

# Rules and Regulations

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## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 1220

[Docket No. LS-06-01]

#### **Soybean Promotion and Research: Amend the Order To Adjust Representation on the United Soybean Board**

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This final rule adjusts 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 reapportioned in 2003, which became effective with 2004 nominations. These adjustments are required by the Soybean Promotion and Research Order (Order) and would result in an increase in Board membership from 64 to 68 effective with the Secretary's 2007 nominations and appointments.

**EFFECTIVE DATE:** January 2, 2007.

**FOR FURTHER INFORMATION CONTACT:** Kenneth R. Payne, Chief; Marketing Programs Branch; Agricultural Marketing Service (AMS), USDA, room 2638-S; STOP 0251; 1400 Independence Avenue, SW.; Washington, DC 20250-0251; telephone 202-720-1115 or via e-mail at [Kenneth.Payne@usda.gov](mailto:Kenneth.Payne@usda.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **Executive Order 12866**

The Office of Management and Budget (OMB) has waived the review process required by Executive Order 12866 for this action.

##### **Executive Order 12988**

This rule was reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have a retroactive effect. This rule would not

preempt any State or local laws, regulations, or policies unless they present an irreconcilable conflict with this rule.

The Soybean Promotion, Research, and Consumer Information Act (Act) provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 1971 of the Act, a person subject to the Order may file a petition with the Secretary 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 is afforded the opportunity for a hearing on the petition. After a hearing, the Secretary would rule on the petition. The Act provides that the district courts of the United States in any district in which such person is an inhabitant, or has his principal place of business, has jurisdiction to review the Secretary's ruling on the petition, if a complaint for this purpose is filed within 20 days after the date of the entry of the ruling.

##### **Regulatory Flexibility Act**

The Agricultural Marketing Service has determined that this rule will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), because it only adjusts representation on the Board to reflect changes in production levels that have occurred since the Board was reapportioned in 2003. The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly burdened. As such, these changes will not impact on persons subject to the program.

There are an estimated 663,800 soybean producers and an estimated 10,000 first purchasers who collect the assessment, most of whom would be considered small entities under the criteria established by the Small Business Administration (13 CFR 121.601).

##### **Paperwork Reduction Act**

In accordance with OMB regulations [5 CFR part 1320] that implement the Paperwork Reduction Act of 1995 [44 U.S.C. Chapter 35], the information collection and recordkeeping requirements contained in the Order

and Rules and Regulations have previously been approved by OMB under OMB control number 0581-0093.

##### **Background and Proposed Changes**

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 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 originally 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. The Board is composed of soybean producers.

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.

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.

A proposed rule was published in the **Federal Register** (71 FR 41741) on July 24, 2006, with a 30-day comment period. The Department received no comments.

The increase in representation on the Board, from 64 to 68 members, is based on average production levels for the years 2001–2005 (excluding the crops in years in which production was the highest and in which production was the lowest) as reported by the Department of Agriculture’s National Agricultural Statistics Service in the “Crop Production 2005 Summary”, which was published in January 2006.

The number of geographical units remains at 30. This final rule increases Board membership from 64 members to 68 members effective with 2007 nominations and appointments.

This final rule adjusts representation on the Board as follows:

State	Previous representation	Current representation
Nebraska .....	3	4
North Dakota ....	2	3
Pennsylvania ....	1	2
Virginia .....	1	2

**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, Title 7, part 1220 is 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. In § 1220.201, the table immediately following paragraph (a) is revised to read as follows:

**§ 1220.201 Membership of board.**

(a) \* \* \*

Unit	Number of members
Illinois .....	4
Iowa .....	4
Minnesota .....	4
Indiana .....	4

Unit	Number of members
Nebraska .....	4
Missouri .....	3
Ohio .....	3
Arkansas .....	3
South Dakota .....	3
Kansas .....	3
Michigan .....	3
North Dakota .....	3
Mississippi .....	2
Louisiana .....	2
Tennessee .....	2
North Carolina .....	2
Kentucky .....	2
Pennsylvania .....	2
Virginia .....	2
Maryland .....	2
Wisconsin .....	2
Georgia .....	1
South Carolina .....	1
Alabama .....	1
Delaware .....	1
Texas .....	1
Oklahoma .....	1
New York .....	1

Unit	Number of members
Eastern Region (Massachusetts, New Jersey 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

\* \* \* \* \*

Dated: November 27, 2006.

**Lloyd C. Day,**  
Administrator, Agricultural Marketing Service.

[FR Doc. E6–20314 Filed 11–30–06; 8:45 am]

BILLING CODE 3410–02–P

**NUCLEAR REGULATORY COMMISSION**

**10 CFR Part 70**

RIN 3150–AH96

**Facility Change Process Involving Items Relied on for Safety: Confirmation of Effective Date**

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct final rule: Confirmation of effective date.

SUMMARY: The Nuclear Regulatory Commission (NRC) is confirming the effective date of December 11, 2006, for

the direct final rule that was published in the **Federal Register** on September 27, 2006 (71 FR 56344). This direct final rule amended the NRC’s regulations to clarify a requirement pertaining to items relied on for safety (IROFS). This rulemaking corrected an inconsistency in the regulations pertaining to IROFS.

DATES: The direct final rule published at 71 FR 56344, Sept. 27, 2006 is effective December 11, 2006.

ADDRESSES: Documents related to this rulemaking, including comments received, may be examined at the NRC Public Document Room, Room O–1F23, 11555 Rockville Pike, Rockville, MD. These same documents may also be viewed and downloaded electronically via the rulemaking Web site (<http://ruleforum.llnl.gov>). For information about the interactive rulemaking Web site, contact Ms. Carol Gallagher (301) 415–5905; e-mail [CAG@nrc.gov](mailto:CAG@nrc.gov).

FOR FURTHER INFORMATION CONTACT: Dr. Anthony N. Tse, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415–6233 (e-mail: [ant@nrc.gov](mailto:ant@nrc.gov)).

SUPPLEMENTARY INFORMATION: On September 27, 2006 (71 FR 56344), the NRC published in the **Federal Register** a direct final rule amending its regulations in 10 CFR part 70 to clarify a requirement pertaining to items relied on for safety (IROFS). In the direct final rule, NRC stated that if no significant adverse comments were received, the direct final rule would become final on December 11, 2006. The NRC did not receive any comments that warranted withdrawal of the direct final rule. Therefore, this rule will become effective as scheduled.

Dated at Rockville, Maryland, this 27th day of November, 2006.

For the Nuclear Regulatory Commission.

**Michael T. Lesar,**  
Chief, Rulemaking, Directives, and Editing Branch, Division of Administrative Services, Office of Administration.

[FR Doc. E6–20321 Filed 11–30–06; 8:45 am]

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**FEDERAL RESERVE SYSTEM**

**12 CFR Part 205**

[Regulation E; Docket No. R–1265]

**Electronic Fund Transfers**

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule; official staff interpretation.