

Justification for Change
OMB No. 0581-0178

January 2009

Revision of Three Walnut Forms: Walnut Grower's Petition for District 1, Walnut Grower's Petition for District 2, and At Large Positions Relating to Nominations to the California Walnut Board

In an effort to comply with regulations published in the Federal Register on March 27, 2007 (Recommended Decision); July 13, 2007 (Secretary's Decision); and March 3, 2008 (Final Rule), which amended the Federal marketing order for walnuts, the California Walnut Board made slight revisions to their Walnut Grower's Petitions for District 1, District 2, and At Large positions relating to the Board nominations.

Minor housekeeping changes were made as a result of the amendments, and are addressed in this Justification for Change. The Board name was changed from the "Walnut Board of California", to the "California Walnut Board." In addition, the Board's address, telephone and fax numbers, has also been updated, and is reflected on the revised (3) forms. Other changes to these forms relate to corresponding changes that were made through amendment of the marketing order, such as the re-numeration of applicable regulation citations described on pages 1 and 2 of these forms.

These revisions only affect the voluntary respondents and will not affect the burden currently approved under OMB No. 0581-0178, Vegetable and Specialty Crops.

Specific changes to each form are described below:

District 1 Independent Walnut Grower's Petition for Proposing Names to be Included on the Walnut Marketing Board Nomination Ballot

- Board name, address, telephone and fax number is updated.
- Form title changed to "**District 1 Walnut Grower's Petition for Proposing Names to be Included on the California Walnut Board Nomination Ballot.**"
- The term "Independent" has been removed from this form.
- Section number in the second line changed from 984.37(b) to 984.37(_).
- "Walnut Marketing Board" is now "California Walnut Board".
- Check boxes replaces "circle only one" to indicate Member or Alternate Member.
- Group (5) is now "group (_)".
- 984.35(a)(5) is now "984.35(_)(_)".

- Petition receipt date changed from April 1, ____, to “_____”.

(Page 2): The Background Information **for all three forms** has been revised to include more detailed information for two possible scenarios – (1) in the event one handler does not handle 35% or more of the crop, two grower members from District 1; or (2) in the event one handler handles 35% or more of the crop, one member to represent growers from District 1.

The first paragraph of the currently-approved form reads as follows:

BACKGROUND INFORMATION

984.35(a)(4) One member to represent growers who market their walnuts through cooperative handlers or independent handlers, whichever category of such handlers had certified as merchantable more than 50 percent of the kernelweight of all walnuts certified as merchantable by all handlers during the two marketing years preceding the year in which nominations were made – the member representing growers who market their walnuts through independent handlers shall be nominated at large in the State of California;

984.35(a)(5) One member to represent growers from District 1 who market their walnuts through independent handlers; and

984.35(a)(6) One member to represent growers from District 2 who market their walnuts through independent handlers.”

This section has been revised to read as follows:

In the event one handler does not handle 35% or more of the crop:

984.35(a)(3) Two grower members from District 1;

984.35(a)(4) Two grower members from District 2;

984.35(a)(5) One grower member nominated at large from the production area.

In the event one handler handles 35% or more of the crop:

984.35(b)(4) One member to represent growers from District 1 who market their walnuts through handlers that do not handle 35% or more of the crop;

984.35(b)(5) One member to represent growers from District 2 who market their walnuts through handlers that do not handle 35% or more of the crop; and

984.35(b)(6) One member to represent growers who market their walnuts through handlers that do not handle 35% or more of the crop shall be nominated at large from the production area.

The second section, relating to Grower Districts, under item (2), currently reads as follows:

984.35(c) Grower Districts:

(2) District 2. District 2 shall consist of all other walnut producing counties in the State of California south of the boundary line set forth in subparagraph (1) of this paragraph.

Item (2) has been revised to read as follows:

Grower Districts:

984.35(c) Grower Districts:

(2) District 2. District 2 shall consist of all other walnut producing counties in the State of California south of the boundary line set forth in paragraph (c)(1) of this section.

A new paragraph was added regarding the “At-large Member Position”, which reads as follows:

984.437(a) With regard to Board grower member positions specified in §984.35(a)(5) and (6), any ten or more such growers who marketed an aggregate of 500 or more tons of walnuts through handlers who did not handle 35% or more of the crop during the marketing year preceding the year in which Board nominations are held, may petition the Board to include on the nomination ballot the name of an eligible candidate for this position, and the name of an eligible candidate to serve as his or her alternate. The names of the eligible candidates proposed pursuant to this paragraph shall be included on the ballot together with the names of any incumbents who are willing to continue serving on the Board.

The last section on this form currently reads as follows:

984.437(b) Any ten or more growers eligible to serve in the grower member positions specified in §984.35(a)(5) and (6) and who marketed an aggregate of 500 or more tons of walnuts through independent handlers during the marketing year preceding the year in which Board nominations are held, may petition the Board to include on the nomination ballot for a district the name of an eligible candidate for the applicable position, and the name of an eligible candidate to serve as his alternate. The names of the eligible candidates proposed pursuant to this paragraph shall be included on the ballot together with the names of any incumbents who are willing to continue serving on the Board.

This section has been revised to read as follows:

District 1 and 2 Member Positions:

984.437(b) Any ten or more growers eligible to serve in the grower member positions specified in §984.35(a)(3) and (4), or §984.35(b)(4) and (5), and who marketed an aggregate of 500 or more tons of walnuts through handlers who did not handle 35% or more of the crop during the marketing year preceding the year in which Board nominations are held, may petition the Board to include on the nomination ballot for a district the name of an eligible candidate for the applicable position, and the name of an eligible candidate to serve as his or her alternate. The names of the eligible candidates proposed pursuant to this paragraph shall be included on the ballot together with the names of any incumbents who are willing to continue serving on the Board.

District 2 Independent Walnut Grower’s Petition for Proposing Names to be Included on the Walnut Marketing Board Nomination Ballot

- Board name, address, telephone and fax number is updated.
- Form title changed to “District 2 Walnut Grower’s Petition for Proposing Names to be Included on the California Walnut Board Nomination Ballot”.
- The term, “Independent” has been removed from this form.
- Section number in the second line changed from 984.37(b) to 984.37(_).
- “Walnut Marketing Board” is now “California Walnut Board.”
- Check boxes replace “circle only one” to indicate Member or Alternate member.
- Group (6) is now “group (_).
- Section 984.35(a)(6) is now section 984.35(_)(_).
- Petition receipt date changed from April 1, _____, to “_____”.

At Large Independent Walnut Grower’s Petition for Proposing Names to be Included on the Walnut Marketing Board Nomination Ballot

- Board name, address, telephone and fax number is updated.
- Form title changed to “At Large Walnut Grower’s Petition for Proposing Names to be Included on the California Walnut Board Nomination Ballot”.
- The term, “Independent” has been removed from this form.
- Section number in the second line changed from 984.37(b) to 984.37(_).
- “Walnut Marketing Board” is now “California Walnut Board.”

- Check boxes replace “circle only one” to indicate Member or Alternate member.
- Group (4) is now “group ()”.
- Section 984.35(a)(4) is now section 984.35()()
- Petition receipt date changed from April 1, _____, to “_____”.