

# Notices

Federal Register

Vol. 73, No. 56

Friday, March 21, 2008

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Submission for OMB Review; Comment Request

March 17, 2008.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) 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 should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), [OIRA\\_Submission@OMB.EOP.GOV](mailto:OIRA_Submission@OMB.EOP.GOV) or fax (202) 395-5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250-7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720-8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to

the collection of information unless it displays a currently valid OMB control number.

### Rural Utilities Service

*Title:* RUS Electric Loan Application and Related Reporting Burdens.

*OMB Control Number:* 0572-0032.

*Summary of Collection:* The Rural Utilities Service (RUS) was established in 1994 by the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994 (Pub. L. 103-354, 108 stat. 3178, 7 U.S.C. 6941 *et seq.*) as successor to the Rural Electrification Administration (REA) with respect to certain programs, including the electric loan and loan guarantee program authorized under the Rural Electrification Act (RE Act) of 1936. The RE Act authorizes and empowers the Administrator of RUS to make and guarantee loans to furnish and improve electric service in rural areas. These loans are amortized over a period of up to 35 years and secured by the borrower's electric assets. RUS will collect information including studies and reports to support borrower loan applications.

*Need and Use of the Information:* RUS will collect information to determine the eligibility of applicants for loans and loan guarantees under the RE Act; monitor the compliance of borrowers with debt covenants and regulatory requirements in order to protect loan security; ensure that borrowers use loan funds for purposes consistent with the statutory goals of the RE Act; and obtain information on the progress of rural electrification and evaluate the success of RUS program activities.

*Description of Respondents:* Not-for-profit institutions; Business or other for-profit.

*Number of Respondents:* 675.

*Frequency of Responses:* Reporting: On occasion; Annually.

*Total Burden Hours:* 59,306.

### Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. E8-5711 Filed 3-20-08; 8:45 am]

BILLING CODE 3410-15-P

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[Docket # AMS-FV-08-0007; FV08-378]

### Notice of Request for a New Information Collection

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

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces the Agricultural Marketing Service's (AMS) intention to request approval from the Office of Management and Budget (OMB) for a new information collection survey of customers, related to the delivery of services by AMS under the Perishable Agricultural Commodities Act, 1930, as amended (PACA). This voluntary survey would give customers of the PACA program an opportunity to provide feedback to AMS on the quality of the service they receive via the PACA Customer Service Line. It would also give them an opportunity to indicate what new PACA services, if any, that they would like to receive.

**DATES:** Comments received by May 20, 2008 will be considered.

**ADDRESSES:** You may submit written or electronic comments to:

(1) PACA Customer Service Line Comments, AMS, F&V Programs, PACA Branch, 1400 Independence Avenue, SW., Room 2095-S, Stop 0242, Washington, DC 20250-0242.

(2) Fax: 202-690-4413.

(3) E-mail comments to [dexter.thomas@usda.gov](mailto:dexter.thomas@usda.gov).

(4) Internet: <http://www.regulations.gov>.

Instructions: All comments will become a matter of public record and should be identified as PACA Customer Service Line Comments. Comments will be available for public inspection from AMS at the above address or over the AMS Web site at [www.ams.usda.gov/fv](http://www.ams.usda.gov/fv). Web site questions can be addressed to the PACA Webmaster, [dexter.thomas@usda.gov](mailto:dexter.thomas@usda.gov).

**SUPPLEMENTARY INFORMATION:** The Perishable Agricultural Commodities Act (PACA or Act) establishes a code of fair trade practices covering the marketing of fresh and frozen fruits and

vegetables in interstate and foreign commerce. The PACA protects growers, shippers, distributors, and retailers dealing in those commodities by prohibiting unfair and fraudulent trade practices. In this way, the law fosters an efficient nationwide distribution system for fresh and frozen fruits and vegetables, benefiting the whole marketing chain from farmer to consumer. AMS administers and enforces the PACA.

The law provides a forum for resolving contract disputes, and a mechanism for the collection of damages from any licensee (or one subject to license) who fails to meet contractual obligations. In addition, the PACA provides for prompt payment to fruit and vegetable sellers and for revocation of licenses and sanctions against firms or principals found to have violated the law's standards of fair business practices. The PACA also imposes a statutory trust that attaches to perishable agricultural commodities received by regulated entities, products derived from the commodities, and any receivables or proceeds from the sale of the commodities. The trust exists for the benefit of produce suppliers, sellers, or agents that have not been paid, and continues until they have been paid in full.

The PACA is enforced and financed through a licensing system. All commission merchants, dealers, and brokers engaged in business subject to the PACA must be licensed; however, growers that sell produce of their own raising only are not required to obtain a license. Those who engage in practices prohibited by the PACA may have their licenses suspended or revoked.

