

# Notices

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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

### Agricultural Marketing Service

[Doc. No. AMS-LS-09-0079]

#### Request for an Extension of and Revision to a Currently Approved 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 an extension for and revision to a currently approved information collection for Federal Seed Act Labeling and Enforcement.

**DATES:** Comments received by February 19, 2010 will be considered.

**ADDRESSES:** Interested persons are invited to submit written comments concerning this currently approved information collection notice.

Comments should be submitted through the Web site at <http://www.regulations.gov>.

Send written comments to Richard C. Payne, Chief, Seed Regulatory and Testing Branch (SRTB), Livestock and Seed Program, AMS, USDA, 801 Summit Crossing Place, Suite C, Gastonia, North Carolina 28054-2193, or by facsimile to (704) 852-4109. All comments should reference the docket number AMS-LS-09-0079. All comments received will be posted without change, including any personal information provided, on the Web site at <http://www.regulations.gov> and will be made available for public inspection at the above physical address during regular business hours.

#### SUPPLEMENTARY INFORMATION:

*Title:* Federal Seed Act Program.  
*OMB Number:* 0581-0026.

*Expiration Date of Approval:* August 31, 2010.

*Type of Request:* Extension and revision of currently approved information collection.

*Abstract:* This information collection and recordkeeping requirements are necessary to conduct the Federal Seed Act (FSA) (7 U.S.C. 1551 *et seq.*) program with respect to certain testing, labeling, and recordkeeping requirements of agricultural and vegetable seeds in interstate commerce. Regulations under the FSA are contained in 7 CFR Part 201.

The FSA, Title II, is a truth-in-labeling law that regulates agricultural and vegetable planting seed in interstate commerce. Seed subject to the FSA must be labeled with certain quality information and it requires that information to be truthful. The FSA prohibits the interstate shipment of falsely advertised seed and seed containing noxious-weed seeds that are prohibited from sale in the State into which the seed is being shipped.

No unique forms are required for this information collection. The FSA requires seed in interstate commerce to be tested and labeled. Once in a State, seed must comply with the testing and labeling requirements of the State seed law. The same testing and labeling required by the FSA nearly always satisfies the State's testing and labeling requirements. Also the receiving, sales, cleaning, testing, and labeling records required by the FSA, are records that the shipper would normally keep in good business practice.

The information in this collection is the minimum information necessary to effectively carry out the enforcement of the FSA. With the exception of the requirements for entering a new variety into a State seed certification program (set forth separately below), the information collection is entirely recordkeeping rather than reporting.

#### Seed Testing, Labeling, and Recordkeeping

*Estimate of Burden:* Public reporting burden for this collection of information is estimated to average 2.14 hours per recordkeeper.

*Respondents:* Interstate shippers and labelers of seed.

*Estimated Number of Respondents:* 2,870.

*Estimated Total Annual Responses:* 19,373.

*Estimated Number of Responses per Respondent:* 6.75.

*Estimated Total Annual Burden on Respondents:* 41,500 hours.

#### Eligibility Requirements for Certification of New Varieties and Recordkeeping

*Estimate of Burden:* Public reporting burden for this collection of information (eligibility for certification of new varieties) is estimated to average 2.23 hours per response.

*Respondents:* Entities seeking to enter new varieties into State seed certification programs.

*Estimated Number of Respondents:* 70.

*Estimated Total Annual Responses:* 630.

*Estimated Number of Responses per Respondent:* 9.

*Estimated Total Annual Burden on Respondents:* 1,406 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: December 15, 2009.

**Rayne Pegg,**

*Administrator, Agricultural Marketing Service.*

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**BILLING CODE 3410-02-P**