

Fruit Crops. The suspension of the reporting requirement would reduce the overall burden for that collection by 54 hours. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. In addition, USDA has not identified any relevant Federal rules that duplicate, overlap or conflict with this rule.

The AMS is committed to complying with the E-Government Act, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

Further, the Committee's meeting was widely publicized throughout the avocado industry and all interested persons were invited to attend the meeting and participate in Committee deliberations. Like all Committee meetings, the April 19, 2006, meeting was a public meeting and all entities, both large and small, were able to express their views on this issue. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: <http://www.ams.usda.gov/fv/moab.html>. Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

This rule invites comments on changes to the reporting requirements currently prescribed under the Florida avocado marketing order. Any comments received will be considered prior to finalization of this rule.

After consideration of all relevant material presented, including the Committee's recommendation, and other information, it is found that this interim final rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) The season has started and handlers are filing reports at this time; (2) this rule relaxes the reporting burden on handlers; (3) the Committee unanimously recommended these

changes at a public meeting and interested parties had an opportunity to provide input; and (4) this rule provides a 60-day comment period and any comments received will be considered prior to finalization of this rule.

List of Subjects in 7 CFR Part 915

Avocados, Marketing agreements, Reporting and recordkeeping requirements.

■ For the reasons set forth in the preamble, 7 CFR part 915 is amended as follows:

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

■ 1. The authority citation for 7 CFR part 915 continues to read as follows:

Authority: 7 U.S.C. 601–674.

§ 915.150 [Suspended in part]

■ 2. In § 915.150, paragraphs (a), (b) and (c) are suspended indefinitely.

Dated: December 18, 2006.

Lloyd C. Day,

Administrator, Agricultural Marketing Service.

[FR Doc. E6–21910 Filed 12–21–06; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1207

[Docket No. AMS–FV–06–0177; FV–06–703–IFR]

Potato Research and Promotion Plan; Amendment of Administrative Committee Structure

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This rule amends the structure of the Administrative Committee (Committee) of the National Potato Promotion Board (Board) as prescribed in the Potato Research and Promotion Plan by increasing the number of Vice-Chairperson positions on the Committee from six to seven. The change is intended to more closely correlate the Committee's representation with potato production in the Northwest district—a five state region which accounts for more than half of all U.S. potato production.

DATES: Effective December 26, 2006; comments received by February 20, 2007 will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent to the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938, or e-mail: moab.docketclerk@usda.gov. All comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: <http://www.ams.usda.gov/fv/rpb.html>.

FOR FURTHER INFORMATION CONTACT:

Barry Broadbent or Gary Olson, Northwest Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1220 SW Third Avenue, Suite 385, Portland, OR 97204; Telephone: (503) 326–2724, Fax: (503) 326–7440, or E-mail: barry.broadbent@usda.gov.

SUPPLEMENTARY INFORMATION: This rule is issued under the Potato Research and Promotion Plan [7 CFR Part 1207], hereinafter referred to as the “Plan.” The Plan is authorized by the Potato Research and Promotion Act, as amended [7 U.S.C. 2611–2627], hereinafter referred to as the “Act.”

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

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 311 of the Act, a person subject to a plan may file a petition with the U.S. Department of Agriculture (USDA) stating that such plan, any provision of such plan, or any obligation imposed in connection with such plan is not in accordance with law and request a modification of such plan or to be exempted therefrom. Such person is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which such person is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on

the petition, provided that a complaint is filed not later than 20 days after date of the entry of the ruling.

This rule modifies the structure of the Board's Administrative Committee as prescribed in the Plan by increasing the number of Vice-Chairperson positions on the Committee from six to seven. This additional position would be allocated, as provided in the Board's bylaws, to the Northwest district. With this action, Board representation at the executive level for potato producers in Montana, Idaho, Oregon, Washington, and Alaska increases from 25 percent to 33 percent. The change was recommended by a large majority of the Board, with only 3 of 84 members dissenting at the Board's meeting on March 18, 2006.

Section 1207.327(b) of the Plan provides the authority to make rules and regulations, with USDA approval, to effectuate the terms and conditions of the Plan. Section 1207.328(a) of the Plan provides the authority to select from its members such officers as may be necessary and to adopt such rules for the conduct of its business as the Board may deem advisable.

