

# 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 15, 2009.

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, Public Law 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](mailto: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.

### Agricultural Marketing Service

*Title:* Application for Plant Variety Protection Certificate and Objective Description of Variety.

*OMB Control Number:* 0581-0055.

*Summary of Collection:* The Plant Variety Protection Act (PVPA) (December 24, 1970; 84 Stat. 1542, 7 U.S.C. 2321 *et seq.*) was established to encourage the development of novel varieties of sexually-reproduced plants and make them available to the public, providing intellectual property rights (IPR) protection to those who breed, develop, or discover such novel varieties, and thereby promote progress in agriculture in the public interest. The PVPA is a voluntary user funded program that grants intellectual property ownership rights to breeders of new and novel seed-and-tuber-reproduced plant varieties. To obtain these rights the applicant must provide information that shows the variety is eligible for protection and that it is indeed new, distinct, uniform, and stable, as the law requires. Applicants are provided with applications to identify the information that is required to issue a certificate of protection.

*Need and Use of the Information:* The Agricultural Marketing Service will collect information from the applicant to be evaluated by examiners to determine if the variety is eligible for protection under the PVPA. If this information were not collected there will be no basis for issuing certificate of protection, and no way for applicants to request protection.

*Description of Respondents:* Business or other for-profit; not-for-profit institutions; Federal Government.

*Number of Respondents:* 85.

*Frequency of Responses:* Reporting: On occasion; other (varies).

*Total Burden Hours:* 2,080.

### Charlene Parker,

Departmental Information Collection Clearance Officer.

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### Rural Utilities Service

*Title:* 7 CFR 1730, Review Rating Summary.

*OMB Control Number:* 0572-0025.

*Summary of Collection:* The Rural Utilities Service (RUS) manages loan programs in accordance with the Rural

Electrification Act (RE Act) of 1936, 7 U.S.C. 901 *et seq.*, as amended. An important part of safeguarding loan security is to see that RUS financed facilities are being responsibly used, adequately operated, and adequately maintained. Future needs have to be anticipated to ensure that facilities will continue to produce revenue and loans will be repaid as required by the RUS mortgage. Regular periodic operations and maintenance (O&M) review can identify and correct inadequate O&M practices before they cause extensive harm to the system. Inadequate O&M practices can result in public safety hazards, increased power outages for consumers, added expense for emergency maintenance, and premature aging of the borrower's systems, which could increase the loan security risk to RUS.

*Need and Use of the Information:* RUS will collect information using form 300 Review Rate Summary to identify items that may be in need of additional attention; to plan corrective actions when needed; to budget funds and manpower for needed work; and to initiate ongoing programs as necessary to avoid or minimize the need for "catch-up" programs.

*Description of Respondents:* Not-for-profit institutions; business or other for-profit.

*Number of Respondents:* 229.

*Frequency of Responses:* Reporting: On occasion.

*Total Burden Hours:* 916.

#### Rural Utilities Service

*Title:* Operating Reports for Telecommunications and Broadband Borrowers.

*OMB Control Number:* 0572-0031.

*Summary of Collection:* The Rural Utilities Service's (RUS) is a credit agency of the Department of Agriculture. The Rural Electrification Act of 1936, as amended (RE Act) (7 U.S.C. 901 *et seq.*) authorizes the Secretary to make mortgage loans and loan guarantees to finance electric, telecommunications, broadband, and water and waste facilities in rural areas. In addition to providing loans and loan guarantees, one of RUS' main objectives is to safeguard loan security until the loan is repaid. The RE Act also authorizes the Secretary to make studies, investigations, and reports concerning the progress of borrowers' furnishing of adequate telephone service and publish and disseminate this information.

*Need and Use of the Information:* Information from the Operating Report for both telecommunication and broadband borrowers provides RUS

with vital financial information needed to ensure the maintenance of the security for the Government's loans and service data which enables RUS to ensure the provision of quality telecommunications and broadband service as mandated by the RE Act of 1936. Form 674, "Certificate of Authority to Submit or Grant Access to Data" will allow telecommunication and broadband borrowers to file electronic Operating Reports with the agency using the new USDA Data Collection System. Accompanied by a Board Resolution, it will identify the name and USDA eAuthentication ID for a certifier and security administrator that will have access to the system for purposes of filing electronic Operating Reports.

*Description of Respondents:* Business or other for-profit; not-for-profit institutions.

*Number of Respondents:* 600.