There are approximately 14,500 firms licensed under the PACA to operate in the produce industry. These customers are located nationwide and include fruit and vegetable growers, dealers, brokers and commission merchants who buy, sell, and negotiate to buy or sell fresh and frozen fruits and vegetables in interstate and/or foreign commerce. These customers may request services from the PACA Branch's headquarters and/or field offices.

To better facilitate the delivery of services to the fruit and vegetable industry, AMS in early Fiscal Year 2007 launched the PACA Branch's Customer Service Line, a fast and easy way for fruit and vegetable industry members to get answers to their questions on a wide range of PACA related issues. The customer service line provides callers with immediate access to experts who can offer advice on a variety of PACA topics including contract disputes, interpretation of inspection reports,

guidance regarding a good delivery issue, and license information.

The goal of AMS and the PACA Branch is to provide timely, high quality, accurate, consistent, and professional service that facilitates fair trading practices in the marketing of fresh and frozen fruits and vegetables in interstate and foreign commerce. To accomplish this goal and in accordance with Executive Order 12862, AMS is seeking feedback from customers to evaluate the services provided by the PACA Customer Service Line.

*Title:* PACA Customer Service Line User Survey.

*OMB Number:* 0581-NEW.

*Type of Request:* New information collection.

*Abstract:* The collection of information using a voluntary customer service survey will provide AMS' PACA customers with an opportunity to evaluate, on a scale of one to five, the timeliness, cost-effectiveness, accuracy, consistency, and usefulness of services and results, and the professionalism of PACA Branch employees. Customers will also have an opportunity to indicate what new or existing services they would use if such services were offered or available.

AMS needs to have a more formal means of determining customers' expectations of the quality of service delivered by the PACA program. To collect this information, AMS proposes to randomly conduct, over a 3-year period, a voluntary customer survey. The survey instrument will consist of up to nine questions. The survey instrument may be changed during the 3-year period in response to information gathered from survey participants. The information collected from the survey will allow AMS to determine customers' satisfaction with existing PACA services, compare results from year to year, and determine what new services customers' desire.

Examples of the type of feedback that will be asked for on the survey include the following: "I found the PACA Customer Service Line recording easy to use and follow;" "PACA personnel are courteous and professional;" and "PACA personnel were helpful." Most survey questions will be assessed using a one to five rating scale with responses ranging from "very dissatisfied" to "very satisfied" or "no opinion." Some survey questions may be in the form of "yes" or "no" questions. Customers may also be asked to provide a response to the following question: "Do you have any further comments or suggestions concerning the PACA Customer Service Line or other aspects of PACA customer service?"

By obtaining information from customers through a voluntary customer service survey, AMS will continue to improve services and service delivery provided by the PACA program to meet or exceed customer expectations.

We estimate the paperwork and time burden of the above referenced information collection to be as follows:

*Estimate of Burden:* Public reporting burden for this collection of information is estimated to average 5 minutes (*i.e.*, 0.083 hours) per response.

*Respondents:* The primary respondents will be both licensed and unlicensed PACA customers that call the toll-free PACA Customer Service Line—fruit and vegetable growers, commission merchants, dealers, and brokers.

*FY 2009—Estimated Number of Respondents:* 240 (*i.e.*, 10% of  $200 \times 12 = 240$ —the average number of monthly customers using the Customer Service Line).

*Frequency of Responses:* 1.

*FY 2010—Estimated Number of Respondents:* 240 (*i.e.*, 10% of  $200 \times 12 = 240$ —the average number of monthly customers using the Customer Service Line).

*Frequency of Responses:* 1.

*FY 2011—Estimated Number of Respondents:* 240 (*i.e.*, 10% of  $200 \times 12 = 240$ —the average number of monthly customers using the Customer Service Line).

*Frequency of Responses:* 1.

*Estimated Annual Burden:* 19.92 hours (240 times 0.083 hours/response = 19.92 hours).

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 the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

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

Dated: March 17, 2008.

**Lloyd C. Day,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. E8-5749 Filed 3-20-08; 8:45 am]

BILLING CODE 3410-02-P

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[Docket # AMS-FV-08-0013; FV08-379]

#### Regulations Under the Perishable Agricultural Commodities Act, 1930; Section 610 Review

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

**ACTION:** Notice of review and request for comments.

**SUMMARY:** This notice announces that the Agricultural Marketing Service (AMS) plans to review the Regulations (Other than Rules of Practice) under the Perishable Agricultural Commodities Act, 1930, as amended, under the criteria contained in section 610 of the Regulatory Flexibility Act (RFA).

**DATES:** Comments received by May 20, 2008 will be considered.

**ADDRESSES:** Interested persons are invited to submit comments concerning this notice of review—the economic impact of the PACA Regulations on a substantial number of small businesses. You may submit written or electronic comments to:

(1) PACA 610 Review Comments, AMS, F&V Programs, PACA Branch, 1400 Independence Avenue, SW., Room 2095-S, Stop 0242, Washington, DC 20250-0242.

