

# Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 42

#### Standards for Condition of Food Containers

##### CFR Correction

In Title 7 of the Code of Federal Regulations, Parts 27 to 52, revised as of January 1, 2013, on page 203, in § 42.132, in paragraph (a), in the table, for the entry 6.5, under "Reduced", in column T, the entry "1" is added.

[FR Doc. 2013-30654 Filed 12-20-13; 8:45 am]

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## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 984

[Doc. No. AMS-FV-13-0056; FV13-984-1 FR]

#### Walnuts Grown in California; Increased Assessment Rate

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

**ACTION:** Final rule.

**SUMMARY:** This rule increases the assessment rate established for the California Walnut Board (Board) for the 2013-14 and subsequent marketing years from \$0.0175 to \$0.0189 per kernelweight pound of merchantable walnuts. The Board locally administers the marketing order, which regulates the handling of walnuts grown in California. Assessments upon walnut handlers are used by the Board to fund reasonable and necessary expenses of the program. The marketing year begins on September 1 and ends on August 31. The assessment rate will remain in

effect indefinitely unless modified, suspended, or terminated.

**DATES:** *Effective Date:* December 24, 2013.

**FOR FURTHER INFORMATION CONTACT:**

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Small businesses may request information on complying with this regulation by contacting Jeffrey Smutney, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250-0237; Telephone: (202) 720-2491, Fax: (202) 720-8938, or Email: [Jeffrey.Smutney@ams.usda.gov](mailto:Jeffrey.Smutney@ams.usda.gov).

**SUPPLEMENTARY INFORMATION:** This rule is issued under Marketing Order No. 984, as amended (7 CFR part 984), regulating the handling of walnuts grown in California, hereinafter referred to as the "order." The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "Act."

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Orders 12866 and 13563.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, California walnut handlers are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable walnuts beginning on September 1, 2013, and continue until amended, suspended, or terminated.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order

or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule increases the assessment rate established for the Board for the 2013-14 and subsequent marketing years from \$0.0175 to \$0.0189 per kernelweight pound of merchantable walnuts handled.

The California walnut marketing order provides authority for the Board, with the approval of USDA, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Board are growers and handlers of California walnuts. They are familiar with the Board's needs and with the costs of goods and services in their local area and are therefore in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

For the 2011-12 and subsequent marketing years, the Board recommended, and USDA approved, an assessment rate of \$0.0175 per kernelweight pound of merchantable walnuts that would continue in effect from year to year unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Board or other information available to USDA.

The Board met on June 6, 2013, and unanimously recommended 2013-14 expenditures of \$10,166,860 and an assessment rate of \$0.0189 per kernelweight pound of merchantable walnuts. In comparison, last year's budgeted expenditures were \$8,840,000. The assessment rate of \$0.0189 is \$0.0014 per pound higher than the rate currently in effect. The quantity of assessable walnuts for the 2013-14 marketing year is estimated at 486,000 tons (inshell), which is 6,000 tons higher than last year's. At the recommended higher assessment rate of