

comparable regulations on imports of those commodities must be issued. Import regulations apply only during those periods when domestic marketing order regulations are in effect.

Currently, the following commodities are subject to Section 8e import regulations: Avocados, dates (other than dates for processing), hazelnuts, grapefruit, table grapes, kiwifruit, olives (other than Spanish-style olives), onions, oranges, Irish potatoes, dried prunes (suspended), fresh prunes, raisins, tomatoes, and walnuts. However, imports of these commodities are exempt from such requirements if they are imported for such outlets as processing, charity, animal feed, seed, and distribution to relief agencies, when those outlets are exempt under the applicable marketing order.

Safeguard procedures in the form of importer and receiver importer requirements are used to ensure that the imported commodity 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 the following regulations: (1) Fruits; import regulations (7 CFR part 944.350); (2) Vegetables; import regulations (7 CFR part 980.501); and (3) Specialty crops; import regulations (7 CFR part 999.500).

An importer wishing to import commodities for exempt purposes must complete, prior to importation, an "Importer's Exempt Commodity Form", FV-6, which is a four-part form. The first copy is presented to U.S. Customs and Border Protection, Department of Homeland Security. The importer files the second copy is filed 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 the third copy with MOAB, within two days after receiving the commodity. The fourth copy is retained by the importer.

The Department of Agriculture (Department) utilizes this information to ensure that imported goods destined for exempt outlets are given no less favorable treatment than that afforded to domestic goods destined for such exempt outlets. These exemptions are consistent with Section 8e import regulations under the Act.

The form requires the minimum amount of information necessary to effectively carry out the requirements of the Act, and its use is necessary to fulfill the intent of the Act, and to administer Section 8e, compliance activities.

In addition, included in this extension and revision of a currently approved information collection is another form titled, "Civil Penalty Stipulation Agreement", (FV-7) (Agreement). The requirement for this form is a signature and, therefore, there is no burden on the respondent.

The information collected is used primarily by authorized representatives of the Department, including AMS, Fruit and Vegetable Programs' regional and headquarters staff. AMS is the primary user of the information.

*Estimate of Burden:* Public reporting burden for this collection of information is estimated to average .17 hours per response.

*Respondents:* Importers and receivers of exempt commodities.

*Estimated Number of Respondents:* 491.

*Estimated Number of Responses per Respondent:* 10.91.

*Estimated Total Annual Burden on Respondents:* 907.42 hours.

AMS is committed to compliance with the Government Paperwork Elimination Act (GPEA), which requires Government agencies in general to provide the public the option of submitting information or transacting business electronically to the maximum extent possible.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments should reference OMB No. 0581-0167 and be mailed to Docket Clerk, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., room 2525-S., Stop 0237, Washington, DC 20250-0237; Fax: (202) 720-2829, or e-mail: [moab.docketclerk@usda.gov](mailto:moab.docketclerk@usda.gov). Comments should reference the docket number and

the date and page of this issue of the **Federal Register**. All comments received will be available for public inspection in the Office of the Docket Clerk during regular Department business hours at 1400 Independence Ave., SW., Washington, DC, room 2525-S.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: October 13, 2005.

**Lloyd C. Day,**

*Administrator, Agricultural Marketing Service.*

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**BILLING CODE 3410-02-P**

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[Docket Number FV-04-308]

#### United States Standards for Grades of Sweet Peppers

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Notice.

**SUMMARY:** The Agricultural Marketing Service (AMS) of the Department of Agriculture (USDA) is revising the United States Standards for Grades of Sweet Peppers. The revision will allow sweet peppers to be marketed as mixed varieties and/or colors when marked with more than one variety or color on the container. The decay tolerance will be revised to include only those sweet peppers which are affected by decay on the wall and/or calyx. Decay affecting only stems will no longer fall under the restricted decay tolerance. It will be scored against the five percent serious damage tolerance for U.S. Fancy and U.S. No 1 grades and against the five percent restrictive tolerance for the U.S. No. 2 grade. The requirement to designate peppers which fail to meet the color requirements of their respective grades or respective (color specified) grade will be made optional. The "Unclassified" section will be deleted. The purpose for this revision is to update and revise the standards to accurately represent today's marketing practices.

**DATES:** *Effective Date:* November 17, 2005.

**FOR FURTHER INFORMATION CONTACT:** Cheri Emery, Standardization Section, Fresh Products Branch, Fruit and Vegetable Programs, Agricultural Marketing Service, U.S. Department of Agriculture, 1400 Independence

Avenue, SW., Room 1661 South Building, STOP 0240, Washington, DC 20250-0240, Fax (202) 720-8871 or call (202) 720-2185; E-mail [Cheri.Emery@usda.gov](mailto:Cheri.Emery@usda.gov). The revised United States Standards for Grades of Sweet Peppers will be available either through the address cited above or by accessing the Fresh Products Branch website at <http://www.ams.usda.gov/standards/stanfrfv.htm>.

