

**Change of Worksheet
OMB No. 0581-0178**

May 2009

Revision of 20 Walnut Forms and 3 Raisin Forms

This change of worksheet addresses revisions (minor housekeeping and clarification) made to 22 walnut forms and 2 raisin forms. All of these forms are currently approved under OMB No. 0581-0178, Vegetable and Specialty Crops. None of the revisions will affect the burden currently approved under OMB No. 0581-0178.

Walnut Forms:

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, as well as several other walnut forms.

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 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.
- Subsection numbers are left blank, so that the California Walnut Board can determine which scenario would be in effect for the nomination process, and the applicable subpart would be used. The scenarios are: 1) a handler who handled 35% or more of the crop; or 2) a handler who handled less than 35% or more of the crop.
- 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; two grower members from District 2, and one at-large grower member; or (2) in the event one handler handles 35% or more of the crop, one grower member from District 1, one grower member from District 2, and one at-large grower member.

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.
- Subsection numbers are left blank, so that the California Walnut Board can determine which scenario would be in effect for the nomination process, and the applicable subpart would be used. The scenarios are: 1) a handler who handled 35% or more of the crop; or 2) a handler who handled less than 35% or more of the crop.
- 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.
- Subsection numbers are left blank, so that the California Walnut Board can determine which scenario would be in effect for the nomination process, and the applicable subpart would be used. The scenarios are: 1) a handler who handled 35% or more of the crop; or 2) a handler who handled less than 35% or more of the crop.
- 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 “_____”.

The changes to the following forms will not impact the burden currently approved under OMB No. 0581-0178, and are described below.

For all forms, the following changes are being made:

<u>Current name, address & phone numbers</u>	<u>New name, address & phone numbers</u>
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Walnut Marketing Board
1540 River Park Drive, Suite 203
Sacramento, CA 95815-4609
Ph. (916) 922-5888
Fax (916) 923-2548

California Walnut Board
101 Parkshore Drive, Suite 250
Folsom, CA 95630
Ph. (916) 932-7070
Fax (916) 932-7071

<u>Current Board name/abbreviation (in text and for Form Numbers)</u>	<u>New Board name/abbreviation (in text and for Form numbers)</u>
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Walnut Marketing Board or WMB

California Walnut Board or CWB

The following forms have no changes other than the Board name, address, phone numbers, and Board abbreviation:

1. **Form CWB 24-15, “Report of Substandard Walnuts Received”**
2. **Form CWB Export Form B, “Consummation of Sale and Transmittal of Supporting Documents”**
3. **Form CWB 20, “Report of Substandard Walnuts Delivered”**
4. **Form CWB 8, “Report of Interhandler Transfers”**
5. **Form CWB 17, “Request for Transfer of Reserve Credits”**

The following forms contain additional changes as noted below:

1. **Form CWB 1, “Crop Acquisition Report, By County and Variety, for Crop Year 20xx”**, is being modified by adding “Due Date: JANUARY 15, _____” in the top right corner under the form number. In item 4 of the “Instructions”, the year “2004” is being changed to “_____.”
2. **Form CWB 4 & 5, “Inventory Report”**, is being modified by adding “Due Date: _____” in the top right corner under the form number. In item 1 of the “Instructions”, the words, “...in total, in area (California) or out-of-area (outside California)”, to “as indicated.”

