

to meetings. Such savings could ultimately be passed on to handlers and producers in the form of reduced assessments. The benefits for this rule are not expected to be disproportionately greater or less for small handlers or producers than for larger entities.

The Committee discussed various alternative reductions in Committee size and how to reapportion fewer members among the districts. Ultimately, the Committee determined that reducing its size to nine members would best mitigate the problems associated with recruitment of qualified members.

Since this rule would modify the administrative rules governing committee representation by reestablishing districts, reestablishing the Committee, and reapportioning members among districts, additional reporting or recordkeeping requirements would not be imposed on either small or large potato handlers. The information collection requirements contained in this rule have been previously approved by the Office of Management and Budget under No. 0581-0178, Vegetable and Specialty Crops. 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. Furthermore, USDA has not identified any relevant Federal rules that duplicate, overlap or conflict with this proposed rule.

AMS is committed to complying with the E-Government Act, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

The Committee's meeting was widely publicized throughout the Washington potato industry and all interested persons were invited to attend and participate in Committee deliberations on all issues. Like all Committee meetings, the February 9, 2006, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: <http://www.ams.usda.gov/fv/maob.html>. Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

A 60-day comment period is provided to allow interested persons to respond to this proposal. All written comments timely received will be considered before a final determination is made on this matter.

#### List of Subjects in 7 CFR Part 946

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 946 is proposed to be amended as follows:

#### PART 946—IRISH POTATOES GROWN IN WASHINGTON

1. The authority citation for 7 CFR part 946 continues to read as follows:

**Authority:** 7 U.S.C. 601–674.

2. Section 946.103 is revised to read as follows:

##### § 946.103 Reestablishment of districts.

Pursuant to § 946.22, on and after July 1, 2007, the following districts are reestablished:

(a) District No. 1—the counties of Douglas, Chelan, Okanogan, Grant, Adams, Ferry, Stevens, Pend Oreille, Spokane, Whitman, and Lincoln.

(b) District No. 2—the counties of Kittitas, Yakima, Klickitat, Benton, Franklin, Walla Walla, Columbia, Garfield, and Asotin.

(c) District No. 3—all of the remaining counties in the State of Washington, not included in Districts No. 1 and No. 2 of this paragraph.

3. Section 946.104 is revised to read as follows:

##### § 946.104 Reestablishment and Reapportionment of committee.

(a) Pursuant to § 946.22, on and after July 1, 2007, the State of Washington Potato Committee consisting of nine members, of whom six shall be producers and three shall be handlers, is hereby reestablished. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(b) Pursuant to § 946.22, on and after July 1, 2007, membership representation of the State of Washington Potato Committee shall be reapportioned among the districts of the production area so as to provide that each of the three districts as defined in § 946.103 are represented by two producer members and one handler member and their respective alternates.

Dated: January 9, 2007.

**Lloyd C. Day,**

*Administrator, Agricultural Marketing Service.*

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**BILLING CODE 3410-02-P**

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 1207

[Docket No. AMS-FV-06-0219; FV-05-711]

#### Potato Research and Promotion Plan; Section 610 Review

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

**ACTION:** Confirmation of regulations.

**SUMMARY:** This document summarizes the results of an Agricultural Marketing Service (AMS) review of the Potato Research and Promotion Program, under the criteria contained in Section 610 of the Regulatory Flexibility Act. Based upon its review, AMS has determined that the Potato Research and Promotion Plan 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, Research and Promotion Branch, Fruit and Vegetable Programs (FV), Agricultural Marketing Service (AMS), USDA, Stop 0244, Room 0634-S, 1400 Independence Avenue, SW., Washington, DC 20250-0244; telephone (202) 720-9915; Fax (202) 205-2800; or e-mail: [Daniel.Manzoni@usda.gov](mailto:Daniel.Manzoni@usda.gov).

**FOR FURTHER INFORMATION CONTACT:** Sonia N. Jimenez, Research and Promotion Branch, FV, AMS, USDA, Stop 0244, 1400 Independence Avenue, SW., Room 0634-S, Washington, DC 20250-0244; telephone: (888) 720-9917; fax: (202) 205-2800; or e-mail: [Sonia.Jimenez@usda.gov](mailto:Sonia.Jimenez@usda.gov).

**SUPPLEMENTARY INFORMATION:** The Potato Research and Promotion Act of 1971, as amended, (7 U.S.C. 2611 *et seq.*) authorized the Potato Research and Promotion Program which is industry operated and funded, with oversight by USDA. The Program's objective is to carry out an effective and continuous coordinated program of research, development, advertising, and promotion designed to strengthen potatoes' competitive position, and to maintain and expand domestic and foreign markets for potatoes and potato products.

