

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.

Accordingly, this action will not impose any additional reporting or recordkeeping requirements on either small or large Florida avocado 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.

As noted in the initial regulatory flexibility analysis, USDA has not identified any relevant Federal rules that duplicate, overlap or conflict with this final rule. However, as previously stated, imported avocados and those shipped within the production area must meet the applicable requirements for grade, as specified in the United States Standards for Grades of Florida Avocados (7 CFR 51.3050 through 51.3069) issued under the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 through 1627).

Further, the Committee's meeting was widely publicized throughout the Florida avocado industry, and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the June 12, 2013, meeting was a public meeting. All entities, both large and small, were able to express views on this issue.

A proposed rule concerning this action was published in the **Federal Register** on June 23, 2014 (79 FR 35498). Copies of the rule were mailed or sent via facsimile to all Committee members and Florida avocado handlers. Finally, the rule was made available through the Internet by USDA and the Office of the Federal Register. A 30-day comment period ending July 23, 2014, was provided to allow interested persons to respond to the proposal. No comments were received. Accordingly, no changes will be made to the rule as proposed.

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/MarketingOrdersSmallBusinessGuide>. Any questions about the compliance guide should be sent to Jeffrey Smutny at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant matter presented, including the information and recommendation submitted by the Committee 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.

In accordance with section 8e of the Act, the United States Trade Representative has concurred with the issuance of this final rule.

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 Florida avocado handlers began shipping in mid-May, and the technical correction to the import regulation is to clarify that the grade requirement is unchanged. In addition, handlers are aware of this rule, which was recommended at a public meeting. Also, a 30-day comment period was provided for in the proposed rule.

**List of Subjects**

*7 CFR Part 915*

Avocados, Marketing agreements, Reporting and recordkeeping requirements.

*7 CFR Part 944*

Avocados, Food grades and standards, Grapefruit, Grapes, Imports, Kiwifruit, Limes, Olives, Oranges.

For the reasons set forth in the preamble, 7 CFR parts 915 and 944 are amended as follows:

**PART 915—AVOCADOS GROWN IN SOUTH FLORIDA**

- 1. The authority citation for 7 CFR part 915 continues to read as follows:

**Authority:** 7 U.S.C. 601–674.

- 2. In § 915.306, paragraph (a)(1) is revised to read as follows:

**§ 915.306 Florida avocado grade, pack, and container marking regulation.**

(a) \* \* \*

(1) Such avocados grade at least U.S. Combination, except that avocados handled to destinations within the production area grade at least U.S. No. 2.

\* \* \* \* \*

**PART 944—FRUITS; IMPORT REGULATIONS**

- 3. The authority citation for 7 CFR part 944 continues to read as follows:

**Authority:** 7 U.S.C. 601–674.

- 4. In § 944.28, paragraph (a) is revised to read as follows:

**§ 944.28 Avocado Import Grade Regulation.**

(a) Pursuant to section 8e of the Act and Part 944—Fruits; Import Regulations, the importation into the United States of any avocados is

prohibited unless such avocados grade at least U.S. No. 2, as such grade is defined in the United States Standards for Grades of Florida Avocados (7 CFR 51.3050 through 51.3069).

\* \* \* \* \*

Dated: November 5, 2014.

**Rex A. Barnes,**

*Associate Administrator, Agricultural Marketing Service.*

[FR Doc. 2014–26663 Filed 11–10–14; 8:45 am]

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**DEPARTMENT OF AGRICULTURE**

**Agricultural Marketing Service**

**7 CFR Part 945**

[Doc. No. AMS–FV–14–0046; FV14–945–2 FIR]

**Irish Potatoes Grown in Certain Designated Counties in Idaho, and Malheur County, Oregon; Modification of Container Requirements**

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

**ACTION:** Affirmation of interim rule as final rule.

**SUMMARY:** The Department of Agriculture (USDA) is adopting, as a final rule, without change, an interim rule that modified the container requirements prescribed under the Idaho-Eastern Oregon potato marketing order. The interim rule removed the requirement that fiberboard cartons used to pack 50-pound quantities of U.S. No. 2 grade potatoes be of one-piece construction. This change is in response to market demands and provides handlers flexibility in shipping U.S. No. 2 grade potatoes. In addition, this rule corrected a citation reference in the handling regulations.

**DATES:** Effective November 13, 2014.

**FOR FURTHER INFORMATION CONTACT:** Sue Coleman, Marketing Specialist, or Gary D. Olson, Regional Director, Northwest Marketing Field Office, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA; Telephone: (503) 326–2724, Fax: (503) 326–7440, or Email: [Sue.Coleman@ams.usda.gov](mailto:Sue.Coleman@ams.usda.gov) or [GaryD.Olson@ams.usda.gov](mailto:GaryD.Olson@ams.usda.gov).

