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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Docket No. AMS-CN-08-0003; CN-07-009]

Cotton Research and Promotion Program: Determination of Whether To Conduct a Referendum Regarding the 1990 Amendments to the Cotton Research and Promotion Act

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces the U.S. Department of Agriculture's (USDA) determination not to conduct a continuance referendum regarding the 1991 amendments to the Cotton Research and Promotion Order (Order) provided for in the Cotton Research and Promotion Act (Act) amendments of 1990. This determination is based on the results of a sign-up period conducted September 3 through November 30, 2007, during which eligible cotton producers and importers were provided an opportunity to request a continuance referendum.

FOR FURTHER INFORMATION CONTACT: Shethir Riva, Chief, Cotton Research and Promotion Staff, Cotton Program, AMS, USDA, STOP 0224, 1400 Independence Avenue, SW., Washington, DC 20250-0224, Telephone (202) 720-2259, Facsimile (202) 690-1718 or e-mail Shethir.Riva@usda.gov.

SUPPLEMENTARY INFORMATION: During the period of September 3 through November 30, 2007, pursuant to section 8(c)(1) of the Act, USDA provided an opportunity for eligible cotton producers and importers to request a continuance referendum regarding the 1991 amendments to the Order provided for in the Act. Sign-up period results showed that USDA received 107 valid requests from eligible producers and importers. The following table depicts

the number of requests for a continuance referendum.

FSA State office	Sign-up request
Alabama	8
Arizona	0
Arkansas	11
California	0
Florida	1
Georgia	0
Illinois	0
Kansas	0
Kentucky	0
Louisiana	0
Maryland	0
Mississippi	2
Missouri	0
Nevada	0
New Mexico	0
North Carolina	3
Oklahoma	0
South Carolina	0
Tennessee	55
Texas	8
Virginia	0
Importers	19
Total	107

Section 8(c)(2) of the Act, provides that following a sign-up period, USDA shall conduct a referendum upon the request of 10 percent or more of the number of cotton producers and importers voting in the most recent referendum (1991). This would require 10 percent or 4,622 (46,220X.10 = 4,622) of the 46,220 valid ballots cast by cotton producers and importers in the July 1991 referendum. It is further provided that, in counting such request not more than 20 percent or 924 may be from producers from any one state or importers of cotton.

USDA finds that the results of the sign-up period did not meet the criteria requiring a continuance referendum by the Act. USDA bases this determination on the fact that the 107 requests received during the sign-up period is less than the 4,622 required.

Background

The 1991 amendments to the Order (7 CFR part 1205 *et seq.*) were implemented following the July 1991 referendum. The 1990 amendments were provided for in the Act (7 U.S.C. 2101-2118). These amendments provided for: (1) Importer representation on the Cotton Board by an appropriate number of persons, to be determined by USDA, who import cotton or cotton products into the U.S. and whom USDA

selects from nominations submitted by importer organization certified by USDA; (2) assessments levied on imported cotton and cotton products at a rate determined in the same manner as for U.S. cotton; (3) increasing the amount USDA can be reimbursed for the conduct of a referendum from \$200,000 to \$300,000; (4) reimbursing government agencies that assist in administering the collection of assessments on imported cotton and cotton products; and (5) terminating the right of producers to demand a refund of assessments.

On July 9, 1991, (56 FR 31289) AMS issued a proposal to amend the Order to determine if a majority, 50 percent or more, of producers and importers favored implementation of the proposed amendments to the Order. USDA conducted a referendum (July 1991) among persons who had been cotton producers or cotton importers during a representative period. Results of the July 1991 referendum showed that of the 46,220 valid ballots received; 27,879 or 60 percent of the persons voting favored the amendments to the Order and 18,341 or 40 percent opposed the amendments.

Following the July 1991 referendum, AMS implemented the amendments. In addition to the previously discussed amendments to the Act and Order, USDA is required by section 8(c)(1) to: (1) Conduct a review once every 5 years after the anniversary date of the referendum implementing the 1990 Act amendments to determine whether a referendum is necessary and (2) make public the results of such a review within 60 days after each fifth anniversary date of the 1991 implementing referendum. Should the review indicate that a referendum is needed USDA is directed to conduct the referendum within 12 months after a public announcement of review results.

Should the review indicate that a referendum is not warranted, section 8(c)(2) includes provisions for producers and importers to request a continuance referendum through a sign-up period.

In 1996 and 2001, pursuant to the Act, USDA issued the results of its 5-year reviews of the Cotton Research and Promotion Program. In both reviews, the Department prepared reports that described the impact of the Cotton Research and Promotion Program on the cotton industry and the views of those

receiving its benefits, and in both instances, USDA announced its view not to conduct a referendum regarding the 1991 amendments to the Order (61 FR 52772 & 67 FR 1714) and subsequently held sign-up periods for all eligible persons to request a continuance referendum on the 1990 Act amendments. The results of both respective sign-up periods did not meet the criteria as established by the Act for a continuance referendum and, therefore, referenda were not conducted.

