a sample meets the general appearance criteria for the special grade designation ''Purple Mottled or Stained.''

14. In consideration of the fact that the overall appearance of the product is an important consideration for some customers, should we create other general appearance images? What appearance factors are of greatest interest? (Visual reference images/general appearance factors may be viewed on the GIPSA Web site at: *http://www.gipsa.usda.gov/GIPSA/webapp?area=home&subject=grpi&topic=sq-isd*.)

Basis of Determination

As provided in 9 CFR 810.1603, Basis of determination, ''each determination of class, heat-damaged kernels, damaged kernels, splits, and soybeans of other colors is made on the basis of the grain when free from foreign material. Inspectors make other determinations not specifically provided for under the general provisions on the basis of the grain as a whole.'' For example, inspectors determine moisture content on the sample as a whole.

15. What basis of determination is used in the marketplace for the various factors? Why does the marketplace use that basis?

16. Would there be any positive or detrimental consequences if we were to determine all factors on the basis of a sample when free from foreign matter?

Food Grade Soybeans

17. Should we establish a separate standard, for example, U.S. Standards for Food Grade Soybeans or a separate grade level, class, or special grade within the existing soybeans standards for food-grade soybeans? Please provide as much detail as possible as to:

a. Explain why.

b. What would a new standard look like or what would the grade limits be for a new grade level?

We are committed to provide market-relevant soybean standards. We welcome your comments on these issues as well as any comments or suggestions on changes to the soybean standards and grading procedures.

Authority: 7 U.S.C. 71–87.

James E. Link,

Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. E7–8291 Filed 4–30–07; 8:45 am]

BILLING CODE 3410–KD–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 929

[Docket No. AMS–FV–07–0034; FV07–929–1]

Cranberries Grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York; Continuance Referendum

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Referendum order.

SUMMARY: This document directs that a continuance referendum be conducted among eligible growers of cranberries in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York to determine whether they favor continuance of the marketing order regulating the handling of cranberries grown in the production area.

DATES: The referendum will be conducted from May 17 through May 31, 2007. To vote in this referendum, growers must have been engaged in producing cranberries within the production area during the period September 1, 2005, through August 31, 2006.

ADDRESSES: Copies of the marketing order may be obtained from USDA, Washington, DC Marketing Field Office, 4700 River Road, Unit 155, Riverdale, Maryland 20737, or the Office of the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Programs, Agricultural Marketing Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Stop 0237, Washington, DC 20250–0237.

FOR FURTHER INFORMATION CONTACT: Patricia A. Petrella or Kenneth G. Johnson, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, Unit 155, 4700 River Road, Riverdale, MD 20737; telephone: (301) 734–5243, Fax: (301) 734–5275; or e-mail at: *Kenneth.Johnson@usda.gov* or *Patricia.Petrella@usda.gov*.

SUPPLEMENTARY INFORMATION: Pursuant to Marketing Order No. 929 (7 CFR part 929), hereinafter referred to as the ''order,'' and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act,'' it is hereby directed that a referendum be conducted to ascertain whether continuance of the order is favored by growers. The referendum shall be conducted during the period May 17 through May 31, 2007, among eligible cranberry growers in the production area. Only growers that were engaged in the production of cranberries in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York during the period of September 1, 2005, through August 31, 2006, may participate in the continuance referendum.

USDA has determined that continuance referenda are an effective means for determining whether growers favor continuation of marketing order programs. The USDA would not consider termination of the order if more than 50 percent of the growers who vote in the referendum and growers of more than 50 percent of the volume of cranberries represented in the referendum favor continuance of their program.

In evaluating the merits of continuance versus termination, the USDA will not only consider the results of the continuance referendum. The USDA will also consider all other relevant information concerning the operation of the order and the relative benefits and disadvantages to growers, processors, and consumers in order to determine whether continued operation of the order would tend to effectuate the declared policy of the Act.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the ballot materials used in the referendum herein ordered have been previously approved by the Office of Management and Budget (OMB) under OMB No. 0581–0189, OMB Generic Fruit Crops. It has been estimated that it will take an average of 20 minutes for each of the approximately 1,100 producers of cranberries in the production area to cast a ballot. Participation is voluntary. Ballots postmarked after May 31, 2007, will be marked invalid and not included in the vote tabulation.

Kenneth G. Johnson, Patricia A. Petrella and Dawana Clark of the Washington, DC Marketing Field Office, Fruit and Vegetable Programs, Agricultural Marketing Service, USDA, are hereby designated as the referendum agents of USDA to conduct such referendum. The procedure applicable to the referendum shall be the ''Procedure for the Conduct of Referenda in Connection With

Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended'' (7 CFR 900.400 *et seq.*).

Ballots will be mailed to all growers of record and may also be obtained from the referendum agents and from their appointees.

List of Subjects in 7 CFR Part 929

Cranberries, Marketing agreements, Reporting and recordkeeping requirements.

Authority: 7 U.S.C. 601–674.

Dated: April 25, 2007.

Lloyd C. Day,

Administrator, Agricultural Marketing Service.

[FR Doc. E7–8233 Filed 4–30–07; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 35

[Docket Nos. RM05–10–000 and AD04–13–000]

Imbalance Provisions for Intermittent Resources; Assessing the State of Wind Energy in Wholesale Electricity Markets

Issued April 25, 2007.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is withdrawing its proposal to amend its regulations to require public utilities to append to their open access transmission tariffs (OATTs) an intermittent generator imbalance service schedule in light of the imbalance-related reforms adopted in Order No. 890, 72 FR 12266 (Mar. 15, 2007).

