

Standards for Grades of Fruits and Vegetables not connected with Federal Marketing Orders or U.S. Import Requirements, no longer appear in the Code of Federal Regulations, but are maintained by USDA, AMS, Fruit and Vegetable Programs.

AMS established the voluntary United States Standards for Grades of Pea Pods using the procedures that appear in part 36, title 7 of the Code of Federal Regulations (7 CFR part 36).

### Background

AMS developed a proposed U.S. Standards for Grades of Pea Pods. The proposal would establish U.S. Fancy and U.S. No. 1 "Grades," "Tolerances," and "Application of Tolerances" sections. Additionally, this proposal defines: "Injury," "Damage," "Serious Damage," and basic requirements.

On January 24, 2006, a notice was published in the **Federal Register** (71 FR 3817), requesting comments on proposed voluntary United States Standards for Grades of Pea Pods, with the comment period ending on March 27, 2006.

A request was received from a packer/shipper of pea pods, expressing the need for additional time to review the proposed U.S. Standards. The packer/shipper requested an extension to the comment period to allow them the opportunity to submit comments. After reviewing the request, AMS reopened and extended the comment period by publishing a notice in the **Federal Register**, May 22, 2006 (71 FR 29606), extending the period for comment to June 22, 2006.

AMS received one other response to the proposed standards. The comment was from an industry group representing about 90 percent of the fresh vegetables produced in California and Arizona. The association expressed support for the development of the standards for pea pods.

The comments are available by accessing the AMS, Fresh Products Branch Web site at: <http://www.ams.usda.gov/fv/fpbdoctlist.htm>.

Based on the comment received, specifically concerning the development of the standards and information gathered, AMS believes the standards will provide a common language for trading and promote the orderly and efficient marketing of pea pods. The official grades of pea pod lots covered by these standards will be determined by the procedures set forth in the Regulations Governing Inspection, Certification, and Standards of Fresh Fruits, Vegetables, and Other Products (Sec. 51.1 to 51.61).

The United States Standards for Grades of Pea Pods will be effective 30 days after publication of this notice in the **Federal Register**.

Authority: 7 U.S.C. 1621–1627.

Dated: December 15, 2006.

**Lloyd C. Day,**

*Administrator, Agricultural Marketing Service.*

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## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[Docket No. TM–07–04]

### Notice of Release of National Organic Program Noncompliance and Adverse Action Records

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

**ACTION:** Notice.

**SUMMARY:** The U.S. Department of Agriculture's (USDA) Agricultural Marketing Service (AMS) is publishing this notice to inform accredited certifying agents and producers and handlers certified to the National Organic Program (NOP) of AMS' intention to release notices of noncompliance, and the identity of each entity which has been suspended or revoked, as well as the reasons for these actions. The release of these materials complies with the Freedom of Information Act (FOIA) in which any information that is not protected from disclosure by a FOIA exemption must be provided to the public.

#### FOR FURTHER INFORMATION CONTACT:

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#### SUPPLEMENTARY INFORMATION:

##### I. Statutory Authority

This notice is issued under the FOIA as amended, 5 U.S.C. 552, and the Organic Foods Production Act (OFPA) of 1990, as amended, 7 U.S.C. 6501 *et seq.*

##### II. Background

On April 12, 2006, AMS received a FOIA request for notices of noncompliance and records of suspension and revocation of certification and accreditation issued pursuant to the NOP. The Agency

maintains the records sought by the FOIA requester pursuant to its administration of the OFPA.

The FOIA provides for any person to request and access federal agency records except for those records, or portions of records, which are protected by one of the nine exemptions under the FOIA. The records collected and maintained under the OFPA are not statutorily exempt from disclosure, and therefore in accordance with the FOIA and USDA's FOIA implementing regulations, 7 CFR part 1, AMS is required to release responsive records, or portions of responsive records, that are not protected from disclosure by any FOIA exemption.

### III. Action

Pursuant to 7 CFR 205.662, accredited certifying agents are obligated to issue noncompliance notifications, notices of suspension, and notices of revocation regarding NOP certification when circumstances warrant such action. Likewise, pursuant to 7 CFR 205.665, the NOP is obligated to issue notifications of noncompliance and notices of suspension and revocation of accreditation as warranted.

Some of the information contained in these notification letters, in particular those issued to certified operations, may contain confidential business information. Therefore, the agency will conduct a thorough review of those notification documents issued since implementation of the NOP on October 21, 2002, pursuant to 7 CFR 205.662 and 205.665, and in accordance with 5 U.S.C. 552(b)(4), withhold confidential commercial or financial information. Examples of the information which may appear in responsive records and that is subject to withholding include: Product formulations; supply sources; amount paid or owed in certification fees; sales volumes; yield quantities; amount of acreage planted to a specific crop or designated as pasture; the number of livestock units; the identity of an entity for which a private label is produced.

Dated: December 15, 2006.

**Lloyd C. Day,**

*Administrator, Agricultural Marketing Service.*

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