

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

Submission for OMB Review; Comment Request

June 27, 2005.

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, Pub. L. 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 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.

Farm Service Agency

Title: Offer Forms.

OMB Control Number: 0560-0177.

Summary of Collection: The Agricultural Trade Development and Assistance Act of 1954, as amended, (Title II, Pub. L. 480), Section 416(b) of the Agricultural Act of 1949, as amended (Section 416(b)), and the Food for Progress Act of 1985, as amended (for Food for Progress) authorizes CCC's Export Operations Division to procure, sell, and transport agricultural commodities, and obtain discharge/delivery survey information. Contractors, vendors, and steamship companies submit competitive offers for agricultural commodities and services. The Farm Service Agency (FSA) will collect information using several forms.

Need and Use of the Information: The information collected will enable Kansas City Commodity Office (KCCO) to evaluate offers impartially, purchase or sell commodities, and obtain services to meet domestic and export program needs. Without the information KCCO could not meet program requirements.

Description of Respondents: Business or other for-profit; Not-for-profit institutions; Federal Government; State, local or tribal government.

Number of Respondents: 2,095.

Frequency of Responses:

Recordkeeping; reporting: On occasion; quarterly; weekly; semi-annually; monthly; annually; other (bi-weekly & bi-monthly).

Total Burden Hours: 6,388.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. 05-13001 Filed 6-30-05; 8:45 am]

BILLING CODE 3410-05-P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[TM-05-08]

National Organic Program (NOP), Final Judgment and Order in the Case *Harvey v. Johanns*

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice.

SUMMARY: The U.S. Department of Agriculture's (USDA) Agricultural Marketing Service is publishing this notice pursuant to a June 9, 2005, consent final judgment and order issued by the United States District Court, District of Maine, in the case *Harvey v. Johanns*. The court issued a declaratory judgment that 7 CFR 205.606 shall be interpreted to permit the use of a nonorganically produced agricultural product only when the product has been listed in section 205.606 pursuant to National List procedures, and when an accredited certifying agent has determined that the organic form of the agricultural product is not commercially available. The court's order limits an accredited certifying agent's commercially available determinations for nonorganic agricultural products used in or on processed organic products to the 5 substances contained in 7 CFR 205.606. The products are native cornstarch, water extracted gums, kelp when used as a thickener and dietary supplement, unbleached lecithin, and high methoxy pectin.

FOR FURTHER INFORMATION CONTACT:

Keith Jones, Director, Program Development, National Organic Program, 1400 Independence Ave., SW., Room 4008-S, Ag Stop 0268, Washington, DC 20250-0268; Telephone: (202) 720-3252; Fax: (202) 205-7808; e-mail: keith.jones@usda.gov.

SUPPLEMENTARY INFORMATION: This notice is issued under the authority of the Organic Foods Production Act of 1990 (OFPA) as amended (7 U.S.C. 6501 *et seq.*). In October 2003, Arthur Harvey, a certified organic blueberry grower, filed a complaint under the Administrative Procedures Act in the United States District Court, District of Maine. Harvey alleged that several subsections of the NOP regulations violated OFPA, were arbitrary and were not in accordance with law.

The USDA prevailed on all counts of Harvey's suit in a decision issued by the district court on January 7, 2004. On March 8, 2004, Harvey appealed the district court's decision to the United States Court of Appeals for the First Circuit. On January 26, 2005, the First Circuit issued a decision in the case. The First Circuit court upheld the NOP rule in general, but remanded the case to the U.S. District Court, District of Maine, for, among other things, the entry of a declaratory judgment that 7

CFR 205.606 does not establish a blanket exemption to the National List requirements for nonorganic agricultural products that are not commercially available. On June 9, 2005, the district court issued its final judgment and order in the case. A copy of the final judgment and order may be found at <https://www.ams.usda.gov/nop>.

The First Circuit's decision recognized that some producers, handlers and certifiers may have misinterpreted 7 CFR 205.606 to mean that any nonorganic agricultural product which was determined by an accredited certifying agent to be not commercially available in organic form could be used in organic products, without being individually listed pursuant to the National List procedures. The court held that such an interpretation is contrary to the plain meaning of OFPA. However, because of the potential for confusion, and to enable an orderly transition to compliance with the regulation, the district court's order regarding the meaning of 7 CFR 205.606 shall become effective and enforceable two years (June 9, 2007) from the date of its judgment and order.

Dated: June 27, 2005.

Kenneth C. Clayton,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 05-12969 Filed 6-30-05; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Docket Number FV-04-304]

United States Standards for Grades of Mangos

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Reopening and extension of the comment period.

SUMMARY: Notice is hereby given that the comment period on the proposed United States Standards for Mangos is reopened and extended.

DATES: Comments must be received by August 30, 2005.

ADDRESSES: Interested persons are invited to submit written comments to the Standardization Section, Fresh Products Branch, Fruit and Vegetable Programs, Agricultural Marketing Service, U.S. Department of Agriculture, 1400 Independence Ave., SW., Room 1661, South Building, Stop 0240, Washington, DC 20250-0240, fax (202) 720-8871, e-mail FPB.DocketClerk@usda.gov. Comments

should make reference to the dates and page number of this issue of the **Federal Register** and will be made available for public inspection in the above office during regular business hours and on the Internet.

The draft of the United States Standards for Grades of Mangos is available by accessing AMS's Home Page on the Internet at: <http://www.ams.usda.gov/fv/fpbdoctlist.htm>.

FOR FURTHER INFORMATION CONTACT:

David L. Priester, at the above address or call (202) 720-2185; e-mail David.Priester@usda.gov.

SUPPLEMENTARY INFORMATION: A notice was published in the **Federal Register**, March 11, 2005, (70 FR 12173) requesting comments on the proposed United States Standards for Grades of Mangos. The proposed standards include: Grades, sizes, tolerances, application of tolerances, definitions, and a table of defects. Additionally, the Agricultural Marketing Service (AMS) is seeking comments regarding any other revisions that may be necessary to better serve the industry. The comment period ended May 10, 2005.

A comment was received from an industry association, representing independent produce wholesale receivers, expressing the need for additional time to comment. The association requested the comment period be extended to allow the association an opportunity to meet with their members to discuss the impact of the proposed standards.

After reviewing the request, AMS is reopening and extending the comment period in order to allow sufficient time for interested persons, including the association, to file comments.

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

Dated: June 27, 2005.

Kenneth C. Clayton,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 05-12968 Filed 6-30-05; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 05-050-1]

Notice of Request for Extension of Approval of an Information Collection; Importation of Pork-Filled Pasta

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request an extension of approval of an information collection in support of the regulations for the importation of pork-filled pasta products from regions affected with swine vesicular disease.

DATES: We will consider all comments that we receive on or before August 30, 2005.

ADDRESSES: You may submit comments by any of the following methods:

- **EDOCKET:** Go to <http://www.epa.gov/feddoct> to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once you have entered EDOCKET, click on the "View Open APHIS Dockets" link to locate this document.

- **Postal Mail/Commercial Delivery:** Please send four copies of your comment (an original and three copies) to Docket No. 05-050-1, Regulatory Analysis and Development, PPD, APHIS, Station 3C71, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comment refers to Docket No. 05-050-1.

Reading Room: You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690-2817 before coming.

Other Information: You may view APHIS documents published in the **Federal Register** and related information on the Internet at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>.

FOR FURTHER INFORMATION CONTACT: For information regarding the regulations for the importation of pork-filled pasta products, contact Dr. Masoud Malik, Senior Staff Veterinarian, Technical Trade Services, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 40, Riverdale, MD 20737-1231; (301) 734-8096. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS' Information