*Frequency of Responses:* Reporting: On occasion; quarterly; annually.

*Total Burden Hours:* 2,806.

#### Rural Utility Service

*Title:* 7 CFR 1773, Policy on Audits of RUS Borrowers.

*OMB Control Number:* 0572-0095.

*Summary of Collection:* Under the authority of the Rural Electrification Act of 1936 (ACT), as amended 7 U.S.C. 901 *et seq.*, the Administrator is authorized and empowered to make loans under certain specified circumstances for the purpose of furnishing and improving telephone service in rural areas. RUS, in representing the Federal Government as Mortgagee, relies on the information provided by the borrowers in their financial statements to make lending decisions as to borrowers' credit worthiness and to assure that loan funds are approved, advanced and disbursed for proper Act purposes. Borrowers are required to furnish a full and complete report of their financial condition, operations and cash flows, in form and substance satisfactory to RUS.

*Need and Use of the Information:* RUS will collect information to evaluate borrowers' financial performance, determine whether current loans are at financial risk, and determine the credit worthiness of future losses. If information were not collected, it would delay RUS' analysis of the borrowers' financial strength, thereby adversely impacting current lending decisions.

*Description of Respondents:* Not-for-profit institutions; business or other for-profit.

*Number of Respondents:* 1,250.

*Frequency of Responses:* Reporting: On occasion.

*Total Burden Hours:* 13,927.

#### Rural Utilities Service

*Title:* 7 CFR 1744-E, Borrower Investments—Telecommunications Loan Program.

*OMB Control Number:* 0572-0098.

*Summary of Collection:* The Rural Economic Development Act of 1990, Title XXIII of the Farm Bill, Public Law 101-624, authorized qualified Rural Utilities Service (RUS) borrowers to make investments in rural development projects without the prior approval of the RUS Administrator, provided, however that such investments do not cause the borrower to exceed its allowable qualified investment level as determined in accordance with the procedures set forth in 7 CFR Part 1744, Subpart E. RUS requests that the borrower submit (1) A description of the rural development project and type of investment; (2) a reasonable estimate of the amount the borrower is committed to provide to the project including future expenditures; and (3) a pro forma balance sheet and cash flow statement for the period covering the borrower's future commitments to determine that the "Excess" or proposed "Excess" investments will not impair the borrower's ability to repay the loan or cause financial hardship.

*Need and Use of the Information:* RUS will collect information to consider whether or not to approve a borrower's request to make an investment in a rural development project when such an investment would cause the borrower to exceed its allowable investment level. If this information was not collected, RUS could not thoroughly assess the economic impact of such an investment.

*Description of Respondents:* Business or other for-profit; not-for-profit institutions.

*Number of Respondents:* 2.

*Frequency of Responses:* Reporting: On occasion.

*Total Burden Hours:* 1.

#### Rural Utilities Service

*Title:* Use of Consultants Funded by Borrowers, 7 CFR 1789.

*OMB Control Number:* 0572-0115.

*Summary of Collection:* The Rural Utilities Service (RUS) is a credit agency of the Department of Agriculture that makes mortgage loans and loan guarantees to finance electric, telecommunications, and water and waste facilities in rural areas. The loan programs are managed in accordance with the Rural Electrification Act (RE Act) of 1936, 7 U.S.C. 901 *et seq.*, as amended, and as prescribed by Office of Management and Budget Circular A-129, Policies for Federal Credit Programs and Non-Tax Receivable,

which states that agencies must, based on a review of a loan application, determine that an applicant complies with statutory, regulatory, and administrative eligibility requirements for loan assistance. RUS has the authority to use consultants voluntarily funded by borrowers for financial, legal, engineering, and other technical services. However, all RUS borrowers are eligible to fund consultant services but are not required to fund consultants.

*Need and Use of the Information:* RUS will collect information to determine whether it is appropriate to use a consultant voluntarily funded by the borrower to expedite a particular borrower application. If the information were not submitted, RUS would be unable to determine if using a consultant would accelerate the specific application process.

*Description of Respondents:* Not-for-profit institutions; business or other for-profit.

*Number of Respondents:* 1.

*Frequency of Responses:* Reporting: On occasion.

*Total Burden Hours:* 2.

#### Rural Utilities Service

*Title:* 7 CFR 1728, Electric Standards and Specifications for Materials and Construction.

*OMB Control Number:* 0572-0131.

