

Grading factors	Grades U.S. Nos.			
	1	2	3	4
Foreign material	0.5	1.0	2.0	3.0
Wild oats	1.0	1.0	2.0	3.0
Other grains	2.0	3.0	4.0	5.0
Skinned and broken kernels:				
Six-rowed	4.0	6.0	8.0	10.0
Two-rowed	5.0	7.0	10.0	10.0
Thin barley:				
Six-rowed	7.0	10.0	15.0	15.0
Two-rowed	5.0	7.0	10.0	10.0
Stones	0.2	0.2	0.2	0.2
Maximum count limits of: ²				
Other material:				
Animal filth	9	9	9	9
Castor beans	1	1	1	1
Cockleburs	7	7	7	7
Crotalaria seeds	2	2	2	2
Glass	1	1	1	1
Stones	7	7	7	7
Unknown foreign substance	3	3	3	3

¹ Injured-by-frost and injured-by-mold kernels are not considered damaged kernels or count as a deduction against sound barley.

² Determined on a representative sample before the removal of dockage, except for stones. Determine stones on a dockage-free sample.

Malting barley shall not be infested in accordance with §810.107(b) and shall not contain any special grades as defined in §810.206. Six- and Two-rowed barley varieties not meeting the above requirements shall be graded in accordance with standards established for the class Barley.

9. Section 810.205 is removed and §810.206 is redesignated as 810.205 and revised to read as follows:

§810.205 Grades and Grade Requirements for Barley.

Grading factor	Grades U.S. Nos.				
	1	2	3	4	5
Minimum limits of:					
Test weight	47.0	45.0	43.0	40.0	36.0
Minimum percent limits of:					
Sound barley ¹	97.0	94.0	90.0	85.0	75.0
Maximum percent limits of:					
Broken kernels	4.0	8.0	12.0	18.0	28.0
Stones	0.2	0.2	0.2	0.2	0.2
Maximum count limits of: ²					
Other material:					
Animal filth	9	9	9	9	9
Castor beans	1	1	1	1	1
Cockleburs	7	7	7	7	7
Crotalaria seeds	2	2	2	2	2
Glass	1	1	1	1	1
Stones	7	7	7	7	7
Unknown foreign substance	3	3	3	3	3

¹ Injured-by-frost and injured-by-mold kernels are not considered damaged kernels or count as a deduction against sound barley.

² Determined on a representative sample before the removal of dockage, except for stones. Determine stones on a dockage-free sample.

U.S. Sample grade shall be barley that: (a) does not meet the requirements for the grades U.S. Nos. 1, 2, 3, 4, or 5; (b) has a musty, sour, or commercially objectionable foreign odor; or (c) is heating or of distinctly low quality.

§810.20 [Redesignated as §810.206]

10. Section 810.207 is redesignated as 810.206.

Dated: March 15, 1995.

James R. Baker,

Administrator, Grain Inspection, Packers and Stockyards Administration.

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Agricultural Marketing Service

7 CFR Part 1220

[No. LS-94-003]

RIN 0581-AB18

Soybean Promotion and Research: Amend the Order To Adjust Representation on the United Soybean Board and Adjust Number of Board Meetings Required

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would adjust the number of members for certain States on the United Soybean Board (Board) to reflect changes in production levels that have occurred since the Board was appointed in 1991 and decrease the number of required Board meetings from four a year to three a year.

DATES: Written comments must be received by April 21, 1995.

ADDRESSES: Send two copies of comments to Ralph L. Tapp, Chief; Marketing Programs Branch; Livestock and Seed Division; Agricultural Marketing Service (AMS), USDA, Room

2624-S; P.O. Box 96456; Washington, D.C. 20090-6456. Comments will be available for public inspection during regular business hours at the above office in Room 2624, South Agricultural Building, 14th and Independence Avenue, SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ralph L. Tapp, Chief, Marketing Programs Branch, 202/720-1115.

SUPPLEMENTARY INFORMATION:

Executive Orders 12866 and 12778, and Regulatory Flexibility Act

The Department of Agriculture is issuing this rule in conformance with Executive Order 12866.

