

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Parts 927, 966, and 984

[Docket Nos. AMS-FV-08-0008, FV08-927-610 Review; AMS-FV-08-0009, FV08-966-610 Review; AMS-FV-08-0010, FV08-984-610 Review]

#### Pears Grown in Oregon and Washington; Tomatoes Grown in Florida; and Walnuts Grown in California; Section 610 Reviews

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

**ACTION:** Notice of Review and Request for Comments.

**SUMMARY:** This document announces that the Agricultural Marketing Service (AMS) plans to review Marketing Order 927 (Pears Grown in Oregon and Washington), Marketing Order 966 (Tomatoes Grown in Florida), and Marketing Order 984 (Walnuts Grown in California) under the criteria contained in section 610 of the Regulatory Flexibility Act (RFA).

**DATES:** Written comments on this notice must be received by May 19, 2008.

**ADDRESSES:** Interested persons are invited to submit written comments concerning this notice of review. Comments must be sent to the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., Stop 0237, Washington, DC 20250-0237; Fax: (202) 720-8938, or Internet: <http://www.regulations.gov>. All comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours, or may be viewed at <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Gary D. Olson, Northwest Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs,

AMS, USDA, Portland, Oregon; Telephone: (503) 326-2724; Fax: (503) 326-7440; or E-mail:

*GaryD.Olson@usda.gov* regarding the Oregon-Washington pear marketing order; Christian Nissen, Southeast Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, Winter Haven, Florida; Telephone: (863) 324-3375; Fax: (863) 325-8793; or E-mail: *Christian.Nissen@usda.gov* regarding the Florida tomato marketing order; or Kurt J. Kimmel, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, Fresno, California; Telephone: (559) 487-5901; Fax: (559) 487-5906; or E-mail: *Kurt.Kimmel@USDA.gov* regarding the California walnut marketing order.

**SUPPLEMENTARY INFORMATION:** Marketing Order No. 927, as amended (7 CFR part 927), regulates the handling of pears grown in Oregon and Washington. Marketing Order No. 966, as amended (7 CFR part 966), regulates the handling of tomatoes grown in Florida. Marketing Order No. 984, as amended (7 CFR part 984), regulates the handling of walnuts grown in California. These marketing orders are effective under the Agricultural Marketing Agreement Act of 1937 (AMAA), as amended (7 U.S.C. 601-674).

AMS initially published in the **Federal Register** on February 18, 1999 (64 FR 8014), its plan to review certain regulations, including Marketing Order Nos. 927, 966, and 984, under criteria contained in section 610 of the RFA (5 U.S.C. 601-612). Due to certain changes and additions, updated plans were published in the **Federal Register** on January 4, 2002 (67 FR 525), August 14, 2003 (68 FR 48574), and finally on March 24, 2006 (71 FR 14827). Because many AMS regulations impact small entities, AMS has decided, as a matter of policy, to review certain regulations which, although they may not meet the threshold requirement under section 610 of the RFA, warrant review.

The Florida tomato marketing order originally was scheduled for review in 2002. A notice of review and request for comments was published in the **Federal Register** on June 24, 2002 (67 FR 425303). One comment was received as a result of that notice. To the extent relevant, that comment will be taken into consideration in this review.

The purpose of the review will be to determine whether the marketing orders for Oregon and Washington pears, Florida tomatoes, and California walnuts should be continued without change, amended, or terminated (consistent with the objectives of the AMAA) to minimize the impacts on small entities. In conducting these reviews, AMS will consider the following factors: (1) The continued need for each of the marketing orders; (2) the nature of complaints or comments received from the public concerning these marketing orders; (3) the complexity of these marketing orders; (4) the extent to which these marketing orders overlap, duplicate, or conflict with other Federal rules, and, to the extent feasible, with State and local governmental rules; and (5) the length of time since these marketing orders have been evaluated, or the degree to which technology, economic conditions, or other factors have changed in the areas affected by these marketing orders.

Written comments, views, opinions, and other information regarding the impact these marketing orders have on small businesses are invited.

Dated: March 12, 2008.

**Lloyd C. Day,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. E8-5360 Filed 3-17-08; 8:45 am]

**BILLING CODE 3410-02-P**

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 955

[Docket No. AMS-FV-07-0159; FV08-955-1 PR]

#### Vidalia Onions Grown in Georgia; Increased Assessment Rate

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

**ACTION:** Proposed rule.

**SUMMARY:** This rule would increase the assessment rate established for the Vidalia Onion Committee (Committee) for the 2008 and subsequent fiscal periods from \$0.10 to \$0.13 per 40-pound container of Vidalia onions handled. The Committee locally administers the marketing order which regulates the handling of Vidalia onions