Federal Register

Vol. 76, No. 208

Thursday, October 27, 2011

Rules and Regulations

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 2

Revision of Delegations of Authority

AGENCY: Office of the Secretary, USDA.

ACTION: Final rule.

SUMMARY: This document amends the delegation of authority from the Secretary of Agriculture to the Director of the Office of Communications to serve as the central information authority for emergency public information activities. The Secretary further delegates to the Director of the Office of Communications the authority to serve as the central authority for the Department and agency strategic communications plans.

DATES: This rule is effective October 27, 2011.

FOR FURTHER INFORMATION CONTACT: Ronald N. DeMunbrun, Office of Communications Budget Officer, (202) 400–0827, *ron.demunbrun@oc.usda.gov.*

SUPPLEMENTARY INFORMATION: Effective June 6, 2010, the Secretary of Agriculture (Secretary) implemented within USDA a reorganization of the Office of Communications (OC), led by the Director of OC. This rulemaking amends USDA's delegations of authority at 7 CFR 2.36 principally to reflect this reorganization. Under the reorganized structure, the Director of OC assumes responsibility for USDA's strategic communications planning process. The Director of OC provides Departmental executive leadership in developing and implementing USDA's communications strategies for the Secretary and the agencies, including oversight of creative elements, production, and communications products.

This rule also amends the delegations of authority at 7 CFR 2.36 to reflect that the Director of OC is delegated authority, when required under the National Incident Management System (NIMS), to establish and administer a Joint Information Center (JIC) to provide a structure for developing and delivering incident-related coordinated messages.

This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553(a)(2), notice of proposed rulemaking and opportunity for comment are not required, and this rule may be made effective less than 30 days after publication in the **Federal Register**. Further, because this rule relates to internal agency management, it is exempt from the provisions of Executive Order 12866. Finally, this action is not a rule as defined by the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq,* and is, therefore, exempt from the provisions of the Act. Accordingly, as authorized by 5 U.S.C. 808, this rule may be made effective upon publication. This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq*).

List of Subjects in 7 CFR Part 2

Authority Delegations (Government agencies).

Accordingly, Subtitle A of Title 7 of the Code of Federal Regulations is amended as set forth below:

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

■ 1. The authority citation for part 2 continues to read as follows:

Authority: 7 U.S.C. 6912(a): 5 U.S.C. 301; Reorganization Plan No. 2 of 1953, 3 CFR 1949–1953 Comp., p. 1024.

Subpart D—Delegations of Authority to Other General Officers and Agency Heads

■ 2. Amend § 2.36 as follows:

■ a. Revise paragraph (a)(2)(iv); and

■ b. Add new paragraphs (a)(2)(xii) and (a)(2)(xiii), to read as follows:

§ 2.36 Director, Office of Communications.

(a) * * *

(2) * * *

(iv) Serve as the central public information authority in the USDA, with authority to determine policy for all USDA and Agency communication activities, as well as emergency public information and messaging communication activities, in order to provide leadership and centralized operational direction for all USDA public information activities and ensure all materials shall effectively support USDA policies and programs, including the defense program.

* * * * *

(xii) Serve as the central authority to determine policy, plans, procedures, and standards for the Department and agency strategic communications plans; request, receive, review, and approve agency communications plans; and provide centralized communication strategies for the Secretary and agencies, including the creativity, production, and oversight of communication products.

(xiii) When required, support and coordinate staffing of a JIC as identified in the NIMS, and if required, establish and administer a JIC to provide a structure for developing and delivering incident-related coordinated messages.

* * * * *

Signed in Washington, DC, this day: October 21, 2011.

Thomas J. Vilsack,

Secretary of Agriculture.

[FR Doc. 2011–27760 Filed 10–26–11; 8:45 am]

BILLING CODE 3411–N8–P

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 2

Revision of Delegations of Authority

AGENCY: Office of the Secretary, USDA.

ACTION: Final rule.

SUMMARY: This document amends the delegation of authority from the Secretary of Agriculture to the Director of the Office of Communications to serve as the central authority for the creation and use of logos/marks not otherwise provided for by specific laws and regulations, and excluding the Official USDA Seal and Official USDA Symbol.

DATES: This rule is effective October 27, 2011.

FOR FURTHER INFORMATION CONTACT: Ronald N. DeMunbrun, Office of

Communications Budget Officer, (202) 360–3962.

