

Dated: March 17, 2008.

**Lloyd C. Day,**

*Administrator, Agricultural Marketing Service.*

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

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## 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]

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## 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

Food Stamp Act of 1977, 7 U.S.C. 2011, *et seq.*, and the Consolidated Appropriations Act, 2008, the Department makes commodities and administrative funds available to States for use in providing nutrition assistance to those in need through TEFAP. In accordance with 7 CFR 251.3(h), 60 percent of each State's share of TEFAP commodities and administrative funds is based on the number of people with incomes below the poverty level within the State and 40 percent on the number of unemployed persons within the State. State officials are responsible for establishing the network through which the commodities will be used by eligible recipient agencies (ERAs) in providing nutrition assistance to those in need, and for allocating commodities and administrative funds among those agencies. States have full discretion in determining the amount of commodities that will be made available to ERAs for use in preparing meals and/or for distribution to households for home consumption.

The types of commodities the Department expects to make available to States for distribution through TEFAP in FY 2008 are described below.

#### Surplus Commodities

Surplus commodities donated for distribution under TEFAP are Commodity Credit Corporation (CCC) commodities purchased under the authority of section 416 of the Agricultural Act of 1949, 7 U.S.C. 1431 (section 416) and commodities purchased under the surplus removal authority of section 32 of the Act of August 24, 1935, 7 U.S.C. 612c (section 32). The types of commodities typically purchased under section 416 include dairy, grains, oils, and peanut products. The types of commodities purchased under section 32 include meat, poultry, fish, vegetables, dry beans, juices, and fruits.

In FY 2008, the Department anticipates that there will be sufficient quantities of cherry products, grapefruit juice, tomatoes, green beans, carrots, peas, spinach, canned beef stew, canned beef, and canned pork to support the distribution of these commodities through TEFAP. Other surplus commodities may be made available to TEFAP throughout the year. The Department would like to point out that commodity acquisitions are based on changing agricultural market conditions; therefore, the availability of commodities is subject to change.

Approximately \$16.9 million in surplus commodities acquired in FY 2007 are being delivered to States in FY 2008. These commodities include

canned chicken, peanut butter, instant milk, apple juice, applesauce, apricots, frozen asparagus, canned asparagus, cherry apple juice, lamb leg roast, lamb shoulder chops.

#### Purchased Commodities

In accordance with section 27 of the Food Stamp Act of 1977, 7 U.S.C. 2036, and the Consolidated Appropriations Act, 2008, the Secretary is directed to purchase annually, through FY 2008, \$140 million worth of commodities for distribution through TEFAP. These commodities are made available to States in addition to those surplus commodities which otherwise might be provided to States for distribution under TEFAP. However, the Consolidated Appropriations Act, 2008, permits States to convert any or their entire fair share of \$10 million of these funds to administrative funds to pay costs associated with the distribution of TEFAP commodities at the State and local level.

For FY 2008, the Department anticipates purchasing the following commodities for distribution through TEFAP: dehydrated potatoes, frozen ground beef, frozen whole and cut-up chicken, frozen ham, frozen turkey roast, blackeye beans, great northern beans, light kidney beans, light red kidney beans, lima beans, pinto beans, egg mix, lowfat bakery mix, egg noodles, white and yellow corn grits, macaroni, oats, peanut butter, whole grain rotini, roasted peanuts, rice, spaghetti, vegetable oil, bran flakes, corn flakes, oat cereal, rice cereal, corn cereal, and corn and rice cereal; and the following canned items: green beans, blackeye beans, refried beans, vegetarian beans, carrots, cream corn, whole kernel corn, peas, sliced potatoes, pumpkin, spaghetti sauce, spinach, sweet potatoes, tomatoes, diced tomatoes, tomato sauce, mixed vegetables, low salt tomato soup, apple juice, cherry apple juice, cranapple juice, grape juice, grapefruit juice, orange juice, tomato juice, apricots, applesauce, mixed fruit, peaches, pears, plums, beef, beef stew, chicken, pork, tuna, and turkey.

The amounts of each item purchased will depend on the prices the Department must pay, as well as the quantity of each item requested by the States. Changes in agricultural market conditions may result in the availability of additional types of commodities or the non-availability of one or more types listed above.

Dated: March 13, 2008.

**Roberto Salazar,**  
*Administrator.*

[FR Doc. E8-5760 Filed 3-20-08; 8:45 am]

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## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Information Collection; National Woodland Owner Survey

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice; request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, the Forest Service is seeking comments from all interested individuals and organizations on the reinstated information collection, National Woodland Owner Survey.

**DATES:** Comments must be received in writing on or before May 20, 2008 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

**ADDRESSES:** Comments concerning this notice should be addressed to Brett Butler, USDA Forest Service, 160 Holdsworth Way, Amherst, MA 01003.

Comments also may be submitted via facsimile to (413) 545-1860 or by e-mail to [bbutler01@fs.fed.us](mailto:bbutler01@fs.fed.us).

The public may inspect comments received at 160 Holdsworth Way, Room 303, Amherst, MA 01003 during normal business hours. Visitors are encouraged to call ahead to (413) 545-1387 to facilitate entry to the building. Additional comments can be viewed at [www.fia.fs.fed.us/nwos](http://www.fia.fs.fed.us/nwos).

**FOR FURTHER INFORMATION CONTACT:** Brett Butler, Northern Research Station, (413) 545-1387. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Relay Service (FRS) at 1-800-877-8339 twenty-four hours a day, every day of the year, including holidays.

#### SUPPLEMENTARY INFORMATION:

*Title:* National Woodland Owner Survey.

*OMB Number:* 0596-0078 (reinstatement).

*Type of Request:* Reinstatement.

*Abstract:* The Forest Service's Forest Inventory and Analysis (FIA) program conducts the National Woodland Owner Survey (NWOS) to increase our understanding of:

- Who owns the forests of the United States;
- Why they own it;
- How they have used it; and
- How they intend to use it.