The rule continues in effect the changes that relaxed the size and grade requirements prescribed under the order. These changes allow additional late season fruit to be shipped to the fresh market, maximizing shipments and providing additional returns to both handlers and growers. This rule revises the provisions of section 905.306 by lowering the minimum size for interstate shipments of fresh Valencia and other late type oranges from 2½ inches to 2½ inches from May 15 to August 31 each season. This rule further revises section 905.306 by lowering the minimum grade for interstate shipments of Valencia and other late type oranges from a U.S. No. 1 to a U.S. No. 1 Golden from May 15, 2013, to June 14, 2013, and to a U.S. No. 2 external/U.S. No. 1 internal from June 15, 2013, to August 31, 2013. Authority for these changes is provided for in section 905.52.

This action does not impose any additional costs on the industry. However, it is anticipated that this action will have a beneficial impact. Relaxing size and grade requirements for Valencia and other late type oranges from May 15 to August 31 will make additional fruit available for shipment to the fresh market, providing the opportunity to supply the potential food service industry market. The Committee believes that relaxing the size and grade requirements provides an outlet for fruit that may otherwise go un-harvested. This action allows more fruit to be shipped to the fresh market and increases returns to both handlers and growers. The benefits of this rule are expected to be equally available to all fresh citrus growers and handlers, regardless of their size.

In accordance with the Paperwork Reduction Act of 1995, (44 U.S.C. Chapter 35), the order’s information collection requirements have been previously approved by the Office of Management and Budget (OMB) and assigned OMB No. 0581–0189, Generic Fruit Crops. No changes in those requirements as a result of this action are necessary. Should any changes become necessary, they would be submitted to OMB for approval.

This rule will not impose any additional reporting or recordkeeping requirements on either small or large Florida citrus handlers. 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. In addition, USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

Further, the Committee meeting was widely publicized throughout the Florida citrus industry. All interested persons were invited to attend the meeting and participate in Committee deliberations. Like all Committee meetings, the January 8, 2013, meeting was a public meeting. All entities, both large and small, were able to express their views on this issue.

Comments on the interim rule were required to be received on or before July 15, 2013. One comment in favor of the action was received. Therefore, for the reasons given in the interim rule, we are adopting the interim rule as a final rule, without change.

To view the interim rule, go to: http://www.regulations.gov/#!documentDetail;D=AMS-FV-13-0009-0001.

This action also affirms information contained in the interim rule concerning Executive Orders 12866 and 12988, the Paperwork Reduction Act (44 U.S.C. Chapter 35), and the E-Gov Act (44 U.S.C. 101).

After consideration of all relevant material presented, it is found that finalizing the interim rule, without change, as published in the Federal Register (78 FR 28115, May 14, 2013) will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 905

Grapefruit, Marketing agreements, Oranges, Reporting and recordkeeping requirements, Tangelos, Tangerines.

Accordingly, the interim rule that amended 7 CFR part 905, which was published at 78 FR 28115 on May 14, 2013, is adopted as a final rule, without change.

Dated: August 16, 2013.

Rex A. Barnes,
Associate Administrator, Agricultural Marketing Service.

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE
Agricultural Marketing Service

7 CFR Part 1207

[Document Number AMS–FV–13–0027]

Potato Research and Promotion Plan; Amend the Administrative Committee Structure and Delete the Board’s Mailing Address

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule amends the structure of the Administrative Committee (Committee) of the U.S. Potato Board (Board) and deletes the Board’s mailing address from the Potato Research and Promotion Plan. The Plan is administered by the Board with oversight by the U.S. Department of Agriculture (USDA). Under the Plan, there are seven Committee Vice-Chairperson positions. The Board has recommended that these positions be increased to nine. This change is intended to facilitate increased involvement in the Board’s leadership opportunities. Further, the Board’s office has been relocated and the address must be changed in the regulations. The deletion of the Board’s mailing address from the regulations will require no further amendment to the regulations if the Board’s office is relocated again.

DATES: Effective Date: August 23, 2013.

FOR FURTHER INFORMATION CONTACT: Patricia A. Petrella, Marketing Specialist, Promotion and Economics Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., Room 1406–S, Stop 0244, Washington, DC 20250–0244; telephone: (301) 334–2891; toll free (888) 720–9917; facsimile (202) 205–2800; or electronic mail: Patricia.Petrella@ams.usda.gov.

