

**§ 900.501**

**7 CFR Ch. IX (1-1-08 Edition)**

**§ 900.501 Public inspection and copying.**

(a) Facilities for public inspection and copying of the indexes and materials required to be made available under §1.2(a) of this title will be provided by AMS during normal information should be made to the Freedom of Information Act Officer at the following address:

Freedom of Information Act Officer, Agricultural Marketing Service, United States Department of Agriculture, Washington, DC 20250.

(b) Copies of such material may be obtained in person or by mail. Applicable fees for copies will be charged in accordance with the regulations prescribed by the Director, Office of Operations and Finance, USDA.

[44 FR 39151, July 5, 1979]

**§ 900.502 Indexes.**

Pursuant to the regulations in §1.4(b) of this title, AMS will maintain and make available for public inspection and copying current indexes of all material required to be made available in §1.2(a) of this title. Notice is hereby given that publication of these indexes is unnecessary and impractical, since the material is voluminous and does not change often enough to justify the expense of publication.

[44 FR 39151, July 5, 1979]

**§ 900.503 Request for records.**

(a) Requests for records under 5 U.S.C. 552(a)(3) shall be made in accordance with §1.3(a) of this title. Authority to make determinations regarding initial requests in accordance with §1.4(c) of this title is delegated to the Freedom of Information Act Officer of AMS. Requests should be submitted to the FOIA Officer at the following address:

Freedom of Information Act Officer (FOIA Request), Agricultural Marketing Service, United States Department of Agriculture, Washington, DC 20250.

(b) The request shall identify each record with reasonable specificity as prescribed in §1.3 of this title.

(c) The FOIA Officer is authorized to receive requests and to exercise the authority to (1) make determinations to

grant requests or deny initial requests, (2) extend the administrative deadline, (3) make discretionary release of exempt records, and (4) make determinations regarding charges pursuant to the fee schedule.

[44 FR 39151, July 5, 1979]

**§ 900.504 Appeals.**

Any person whose request under §900.503 above is denied shall have the right to appeal such denial in accordance with §1.3(e) of this title. Appeals shall be addressed to the Administrator, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, DC 20250.

[40 FR 20267, May 9, 1975]

**Subpart—Information Collection**

AUTHORITY: 44 U.S.C. Ch. 35.

**§ 900.600 General.**

This subpart shall contain such requirements as pertain to the information collection provisions under the Paperwork Reduction Act of 1995.

[63 FR 10492, Mar. 4, 1998]

**§ 900.601 OMB control numbers assigned pursuant to the Paperwork Reduction Act.**

(a) *Purpose.* This section collects and displays the control numbers assigned to information collection requirements by the Office of Management and Budget contained in 7 CFR parts 905 through 998 under the Paperwork Reduction Act of 1995.

(b) *Display.*

7 CFR part where identified and described	Current OMB control No.
905, Florida Oranges, Grapefruit Tangerines, Tangelos .....	0581-0094
906, Texas Oranges & Grapefruit .....	0581-0068
911, Florida Limes .....	0581-0091
915, Florida Avocados .....	0581-0078
916, California Nectarines .....	0581-0072
917, California Pears and Peaches .....	0581-0080
920, California Kiwifruit .....	0581-0149
922, Washington Apricots .....	0581-0095
923, Washington Sweet Cherries .....	0581-0133
924, Washington-Oregon Fresh Prunes .....	0581-0134
925, S.E. California Desert Grapes .....	0581-0109
927, Oregon-Washington-California Winter Pears .....	0581-0089
928, Hawaiian Papayas .....	0581-0102
929, Cranberries Grown in Designated States ...	0581-0103
930, Red Tart Cherries .....	0581-0177

**Agricultural Marketing Service, USDA**

**§ 900.700**

7 CFR part where identified and described	Current OMB control No.
931, Oregon-Washington Bartlett Pears .....	0581-0092
932, California Olives .....	0581-0142
945, Idaho-Eastern Oregon Potatoes .....	0581-0178
946, Washington Potatoes .....	0581-0178
947, Oregon-California Potatoes .....	0581-0178
948, Colorado Potatoes .....	0581-0178
953, Southeastern Potatoes .....	0581-0178
955, Vidalia Onions .....	0581-0178
956, Walla Walla Onions .....	0581-0178
958, Idaho-Oregon Onions .....	0581-0178
959, South Texas Onions .....	0581-0178
966, Florida Tomatoes .....	0581-0178
979, South Texas Melons .....	0581-0178
981, California Almonds .....	0581-0071
982, Oregon-Washington Hazelnuts .....	0581-0178
984, California Walnuts .....	0581-0178
985, Spearmint Oil .....	0581-0065
987, California Dates .....	0581-0178
989, California Raisins .....	0581-0178
993, California Dried Prunes .....	0581-0178
997, Domestic Peanuts Not Covered Under the Peanut Marketing Agreement .....	0581-0163
998, Domestic Peanuts Covered Under the Peanut Marketing Agreement .....	0581-0067

[63 FR 10492, Mar. 4, 1998]

**Subpart—Assessment of Exemptions**

**§ 900.700 Exemption from assessments.**

(a) This section specifies criteria for identifying persons eligible to obtain an assessment exemption for marketing promotion, and procedures for applying for an exemption under 7 CFR parts 906, 915, 916, 917, 922, 923, 924, 925, 927, 929, 930, 931, 932, 947, 948, 955, 956, 958, 959, 966, 979, 981, 982, 984, 985, 987, 989, 993, and such other parts (included in 7 CFR parts 905 through 998) covering marketing orders for fruits, vegetables, and specialty crops as may be established or amended to include market promotion. For the purposes of this section, the term “assessment period” means fiscal period, fiscal year, crop year, or marketing year as defined under these parts; the term “marketing promotion” means marketing research and development projects, and marketing promotion, including paid advertising, designed to assist, improve, or promote the marketing, distribution, and consumption of the applicable commodity.

(b) Any handler who operates under an approved National Organic Program (7 CFR part 205)(NOP) process system plan, only handles or markets organic products that are eligible to be labeled

100 percent organic under the NOP, and are produced on a certified organic farm as defined in §2103 of the Organic Foods Production Act of 1990 (7 U.S.C. 6502) and the NOP regulations issued under that Act, is not a split operation, and is subject to assessments under a part or parts specified in paragraph (a) of this section, shall be exempt from the portion of the assessment applicable to marketing promotion, including paid advertising. Any handler so exempted shall be obligated to pay the portion of the assessment for other authorized activities under such part or parts.

(c) To be exempt from paying assessments for these purposes under a part or parts, the handler shall submit an application to the committee or board established under the applicable part or parts prior to or during the assessment period. This application, FV-649, “Certified Organic Handler Application for Exemption from Market Promotion Assessments Paid Under Federal Marketing Orders,” shall include: The applicable committee or board and Federal marketing order number; the date; handler’s name; company name and address; telephone and fax numbers; an optional e-mail address; certification that the applicant is not a split operation, as defined by the Organic Foods Production Act of 1990 (OFPA) (7 U.S.C. 6502) and the NOP; certification that the applicant only handles and markets organic products eligible to be labeled 100 percent organic under the NOP, and that the applicant is subject to assessments under the Federal marketing order program for which the exemption is requested. The applicant shall list all commodities handled or marketed. The applicant shall list the number of producers for whom they handle or market. The applicant shall attach a copy of their organic handler operation certificate and all applicable producer certificates provided by a USDA-accredited certifying agent under the OFPA and the NOP. The applicant shall certify that the handler meets all of the applicable requirements for an assessment exemption as provided in this section. The handler shall file the application with the committee or board, prior to or during the