products, a single set of safeguard procedures and a standardized form that can be used for all imported fresh fruit, vegetable, and specialty crop products, except raisins, dates, and prunes, was established. The import regulations are being revised to specify that importers of raisins, dates, and prunes use the standardized form (FV-6), and will remove the requirements that these importers use Raisin, Date, and Prune Forms 1 and 2. This form is periodically reviewed to avoid unnecessary information collection and duplication by industry and public sector agencies. At the present time, there are no duplications between Federal agencies, as MOAB collects and cooperates with various agencies, such as the U.S. Customs Service and Border Protection, and Fresh Products and Processed Products Branches of the Fruit and Vegetable Programs, which avoids duplicate requests for information.

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.

Of the 329 respondents addressed in this information collection, approximately 80 percent of these respondents can be classified as small entities. The FV-6 form requires 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 FV-6 are routinely used in all

business transactions. Thus, the information collection and reporting burden is relatively small, and requiring the same reporting requirements for all importers and receivers does not significantly disadvantage any importer or receiver that is smaller than industry average.

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 safeguard procedures were established to ensure that imported exempt products are shipped to authorized outlets. The safeguard procedures are similar to reports currently required in most domestic marketing orders. For domestic marketing orders, the timing and frequency of collecting this information has evolved to meet the needs of the industry and yet minimize the burden on the reporting public. Thus, reporting requirements for imported products require similar timing and frequency of information collection.

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.**

The frequency of responses filed depends on the volume of regulated products imported into the United States and received for specified exempt purposes. Importers and receivers are required to file an executed FV-6 form with MOAB every time a shipment enters the United States for use. In order to prevent shipments of exempt products from easily entering the fresh market undetected, USDA has implemented a two-day requirement. USDA believes that two days is sufficient for mailing reports of entry and exempt disposition.

- 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.

The 60-day notice is embedded in the proposed rule, which was published in the Federal Register on May 30, 2008. That notice announced AMS' request for an extension and revision of a currently approved information collection and requested comments through July 29, 2008.

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 Marketing Order Administration Branch's Compliance Team, which administers and provides oversight for Section 8e imported commodities, conducts port presentations (10 to 12 per year) in various U.S. ports, in an effort to keep importers, customs brokers and representatives from the U.S. Customs Service and Border Protection informed of 8e requirements. Also, representatives of the Compliance Team consult with importers and custom brokers by telephone, as well as provide newsletters to these individuals updating them on 8e

information. Upon request, informational packages are also mailed pertaining to 8e information. A website is also available for up-to-date 8e information to interested persons at www.ams.usda.gov/fv/8ewelcome.html.

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

No payments or gifts are provided to respondents.

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 Agricultural Marketing Agreement Act provides that information acquired will be kept confidential, and that penalties exist 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.

There are no such questions on the FV-6 form or FV-7 form.

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

THE STATEMENT SHOULD:

S 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.

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

The estimated number of respondents is 329, which are primarily importers, receivers, and brokers. The number of respondents may vary, depending on the market for the imported products. The frequency of responses varies widely, depending on the demand for the imported products. The estimates of the burden of collection information have been summarized on AMS Form 71, enclosed. The burden estimate was obtained by observing the form filing activity history under this package.

Importers and brokers, upon request, receive 25 forms per year for \$7.50; 50 forms for \$15.00; or 100 forms for \$30.00. There is a limit of 100 FV-6 forms per year. With the inclusion of MOAB's Online Services' filing feature (MOLS), the anticipated use of paper forms is significantly reduced. The respondents' estimated annual cost in providing information to MOAB is approximately \$18,360.00. This total

has been estimated by multiplying 765 burden hours by \$24, the average mean hourly earnings of purchasing agents and buyers, farm products. Data for computation of this hourly wage were obtained from the U.S. Department of Labor Statistics' publication, "May 2006 National Occupation Employment and Wage Estimates," published October 24, 2007. This publication can also be found at the following website:

http://www.bls.gov/oes/current/oes_nat.htm#b00-0000

- 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).**

S 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.

S 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.

S **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 is no capital, startup, operation, or maintenance costs associated with this program.

