

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

Comments should reference OMB No. 0581-0142 and California Olive Marketing Order No. 932, and be sent to the USDA in care of Terry Vawter, Marketing Specialist, California Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, 2202 Monterey Street, Suite 102B, Fresno, CA 93721. All comments received will be available for public inspection during regular business hours at the same address.

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: April 1, 1997.

**Robert C. Keeney,**

*Director, Fruit and Vegetable Division.*

[FR Doc. 97-8903 Filed 4-7-97; 8:45 am]

BILLING CODE 3410-02-P

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[No. LS-97-006]

#### Notice of Request for Extension and Revision of 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 an extension of and revision to the currently approved collections of information for 7 CFR Part 54—Meats, Prepared Meats, and Meat Products (Grading, Certification, and Standards), which includes Form LS-313, "Application for Grading or Certification Service" and Form LS-315, "Application for Commitment Grading or Certification Service."

**DATES:** Comments on this notice must be received by June 9, 1997, to be assured consideration.

**ADDITIONAL INFORMATION OR COMMENTS:** Contact Terry L. Lutz, Assistant to the Chief, Meat Grading and Certification Branch, Livestock and Seed Division, AMS, USDA, STOP 0248, Room 2628-S, P.O. BOX 96456, Washington, DC 20090-6456, Telephone (202) 720-1114, or FAX (202) 690-4119.

#### SUPPLEMENTARY INFORMATION:

*Title:* 7 CFR Part 54—Meats, Prepared Meats, and Meat Products (Grading, Certification, and Standards).

*OMB Number:* 0581-0124.

*Expiration Date of Approval:* September 30, 1997.

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

*Abstract:* The application for meat grading and certification services requests Department of Agriculture employees to perform such services in the requesting establishment. The information contained on the applications constitutes an agreement between USDA and the requesting establishment.

The Agricultural Marketing Act of 1946, as amended, authorizes the Secretary of Agriculture to provide voluntary Federal meat grading and certification services that facilitate the marketing of meat and meat products. The Meat Grading and Certification (MGC) Branch provides these services pursuant to 7 CFR Part 54—Meats, Prepared Meats, and Meat Products (Grading, Certification, and Standards).

Due to the voluntary nature of grading and certification services, 7 CFR Part 54 contains provisions for the collection of fees from users of MGC Branch services that as nearly as possible are equal to the cost of providing the requested services. Applicants (individual or businesses with financial interest in the product) may request MGC Branch services through either submission of Form LS-313 or Form LS-315.

Congress did not specifically authorize this collections of information, but as a user-fee branch, completion and submission of Form LS-313 or Form LS-315 serves as an agreement by the requester to pay for services provided.

*Estimate of Burden:* Public reporting burden for this collection of information is estimated to average .0208 hours per response.

*Respondents:* Livestock and meat industry or other for-profit businesses.

*Estimated Number of Respondents:* 1,154.

*Estimated Number of Responses per Respondent:* 21.028.

*Estimated Total Annual Burden on Respondents:* 504 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 through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Terry L. Lutz, Assistant to the Chief, Meat Grading and Certification Branch, Livestock and Seed Division, AMS, USDA, STOP 0248, Room 2628-S, P.O. BOX 96456, Washington, DC 20090-6456.

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: April 2, 1997.

**Barry L. Carpenter,**

*Director, Livestock and Seed Division.*

[FR Doc. 97-8923 Filed 4-7-97; 8:45 am]

BILLING CODE 3410-02-M

## DEPARTMENT OF AGRICULTURE

### Food and Consumer Service

#### Nutrition Program for the Elderly; Initial Level of Assistance From October 1, 1996 to September 30, 1997

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

**ACTION:** Notice.

**SUMMARY:** This notice announces the initial level of per-meal assistance for the Nutrition Program for the Elderly (NPE) for Fiscal Year 1997. The Fiscal Year 1997 initial level of assistance is set at \$.5857 for each eligible meal in accordance with section 311(a)(4) of the Older Americans Act of 1965, as amended by section 310 of the Older Americans Act Amendments of 1992 and preempted by the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1996. This is a slight reduction from the Fiscal Year 1996 level of \$.5864. The appropriation for the program was decreased from \$150 million in Fiscal Year 1996 to \$140 million in Fiscal Year 1997.

**EFFECTIVE DATE:** October 1, 1996.

**FOR FURTHER INFORMATION CONTACT:** Ellen Henigan, Chief, Schools and Institutions Branch, Food Distribution Division, Food and Consumer Service, U.S. Department of Agriculture, 3101 Park Center Drive, Alexandria, Virginia 22302-1594 or telephone (703) 305-2644.

## SUPPLEMENTARY INFORMATION:

**Executive Order 12866**

This action is exempted from review by the Office of Management and Budget under Executive Order 12866.

**Executive Order 12372**

This program is listed in the Catalog of Federal Domestic Assistance under Nos. 10.550 and 10.570 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials (7 CFR part 3015, subpart V, and final rule-related notices published at 48 FR 29114, June 24, 1983 and 49 FR 22676, May 31, 1984.)

**Paperwork Reduction Act of 1995 and Regulatory Flexibility Act**

This notice imposes no new reporting or recordkeeping provisions that are subject to Office of Management and Budget review in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507). This action is not a rule as defined by the Regulatory Flexibility Act (5 U.S.C. 601-612) and thus is exempt from the provisions of that Act.