SUPPLEMENTARY INFORMATION: This rule is issued under the Potato Research and Promotion Plan (Plan) (7 CFR part 1207). The Plan is authorized under the Potato Research and Promotion Act (Act) (7 U.S.C. 2611–2627).

Executive Order 12866 and Executive Order 13563

Executive Order 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive order 13563 emphasizes the importance of quantifying both costs and benefits of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been designated as “non-significant regulatory action” under section 3(f) of Executive Order 12866. Accordingly, the Office of Management and Budget (OMB) has waived the review process.
Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 311 of the Act (7 U.S.C. 2620), a person subject to a plan may file a petition with USDA stating that such plan, any provision of such plan, or any obligation imposed in connection with such plan, is not in accordance with law and request a modification of such plan or to be exempted therefrom. Such person 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 such person is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA’s ruling on the petition, provided that a complaint is filed not later than 20 days after date of the entry of the ruling.

Background

This rule amends the structure of the Committee of the Board and deletes the Board’s mailing address from the regulations. The Plan is administered by the Board with oversight by USDA. Under the Plan, assessments are collected from handlers and importers and used for projects to promote potatoes and potato products.

This rule modifies the structure of the Board’s Administrative Committee as prescribed in the Plan by increasing the number of Vice-Chairperson positions on the Committee from seven to nine. These additional positions would be allocated, as provided in the Plan, to the Northwest and North Central caucuses. The Northwest district includes Alaska, Idaho, Montana, Oregon and Washington. The North Central district includes Illinois, Indiana, Iowa, Michigan, Missouri, Minnesota, North Dakota, Ohio, South Dakota, and Wisconsin. With this action, Board representation at the executive level for potato producers in the Northwest district increases from 28.5 percent to 33 percent and in the North Central district from 14 percent to 22 percent.

Section 1207.327(b) of the regulations provides the authority to the Board to make rules and regulations, with USDA approval, to effectuate the terms and conditions of the Plan. Section 1207.328(a) of the Plan provides the authority to the Board to select from its members such officers as may be necessary and to adopt such rules for the conduct of its business as the Board may deem advisable.

Section 1207.507(a) of the Plan’s administrative rules delineates the structure of the Board’s Administrative Committee. The Committee is selected from among Board members, and is composed mostly of producer members, with one or more importer member(s), and the public member. The Board, through the adoption of its bylaws, may prescribe the manner of selection and the number of members; exceed that the regulations mandate that the Committee shall include a Chairperson and a fixed number of Vice-Chairpersons. The change is intended to facilitate increased involvement in the Board’s leadership opportunities from the Northwest and North Central caucuses and possibly increase diversity at higher positions on the Board.

Prior to this change, the Plan provided for seven Vice-Chairperson positions on the Committee. Vice-Chairperson positions are allocated in the Board’s bylaws to represent production districts as determined by the Board. This action increases the number of Vice-Chairperson positions to nine. The additional Vice-Chairpersons would be allocated to the Northwest and North Central caucuses, which historically have been the caucuses with the greatest production.

The second change will delete the Board’s mailing address from the Plan’s rules and regulations. Section 1207.501 of the Plan specifies that all communications in connection with the Plan shall be directed to: National Potato Promotion Board, 7555 East Hampden Avenue, Suite 412, Denver, Colorado, 80231. The Board moved to a new location within Denver, Colorado. Therefore, this section would need to be amended. However, USDA is recommending that this section be deleted so no further amendment would be required if the Board moves its office in the future. Interested persons wanting to contact the Board can reach them through their Web site, Facebook, or smartphone application.

Board Recommendation

The Board met on March 14, 2013, and unanimously recommended amending the Committee structure of the Board and amending the Board’s mailing address from the Plan. This action would contribute to effective administration of the program.

Initial Regulatory Flexibility Act Analysis

In accordance with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), AMS is required to examine the impact of the rule on small entities. Accordingly, AMS has considered the economic impact of this action on small entities.

According to the Board, it is estimated that in 2013 there are about 2,500 producers, 1,030 handlers and 240 importers of potatoes and potato products who are subject to the provisions of the Plan.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions so that small businesses will not be disproportionately burdened. The Small Business Administration defines, in 13 CFR Part 121, small agricultural producers as those having annual receipts of no more than $750,000 and small agricultural service firms (domestic handlers and importers) as those having annual receipts of no more than $7.0 million. Under these definitions, the majority of the handlers, producers and importers that would be affected by this rule would be considered small entities.

