§ 920.26 Vacancies.
To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor for the unexpired term of such member or alternate member of the committee shall be selected by the Secretary after consideration of recommendations which may be submitted by the committee, unless such selection is deemed unnecessary by the Secretary. The selection shall be made on the basis of representation provided for in § 920.20.

7. Revise § 920.27 to read as follows:
§ 920.27 Alternate members.
An alternate member of the committee, during the absence of the member for whom that individual is an alternate, shall act in the place and stead of such member and perform such other duties as assigned. In the event both a member and his or her alternate are unable to attend a committee meeting, the committee may designate any other alternate member from the same district to serve in such member’s place and stead if necessary to secure a quorum. In the event of the death, removal, resignation, or disqualification of a member, the alternate of such member shall act for him or her until a successor for such member is selected and has qualified.

8. Revise § 920.32 to read as follows:
§ 920.32 Procedure.
(a) Eight members of the committee, or alternates acting for members, shall constitute a quorum, and any action of the committee shall require the concurring vote of the majority of those present: Provided, That actions of the committee with respect to expenses and assessments, research and promotion activities, or recommendations for regulations pursuant to §§ 920.50 through 920.55 of this part shall require at least eight concurring votes.

(b) Committee meetings may be assembled or held by telephone, video conference, or other means of communication. The committee may vote by telephone, facsimile, or other means of communication. Votes by members or alternates present at assembled meetings shall be considered an assembled meeting, and votes by those participating through video conference shall be considered as cast in person.
9. Add a new § 920.45 to read as follows:
§ 920.45 Contributions.
The committee may accept voluntary contributions, but these shall only be used to pay expenses incurred pursuant to § 920.47. Furthermore, such contributions shall be free from any encumbrances by the donor, and the committee shall retain complete control of their use.

10. Add a new § 920.47 to read as follows:
§ 920.47 Production research, marketing research and development.
The committee, with the approval of the Secretary, may establish or provide for the establishment of production and post-harvest research, and marketing research and development projects designed to assist, improve, or promote the marketing, distribution and consumption or efficient production of kiwifruit. The expense of such projects shall be paid from funds collected pursuant to §§ 920.41 and 920.45.

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DEPARTMENT OF AGRICULTURE
Agricultural Marketing Service

7 CFR Part 1218

[Document Number AMS–FV–09–0021; FV–09–704]

Blueberry Promotion, Research, and Information Order; Withdrawal of a Proposed Rule

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Withdrawal of proposed rule.

SUMMARY: This action withdraws a proposed rule published in the Federal Register on July 27, 2009 (74 FR 36955), to amend the Blueberry Promotion, Research, and Information Order (Order) by increasing the assessment rate on producers and importers who produce or import more than 2,000 pounds of highbush blueberries annually from $12 to $24 per ton. The Order is administered by the U.S. Highbush Blueberry Council (Council). Assessments are used by the Council to fund a nationally coordinated program of research, development, advertising, and promotion of highbush blueberries in the marketplace. The Council recommended increasing the assessment rate to expand its promotional and
research activities to bridge the potential gap between demand and future supply. Several comments were received in opposition to the proposed increase in assessment rate. Accordingly, based upon comments received, the proposed rule is being withdrawn.

DATES: The proposed rule published on July 27, 2009 (74 FR 36955) is withdrawn as of February 23, 2010.

FOR FURTHER INFORMATION CONTACT: Sonia Jimenez, Chief, Research and Promotion Branch, Fruit and Vegetable Programs, AMS, U.S. Department of Agriculture, Stop 0244, 1400 Independence Avenue, SW., Room 0632–S, Washington, DC 20250–0244; telephone: (888) 720–9917; facsimile: (202) 205–2800; or electronic mail: Sonia.jimenez@ams.usda.gov.

