

The request for approval of the revised information collection under the order is as follows:

Form FV-181, Vidalia Onion Handler Report

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 5 minutes per response.

Respondents: Handlers who acquire and/or ship Vidalia onions during the season.

Estimated Number of Respondents: 109.

Estimated Number of Responses per Respondent: 15.

Estimated Total Annual Burden on Respondents: 136 hours.

Comments: Comments are invited on:

- (1) 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;
- (2) the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- (3) ways to enhance the quality, utility, and clarity of the information to be collected; and
- (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments should reference OMB No. 0581-NEW and the Vidalia onion marketing order, and be sent to USDA in care of the Docket Clerk at the previously mentioned address. All comments received will be available for public inspection during regular business hours at the same address.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record. As mentioned before, because there was insufficient time for a normal clearance procedure and prompt implementation is needed, AMS has obtained emergency approval from OMB for the use of the revised form for the season. This collection will be merged with the forms currently approved for use under OMB No. 0581-0178 "Vegetable and Specialty Crops", and will replace the existing *FV-181, Vidalia Onion Handler Report Form*. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

In addition to the change in the information collection burden, this rule

revises the provisions requiring handlers to file shipment reports from monthly reporting to weekly reporting. It also changes when assessments are due and how delinquent assessments are handled. Any comments received will be considered prior to finalization of this rule.

After consideration of all relevant material presented, including the Committee's recommendation, and other information, it is found that this interim final rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register**. This rule should be in place as early as possible in the current season which began April 1. Also, these issues have been widely discussed at industry meetings, and the Committee has kept the industry well informed. Further, handlers are aware of this rule, which was recommended at public meetings. Also, this rule provides a 60-day comment period and any comments received will be considered prior to finalization of this rule.

List of Subjects in 7 CFR Part 955

Onions, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 955 is amended as follows:

PART 955—VIDALIA ONIONS GROWN IN GEORGIA

1. The authority citation for 7 CFR part 955 continues to read as follows:

Authority: 7 U.S.C. 601-674.

2. Section 955.101 and the section heading are revised to read as follows:

§ 955.101 Vidalia Onion Handler Report.

(a) Each handler shall furnish shipping reports with the Vidalia Onion Committee on a weekly basis. Such reports shall be made on forms provided by the Committee and shall include: (1) The name and address of the handler; (2) weekly period covered by the report; (3) total quantity of Vidalia onions received; (4) total fresh market shipments of Vidalia onions; (5) shipment volume coming from acreage owned by the handler; (6) total assessments owed; (7) volume of onions

packed under contract for another handler and those handler names; (8) onions sold to another handler; and (9) information on onions placed in Controlled Atmosphere storage.

(b) Handlers shall file reports each fiscal period beginning the first week they make shipments and shall continue filing reports until they submit a final report for the season. Each such report shall be filed with the Committee not later than 4 p.m. on the Tuesday immediately following the shipping week. For the purpose of this section, the shipping week is defined as Monday through Sunday.

3. Section 955.142 is revised to read as follows:

§ 955.142 Delinquent assessments.

Each handler shall submit assessments to the Vidalia Onion Committee on a weekly basis for each week during the fiscal period in which they made shipments. Each such assessment shall be paid to the Committee not later than 4 p.m. on the Tuesday immediately following the week in which the shipments were made. Each handler shall pay interest of one percent per week on any unpaid assessments levied pursuant to § 955.42 and on any accrued unpaid interest beginning the day immediately after the date the weekly assessments were due, until the delinquent handler's assessments plus applicable interest has been paid in full.

Dated: June 14, 2002.

A.J. Yates,

Administrator, Agricultural Marketing Service.

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 981

[Docket No. FV01-981-610 REVIEW]

California Almond Marketing Order; Section 610 Review

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Confirmation of regulations.

SUMMARY: This action summarizes the results of an Agricultural Marketing Service (AMS) review of Marketing Order 981, which regulates the handling of almonds grown in California, under the criteria contained in section 610 of the Regulatory Flexibility Act (RFA). Based upon its review, AMS has

determined that the marketing order should be continued without change.

ADDRESSES: Interested persons may obtain a copy of the review. Requests for copies should be sent to the Docket Clerk, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250-0237; Fax: (202) 720-8938; or E-mail: moab.docketclerk@usda.gov.