(2) Fax: 202-690-4413.

(3) E-mail comments to [dexter.thomas@usda.gov](mailto:dexter.thomas@usda.gov).

(4) Internet: <http://www.regulations.gov>.

**Instructions:** All comments will become a matter of public record and should be identified as PACA 610 Review Comments. Comments will be available for public inspection from AMS at the above address or on the AMS Web site at [www.ams.usda.gov/fv](http://www.ams.usda.gov/fv). Web site questions can be addressed to the PACA webmaster, [dexter.thomas@usda.gov](mailto:dexter.thomas@usda.gov).

**SUPPLEMENTARY INFORMATION:** The Perishable Agricultural Commodities Act (PACA or Act) (7 U.S.C. 499a-499t) establishes a code of fair trade practices covering the marketing of fresh and frozen fruits and vegetables in interstate and foreign commerce. The PACA protects growers, shippers, distributors, and retailers dealing in those

commodities by prohibiting unfair and fraudulent trade practices. In this way, the law fosters an efficient nationwide distribution system for fresh and frozen fruits and vegetables, benefiting the whole marketing chain from farmer to consumer. AMS administers and enforces the PACA.

The law provides a forum for resolving contract disputes, and a mechanism for the collection of damages from any licensee (or one subject to license) who fails to meet contractual obligations. In addition, the PACA provides for prompt payment to fruit and vegetable sellers and for revocation of licenses and sanctions against firms or principals found to have violated the law's standards of fair business practices. The PACA also imposes a statutory trust that attaches to perishable agricultural commodities received by regulated entities, products derived from the commodities, and any receivables or proceeds from the sale of the commodities. The trust exists for the benefit of produce suppliers, sellers, or agents that have not been paid, and continues until they have been paid in full.

The PACA is enforced and financed through a licensing system. All commission merchants, dealers, and brokers engaged in business subject to the PACA must be licensed. Those who engage in practices prohibited by the PACA may have their licenses suspended or revoked.

There are approximately 14,500 firms that are licensed under the PACA to operate in the produce industry. PACA licensees are located nationwide and include dealers, brokers and commission merchants who buy, sell, and negotiate to buy or sell fresh and frozen fruits and vegetables in interstate and/or foreign commerce.

AMS initially published in the **Federal Register** (68 FR 48574, August 14, 2003) its plan to review certain regulations, including regulations (7 CFR part 46) under the PACA, under criteria contained in section 610 of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601-612). An updated plan was published in the **Federal Register** on March 24, 2006 (71 FR 14827). Because many of AMS' regulations impact small entities, AMS decided, as a matter of policy, to review certain regulations which, although they may not have a significant economic impact on a substantial number of small entities as required in section 610 of the RFA (5 U.S.C. 610), merit review.

The purpose of the review is to determine whether the PACA Regulations (Other than Rules of Practice) should be continued without

change, or should be amended or rescinded (consistent with the objectives of the Act) to minimize any significant economic impact of the regulations upon a substantial number of small businesses. AMS will consider the following factors: (1) The continued need for the PACA regulations; (2) the nature of the complaints or comments received from the public concerning the PACA regulations; (3) the complexity of the PACA regulations; (4) the extent to which the PACA regulations overlap, duplicate, or conflict with other Federal rules, and, to the extent feasible, with State and local governmental rules; and (5) the length of time since the PACA regulations have been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the PACA regulations.

Dated: March 17, 2008.

**Lloyd C. Day,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. E8-5750 Filed 3-20-08; 8:45 am]

BILLING CODE 3410-02-P

## DEPARTMENT OF AGRICULTURE

### Food and Nutrition Service

#### Emergency Food Assistance Program; Availability of Commodities for Fiscal Year 2008

**AGENCY:** Food and Nutrition Service, USDA.

**ACTION:** Notice.

**SUMMARY:** This notice announces the surplus and purchased commodities that the Department expects to make available for donation to States for use in providing nutrition assistance to the needy under the Emergency Food Assistance Program (TEFAP) in Fiscal Year (FY) 2008. The commodities made available under this notice must, at the discretion of the State, be distributed to eligible recipient agencies for use in preparing meals and/or for distribution to households for home consumption.

**DATES:** *Effective Date:* October 1, 2007.

**FOR FURTHER INFORMATION CONTACT:** Lillie Ragan, Assistant Branch Chief, Policy Branch, Food Distribution Division, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Alexandria, Virginia 22302-1594 or telephone (703) 305-2662.

**SUPPLEMENTARY INFORMATION:** In accordance with the provisions set forth in the Emergency Food Assistance Act of 1983 (EFAA), 7 U.S.C. 7501 note, the