SUPPLEMENTARY INFORMATION: This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553(a)(2), notice of proposed rulemaking and opportunity for comment are not required, and this rule may be made effective less than 30 days after publication in the **Federal Register**. Further, because this rule relates to internal agency management, it is exempt from the provisions of Executive Order No. 12866. Finally, this action is not a rule as defined by the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* and is, therefore, exempt from the provisions of the Act. Accordingly, as authorized by 5 U.S.C. 808, this rule may be made effective upon publication.

This rule contains no information collection or recordkeeping requirements under the Paper Reduction Act of 1995 (44 U.S.C. 3501 *et. seq*).

List of Subjects in 7 CFR Part 2

Authority Delegations (Government agencies).

Accordingly, Subtitle A of Title 7 of the Code of Federal Regulations is amended as set forth below:

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

■ 1. The authority citation for part 2 continues to read as follows:

Authority: 7 U.S.C. 6912(a): 5 U.S.C. 301; Reorganization Plan No. 2 of 1953, 3 CFR 1949–1953 Comp. p. 1024.

Subpart D—Delegation of Authority to Other General Officers and Agency Heads

■ 2. Amend § 2.36 by adding a new paragraph (a)(2)(xiv), to read as follows:

§ 2.36 Director, Office of Communications.

(a) * * *

(2) * * *

(xiv) Serve as the central authority to determine policy, plans, procedures, guidelines, and standards for the creation and use of logos/marks by the Department's mission areas, staff offices or agencies, not otherwise provided for by specific laws and regulations, and excluding the Official USDA Seal and Official USDA Symbol.

* * * * *

Signed in Washington, DC, on October 21, 2011.

Thomas J. Vilsack,

Secretary of Agriculture.

[FR Doc. 2011–27759 Filed 10–26–11; 8:45 am]

BILLING CODE 3411–N8–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 916 and 917

[Doc. No. AMS–FV–11–0018; FV11–916/917–4 FR]

Nectarines and Fresh Peaches Grown in California; Termination of Marketing Order 916 and the Peach Provisions of Marketing Order 917

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule, termination of order.

SUMMARY: This final rule terminates the Federal marketing orders regulating the handling of nectarines and fresh peaches grown in California (orders) and the rules and regulations issued thereunder. The Department of Agriculture (USDA) has determined that these marketing orders are no longer an effective marketing tool for the handling of nectarines and fresh peaches grown in California and that termination best serves the current needs of the industry while also eliminating the costs associated with the operation of the marketing orders.

DATES: *Effective Date:* October 28, 2011.

FOR FURTHER INFORMATION CONTACT: Jerry L. Simmons, Marketing Specialist, or Kurt J. Kimmel, Regional Manager, California Marketing Field Office, Marketing Order and Agreements Division, Fruit and Vegetable Programs, AMS, USDA; Telephone: (559) 487–5901; Fax: (559) 487–5906; or Email: *Jerry.Simmons@ams.usda.gov* or *Kurt.Kimmel@ams.usda.gov.*

Small businesses may request information on complying with this regulation by contacting Laurel May, Marketing Order and Agreements Division, 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 Email: *Laurel.May@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: This action is governed by Section 608c(16)(A) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act'' and 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.''

USDA is issuing this rule in conformance with Executive Order 12866.

This final rule to terminate the orders has been reviewed under Executive Order 12988, Civil Justice Reform. This rule 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 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler 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 the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule terminates Marketing Order 916—the nectarine order—and the peach provisions of Marketing Order 917—the fresh pear and peach order—as well as the pertinent rules and regulations issued thereunder. USDA believes that termination of these programs is appropriate because the programs are no longer favored by industry growers.

The orders authorize regulation of the handling of nectarines and fresh pears and peaches grown in California. Sections 916.64 and 917.61 of the orders require USDA to conduct continuance referenda among growers of these fruits every four years to ascertain continuing support for the orders and their programs. These sections further require USDA to terminate the orders if it finds that the provisions of the orders no longer tend to effectuate the declared policy of the Act. Section 608c(16)(A) of the Act requires USDA to terminate or suspend the operation of any order whenever the order or any provision thereof obstructs or does not tend to effectuate the declared policy of the Act. Finally, USDA is required to notify Congress of the intended terminations not later than 60 days before the date the orders would be terminated.

Continuance referenda were conducted among growers of California nectarines and fresh pears and peaches in January and February 2011. Less than two-thirds of participating growers, by number and production volume, voted in favor of continuing the nectarine and peach orders. By contrast, more than 94 percent of pear growers voted to continue the pear order provisions.