Section 1207.507(a) of the Plan's administrative rules delineates the structure of Board's Administrative Committee. The Committee is selected from among Board members and must be composed of producer members, one or more importer member(s), and the public member. The Board, through the adoption of their bylaws, may prescribe the manner of selection and the number of members; except that the regulations mandate that the Committee shall include a Chairperson and a fixed number of Vice-Chairpersons. The bylaws also designate the officers and the immediate past Chairperson as the Board's Executive Committee.

Prior to this change, the Plan provided for six Vice-Chairperson positions on the Committee. Vice-Chairperson positions are allocated in the Board's bylaws to represent production districts as determined by the Board. This action increases the number of Vice-Chairperson positions to seven. The additional Vice-Chairperson would be allocated to the Northwest district, which historically has been the district with the greatest production.

At its meeting on March 18, 2006, the Board discussed the structure of its model of governance as it relates to adequate representation of their constituents. The Board has been studying this issue for a number of years. Representatives from the potato producing districts that have experienced increases over the last 30

years expressed a desire for greater Board representation.

The Northwest district, which includes the States of Montana, Idaho, Oregon, Washington, and Alaska, has increased production such that the district now accounts for 49.5 percent of all potatoes produced by or imported into the U.S. Under the current Plan, the Northwest district accounts for 47.4 percent of the votes of the full Board, which the Board has determined to be equitable. In contrast, membership on the Executive Committee, the governing body of the Administrative Committee, is not representative of current production. The Northwest district has held only two of the eight executive positions, which represents only 25 percent of the Executive Committee vote, while production in the district has increased to nearly 50 percent.

The members agreed to a compromise solution to increase the number of officer positions on the Administrative Committee by one and, through a change in the Board's bylaws, to allocate the additional Vice-Chairperson position to the Northwest district. Eighty-one Board members voted in favor of the proposal and three members were opposed. Those in opposition represented the Northeast district and were concerned, even after the compromise proposal, that too much influence on the Board would shift to the West.

Initial Regulatory Flexibility Analysis and Paperwork Reduction Act

In accordance with the Regulatory Flexibility Act (RFA) [5 U.S.C. 601 *et seq.*], the Agricultural Marketing Service has examined the impact of this rule on small entities. The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such action so that small businesses will not be disproportionately burdened.

There are approximately 1,353 handlers, 5,223 producers, and 300 importers of potatoes and potato products who are subject to the provisions of the Plan. The Small Business Administration (SBA) defines small agricultural service firms, which includes handlers and importers, as those having annual receipts of less than \$6,500,000, and small agricultural producers are defined as those having annual receipts of less than \$750,000. Most of the producers and handlers, and some of the importers would be classified as small businesses under the criteria established by the SBA (13 CFR 121.201). In addition, producers of less than 5 acres of potatoes are exempt from this program.

This rule modifies the structure of the Administrative Committee of the Board, as delineated under § 1207.507 of the Plan, by increasing the number of Vice-Chairperson positions from six to seven. The Plan requires that the Committee be comprised of producer Board members, one or more importer Board member(s), and the public Board member. The exact number of members seated on the Committee is determined by the Board through the Board's bylaws. Additionally, the Plan regulations require that the Board elect a Committee Chairperson and a fixed number of Vice-Chairpersons.

The Board, through their bylaws, allocates the Committee's officer positions according to production districts, so as to provide equitable representation at the executive level. The Northwest district, which has historically represented a large percentage of total potato production, has in the past been allocated two officer positions, while the other five districts have each been allocated one. Currently, producers within the Northwest district collectively produce over 50 percent of the total U.S. potato production. The additional Vice-Chairperson position created by this would be allocated by the Board's bylaws to the Northwest district, thereby increasing representation for that district at the executive level from 25 percent to 33 percent. The authority for this action is provided in §§ 1207.327 and 1207.328 of the Plan.

At their March 18, 2006, meeting, the Board discussed the factors leading up to this action and the potential impact on the industry after the change. However, there is no direct financial impact to producers, handlers, or importers as a result of this action.

The Board discussed alternatives to this change, including reducing the number of districts, defining Committee representation as a ratio relative to Board members from each district, and reducing the size of the Board to the size of the existing Administrative Committee. None of the proposals garnered much support and were ultimately dropped from consideration because the changes were deemed to be too divisive to the industry.