This rule amends the structure of the Administrative Committee of the Board and deletes the Board’s mailing address from the regulations. The Plan is administered by the Board with oversight by the U.S. Department of Agriculture (USDA). As provided for in the regulations, there are seven Committee Vice-Chairperson positions. The Board has recommended that these positions be increased to nine Vice-Chairpersons. This change is intended to facilitate increased involvement in the Board’s leadership opportunities. The deletion of the Board’s mailing address will require no further amendment to the regulations if the Board’s office is relocated. The Board’s office is being relocated without the amendment to the regulations made in this final rule. A change to the regulations would be necessary.

This rule will amend section 1207.507(a) of the regulations by changing the number of Vice-Chairperson positions from seven to nine. Also, the Board’s office address will be removed from §1207.501 of the regulations.

Regarding the economic impact of this rule on affected entities, this action will impose no costs on producers, handlers, and importers as a result of this action. Both changes are administrative in nature; it would merely provide additional opportunities for increased involvement by producers in the Board’s leadership opportunities from the larger production areas.

Regarding alternatives, one option to the action would be to maintain the
status quo and not change the
Administrative Committee structure.
This will not alleviate the concerns
voiced by the Northwest and North
Central caucuses for more
representation and leadership
opportunities. The Board also
considered combining the Southwest
caucus into the Northwest caucus. The
Board concluded that this would cause
the Southwest producers to lose their
representation as there are more
Northwest producers and the available
seats could possibly be absorbed by all
Northwest producers. Therefore, the
recommendation was approved, as it
will allow greater opportunity for
producers from the Board’s two largest
caucus districts to become engaged in
the Board’s leadership structure. This
action will also make the representation
on the Board more equitable according
to production.

A proposed rule concerning this
action was published in the Federal
Register on June 28, 2013 (78 FR 38846).
The proposal was made available
through the Internet by USDA, the
Office of the Federal Register, and the
Board. A 15-day comment period
ending July 15, 2013, was provided to
allow interested persons to submit
comments.

Analysis of Comment

One comment was received in
response to the proposed rule. The
comment is addressed in the following
paragraphs. The commenter raised a
number of issues concerning the need
for the program to spend American tax
dollars and that another Federal
bureaucracy is unnecessary; retaining
the Board’s address in the regulatory
text; decreasing the number of Vice-
Chairpersons to five; and conducting
meetings by video or webinar.

One issue that the commenter raised
was that there is no need for the
program to spend American tax
dollars and that another Federal
bureaucracy is unnecessary. The program is paid for by
the potato industry through assessments
on domestic handlers and importers.
Research and promotion programs
overseen by USDA are self-help
programs funded by their respective
industry and do not receive taxpayer
funds. The Potato Research and
Promotion Program authorized by the
Potato Research and Promotion Act and
the Potato Research and Promotion Plan
itself was established in March 1972.

Another issue stated by the
commenter was that the Board’s address
should be retained in the regulatory
text. The Board’s mailing address from the regulatory text will
require no further amendments to the
regulations. The Board can easily be
contacted by using their Web site,
Facebook or smartphone application.
Further, the Board’s Web site in
addition to the USDA Web site contain
the Board’s address. In addition,
deleting the address is a cost savings
measure to the potato industry since no
further rulemaking will be necessary if
the Board moves its offices in the future.

The commenter also recommended
that the Vice-Chairpersons should be
decreased to five instead of nine as
proposed by the Board. The Board
recommended this change and
discussed it thoroughly at various
meetings. The change will facilitate
increased involvement in the Board’s
leadership opportunities from the
Northwest and North Central caucuses
and possibly increase diversity at higher
positions on the Board. Decreasing
the number of Vice-Chairpersons on the
Board would not accomplish the intent
of the change.

Finally, the commenter commented
that Board meetings should be on the
web and videoed for the public to view.
The Board meets in person once a year
and the Administrative Committee
meets three times a year. During certain
circumstances committees will meet by
teleconference. All meetings of the
Board are open to the public and
minutes of all the meetings are
available. Accordingly, based upon our
consideration of the comment received
no changes have been made to the
regulatory text.