This proposed rule has been reviewed under Executive Order No. 12778, Civil Justice Reform. It is not intended to have a retroactive effect.

The Soybean Promotion, Research, and Consumer Information Act (Act) provides that administrative proceedings must be exhausted before parties may file suit in court. Under § 1971 of the Act, a person subject to the Soybean Promotion and Research Order (Order) may file with the Secretary 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 requesting a modification of the Order or an exemption from the Order. The petitioner has the opportunity for a hearing on the petition. After a hearing the Secretary will rule on the petition. The statute provides that the district court of the United States in any district in which the person resides or carries on a business has jurisdiction to review a ruling on the petition if a complaint for that purpose is filed not later than 20 days after the date of the entry of the ruling.

Further, section 1974 of the Act provides, with certain exceptions, that nothing in the Act may be construed to preempt or supersede any other program organized and operated under the laws of the United States or any State relating to soybean promotion, research, consumer information, or industry information. One exception in the Act concerns assessments collected by Qualified State Soybean Boards (QSSBs). This exception provides that, in order to ensure adequate funding of the operations of QSSBs under the Act, no State law or regulation may limit or have the effect of limiting the full amount of assessments that a QSSB in that State may collect, and which is authorized to be credited under the Act. Another exception concerns certain referenda conducted during specified periods by a State relating to the

continuation or termination of a QSSB or State soybean assessment.

This action has also been reviewed under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This proposed rule would adjust representation on the Board to reflect changes in production levels that have occurred since the Board was appointed in 1991. The Administrator of AMS has determined that this rule will not have a significant economic impact on a substantial number of small business entities.

Background

The Act (7 U.S.C. 6301-6311) provides for the establishment of a coordinated program of promotion and research designed to strengthen the soybean industry's position in the marketplace, and to maintain and expand domestic and foreign markets and uses for soybeans and soybean products. The program is financed by an assessment of 0.5 of one percent of the net market price of soybeans sold by producers. Pursuant to the Act, an Order was made effective July 9, 1991. The Order established a Board of 60 members. For purposes of establishing the Board, the United States was divided into 31 geographic units. Representation on the Board from each unit was determined by the level of production in each unit. The Secretary appointed the initial Board on July 11, 1991.

Section 1220.201(c) of the Order provides that at the end of each three (3) year period, the Board shall review soybean production levels in the geographic units throughout the United States. The Board may recommend to the Secretary modification in the levels of production necessary for Board membership for each unit. At its September 1994 meeting, the Board voted to recommend to the Secretary that no modification be made.

Section 1220.201(d) of the Order provides that at the end of each three (3) year period, the Secretary must review the volume of production of each unit and adjust the boundaries of any unit and the number of Board members from each such unit as necessary to conform with the criteria set forth in § 1220.201(e): (1) To the extent practicable, States with annual average soybean production of less than 3,000,000 bushels shall be grouped into geographically contiguous units, each of which has a combined production level equal to or greater than 3,000,000 bushels, and each such group shall be entitled to at least one member on the Board; (2) units with at least 3,000,000 bushels, but fewer than 15,000,000 bushels shall be entitled to one Board

member; (3) units with 15,000,000 bushels or more but fewer than 70,000,000 bushels shall be entitled to two Board members; (4) units with 70,000,000 bushels or more but fewer than 200,000,000 bushels shall be entitled to three Board members; and (5) units with 200,000,000 bushels or more shall be entitled to four Board members.

Current representation on the Board is based on average production levels for the years 1985-89 (excluding the crops in years in which production was the highest and in which production was the lowest) as reported by the National Agricultural Statistics Service (NASS) of the U.S. Department of Agriculture.

Proposed representation on the Board is based on average production levels for the years 1989-93 (excluding the crops in years in which production was the highest and in which production was the lowest) as reported by NASS.

This proposed rule would adjust representation on the Board as follows:

State	Current representation	Proposed representation
Florida	1	0
Georgia	2	1
South Carolina ..	2	1
Wisconsin	1	2
Maryland	1	2

Florida would join the Eastern Region unit, and be represented by its Board representative.