3. **Form CWB 6, “Report of Merchantable Walnuts Shipped”**, previously had page 2, “Shipments by County of Destination” omitted from scanning into ROCIS/submitted to OMB during the renewal process. Page 2 is being added through this worksheet.
4. **Form CWB 24-05, “Application to be an Approved User of Substandard Walnuts (Non-Reserve Year)”**, is being corrected by changing the word “designed” to “designated” (a typographical error) in the paragraph following the instructions.
5. **Form CWB 24-10, “Application to be an Approved User of Substandard Walnuts (Reserve Year)”**, is being corrected by changing the word “designed” to “designated” (a typographical error) in the paragraph following the instructions.
6. **Form CWB 24-20, “Substandard Walnut User Agreement”**, is being modified by changing “Sacramento” to “Folsom” in the first line. Under Item 2, third paragraph, “November” is being changed to “December.” Under Item 8, first paragraph, “July” is being changed to “August,” and “December” is being changed to “January.” Under Item 11, the following duplicate language at the end of the sentence is being deleted, “...for such inspection by the Board and the Department of Agriculture.” In item 12, the word, “July” is being changed to “August.”
7. **Producer Ballot for the Election of Producer Members and Alternates to the California Walnut Board** (No form number), is being modified by removing the word, “Independent”. Under “Voting Instructions”, the marketing order section numbers are left blank (as it depends on handler volume scenario); the term of office start date is being changed from “July” to “September”; the number of member(s) and alternate(s) are left blank (depends on handler volume scenario); added “Please type or print clearly your candidate’s name and address in the space provided” to the end of the second paragraph; the number of persons for whom a producer may vote is left blank (depends on handler volume scenario). In the “By District Only” ballot box, a line was added for “Write-In Candidate for District 1/District 2”; added the words “For the statewide at-large position” to the beginning of the sentence above the “State of California At-Large Position” ballot box; changed the heading of the at-large ballot box from “Statewide” to “State of California At-Large Position.” Added “Write In” to At-Large Position ballot box. On page 2, the “Background Information” has been modified to reflect the current marketing order language. The current burden and non-discrimination language has been added.
8. **Handler Ballot for the Election of Handler Members and Alternates to the California Walnut Board [District 1/District 2/or Delete]** (No form number), is being modified by removing the word, “Independent.” In the form title, first paragraph, and heading of the ballot box, added “[District 1/District 2/or Delete]”; (depends on handler volume scenario) under the voting instructions, changed the term of office start date from “July” to “September”; paragraphs 2 and 3 were combined; and the word, “Write-in” is added to the third sentence and ballot box. Added “Please type or print clearly the handler’s name and address in the space provided” to the end of the second paragraph. On Page 2, “Background Information” is being added to reflect current marketing order language, and the current burden and non-discrimination language has been added.
9. **Confidential California Walnut Board Member Nominee Questionnaire** (Form FV-124) is being revised by re-wording Item 6 to reflect the current industry environment, since cooperatives no longer exist. In addition, page 2 has been updated to reflect the current burden and non-discrimination language.

10. Confidential California Walnut Board Tenth Member/Alternate Nominee

Questionnaire (Form FV-125) is being revised by changing the word “Division” in the heading to “Programs”; and updating the burden and non-discrimination language.

The following two forms (CWB #7 and CWB #16) require changes as a result of informal rulemaking to conform the regulations to recently enacted amendments to the walnut marketing order. Below is a description of the changes to these forms:

1. **Form CWB 7, “Quarterly Report of Receipt of Walnuts Produced Outside the USA”**, is being modified by changing the “Year to Date” month from “August” to “September”; under Item 6, “Sacramento” is being changed to “Folsom”; and the “Due Dates” and “Quarter Covered” are being changed from:

<u>Due Dates</u>	<u>to</u>	<u>New Due Dates</u>	<u>Quarter Covered</u>	<u>to</u>	<u>New Quarter Covered</u>
November 5		December 5	August – October		September – November
February 5		March 5	November – January		December – February
May 5		June 5	February – April		March – May
August 5		September 5	May – July		June – August

2. **Form CWB 16, “Export Agreement for Reserve Walnuts”** is being modified by changing the form title is also being changed to **“Agency Agreement for Reserve Walnuts (Exports),”** and the date in the first paragraph is changing from “August” to “September.”

Revision of 3 Raisin Forms

To assist the Raisin Administrative Committee (RAC) in getting consistent information for compliance purposes from handlers regarding shipment dates, as well as packer reference information, the RAC and USDA representatives determined that two forms, RAC-100, "Export Program Application/Deposit" and RAC-100C, "Export Program Application for Cash Back" need clarification. These changes, which will not impact the burden currently approved for these forms under OMB No. 0581-0178, Vegetable and Specialty Crops, are described below:

Forms RAC-100, "Export Program Application/Deposit" and RAC-100C, "Export Program Application for Cash Back" are being revised by adding "RAC 21 Month & Report Number" after the "Intended Shipment Date" or "Shipment Date." Under "Packer Reference No.," the following language is being added "USDA Certificate Number or Memo Report of Inspection Number."

The instruction page for Form RAC-100C is also being revised as follows:

- 1) The "Shipment Date" instructions are being modified by adding "(RAC 21 month and report number)."
- 2) The "Packer Reference No." instructions are being modified by adding "(USDA Certificate Number or Memo Report of Inspection Number)."

Form RAC-71, "RAC Storage Bin Agreement" is being revised by adding a paragraph (Item 9 on the first page), which clarifies that packers will not charge the RAC any fees for RAC bin storage at the packer's facility and also agrees to assist or allow RAC to pickup bins without any loading fees or other charges. The addition of this paragraph will not increase the burden. The RAC will need to start using the form this crop year. Handlers typically sign the agreement in June/July prior to the crop year which begins on August 1, 2009. Handlers must complete this agreement to participate in the Bin Rental Agreement.