**Legislative Background**

Section 310 of Public Law (Pub. L.) 102-375, the Older Americans Act Amendments of 1992, amended section 311(a)(4) of the Older Americans Act of 1965, 42 U.S.C. 3030a(a)(4), to require the Secretary of Agriculture to maintain an annually programmed level of assistance equal to the greater of: (1) The current appropriation divided by the number of meals served in the preceding fiscal year; or (2) 61 cents per meal adjusted annually beginning with Fiscal Year 1993 to reflect changes in the Consumer Price Index. Section 311(c)(2) of the Older Americans Act (42 U.S.C. 3030a(c)(2)) was amended to provide that the final reimbursement claims must be adjusted so as to utilize the entire program appropriation for the fiscal year for per-meal support. However, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act of 1996 (Pub. L. 104-37) imposed, for Fiscal Year 1996 and succeeding years, the same NPE rate management requirements as applied to Fiscal Year 1994. That is, Title IV, Domestic Food Programs, of the Appropriations Act provides that ". . . hereafter notwithstanding any other provision of law, for meals provided pursuant to the Older Americans Act of 1965, a maximum rate of reimbursement to States will be established by the Secretary, subject to reduction if

obligations would exceed the amount of available funds, with any unobligated funds to remain available only for obligation in the fiscal year beginning October 1, 1996."

Notwithstanding the initial rates established by the Older Americans Act, the Department is required to comply with the spending clause of the U.S. Constitution and 31 U.S.C. 1341(a)(1)(A) (known as the Antideficiency Act), which prohibit the obligation or expenditure of funds in excess of the available appropriation. Thus the Department is required to establish (and if necessary, adjust) rates in such a manner as to not exceed the program appropriation.

**Fiscal Year 1996 Level of Assistance**

Based on its projection of the number of meals to be claimed during the fiscal year, and in light of constitutional and statutory prohibitions on obligating or spending funds in excess of the available appropriation, the Department announced an initial per-meal reimbursement rate of \$.5864 for Fiscal Year 1996, the highest rate which it believed could be sustained throughout the fiscal year. This initial level of per-meal assistance was announced in the March 18, 1996 **Federal Register** (61 FR 10983).

The Department's meal service projection for Fiscal Year 1996 assumed a slightly higher rate of growth than occurred in the preceding fiscal year. This initial per-meal support level of \$.5864 was sustained throughout Fiscal Year 1996, and thus no adjustment was necessary to keep expenditures within the limit of the \$150 million NPE appropriation established by Pub. L. 104-37. Funds in the amount of \$5.5 million were not paid out for Fiscal Year 1996 and will, in accordance with the legislative mandate in Pub. L. 104-37, be carried over into Fiscal Year 1997 and expended in per-meal reimbursement for that year.

**Fiscal Year 1997 Initial Level of Assistance**

It is the Department's goal to establish the highest rate that can be sustained throughout the fiscal year so as to maximize the flow of program funds to States during the fiscal year. However, the Department wants also to minimize the possibility of a rate reduction and the hardship it causes to program operators. In order to guard against the need for a reduction, the Department, once again, has projected a slightly higher rate of growth in meal service than occurred in the preceding fiscal year. Based on its projections, the Department announces an initial per-

meal support level of \$.5857, which will not be increased, and which will be decreased only if necessary to keep expenditures within the limit of the \$140 million NPE Fiscal Year 1997 appropriation established by Pub. L. 104-180 and the \$5.5 million available from Fiscal Year 1996. Any of these funds not paid out for Fiscal Year 1997 reimbursement will, in accordance with Pub. L. 104-180, remain available through Fiscal Year 1998. In the unlikely event that the rate needs to be decreased, States will be notified directly.

Dated: March 27, 1997.

**William E. Ludwig,**

*Administrator, Food and Consumer Service.*

[FR Doc. 97-8913 Filed 4-7-97; 8:45 am]

BILLING CODE 3410-30-U

**BROADCASTING BOARD OF GOVERNORS****Sunshine Act Meeting**

**DATE AND TIME:** April 15, 1997; 9:00 a.m.

**PLACE:** Cohen Building, Room 3321, 330 Independence Ave., SW., Washington, DC 20547.

**CLOSED MEETING:** The members of the Broadcasting Board of Governors (BBG) will meet in closed session to review and discuss a number of issues relating to U.S. Government-funded nonmilitary international broadcasting. They will address internal procedural, budgetary, and personnel issues, as well as sensitive foreign policy issues relating to potential options in the U.S. international broadcasting field. This meeting is closed because if open it likely would either disclose matters that would be properly classified to be kept secret in the interest of foreign policy under the appropriate executive order (5 U.S.C. 552b.(c)(1)) or would disclose information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action. (5 U.S.C. 552b.(c)(9)(B)). In addition, part of the discussion will relate solely to the internal personnel issues of the BBG or the International Broadcasting Bureau. (5 U.S.C. 552b.(c)(2) and (6)).

**CONTACT PERSON FOR MORE INFORMATION:**

Persons interested in obtaining more information should contact Brenda Thomas at (202) 401-3736.

Dated: April 4, 1997.

**David W. Burke,**

*Chairman.*

[FR Doc. 97-9105 Filed 4-4-97; 2:14 pm]

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