*Summary of Collection:* The Rural Electrification Act of 1936, 7 U.S.C. 901 *et seq.*, as amended, (RE Act) in Sec. 4 (7 U.S.C. 904) authorizes and empowers the Administrator of the Rural Utilities Service (RUS) to make loans in the several States and Territories of the United States for rural electrification and the furnishing and improving of electric energy to persons in rural areas. RUS' Administrator is authorized to provide financial assistance to borrowers for purposes provided in the RE Act by guaranteeing loans made by the National Rural Utilities Cooperative Finance Corporation, the Federal Financing Bank, and other lending agencies. These loans are for a term of up to 35 years and are secured by a first mortgage on the borrower's electric system. Manufacturers, wishing to sell their products to RUS electric borrowers, request RUS consideration for acceptance of their products and submit letters of request with certifications as to the origin of manufacture of the products and include certified data demonstrating their products' compliance with RUS specifications.

*Need and Use of the Information:* RUS will collect information to evaluate the data to determine that the quality of the products is acceptable and that their

use will not jeopardize loan security. The information is closely reviewed to be certain that test data; product dimensions and product material compositions fully comply with RUS technical standards and specifications that have been established for the particular product. Without this information, RUS has no means of determining the acceptability of products for use in the rural environment.

*Description of Respondents:* Business or other for-profit.

*Number of Respondents:* 38.

*Frequency of Responses:* Reporting: on occasion.

*Total Burden Hours:* 2,000.

#### Charlene Parker,

*Departmental Information Collection Clearance Officer.*

[FR Doc. E9-14335 Filed 6-17-09; 8:45 am]

**BILLING CODE 3410-15-P**

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

#### Black Hills National Forest Advisory Board

**AGENCY:** Office of the Secretary, USDA.

**ACTION:** Notice of intent to renew the charter of the Black Hills National Forest Advisory Board.

**SUMMARY:** The Department of Agriculture is proposing to renew the charter of the Black Hills National Forest Advisory Board (the Board) to obtain advice and recommendations on a broad range of forest issues such as forest plan revisions or amendments, travel management, forest monitoring and evaluation, recreation fees, and site-specific projects having forest-wide implications.

#### **FOR FURTHER INFORMATION CONTACT:**

Frances Reynolds, Legislative Affairs, Rocky Mountain Region, Forest Service, (303) 275-5357. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern Standard Time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** Pursuant to the Federal Advisory Committee Act (5 U.S.C. App. II), notice is hereby given that the U.S. Department of Agriculture, Forest Service, intends to renew the charter of the Black Hills National Forest Advisory Board. The Board provides advice and recommendations on a broad range of forest planning issues and in accordance with the Federal Lands Recreation Enhancement

Act more specifically will provide advice and recommendations on Black Hills National Forest recreation fee issues. The Board membership consists of individuals representing commodity interests, amenity interests, and State and local government.

The Black Hills National Forest Advisory Board has been determined to be in the public interest in connection with the duties and responsibilities of the Black Hills National Forest. National forest management requires improved coordination among the interests and governmental entities responsible for land management decisions and the public that the agency serves. The Board consists of 16 members that are representative of the following interests (this membership closely follows the membership outlined by the Secure Rural Schools and Community Self Determination Act for Resource Advisory Committees (16 U.S.C. 500, *et seq.*):

1. Economic development;
2. Developed outdoor recreation, off-highway vehicle users, or commercial recreation;
3. Energy and mineral development;
4. Commercial timber industry;
5. Permittee (grazing or other land use within the Black Hills area);
6. Nationally recognized environmental organizations;
7. Regionally or locally recognized environmental organizations;
8. Dispersed recreation;
9. Archeology or history;
10. Nationally or regionally recognized sportsmen's groups, such as anglers or hunters;
11. South Dakota state-elected offices;
12. Wyoming state-elected offices;
13. South Dakota or Wyoming county- or local-elected officials;
14. Tribal government elected or appointed officials;
15. South Dakota State natural resource agency official; and
16. Wyoming State natural resource agency officials.

The Board members determine chair responsibility. The Forest Supervisor of the Black Hills National Forest serves as the designated Federal official under sections 10(e) and (f) of the Federal Advisory Committee Act (5 U.S.C. App. II).

Equal opportunity practices are followed in all appointments to advisory committees. To ensure that the recommendations of the Board have taken into account the needs of diverse groups the Black Hills National Forest serves, membership will include to the extent practicable individuals with demonstrated ability to represent minorities, women, and persons with disabilities.