

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.

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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