FOR FURTHER INFORMATION CONTACT:

Martin Engeler, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 2202 Monterey Street, Suite 102B, Fresno, California 93721; telephone (209) 487-5901; Fax: (202) 487-5906; E-mail: Martin.Engeler@usda.gov; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250-0237, telephone: (202) 720-2491; Fax: (202) 720-8938; E-mail: George.Kelhart@usda.gov.

SUPPLEMENTARY INFORMATION: Marketing Order No. 981, as amended (7 CFR Part 981), regulates the handling of almonds grown in California. The marketing order is authorized under the Agricultural Marketing Agreement Act of 1937 (Act), as amended (7 U.S.C. 601-674).

Marketing Order 981, originally established in 1950, authorizes research and promotion activities, quality control, volume control, mandatory inspection, and reporting requirements. The marketing order establishes the Almond Board of California (Board), consisting of five producers and five handlers and their respective alternates. Currently, four of the members represent cooperative marketing associations and six represent independents (those not affiliated with a cooperative). Eight of the members and alternates serve staggered, three-year terms of office. Two members (one grower and one handler) serve one-year terms. These two positions are represented by the group (cooperative or independent) that accounted for over fifty percent of the production in the preceding year. Independent producer members are nominated by independent producers, and independent handlers members are nominated by independent handlers through a mail balloting process. Cooperative representatives are nominated by the cooperative marketing organizations. The California almond industry currently consists of approximately 7,000 producers and 110 handlers.

AMS published in the **Federal Register** (63 FR 8014; February 18, 1999), its plan to review certain regulations, including Marketing Order No. 981, under criteria contained in section 610 of the Regulatory Flexibility Act (RFA; 5 U.S.C. 601-612). An updated plan was published in the **Federal Register** on January 4, 2002 (67 FR 525). AMS published a notice of review and request for written comments on the California almond marketing order in the June 13, 2001, issue of the **Federal Register** (66 FR 31850). During the comment period, two written comments in support of the marketing order were received. The comments were received from the Board and an almond handler.

The AMS review was undertaken to determine whether the California almond marketing order should be continued without change, amended, or rescinded to minimize the impacts on small entities. In conducting this review, AMS considered the following factors: (1) The continued need for the marketing order; (2) the nature of complaints or comments received from the public concerning the marketing order; (3) the complexity of the marketing order; (4) the extent to which the marketing order overlaps, duplicates, or conflicts with other Federal rules, and, to the extent feasible, with State and local governmental rules; and (5) the length of time since the marketing order has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the marketing order.

In its written comment, the Board addresses the various activities and programs administered under the order, describes benefits of the activities, and expresses support for the programs. It also summarizes the evolution of the order from its inception in 1950 to the present day.

The handler comment also expresses support for the order. It notes that the order provides a valuable product to consumers, increases the consumption of almonds, and facilitates the orderly marketing of almonds in the marketplace. The comment also notes that the order accomplishes these things without duplicating the efforts of individual handlers or engaging in activities that affect the competitive advantage of handlers in the marketplace.

The marketing order was established to help the California almond industry work with AMS to solve marketing problems that were characterized by abundant supplies and relatively low producer returns. These problems

continue today and the industry needs the marketing tools available under the marketing order in overcoming these problems. The industry has undergone dramatic growth in production since the marketing order's inception. Production has increased almost 1,000 percent since the order's inception and nearly 500 percent since 1972. The marketing order has been used effectively in expanding markets and in finding new uses for almonds to absorb the increasing production.

Based on its review, AMS has determined that the marketing order should be continued without change.

Neither AMS nor the Board has received any complaints regarding Marketing Order 981 or the rules and regulations issued thereunder. In 1998, USDA conducted a continuance referendum and the marketing order was supported by nearly 90 percent of the producers who voted in the referendum. The marketing order is not unduly complex, and AMS has not identified any relevant Federal rules, or State and local regulations that duplicate, overlap, or conflict with the California almond marketing order.

AMS provides Federal oversight of the order and, along with the Board, monitors marketing operations on a continuing basis. AMS works with the Board to ensure that the regulations issued and production and market activities undertaken address current market and industry conditions, and that the regulations and administrative procedures implemented are appropriate for current practices within the industry. The producers and handlers of California almonds support the activities that help ensure the marketing of a high quality product in expanding markets, and believe that this order has been effectively used for these purposes.

AMS will continue to work with the California almond industry in maintaining an effective marketing order program.

Dated: June 14, 2002.

Kenneth C. Clayton,

Associate Administrator, Agricultural Marketing Service.

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