In 2006, the Department again prepared a 5-year report that described the impact of the Cotton Research and Promotion Program on the cotton industry. The review report is available upon written request to the Chief of the Cotton Research and Promotion Staff at the address provided above. Comments were solicited from all interested parties including from persons who pay the assessments as well as from organizations representing cotton producers and importers (71 FR 13808; March 17, 2006). Economic data was also reviewed in order to report on the general climate of the cotton industry. Finally, a number of independent sources of information were reviewed to help identify perspectives from outside the program including the results of independent program evaluations assessing the effects of the Cotton Research and Promotion Program activities on demand for Upland cotton, return-on-investment to cotton producers, the benefit-cost ratio to companies who import cotton products and raw cotton, and the overall rate-of-return and qualitative benefits and returns associated with the Cotton Research and Promotion Program. The review report cited that the 1990 amendments to the Act were successfully implemented and are operating as intended. The report also noted that there is a consensus within the cotton industry that the Cotton Research and Promotion Program and the 1990 amendments to the Act are operating as intended. Written comments, economic data, and results from independent evaluations support this conclusion. Industry comments cited examples of how the additional funding has yielded benefits by increasing the demand and consumption for cotton. Of the 15 comments received, only one commenter, who represents cotton importers, argued for a referendum on the 1990 Act amendments.

USDA found no compelling reason to conduct a referendum regarding the 1990 Act amendments to the Cotton Research and Promotion Order although some program participants support a

referendum. Therefore, USDA allowed all eligible persons to request the conduct of a continuance referendum on the 1990 amendments through a sign-up period.

With this announcement of the results of the sign-up period, USDA has completed all requirements set forth in section 8(c) (1) and (2) of the Act regarding the review of the Cotton Research and Promotion Program to determine if a continuance referendum is warranted. A referendum will not be conducted, and no further actions are planned in connection with this review.

Authority: 7 U.S.C. 2101–2118.

Dated: January 24, 2008.

Lloyd C. Day,

Administrator, Agricultural Marketing Service.

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2007–0128]

Notice of Decision to Issue Permits for the Importation of Sweet Cherries From Australia Into the Continental United States and Hawaii

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public of our decision to begin issuing permits for the importation into the continental United States and Hawaii of sweet cherries from Australia. Based on the findings of a pest risk analysis, which we made available to the public for review and comment through a previous notice, we believe that the application of one or more designated phytosanitary measures will be sufficient to mitigate the risks of introducing or disseminating plant pests or noxious weeds via the importation of sweet cherries from Australia.

EFFECTIVE DATE: January 30, 2008.

FOR FURTHER INFORMATION CONTACT: Ms. Donna L. West, Senior Import Specialist, Commodity Import Analysis and Operations, Plant Health Programs, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1231; (301) 734–8758.

SUPPLEMENTARY INFORMATION: Under the regulations in “Subpart—Fruits and Vegetables” (7 CFR 319.56 through 319.56–47, referred to below as the regulations), the Animal and Plant

Health Inspection Service (APHIS) of the U.S. Department of Agriculture prohibits or restricts the importation of fruits and vegetables into the United States from certain parts of the world to prevent plant pests from being introduced into and spread within the United States.

Section 319.56–4 of the regulations contains a performance-based process for approving the importation of commodities that, based on the findings of a pest risk analysis, can be safely imported subject to one or more of the designated phytosanitary measures listed in paragraph (b) of that section. Under that process, APHIS publishes a notice in the **Federal Register** announcing the availability of the pest risk analysis that evaluates the risks associated with the importation of a particular fruit or vegetable. Following the close of the 60-day comment period, APHIS may begin issuing permits for importation of the fruit or vegetable subject to the identified designated measures if: (1) No comments were received on the pest risk analysis; (2) the comments on the pest risk analysis revealed that no changes to the pest risk analysis were necessary; or (3) changes to the pest risk analysis were made in response to public comments, but the changes did not affect the overall conclusions of the analysis and the Administrator’s determination of risk.

In accordance with that process, we published a notice¹ in the **Federal Register** on October 12, 2007 (72 FR 58047–58048, Docket No. APHIS–2007–0128), in which we announced the availability, for review and comment, of a pest risk analysis that evaluates the risks associated with the importation into the continental United States and Hawaii of sweet cherries from Australia. We solicited comments on the notice for 60 days ending on December 11, 2007. We received one comment by that date, from a representative of Australia’s Department of Agriculture, Fisheries and Forestry.

The commenter supported the findings of the pest risk analysis, but noted that her agency has concerns regarding the commercial viability of one of the treatment options we spelled out for Australian cherries. The commenter stated that the methyl bromide fumigation followed by cold treatment is considered by the Australian industry to damage the fruit and could thus reduce its commercial appeal. Based on those concerns, the

¹ To view the notice, the pest risk analysis, and the comment we received, go to <http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2007-0128>.