Small businesses may obtain information on complying with this and other marketing order and agreement regulations by viewing a guide at the following Web site: <http://www.ams.usda.gov/MarketingOrdersSmallBusinessGuide>; or by contacting Jeffrey Smutny, 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.Smutny@ams.usda.gov](mailto:Jeffrey.Smutny@ams.usda.gov).

**SUPPLEMENTARY INFORMATION:** This rule is issued under Marketing Agreement No. 98 and Marketing Order No. 945, both as amended (7 CFR part 945), regulating the handling of Irish potatoes grown in certain designated counties in Idaho, and Malheur County, Oregon, 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 USDA is issuing this rule in conformance with Executive Orders 12866, 13563, and 13175.

The handling of Irish potatoes grown in certain designated counties in Idaho, and Malheur County, Oregon is regulated by 7 CFR part 945. Prior to this change, handlers could only pack 50-pound quantities of U.S. No. 2 grade potatoes in a one-piece fiberboard carton. These one-piece cartons were often damaged in transit and were more expensive to purchase. Therefore, this rule continues in effect the rule that removed the container requirement that fiberboard cartons used to pack 50-pound quantities of U.S. No. 2 grade potatoes be of one-piece construction. Additionally, this rule corrected a citation reference in the order’s handling regulations.

In an interim rule published in the **Federal Register** on August 6, 2014, and effective on August 7, 2014, (79 FR 45673, Doc. No. AMS-FV-14-0046, FV14-945-2 IR), § 945.341(c)(2)(ii) was amended by removing the word “one-piece” and § 945.341(b)(3)(i) and (ii) were amended by replacing the reference “(b)(4)(iii)” with the reference “(b)(3)(iii)”.

#### Final Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601-612), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially

small entities acting on their own behalf.

There are approximately 450 producers of potatoes in the production area and approximately 32 handlers subject to regulation under the marketing order. Small agricultural producers are defined by the Small Business Administration (SBA) as those having annual receipts of less than \$750,000, and small agricultural service firms are defined as those whose annual receipts are less than \$7,000,000 (13 CFR 121.201).

During the 2012-2013 fiscal period, the most recent for which statistics are available, 35,148,900 hundredweight of Idaho-Eastern Oregon potatoes were inspected under the order and sold into the fresh market. Based on information provided by the National Agricultural Statistics Service, the average producer price for the 2012 Idaho potato crop was \$5.30 per hundredweight. Multiplying \$5.30 by the shipment quantity of 35,148,900 hundredweight yields an annual crop revenue estimate of \$186,289,170. The average annual fresh potato revenue for each of the 450 producers is therefore calculated to be \$413,396 (\$186,289,170 divided by 450), which is less than the SBA threshold of \$750,000. Consequently, on average almost all of the Idaho-Eastern Oregon potato producers may be classified as small entities.

In addition, based on information reported by USDA’s Market News Service, the average f.o.b. shipping point price for the 2012 Idaho potato crop was \$5.87 per hundredweight. Multiplying \$5.87 by the shipment quantity of 35,148,900 hundredweight yields an annual crop revenue estimate of \$206,324,043. The average annual fresh potato revenue for each of the 32 handlers is therefore calculated to be \$6,447,626 (\$206,324,043 divided by 32), which is less than the SBA threshold of \$7,000,000. Consequently, on average most all of the Idaho-Eastern Oregon potato handlers may be classified as small entities.

This rule continues in effect the action that relaxed the container requirements to allow handlers to ship U.S. No. 2 grade potatoes in any type of 50-pound fiberboard cartons of natural kraft color, provided the cartons are permanently and conspicuously marked as to grade. This will enable handlers to respond to market demands and provide greater flexibility in shipping U.S. No. 2 grade potatoes. In addition, this rule makes changes to the order’s handling regulations to correct a citation reference.

The authority for the establishment of pack and marking requirements is

provided in § 945.52 of the order.

Section 945.341(c) of the order’s administrative rules prescribes the pack and marking requirements for domestic and export shipments of potatoes.

This action is expected to increase shipments of U.S. No. 2 potatoes to the food service industry and help the Idaho-Eastern Oregon potato industry benefit from the recent increased growth in demand from the food service industry sector. The benefits of this rule are not expected to be disproportionately greater or lesser for small entities than large entities.

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. 0581-0178 (Generic Vegetable and Specialty 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 potato 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’s meeting was widely publicized throughout the Idaho-Eastern Oregon potato industry and all interested persons were invited to attend the meeting and participate in Committee deliberations. Like all Committee meetings, the April 22, 2014, meeting was a public meeting and 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 October 6, 2014. No comments were 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-14-0046-0001>.

This action also affirms information contained in the interim rule concerning Executive Orders 12866, 12988, 13175, and 13563; 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** (79 FR 45673, August 6, 2014) will tend to effectuate the declared policy of the Act.

