

letter dated May 3, 2004, that if market prices continued near then current levels, they may be required to refund all or a portion of the 2003 counter-cyclical payments they received for some crops.

Producers with advance overpayments were offered a refund option under which CCC would automatically reduce any DCP payments received between October 2004 and March 2005 to satisfy an obligation to repay unearned 2003-crop advance counter-cyclical payments. This notice extends, until October 31, 2005, the period in which CCC will automatically reduce any Direct and Counter-Cyclical Payments (DCP) to satisfy a producer's obligation to repay unearned 2003-crop advance counter-cyclical payments. Scheduled payments received during this period include 2004-crop final direct payments, 2004-crop advance counter-cyclical payments, and 2005-crop advance direct payments.

If the above scheduled DCP payments are insufficient to repay the total unearned advances, CCC will notify applicable producers in November 2005 that the refunds will be collected using the procedures established under the Debt Collection Improvement Act of 1996.

Signed in Washington, DC, on March 8, 2005.

**James R. Little,**

*Administrator, Farm Service Agency.*

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## DEPARTMENT OF AGRICULTURE

### Foreign Agricultural Service

#### Trade Adjustment Assistance for Farmers

**AGENCY:** Foreign Agricultural Service, USDA.

**ACTION:** Notice.

The Administrator, Foreign Agricultural Service (FAS), denied a petition for trade adjustment assistance (TAA) for cabbages that was filed on February 11, 2005, by A. Sam Farm, Inc., Dunkirk, New York.

**SUPPLEMENTARY INFORMATION:** Upon investigation, the Administrator determined that imports for the January–December 2003 marketing year declined by 22 percent from the same period in 2003. Since imports declined during the marketing year, the petition did not meet the increasing imports requirement, a condition required for certifying a petition for TAA.

#### FOR FURTHER INFORMATION, CONTACT:

Jean-Louis Pajot, Coordinator, Trade Adjustment Assistance for Farmers, FAS, USDA, (202) 720-2916, e-mail: [trade.adjustment@fas.usda.gov](mailto:trade.adjustment@fas.usda.gov).

Dated: March 10, 2005.

**A. Ellen Terpstra,**

*Administrator, Foreign Agricultural Service.*

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## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Information Collection; Request for Comments; Small Business Timber Sale Set-Aside Program; Appeal Procedures on Recomputation of Shares

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, the Forest Service announces its intention to extend, with no revision, an information collection. The collected information will help the Forest Service fairly consider administrative appeals from timber companies appealing small business timber sale set-aside recomputations.

**DATES:** Comments must be received in writing on or before May 20, 2005, 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 Rod Sallee, Forest Management Staff, Forest Service, USDA, Mail Stop 1103, 1400 Independence Avenue, SW., Washington, DC 20250.

Comments also may be submitted via facsimile to (202) 205-1045 or by e-mail to [rsallee@fs.fed.us](mailto:rsallee@fs.fed.us).

The public may inspect comments received at the Forest Management Staff Office, Room 3SW, Yates Building, Forest Service, USDA, 1400 Independence Avenue, SW., Washington, DC. Visitors should call ahead to (202) 205-1766 to facilitate entrance into the building.

**FOR FURTHER INFORMATION CONTACT:** Rod Sallee, Forest Management Staff, at (202) 205-1766. 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:**

## Background

The Forest Service adopted the Small Business Timber Sale Set-Aside Program on July 26, 1990 (55 FR 30485). The agency administers the program in cooperation with the Small Business Administration (SBA) under the authorities of The Small Business Act 1988, the National Forest Management Act of 1976, and SBA's regulations at Part 121 of Title 13 of the Code of Federal Regulations. The program is designed to ensure that small business timber purchasers have the opportunity to purchase a fair proportion of National Forest System timber offered for sale.

Under the program, the Forest Service must recompute the shares of timber sales to be set aside for qualifying small businesses every 5 years on the actual volume of sawtimber that has been purchased by small business. Also, shares must be recomputed if there is a change in manufacturing capability, if the purchaser size class changes, or if certain purchasers discontinue operations. Direction to guide administration of the Set-Aside Program is issued in Chapter 2430 of the Forest Service Manual and Chapter 90 of the Forest Service Timber Sale Preparation Handbook.

In 1992, the agency adopted new administrative appeal procedures at Part 215 of Title 36 of the Code of Federal Regulations in response to new statutory direction. These rules apply to certain National Forest System project-level decisions for which an environmental assessment (EA) or environmental impact statement (EIS) has been prepared. Because the recomputation of shares under the Small Business Timber Sale Set-Aside Program is not subject to documentation in an EA or EIS, the decisions on the 1996–2000 Forest Service recomputation of small business shares were not subject to the new appeal procedures. These decisions also were not appealable as conditions of special-use authorizations under Part 251, Subpart C, of Title 36 of the Code of Federal Regulations.

However, since the agency had accepted appeals of recomputation decisions under Part 217 of Title 36 of the Code of Federal Regulations prior to adoption of Part 215, the agency decided to establish procedures for providing notice to affected purchasers with opportunity to comment on the recomputation of shares. Notice of these procedures was published in the **Federal Register** on February 28, 1996 (61 FR 7468).

The Conference Report accompanying the 1997 Omnibus Appropriation Act found the Forest Service decision to