In accordance with the Paperwork
Reduction Act of 1995 (44 U.S.C.
Chapter 35), the information collection
and recordkeeping requirements that are
imposed by the Order have been
approved previously under OMB
control number 0581–0093. This rule
will not result in a change to the
information collection and
recordkeeping requirements previously
approved and will impose no additional
reporting and recordkeeping burden on
potato producers, handlers, and importers.

As with all Federal promotion
programs, reports and forms are
periodically reviewed to reduce
information requirements and
duplication by industry and public
sector agencies. Finally, USDA has not
identified any relevant Federal rules
that duplicate, overlap, or conflict with
this 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.

Regarding outreach efforts, this action
was discussed by the Board at meetings
over the past year. Board members
discussed the changes with their
respective regions and received positive
feedback. The Board met in March 2013
and unanimously made its
recommendation. All of the Board’s
meetings, including meetings held via
teleconference, are open to the public
and interested persons are invited to
participate and express their views.

After consideration of all relevant
matters presented, including the
information and recommendation
submitted by the Board and other
available information, it is hereby found
that this rule, as hereinafter set forth,
will tend to effectuate the declared
policy of the Act.

It is further found that good cause
exists for not postponing the effective
date of this rule until 30 days after
publication in the Federal Register
(5 U.S.C. 553) because the Administrative
Committee is meeting on October 21,
2013, and it would be appropriate that
the additional Vice-Chairpersons should
be able to participate in those meetings.
In addition, the Board’s office has
already relocated so the address needs
to be deleted promptly. Further,
handlers, producers and importers are
aware of this rule, which was
recommended at a public meeting. Also,
a 15-day comment period was provided
for in the proposed rule.

List of Subjects in 7 CFR Part 1207
Advertising, Agricultural research,
Imports, Potatoes, Reporting and
recordkeeping requirements.

For the reasons set forth in the
preamble, 7 CFR part 1207 is amended
as follows:

PART 1207—POTATO RESEARCH
AND PROMOTION PLAN

1. The authority citation for 7 CFR
part 1207 continues to read as follows:
Authority: 7 U.S.C. 2611–2627 and 7
U.S.C. 7401.

§ 1207.507 [Removed and Reserved]
2. Section 1207.501 is removed and
reserved.
3. Section 1207.507(a) is revised to
read as follows:

§ 1207.507 Administrative Committee.
(a) The Board shall annually select
from among its members an
Administrative Committee composed of
producer members as provided for in
the Board’s bylaws, one or more
importer members, and the public
member. Selection shall be made in
such manner as the Board may

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prescribe: Except that such committee shall include the Chairperson and nine Vice-Chairpersons, one of whom shall also serve as the Secretary and Treasurer of the Board.

Dated: August 16, 2013.

Rex A. Barnes,
Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2013–20489 Filed 8–21–13; 8:45 am]
BILLING CODE 4310–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Amendment of Class E Airspace; Fort Polk, LA; Docket No. FAA–2013–0267; Airspace Docket No. 13–ASW–2]

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E airspace at Polk AAF, Fort Polk, LA. A small segment extending upward from 700 feet above the surface to accommodate new Area Navigation (RNAV) Standard Instrument Approach Procedures at Polk AAF, Fort Polk, LA. A small segment extends from the current 7.6-mile radius of the airport to 20.2 miles north of the airport to provide adequate controlled airspace for the safety and management of Instrument Flight Rule (IFR) operations at the airport. Geographic coordinates are also updated to coincide with the FAA’s aeronautical database.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA’s authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency’s authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends controlled airspace at Polk AAF, Fort Polk, LA.

ENVIRONMENTAL REVIEW

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, “Environmental Impacts: Policies and Procedures,” paragraph 311a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

ADOPTION OF THE AMENDMENT

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:


§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface

ASW LA E5 Fort Polk, LA [Amended]
Fort Polk, Polk AAF, LA
(Lat. 31°02′41″ N., long. 93°11′30″ W.)
Polk VORTAC
(Lat. 31°06′42″ N., long. 93°13′04″ W.)

That airspace extending upward from 700 feet above the surface within a 7.6-mile radius of Polk AAF, and within 8 miles west and 4 miles east of each side of the 340° radial from the Polk VORTAC extending from the 7.6-mile radius to 20.2 miles north of the airport, excluding that airspace within restricted areas R–3803A, R–3804A, and R–3804B.

Issued in Fort Worth, Texas, on August 12, 2013.

David P. Medina,
Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2013–20379 Filed 8–21–13; 8:45 am]
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