**SUPPLEMENTARY INFORMATION:** Section 203(c) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627), as amended, directs and authorizes the Secretary of Agriculture "To develop and improve standards of quality, condition, quantity, grade and packaging and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices." The Agricultural Marketing Service (AMS) is committed to carrying out this authority in a manner that facilitates the marketing of agricultural commodities and makes copies of official standards available upon request. The United States Standards for Grades of Fruits and Vegetables not connected with Federal Marketing Orders or U.S. Import Requirements, no longer appear in the Code of Federal Regulations, but are maintained by USDA/AMS/Fruit and Vegetable Programs.

AMS is revising the voluntary U.S. Standards for Grades of Sweet Peppers using procedures that appear in Part 36 Title 7 of the Code of Federal Regulations (7 CFR part 36). These standards were last revised in 1989.

### Background

On June 15, 2004, AMS published a notice in the **Federal Register** (69 FR 33345) soliciting comments on the possible revision to the United States Standards for Grades of Sweet Peppers. AMS received three comments in response to the notice. Two comments were in favor of revising the decay tolerance. The decay tolerance will be revised to include only those sweet peppers which are affected by decay on the wall and/or calyx. Decay affecting only stems will no longer fall under the restricted two percent decay tolerance, it will be scored against the five percent serious damage tolerance for U.S. Fancy and U.S. No 1 grades and against the five percent restrictive tolerance for the U.S. No. 2 grade. The third comment was not in favor of changing the decay tolerance. In addition, this commenter requested changes for sizing and color issues within the standard.

A second notice was published in the March 11, 2005, **Federal Register** (70 FR 12176-7) based on three comments

received from the first notice. AMS received two comments in response to the second notice. One comment was in favor of the proposed revision to the standards changing the scoring of decay by separating stem decay from decay affecting the walls and/or calyxes. The other comment was opposed to those changes. The comments are available by accessing AMS's Home Page on the Internet at <http://www.ams.usda.gov/fv/fpbdoctlist.htm>.

One comment from an industry association which represents growers, packers and shippers, is in favor of the revision to the decay tolerance. The commenter stated the change will have a positive impact on the marketing of sweet peppers.

One comment opposing the revision to the decay tolerance stated that all decay has a serious negative impact on the appearance and marketability of the product and requested not to change the decay scoring and reporting. The commenter also stated that decay affecting the stems, walls, and calyxes should be scored against any grade (requirements and tolerances). AMS has reviewed stem decay affecting various commodities and believes the proposed changes would bring sweet peppers in line with other grade standards with respect to stem decay. Decay affecting the stem only does not affect the edible portion of the sweet pepper, and does not affect the marketability to the same degree as decay affecting the wall and/or calyx. AMS believes a revision to the decay tolerance is warranted to best serve the industry.

Current marketing practices for specialty packs which include mixed varieties and/or colors of sweet peppers would not meet the similar varietal characteristic requirements for all grades in the standards. Accordingly, AMS is revising the similar varietal requirement to allow mixed varieties and/or colors of sweet peppers when containers are marked with more than one variety and/or color.

AMS will also eliminate the unclassified category. This section is not a grade and only serves to show that no grade has been applied to the lot. This section will be removed from all fresh fruit and vegetable standards. It is no longer considered necessary.

AMS requested comments on industry terms for size based on 1½ bushel containers. AMS received a comment in favor of developing size requirements. The commenter also requested size definitions (small, medium, large, extra large and jumbo) for peppers packed in 1½ bushel containers which are based on a count per container, as well as minimum diameters and lengths for

each category. Further, the commenter requested marking requirements which would require cartons to be marked by count and/or size. AMS is not changing the current size requirements. The commenter's study submitted was based on only twenty-two cartons that contained five size categories. A greater number of statistical samples of each size would need to be submitted for consideration. Further, AMS believes it would be impractical to apply such requirements due to the various varietal characteristics of sweet peppers regarding shape and size, and the lack of a standardized container within the industry.

The official grade of a lot of sweet peppers covered by these standards are determined by the procedures set forth in the Regulations Governing Inspection, Certification, and Standards of Fresh Fruits, Vegetables and Other Products (Sec. 51.1 to 51.61).

The U.S. Standards for Grades of Sweet Peppers will become effective 30 days after publication of this notice in the **Federal Register**.

**Authority:** 7 U.S.C. 1621-1627.

Dated: October 13, 2005.

**Lloyd C. Day,**

*Administrator, Agricultural Marketing Service.*

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## DEPARTMENT OF AGRICULTURE

### Foreign Agricultural Service

#### Trade Adjustment Assistance for Farmers

**AGENCY:** Foreign Agricultural Service, USDA.

**ACTION:** Notice.

The Administrator, Foreign Agricultural Service (FAS), today terminated the certification of petitions for trade adjustment assistance (TAA) that was filed by salmon producers in Alaska and Washington. Salmon producers in these states are no longer eligible for TAA benefits in fiscal year 2006.

**SUPPLEMENTARY INFORMATION:** Upon investigation, the Administrator determined that the average salmon prices during the 2004 marketing year was \$0.343/pound, which is 85 percent of the base 5-year average price. During that same marketing year, imports declined by 1.4 percent. Therefore, the average price for the most recent marketing year was not less than 80 percent of the average price for the base period and imports were no longer