This rule will not impose any additional reporting or recordkeeping requirements on either small or large potato handlers or importers. As with all Federal research and promotion programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

AMS is committed to compliance with the Government Paperwork Elimination Act (GPEA), which requires Government agencies in general to provide the public the option of submitting information or transacting business electronically to the maximum extent possible.

In addition, USDA has not identified any relevant Federal rules that duplicate, overlap or conflict with this rule.

Further, the Board's meetings were widely publicized throughout the potato industry and all interested persons were invited to attend the meetings and participate in Board deliberations. Like all Board meetings, the March 18, 2006, meeting was a public meeting and all entities, both large and small, were able to express their views on this issue. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

This rule invites comments on a change to the Administrative Committee structure as currently prescribed under the Plan. Any comments timely received will be considered prior to finalization of this rule.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) Making this change effective prior to that date will facilitate Committee operations; (2) this issue has been widely discussed at various industry and association meetings, and interested persons have had time to determine and express their positions; and (3) this rule provides a 60-day comment period and any comments received will be considered prior to finalization of this rule.

List of Subjects in 7 CFR Part 1207

Advertising, Agricultural research, Imports, Potatoes, Reporting and recordkeeping requirements.

■ For the reasons set forth in the preamble, 7 CFR part 1207 is amended as follows:

PART 1207—POTATO RESEARCH AND PROMOTION PLAN

■ 1. The authority citation for 7 CFR part 1207 continues to read as follows:

Authority: 7 U.S.C. 2611–2627.

■ 2. Section 1207.507(a) is revised to read as follows:

§ 1207.507 Administrative Committee.

(a) The Board shall annually select from among its members an Administrative Committee composed of producer members as provided for in the Board's bylaws, one or more importer members, and the public member. Selection shall be made in such manner as the Board may prescribe: Except that such committee shall include the Chairperson and seven Vice-Chairpersons, one of whom shall also serve as the Secretary and Treasurer of the Board.

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Dated: December 18, 2006.

Lloyd C. Day,

Administrator, Agricultural Marketing Service.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs; Gentamicin

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of an abbreviated new animal drug application (ANADA) filed by Sparhawk Laboratories, Inc. The ANADA provides for use of a gentamicin sulfate injectable solution in piglets for treatment of porcine colibacillosis.

DATES: This rule is effective December 22, 2006.

FOR FURTHER INFORMATION CONTACT: John K. Harshman, Center for Veterinary Medicine (HFV 104), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–0169, e-mail: john.harshman@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: Sparhawk Laboratories, Inc., 12340 Santa Fe Trail Dr., Lenexa, KS 66215, filed ANADA 200–394 for the use of Gentamicin Sulfate Injection in piglets up to 3 days old for treatment of porcine colibacillosis caused by strains of *Escherichia coli* sensitive to gentamicin. Sparhawk Laboratories, Inc.'s Gentamicin Sulfate Injection is approved as a generic copy of Schering-Plough Animal Health Corp.'s GARACIN Piglet Injection, approved

under NADA 103–037. The ANADA is approved as of November 17, 2006, and the regulations in 21 CFR 522.1044 are amended to reflect the approval and a current format. The basis of approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of 21 CFR part 20 and 21 CFR 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

FDA has determined under 21 CFR 25.33(a)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This rule does not meet the definition of “rule” in 5 U.S.C. 804(3)(A) because it is a rule of “particular applicability.” Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects in 21 CFR Part 522

Animal drugs.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 522 is amended as follows:

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

■ 1. The authority citation for 21 CFR part 522 continues to read as follows:

Authority: 21 U.S.C. 360b.

■ 2. In § 522.1044, revise the section heading and paragraphs (a) and (b) to read as follows:

§ 522.1044 Gentamicin.

(a) *Specifications.* Each milliliter of solution contains gentamicin sulfate equivalent to 5, 50, or 100 milligrams (mg) gentamicin.

(b) *Sponsors.* See sponsors in § 510.600(c) of this chapter for use as in paragraph (d) of this section.

(1) No. 000061 for use of 5 mg per milliliter (/mL) solution in swine as in paragraph (d)(4), 50 mg/mL solution in dogs and cats as in paragraph (d)(1), 50 mg/mL and 100 mg/mL solution in chickens and turkeys as in paragraphs (d)(2) and (d)(3) of this section.