SUPPLEMENTARY INFORMATION: This rule is issued under the Blueberry Promotion, Research, and Information Order [7 CFR part 1218]. The Order is authorized under the Commodity Promotion, Research, and Information Act of 1996 [7 U.S.C. 7411–7425]. This action withdraws a proposed rule published in the Federal Register on July 27, 2009 (74 FR 36955), to amend the Order by increasing the assessment rate on producers and importers who produce or import more than 2,000 pounds of highbush blueberries annually from $12 to $24 per ton. The Council recommended this action to expand its promotional activities and add an advertising component to bridge the potential gap between highbush blueberry demand and future supply. Furthermore, it was the Council’s intent to use the additional revenue to strengthen existing consumer, food service, and food manufacturer publicity; to expand its health research; and to develop an educational campaign on good management practices and food safety within the United States as well as internationally.

During the comment period, July 27 through September 25, 2009, the Department of Agriculture received 45 timely comments. These comments may be viewed on the Internet at http://www.regulations.gov. Nineteen comments were opposed to increasing the assessment rate at this time and one comment supported a smaller increase of $18 per ton.

In summary, the opposing commenters expressed concern with doubling the assessment rate in light of current, poor economic conditions. Several commenters also argued that there is no need to increase the assessment rate because revenue should increase with the anticipated increase in production. Others raised concerns about growers being able to cover their production costs if the assessment rate doubled. Given the comments received, AMS agrees that the proposed rule increasing the assessment rate from $12 to $24 per ton should not be finalized. Therefore, the proposed rule is being withdrawn so as to allow further consideration by the Council. The Council should reconsider whether an increase in the assessment rate is appropriate, and if so, at what rate it should recommend any increase.

The proposed rule to amend the Order by increasing the assessment rate on producers and importers who produce or import more than 2,000 pounds of highbush blueberries annually from $12 to $24 per ton published in the Federal Register on July 27, 2009 (74 FR 36955), is hereby withdrawn.

List of Subjects in 7 CFR Part 1218

Administrative practice and procedure, Advertising, Consumer information, Marketing agreements, Blueberry promotion, Reporting and recordkeeping requirements.


Dated: February 17, 2010.

Rayne Pegg,
Administrator, Agricultural Marketing Service.

[FR Doc. 2010–3478 Filed 2–22–10; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 1218 and 1219


Blueberry and Hass Avocado Promotion, Research, and Information Orders; Section 610 Reviews

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of reviews and request for comments.

SUMMARY: This document announces the Agricultural Marketing Service’s (AMS) plans to review the Blueberry and Hass Avocado Promotion, Research, and Information Orders (Orders). Both reviews will be conducted under criteria contained in Section 610 of the Regulatory Flexibility Act (RFA).

DATES: Written comments must be received by April 26, 2010.

ADDRESSES: Interested persons are invited to submit written comments on the Internet at: http://www.regulations.gov or to the Research and Promotion Branch, Fruit and Vegetable Programs, AMS, USDA, Room 0632–S, Stop 0244, 1400 Independence Avenue, SW., Washington, DC 20250–0244; facsimile: (202) 205–2800. 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 above office during regular business hours or it can be viewed at http://www.regulations.gov.

FOR FURTHER INFORMATION CONTACT: Jeannette Palmer, Marketing Specialist, Research and Promotion Branch, Fruit and Vegetable Programs, AMS, USDA, Stop 0244, 1400 Independence Avenue, SW., Room 0632–S, Washington, DC 20250–0244; telephone: (888) 720–9917; facsimile: (202) 205–2800; or electronic mail: Jeannette.Palmer@ams.usda.gov regarding blueberries; or Maureen T. Pello, Marketing Specialist, Research and Promotion Branch, telephone: (503) 632–8848; facsimile (503) 632–8852; or electronic mail: Maureen.Pello@ams.usda.gov regarding avocados.


The Blueberry Order became effective on August 16, 2000. The Order is administered by the U.S. Highbush Blueberry Council (Council) with oversight by the Department of Agriculture (USDA). The program is funded by assessments on highbush (cultivated) blueberries grown in and imported into the United States. Producers and importers pay the assessment. The producer assessment is remitted by first handlers, and the importer assessment is remitted by the U.S. Customs and Border Protection (Customs). Producers and importers who produce or import less than 2,000 pounds of highbush blueberries annually are exempt from the program. The purpose of the Order is to finance a coordinated program of promotion, research, and information to maintain and expand the market for fresh and processed cultivated blueberries in the United States and abroad.