The Program became effective on March 9, 1972, and was implemented

on September 15, 1972, when the Potato Research and Promotion Plan (Plan) (7 CFR part 1207) was issued. The plan was amended in May 1984, to increase the maximum assessment rate from 1 cent per hundredweight to 0.5 percent of the previous 10-year average price received by growers. The Plan was amended again on March 8, 2006, to increase the assessment rate from 2 cents per hundredweight to 2.5 cents per hundredweight.

Assessments under this Program are used to fund promotional campaigns and to conduct research in the areas of U.S. marketing, and international marketing and to enable the Potato Board (Board) to exercise its duties in accordance with the Plan.

The Plan is administered by the Board, which is composed of producer members, importer members, and one public member appointed by the Secretary of Agriculture from nominations submitted by eligible groups. Producer membership on the Board is based upon potato production within each State. Importer members, limited to five, are based upon the amount of potatoes, potato products, and seed potatoes imported into the U.S. All members serve terms of three years.

AMS published in the **Federal Register** (63 FR 8014; February 18, 1999) its plan to review certain regulations, including the Potato Research and Promotion Plan, (conducted under the Potato Research and Promotion Act), under criteria contained in Section 610 of the Regulatory Flexibility Act (RFA; 5 U.S.C. 601–612). The Plan to review certain regulations was updated in the **Federal Register** on August 14, 2003 (68 FR 48574), and updated again on March 24, 2006 (71 FR 14827).

AMS published a notice of review and request for written comments in the **Federal Register** on December 14, 2005 (70 FR 73945). The comment period ended on February 13, 2006. AMS received three written comments. One commenter encouraged the Board to place more emphasis on the nutritional benefits of potatoes. The Board routinely conducts research into the nutritional benefits of potatoes and uses that information to promote the benefits of potatoes. A second commenter questioned why potato research is needed and suggested that the program be terminated. However, the Board does not conduct production research. The Board establishes and carries out research and development projects and studies in order to encourage, expand, improve or more efficiently market and utilize potatoes. The third commenter

merely sent their organizational structure and did not provide any substantive comment.

The review was undertaken to determine whether the Potato Research and Promotion Plan should be continued without change, amended, or rescinded (consistent with the objectives of the Potato Research and Promotion Act of 1971) to minimize the impacts on small entities. In conducting this review, AMS considered the following factors: (1) The continued need for the Potato Research and Promotion Plan; (2) the nature of complaints or comments received from the public concerning the Potato Research and Promotion Plan; (3) the complexity of the Potato Research and Promotion Plan; (4) the extent to which the Potato Research and Promotion Plan overlaps, duplicates, or conflicts with other Federal rules, and, to the extent feasible, with State and local regulations; and (5) the length of time since the Potato Research and Promotion Plan has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the Potato Research and Promotion Plan.

Currently, there are approximately 1,353 handlers, 5,223 producers, and 300 importers of potatoes and potato products who are subject to the provisions of the Plan. Producers of less than 5 acres of potatoes are exempt from assessment.

AMS provides Federal oversight of the Potato Research and Promotion Plan. The Plan is not unduly complex, and AMS has not identified any Federal rules, or State and local regulations that duplicate, overlap, or conflict with the Plan. Over the years, regulation changes have been made to address industry operation changes and to improve program administration. The goal of these evaluations is to assure that the Plan and the regulations implemented under it fit the needs of the industry and are consistent with the Act.

Based upon its review, AMS has determined that the Plan should be continued without change. AMS plans to continue working with the potato industry in maintaining an effective program.

Dated: January 10, 2007.

**Lloyd C. Day,**

*Administrator, Agricultural Marketing Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 229

[Docket No. 060928250–6250–01; I.D. 092506A]

RIN 0648–AU90

#### Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Proposed rule; reopening of public comment period.

**SUMMARY:** On November 15, 2006, NMFS proposed to revise the regulations implementing the Atlantic Large Whale Take Reduction Plan (ALWTRP) by expanding the southeast U.S. restricted area to include waters out to 35 nautical miles from the South Carolina coast and modifying regulations pertaining to gillnetting within the southeast U.S. restricted area. The proposed action was determined to be necessary to protect northern right whales from serious injury or mortality from entanglement in gillnet gear in their calving area in Atlantic Ocean waters off the Southeastern U.S. With this notice, NMFS is reopening the public comment period for 15 days beginning January 16, 2007.

**DATES:** Written comments on this proposed rule must be received by 5 p.m. EST on January 31, 2007. Comments received between the close of the first comment period on December 15, 2006, and the reopening of the comment period on January 16, 2007 will be considered timely received.

**ADDRESSES:** Written comments should be identified by the Regulatory Information Number (RIN) “0648–AU90” and submitted by any of the following methods:

- E-mail: [sewhalerule.comments@noaa.gov](mailto:sewhalerule.comments@noaa.gov). Include RIN 0648–AU90 in the subject line of the message.
- Mail: Assistant Regional Administrator for Protected Resources, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.
- Facsimile (fax) to: 727–824–5309, Attn: Assistant Regional Administrator, Protected Resources, NMFS.
- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.