The 1994 nomination and appointment process was in progress while this proposed rule was being developed. Therefore, Board adjustment as proposed by this rulemaking would be effective, if adopted, with the 1995 nominations and appointments.

Section 1220.212(a) of the Order provides that the Board shall meet at least four times a year, and more often if necessary for the Board to carry out its responsibilities. The Board, which operates under a 5 percent administrative cap, has recommended to the Secretary that in order to reduce its administrative costs and comply with the 5 percent cap, § 1220.212(a) be amended to reduce the number of required yearly Board meetings to three. This proposed amendment would reduce the required minimum number of Board meetings from four to three a year.

List of Subjects in 7 CFR Part 1220

Administrative practice and procedure, Advertising, Agricultural research, Marketing agreements, Soybeans and soybean products, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, it is proposed that title 7 of the CFR part 1220 be amended as follows:

PART 1220—SOYBEAN PROMOTION, RESEARCH, AND CONSUMER INFORMATION

1. The authority citation for 7 CFR Part 1220 continues to read as follows:

Authority: 7 U.S.C. 6301-6311.

2. Section 1220.201 is amended by revising the section heading and paragraph (a), removing paragraph (f), and redesignating paragraph (g) as paragraph (f) as follows:

§ 1220.201 Membership of board.

(a) For the purposes of nominating and appointing producers to the Board, the United States shall be divided into 30 geographic units and the number of Board members from each unit, subject to paragraphs (d) and (e) of this section shall be as follows:

Unit	No. of members
Illinois	4
Iowa	4
Minnesota	3
Indiana	3
Missouri	3
Ohio	3
Arkansas	3
Nebraska	3
Mississippi	2
Kansas	2
Louisiana	2
South Dakota	2
Tennessee	2
North Carolina	2
Kentucky	2
Michigan	2
Virginia	2
Maryland	2
Wisconsin	2
Georgia	1
South Carolina	1
Alabama	1
North Dakota	1
Delaware	1
Texas	1
Pennsylvania	1
Oklahoma	1
New Jersey	1
Eastern Region (New York, Massachusetts, Connecticut, Florida, Rhode Island, Vermont, New Hampshire, Maine, West Virginia, District of Columbia, and Puerto Rico)	1
Western Region (Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Arizona, Washington, Oregon, Nevada, California, Hawaii, and Alaska)	1

* * * * *

2. In § 1220.212, paragraph (a) is revised to read as follows:

§ 1220.212 Duties.

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(a) To meet not less than three times annually, or more often if required for the Board to carry out its responsibilities pursuant to this subpart.

* * * * *

Dated: March 15, 1995.

Lon Hatamiya,

Administrator.

[FR Doc. 95-6915 Filed 3-21-95; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 94-NM-36-AD]

Airworthiness Directives; Aerospatiale Model ATR72-100 and -200 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Supplemental notice of proposed rulemaking; reopening of comment period.

SUMMARY: This document revises an earlier proposed airworthiness directive (AD), applicable to certain Model ATR72-100 and -200 series airplanes, that would have required a one-time dye penetrant inspection to detect cracking in certain hinge pins of the nose landing gear (NLG), and replacement of cracked pins with crack-free pins. That proposal was prompted by reports of cracking of certain hinge pins in the NLG. This action revises the proposed rule by shortening the compliance time to perform the inspection of the hinge pins of the NLG. The actions specified by this proposed AD are intended to prevent collapse of the NLG due to cracking of the hinge pins.

DATES: Comments must be received by May 1, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 94-NM-36-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Aerospatiale, 316 Route de Bayonne,

31060 Toulouse, Cedex 03, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Sam Grober, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-1187; fax (206) 227-1320.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 94-NM-36-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 94-NM-36-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add an airworthiness directive (AD), applicable to certain Aerospatiale Model ATR72-100 and -200 series airplanes, was published as a notice of proposed rulemaking (NPRM) in the **Federal Register** on May