#### List of Subjects in 7 CFR Part 945

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

■ Accordingly, the interim rule that amended 7 CFR part 945 and that was published at 79 FR 45673 on August 6, 2014, is adopted as a final rule, without change.

Dated: November 5, 2014.

**Rex A. Barnes,**

*Associate Administrator, Agricultural Marketing Service.*

[FR Doc. 2014-26679 Filed 11-10-14; 8:45 am]

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## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 1206

[Document Number AMS-FV-14-0047]

#### Mango Promotion, Research, and Information Order; 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 Mango Promotion, Research, and Information Order (Order) under criteria contained in section 610 of the Regulatory Flexibility Act (RFA). Based upon its review, AMS concluded that there is a continued need for the Order.

**DATES:** This confirmation is effective November 12, 2014.

**ADDRESSES:** Interested persons may obtain a copy of the review on the Internet at: <http://www.regulations.gov> or request a copy from the Promotion and Economics Division, Fruit and Vegetable Program, AMS, U.S. Department of Agriculture (USDA or Department), 1400 Independence Avenue SW., Room 1406-S, Stop 0244, Washington, DC 20250-0244; facsimile: (202) 205-2800 or electronic mail: [Jeanette.Palmer@ams.usda.gov](mailto:Jeanette.Palmer@ams.usda.gov).

**FOR FURTHER INFORMATION CONTACT:** Jeanette Palmer, 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: (202) 720-9915; facsimile: (202) 205-

2800; or electronic mail: [Jeanette.Palmer@ams.usda.gov](mailto:Jeanette.Palmer@ams.usda.gov).

**SUPPLEMENTARY INFORMATION:** The Order (7 CFR part 1206) is authorized under the Commodity Promotion, Research, and Information Act of 1996 (Act) (7 U.S.C. 7411-7425).

The Order became effective on November 3, 2004. It is administered by the National Mango Board (Board) with oversight by the Department. The program is financed by an assessment of three-quarters of a cent per pound on first handlers and importers of 500,000 pounds or more of mangos annually. The Order specifies that first handlers are responsible for submitting assessments to the Board on a monthly basis and maintaining records necessary to verify their reporting. Importers are responsible for paying assessments on mangos imported for consumption in the United States through the U.S. Customs and Border Protection. The purpose of the Order is to carry out an effective, continuous, and coordinated program of promotion, research, and information designed to strengthen mangos' competitive position, and to maintain and expand the domestic market for mangos.

The Board is composed of 18 members as follows: 8 importers; 2 domestic producers; 1 first handler; and 7 foreign producers. Nominations for importer, domestic producer, and first handler members are solicited by importers, domestic producers, and first handlers, respectively. Nominations for foreign producer members are solicited from foreign producers and foreign producer associations. Members are appointed to the Board by the Secretary of Agriculture and serve a term of three years.

There are approximately 190 importers and 5 first handlers of mangos subject to the provisions of the Order. The majority of importers, first handlers and producers may be classified as small entities.

AMS published in the **Federal Register** on March 24, 2006, (71 FR 14827) its plan to review certain regulations, including the mango program, under criteria contained in section 610 of the RFA (5 U.S.C. 601-612). Because many AMS regulations impact small entities, AMS 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.

AMS published a notice of review and request for written comments in the **Federal Register** on June 20, 2014 (79 FR 35296). The comment period ended

on August 19, 2014. Three comments were received in response to the notice and are discussed later in this document.

The review was undertaken to determine whether the Order should be continued without change, amended, or rescinded (consistent with the objectives of the Act) to minimize the impacts on small entities. AMS considered the following factors: (1) The continued need for the Order; (2) the nature of complaints or comments received from the public concerning the Order; (3) the complexity of the Order; (4) the extent to which the Order 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 Order has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the Order.

*Continued Need for the Order.* Based on its review, the Department has concluded that there is a continued need for the Order. Numerous benefits to the mango industry would likely not be achieved without the research and promotion collectively funded through the Order. The Board continues to conduct useful research projects on various aspects of mango production, processing, and nutritional impacts. Examples of recent studies include potential beneficial impacts of mango consumption on mitigating diseases such as diabetes, breast cancer and colon cancer.

An impact study conducted in 2010<sup>1</sup> reviewed the Board's investment in developing a database for monitoring potential and actual mango consumers, and found that the data is quite useful for economic research and for other analytical purposes. The economic data was used for evaluating NMB program impacts on mango demand, and concluded that the impact was significant.

The majority of mangos consumed in the United States are imported and the study reported that the value of U.S. mango imports grew from \$169 million to \$217 million during the period covered by the study, 2005 through 2009. The growth in value was the result of both higher prices and greater volumes imported.

*Nature of Complaints and Comments.* The three public comments received are discussed in the following paragraphs.

<sup>1</sup> "Evaluating the National Mango Board's Programs for Impact on U.S. Demand for Mangos," Ronald L. Ward.