- 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 estimated costs in providing oversight involving the FV-6 form, "Importer's Exempt Commodity Form" to importers and receivers of exempt commodities totals approximately \$121,982. Below is a breakdown of these costs:

Labor:

| | |
|---|----------|
| 100% of a GS-7 Marketing Assistant's salary | \$47,000 |
|---|----------|

Technology:

| | |
|---|----------|
| Database | |
| Online Form Development and Maintenance | \$80,000 |

Miscellaneous:

| | | |
|---------------|--------------|-------|
| Mailing costs | 50 @ \$13.00 | \$650 |
|---------------|--------------|-------|

| | | |
|---------------------------|--------------------|--------------|
| Paper form printing costs | 500 @ .20 per page | + <u>100</u> |
|---------------------------|--------------------|--------------|

| | |
|-------|-------|
| Total | \$750 |
|-------|-------|

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

The per hours per response has been reduced from 10 minutes to 5 minutes per response. Therefore, the overall burden hours for this submission will be decreased by 142 hours.

| <u>Reg # Change</u> | <u>Reason</u> | <u>Previous Burden</u> | <u>New Burden</u> | <u>Difference</u> | <u>Type</u> |
|------------------------|--|------------------------|-------------------|-------------------|-------------|
| 944.350 (Avocados) | Decrease in respondents, increase in responses & decrease in response time | 1.17 | 5.53 | +4.36 | ADJ |
| 944.350 (Grapefruit) | Increase in respondents, increase in responses & decrease in response time | 1.28 | 18.68 | +17.40 | ADJ |
| 944.350 (Kiwifruit) | Burden not accounted for in previous submission | 0 | 1.38 | +1.38 | ADJ |
| 944.350 (Olives) | Increase in respondents, increase in responses & decrease in response time | .22 | 1.38 | +1.16 | ADJ |
| 944.350 (Oranges) | Decrease in respondents, increase in responses & and decrease in response time | 21.78 | 14.44 | -7.34 | ADJ |
| 944.350 (Table Grapes) | Increase in respondents, increase in responses & decrease in response time | .33 | 4.15 | +3.82 | ADJ |
| 980.501 (Potatoes) | Decrease in respondents, increase in responses & decrease in response time | 740.42 | 551.98 | -188.44 | ADJ |
| 980.501 (Onions) | Decrease in respondents, increase in responses & decrease in response time | 108.12 | 93.38 | -14.74 | ADJ |
| 980.501 (Tomatoes) | Increase in respondents, increase in responses & decrease in response time | 13.26 | 45.03 | +31.77 | ADJ |
| 999.1 (Dates) | FV-6, Increase in responses & decrease in response time | 20.40 | 17.43 | -2.97 | ADJ |

| <u>Reg # Change</u> | <u>Reason</u> | <u>Previous Burden</u> | <u>New Burden</u> | <u>Difference</u> | <u>Type</u> |
|---------------------|--|------------------------|-------------------|-------------------|-------------|
| 999.100 (Walnuts) | Increase n respondents & decrease in response time | .17 | .83 | + .66 | ADJ |
| 999.300 (Raisins) | Burden *(FV-197 & FV-198 currently approved under 0581-0178). Burden was now collected on FV-6 in this submission. a change of worksheet will be submitted to OMB removing 49 burden hours from 0581-0178) | 0 | 9.96 | +9.96 | PC |
| 999.400 (Hazelnuts) | Increase in respondents, increase in responses & decrease in response time | .27 | .83 | <u>+ .56</u> | ADJ |
| | | | Total: | -142.42 | |

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 collections.

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 requests approval not to display the expiration for OMB approval of the information collection, because both forms are used as tools to improve the administration of marketing orders, marketing agreements and Section 8e programs. These compliance efforts are ongoing, and an expiration date would create confusion to respondents thinking the applications are good for the length of time noted in the expiration date.

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 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 83-1 IS CHECKED “YES”, THE FOLLOWING DOCUMENTATION SHOULD BE INCLUDED IN THE SUPPORTING STATEMENT TO THE EXTENT THAT IT APPLIES TO THE METHODS PROPOSED.

The collection of information does not employ statistical methods.