DATES: The notice of proposed rulemaking published on April 14, 2005, at 70 FR 21349, is withdrawn as of May 1, 2007.

FOR FURTHER INFORMATION CONTACT:

W. Mason Emnett (Legal Information), Office of the General Counsel—Energy Markets, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502–6540.

Daniel Hedberg (Technical Information), Office of Energy Markets and Reliability, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502–6243.

SUPPLEMENTARY INFORMATION:

Before Commissioners: Joseph T. Kelliher, Chairman; Suedeen G. Kelly, Marc Spitzer, Philip D. Moeller, and Jon Wellinghoff.

Withdrawal of Notice of Proposed Rulemaking

1. On April 14, 2005, the Commission issued a Notice of Proposed Rulemaking (NOPR) in this proceeding.[1] For the reasons set forth below, we are withdrawing the NOPR and terminating this rulemaking.

2. In the NOPR, the Commission proposed to clarify and amend imbalance-related provisions in the *pro forma* Open Access Transmission Tariff (OATT) as applied to intermittent resources.[2] The Commission concluded that, although the number of intermittent resources had grown since the adoption of the *pro forma* OATT in Order No. 888,[3] such resources were historically hesitant to take service under the *pro forma* OATT, thereby accessing broader markets, due to the application of imbalance provisions that were designed to apply to resources with the ability to control fuel input and thus schedule their energy with precision. The Commission concluded that the imbalance provisions of the Order No. 888 *pro forma* OATT may no longer be just, reasonable or not unduly discriminatory or preferential as applied to intermittent resources that by nature are weather-driven.[4] The Commission therefore proposed to establish a standard schedule under the *pro forma* OATT to address generator imbalances solely for intermittent resources and sought comment on issues related to that proposal.

3. Since issuance of the NOPR, the Commission has completed its OATT reform rulemaking in Docket Nos. RM05–25–000, *et al.*, issuing Order No. 890 on February 16, 2007.[5] Among other things, Order No. 890 adopted a new Schedule 9 to govern generator imbalances. Under Schedule 9, imbalance charges ''must be based on incremental cost or some multiple therefore'' and ''must provide an incentive for accurate scheduling, such as by increasing the percentage of the adder above (and below) incremental cost as the deviation becomes larger.'' [6] Of particular relevance to this proceeding, the Commission also required that imbalance provisions ''account for the special circumstances presented by intermittent generators and their limited ability to precisely forecast or control generation levels, such as waiving the more punitive adders associated with higher deviations.'' [7]

4. As a result of the imbalance-related reforms adopted in Order No. 890, and in particular the requirement that generator imbalance provisions in each transmission provider's OATT take into account an intermittent resources' limited ability to forecast or control generation levels, the Commission concludes that it is no longer necessary to address the NOPR proposal to add to the *pro forma* OATT a generator imbalance schedule solely for intermittent resources. The reforms adopted in Order No. 890 adequately ensure that the imbalance provisions of the *pro forma* OATT will not result in service to intermittent resources that is unjust, unreasonable, or unduly discriminatory or preferential.

5. The Commission therefore withdraws the NOPR and terminates this rulemaking proceeding.

The Commission orders:

Docket No. RM05–10–000 is hereby terminated.

[1] *Imbalance Provisions for Intermittent Resources Assessing the State of Wind Energy in Wholesale Electricity Markets*, Notice of Proposed Rulemaking, 70 FR 21349 (Apr. 26, 2005), FERC Stats. & Regs. ❙ 32,581 (2005).

[2] For purposes of the NOPR, an intermittent resource was defined as an electric generator that is not dispatchable and cannot store its fuel source and therefore cannot respond to changes in system demand or respond to transmission security constraints.

[3] *Promoting Wholesale Competition Through Open Access Non-discriminatory Transmission Services by Public Utilities and Recovery of Stranded Costs by Public Utilities and Transmitting Utilities*, Order No. 888, 61 FR 21,540 (May 10, 1996), FERC Stats. & Regs. ❙ 31,036 (1996), *order on reh'g*, Order No. 888–A, 62 FR 12,274 (March 14, 1997), FERC Stats. & Regs. ❙ 31,048 (1997), *order on reh'g*, Order No. 888–B, 81 FERC ❙ 61,248 (1997), *order on reh'g*, Order No. 888–C, 82 FERC ❙ 61,046 (1998), *aff'd in relevant part, remanded in part on other grounds sub nom. Transmission Access Policy Study Group, et al.* v. *FERC,* 225 F.3d 667 (D.C. Cir. 2000), *aff'd sub nom. New York* v. *FERC,* 535 U.S. 1 (2002).

[4] The Commission began exploring these issues at a technical conference held on December 1, 2004, in Denver, Colorado in Docket No. AD04–13–000. Other transmission-related issues regarding wind energy were also discussed at the technical conference and in post-technical conference comments, such as the interconnection process, credits for transmission upgrades, and adoption of a conditional firm transmission product. These issues were not addressed in the NOPR, which was limited to the imbalance provisions of the *pro forma* OATT as they relate to intermittent resources.

[5] *See Preventing Undue Discrimination and Preference in Transmission Service,* Order No. 890, 72 FR 12266 (March 15, 2007), FERC Stats. & Regs. ❙ 31,241 (2007), *reh'g pending.*

[6] Order No. 890 at P 663.

[7] *Id.* The Commission also adopted a standard definition of intermittent resource that is identical to that proposed in this proceeding. *See Id.* at P 666.