Processed Food Item

In an effort to make the definition of a processed food item clearer in the interim final rule, AMS modified the language in the proposed rule for fish and shellfish to provide specific examples of the types of processing that that would result in a product being considered a processed food item. Under the interim final rule, all cooked items (e.g., canned fish, cooked shrimp) and breaded products are considered processed food items and are excluded from coverage. In addition, retail items have given a distinct flavor (e.g., Cajun marinated catfish) are also considered processed food items. Should the Agency provide specific examples of the types of processing that would result in beef, lamb, pork, perishable agricultural commodity and peanut covered commodities being considered processed food items and excluded from coverage? Are there significant differences in the preparation of beef, lamb, pork, perishable agricultural commodities and peanuts for retail sale, compared to fish and shellfish, which the Agency should consider? Are the major components of the definition of a processed food item set forth in the interim final rule for fish and shellfish (i.e., change in character and/or combined with other substantive components) also applicable to beef, lamb, pork, perishable agricultural commodities and peanuts?

Country of Origin Notification

Under § 60.200 of the interim final rule for fish and shellfish, the requirements and procedures for labeling a covered commodity for country of origin are established. The interim final rule modified provision of the proposed rule by changing the labeling and notification requirements to simplify the labels and remain compliant and consistent with other existing Federal regulatory requirements. The interim final rule changed the requirements for the labeling of imported fish and shellfish covered commodities not substantially transformed in the United States, imported fish and shellfish covered commodities substantially transformed in the United States, and blended products (i.e., commingling of the same covered commodity). AMS seeks comments on the applicability of these requirements and procedures to beef, lamb, pork, perishable agricultural commodity and peanut covered commodities. Can the requirements contained in the interim final rule for fish and shellfish for determining the origin of imported products and products partially produced in a foreign country and imported into and further processed in the United States be used in whole or part? What would be the impact of applying the same or similar requirements for beef, lamb, pork, perishable agricultural commodity and peanut covered commodities?

Markings

Under § 60.300 of the interim final rule for fish and shellfish the types of markings permissible to label covered commodities are defined. AMS seeks comment on the established requirements for markings for all covered commodities which includes the type of labels allowed, placement, font, design, signs, location, and allowable abbreviations.

Recordkeeping Requirements

The recordkeeping requirements for retailers and suppliers are established under § 60.400 of the interim final rule for fish and shellfish. The interim final rule for fish and shellfish modified provisions of the proposed rule for fish and shellfish by significantly changing the record retention requirements of retailers and their suppliers. For example, the retention of records for a specific transaction was reduced from 2 years to 1 year for both retailers and suppliers for certain records. Additionally, records required to verify country of origin and method of production for fish and shellfish covered commodities at the retail site were reduced from 7 days following retail sale of the product to the timeframe the product is for sale. AMS seeks comment on the impact of applying the recordkeeping requirements of the interim final rule for this proposed rule for beef, lamb, pork, perishable agricultural commodity and peanut covered commodities. Of particular interest are comments on internal recordkeeping systems that beef, lamb, pork, perishable agricultural commodity and peanut covered commodity suppliers may use to comply with requirements for providing accurate country of origin information to retailers. Are the retention periods established for records to substantiate claims in the interim final rule for fish and shellfish reasonable for this proposed rule given the nature of the covered commodities? How will the recordkeeping requirements set forth in the interim final rule for fish and shellfish impact the initial and intermediary suppliers of beef, lamb, pork, perishable agricultural commodity and peanut covered commodities in the supply chain?

Timeframes for Products Produced Prior to the Implementation Date To Clear the Channels of Commerce

In the interim final rule, fish and shellfish covered commodities derived from fish and shellfish caught or harvested before December 6, 2004, were exempt from the mandatory COOL program. This provision was provided to allow products without source verification information produced prior to the implementation date (i.e., April 4, 2005) to clear the channels of commerce. Since harvest is a key component of determining origin, this provision allowed suppliers time to develop the necessary verification and recordkeeping systems to comply with the mandatory COOL program. That being said, should specific timeframes for exempting beef, lamb, pork, perishable agricultural commodity and peanut covered commodities without verifiable records produced prior to an implementation date be established in this proposed rule? If so, what should be the specific timeframe for each covered commodity?

Authority: 7 U.S.C. 1621 *et seq.*

Dated: June 14, 2007.

Lloyd C. Day,

Administrator, Agricultural Marketing Service.

[FR Doc. 07–3029 Filed 6–15–07; 8:53 am]

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 905 and 923

[Docket Nos. AMS–FV–07–0017; FV07–905–610 Review; and AMS–FV–07–0018; FV07–923–610 Review]

Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; and Sweet Cherries Grown in Designated Counties in Washington; 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 905 (Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida), and Marketing Order 923 (Sweet Cherries Grown in Designated Counties in Washington) under the criteria contained in section 610 of the Regulatory Flexibility Act (RFA).

DATES: Written comments on this notice must be received by August 20, 2007.

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: Christian Nissen, Southeast Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 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 citrus marketing order; and Robert Curry, 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: *Robert.Curry@usda.gov* regarding the Washington sweet cherry marketing order.

SUPPLEMENTARY INFORMATION: Marketing Order No. 905, as amended (7 CFR part 905), regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida. Marketing Order No. 923, as amended (7 CFR part 923), regulates the handling of sweet cherries grown in designated counties in Washington. 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. 905 and 923, under criteria contained in section 610 of the Regulatory Flexibility Act (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 purpose of the review will be to determine whether the marketing orders for Florida citrus and Washington sweet cherries should be continued without change, amendment, or termination (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 both of these marketing orders.

Written comments, views, opinions, and other information regarding the impact the Florida citrus and Washington sweet cherry marketing orders have on small businesses are invited.

Dated: June 14, 2007.

Lloyd C. Day,

Administrator, Agricultural Marketing Service.

[FR Doc. E7–11929 Filed 6–19–07; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 916 and 917

[Docket No. AMS–FV–07–0053; FV07–916/917–5 PR]

Nectarines and Peaches Grown in California; Decreased Assessment Rates

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rule would decrease the assessment rates established for the Nectarine Administrative Committee and the Peach Commodity Committee (committees) for the 2007–08 and subsequent fiscal periods from $0.21 to $0.06 per 25-pound container or container equivalent of nectarines and peaches handled. The committees locally administer the marketing orders that regulate the handling of nectarines and peaches grown in California. Assessments upon nectarine and peach handlers are used by the committees to fund reasonable and necessary expenses of the programs. The fiscal period runs from March 1 through the last day of February. The assessment rates would remain in effect indefinitely unless modified, suspended, or terminated.

DATES: Comments must be received by July 2, 2007.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. 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.* 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 can be viewed at: *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Jennifer Garcia, Marketing Specialist, or Kurt Kimmel, Regional Manager, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA; Telephone: (559) 487–5901, Fax: (559) 487–5906; or e-mail: *Jennifer.Garcia3@usda.gov* or *Kurt.Kimmel@usda.gov.*

Small businesses may request information on complying with this regulation by contacting Jay Guerber, 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, or e-mail: *Jay.Guerber@usda.gov.*

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Order Nos. 916 and 917, both as amended (7 CFR parts 916 and 917), regulating the handling of nectarines and peaches grown in California, respectively, hereinafter referred to as the ''orders.'' The orders are 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 Order 12866.