

# Notices

Federal Register

Vol. 68, No. 237

Wednesday, December 10, 2003

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

### Agricultural Marketing Service

[Doc. No. FV04-371]

#### Notice of Request for Extension 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 approval from the Office of Management and Budget for an extension of a currently approved information collection for the Reporting and Recordkeeping Requirements Under Regulations Under the Perishable Agricultural Commodities Act, 1930, as amended.

**DATES:** Comments received by February 9, 2004 will be considered.

**ADDITIONAL INFORMATION OR COMMENTS:** Interested persons are invited to submit written comments concerning this proposed rule. Comments must be sent to Dexter Thomas, Senior Marketing Specialist, PACA Branch, F & V Programs, AMS, USDA, 1400 Independence Avenue, SW., Room 2095—So. Bldg., Mail Stop 0242, Washington, DC 20250-0242. E-mail [dexter.thomas@usda.gov](mailto:dexter.thomas@usda.gov). All comments should reference the docket number and the date and page number of this issue in the **Federal Register** and will be made available for public inspection in the PACA Branch during regular business hours and posted on the Internet at <http://www.ams.usda.gov/fv/paca.htm>.

#### SUPPLEMENTARY INFORMATION:

*Title:* Reporting and Recordkeeping Requirements Under Regulations (Other

than Rules of Practice) Under the Perishable Agricultural Commodities Act, 1930.

*OMB Number:* 0581-0031.

*Expiration Date of Approval:* September 30, 2004.

*Type of Request:* Extension of a currently approved information collection.

*Abstract:* The PACA was enacted by Congress in 1930 to establish a code of fair trading practices covering the marketing of fresh and frozen fruits and vegetables in interstate or foreign commerce. It protects growers, shippers, and distributors dealing in those commodities by prohibiting unfair and fraudulent trade practices.

The law provides a forum for resolving contract disputes, and a mechanism for the collection of damages from anyone who fails to meet contractual obligations. In addition, the PACA provides for prompt payment of fruit and vegetable sellers and for revocation of licenses and sanctions against firms or principals who violated the law's standards for 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 through a licensing system. All commission merchants, dealers, and brokers engaged in business subject to the PACA must be licensed. Retailers and grocery wholesalers must renew their licenses every three years. All other licensees have the option of a one, two, or three-year license term. Those who engage in practices prohibited by the PACA may have their licenses suspended or revoked.

The information collected is used to administer licensing provisions under the PACA, to adjudicate contract disputes, and for the purpose of enforcing the PACA and the regulations. The purpose of this notice is to solicit comments from the public concerning our information collection.

We estimate the paperwork and time burden on the above to be as follows:

*Form FV-211 (or 211-1, or 211-2, or 211-3, or 211-4, or 211-5), Application*

*for License:* Average of .25 hours per application per response.

*Form FV-231-1 (or 231-1A, or 231-2, or 231-2A), Application for Renewal or Reinstatement of License:* Average of .05 hours per application per response.

*Regulations Section 46.13—Letters to Notify USDA of Changes in Business Operations:* Average of .05 hours per notice per response.

*Regulations Section 46.4—Limited Liability Company Articles of Organization and Operating Agreement:* Average of .083 hours with approximately 220 recordkeepers.

*Regulations Section 46.18—Record of Produce Received:* Average of 5 hours with approximately 18,400 recordkeepers.

*Regulations Section 46.20—Records Reflecting Lot Numbers:* Average of 8.25 hours with approximately 1,000 recordkeepers.

*Regulations Section 46.46(d)(2)—Waiver of Rights to Trust Protection:* Average of .25 hours per notice with approximately 100 principals.

*Regulations Sections 46.46(f) and 46.2(aa)(11)—Copy of Written Agreement Reflecting Times for Payment:* Average of 20 hours with approximately 2,670 recordkeepers.

*Estimate of Burden:* Public reporting burden for this collection of information is estimated to average 3.8203 hours per response.

*Respondents:* Commission merchants, dealers, and brokers engaged in the business of buying, selling, or negotiating the purchase or sale of commercial quantities of fresh and/or frozen fruits and vegetables in interstate or foreign commerce are required to be licensed under the PACA (7 U.S.C. 499(c)(a)).

*Estimated Number of Respondents:* 15,829.

*Estimated Number of Responses:* 40,609

*Estimated Number of Responses per Respondent:* 2.5654.

*Estimated Total Annual Burden on Respondents:* 155,138.

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