

(ii) Determining whether there is a need for the proposed amendments to the order; and

(iii) Determining whether the proposed amendments or appropriate modifications thereof will tend to effectuate the declared policy of the Act.

Testimony is invited at the hearing on all the proposals and recommendations contained in this notice, as well as any appropriate modifications or alternatives.

All persons wishing to submit written material as evidence at the hearing should be prepared to submit four copies of such material at the hearing and should have prepared testimony available for presentation at the hearing.

From the time the notice of hearing is issued and until the issuance of a final decision in this proceeding, Department employees involved in the decisional process are prohibited from discussing the merits of the hearing issues on an *ex parte* basis with any person having an interest in the proceeding. The prohibition applies to employees in the following organizational units: Office of the Secretary of Agriculture; Office of the Administrator, AMS; Office of the General Counsel, except any designated employee of the General Counsel assigned to represent the Committee in this proceeding; and the Fruit and Vegetable Programs, AMS.

Procedural matters are not subject to the above prohibition and may be discussed at any time.

#### List of Subjects in 7 CFR Part 915

Avocados, Marketing agreements, Reporting and recordkeeping requirements.

#### 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.

2. Testimony is invited on the following proposals or appropriate alternatives or modifications to such proposals.

#### Proposals Submitted by Florida Avocado Administrative Committee

##### Proposal Number 1

3. Amend § 915.41 by revising paragraph (b) to read as follows:

##### § 915.41 Assessments.

\* \* \* \* \*

(b) The Secretary shall fix the rate of assessment per 55-pounds of fruit or equivalent in any container or in bulk, to be paid by each such handler. At any time during or after a fiscal year, the

Secretary may increase the rate of assessment, in order to secure sufficient funds to cover any later finding by the Secretary relative to the expense which may be incurred. Such increase shall be applied to all fruit handled during the applicable fiscal year. In order to provide funds for the administration of the provisions of this part, the committee may accept the payment of assessments in advance, or borrow money on a short-term basis. The authority of the committee to borrow money may be used only to meet financial obligations as they occur and to allow the committee to adjust its reserve funds to meet any additional obligations.

##### Proposal Number 2

4. Amend § 915.30 by revising paragraph (c) to read as follows:

##### § 915.30 Procedure.

\* \* \* \* \*

(c) For any recommendation of the committee for an assessment rate change, a two-thirds majority of those in attendance is required.

##### Proposal Number 3

5. Amend § 915.22 by revising paragraph (b)(1) to read as follows:

##### § 915.22 Nomination.

\* \* \* \* \*

(b) *Successor members.* (1) The committee shall hold or cause to be held a meeting or meetings of growers and handlers in each district to designate nominees for successor members and alternate members of the committee; or the committee may conduct nominations Districts 1 and 2 by mail in a manner recommended by the committee and approved by the Secretary. Such nominations shall be submitted to the Secretary by the committee not later than March 1 of each year. The committee shall prescribe procedural rules, not inconsistent with the provisions of this section, for the conduct of nomination.

\* \* \* \* \*

##### Proposal Number 4

6. Add a new § 915.43 to read as follows:

##### § 915.43 Contributions.

The Committee may accept voluntary contributions. Such contributions shall be free from any encumbrances by the donor and the Committee shall retain complete control of their use.

#### Proposal by Fruit and Vegetable Programs, Agricultural Marketing Service

##### Proposal Number 5

Make such changes as may be necessary to make the marketing agreement and the order conform with any amendments thereto that may result from the hearing.

Dated: July 18, 2006.

**Lloyd C. Day,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. E6-11739 Filed 7-21-06; 8:45 am]

**BILLING CODE 3410-02-P**

#### DEPARTMENT OF AGRICULTURE

#### Agricultural Marketing Service

#### 7 CFR Part 1220

[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:** 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 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.

**DATES:** Written comments must be received by August 23, 2006.

**ADDRESSES:** Send any written comments to Kenneth R. Payne, Chief, Marketing Programs Branch; Livestock and Seed Program; Agricultural Marketing Service (AMS), USDA, Room 2638-S; STOP 0251; Washington, DC 20090-0251. Comments may be sent by facsimile to 202/720-1125 or via e-mail at [soybeancomments@usda.gov](mailto:soybeancomments@usda.gov) or <http://www.regulations.gov>. State that your comments refer to Docket No. LS-06-01. Comments will be available for public inspection during regular business hours between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays or on the Internet at <http://www.ams.usda.gov/lsg/mpb/rp-soybean.htm>.

**FOR FURTHER INFORMATION CONTACT:**

Kenneth R. Payne, Chief, Marketing Programs Branch, 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 § 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 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.

Proposed representation on the Board, which would be 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 would remain at 30. As a result of Florida recently being decertified as a Qualified State Soybean Board, Florida will become a part of the Eastern Region.

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

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

Board adjustments as proposed by this rulemaking would become effective,

if adopted, with the 2007 nominations and appointments.

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

**§ 1220.201 Membership of board.**

\* \* \* \* \*

Unit	Number of members
Illinois .....	4
Iowa .....	4
Minnesota .....	4
Indiana .....	4
Nebraska .....	4
Missouri .....	4
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
Eastern Region (Florida, Massachusetts, New Jersey, Connecticut, 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: July 18, 2006.

**Lloyd C. Day,**  
Administrator, Agricultural Marketing Service.  
[FR Doc. E6-11737 Filed 7-21-06; 8:45 am]  
**BILLING CODE 3410-02-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. FAA-2005-23007; Directorate Identifier 2005-NM-013-AD]

**RIN 2120-AA64**

**Airworthiness Directives; Airbus Model A310-200 and -300 Series Airplanes**

**AGENCY:** Federal Aviation Administration (FAA), Department of Transportation (DOT).

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** The FAA withdraws a notice of proposed rulemaking (NPRM) that proposed a new airworthiness directive (AD) for certain Airbus Model A310-200 and -300 series airplanes. The proposed AD would have required repetitive inspections for cracks and corrosion of the areas behind the scuff plates below the passenger/crew doors and bulk cargo door, and repair of any cracked or corroded part. The proposed AD also would have required repetitive inspections for cracks of the holes of the corner doublers, the fail-safe ring, and the door frames of the passenger/crew door structures. Since the proposed AD was issued, we have determined that that the proposed inspections and terminating action are essentially identical to those of another existing AD. Accordingly, the proposed AD is withdrawn.

**ADDRESSES:** You may examine the AD docket on the Internet at <http://dms.dot.gov>, or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647-5227) is located on the plaza level of the Nassif Building at the U.S. Department of Transportation, 400 Seventh Street, SW., Room PL-401, Washington, DC. This docket number is FAA-2005-23007; the directorate identifier for this docket is 2005-NM-013-AD.

**FOR FURTHER INFORMATION CONTACT:** Tom Stafford, Aerospace Engineer, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington

98055-4056; telephone (425) 227-1622; fax (425) 227-1149.

**SUPPLEMENTARY INFORMATION:**

**Discussion**

We proposed to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) with a notice of proposed rulemaking (NPRM) for a new AD for certain Airbus Model A310-200 and -300 series airplanes. That NPRM was published in the **Federal Register** on November 21, 2005 (70 FR 70048). The NPRM would have required repetitive inspections for cracks and corrosion of the areas behind the scuff plates below the passenger/crew doors and bulk cargo door, and repair of any cracked or corroded part. The NPRM also would have required repetitive inspections for cracks of the holes of the corner doublers, the fail-safe ring, and the door frames of the passenger/crew door structures. The NPRM resulted from reports of corrosion behind the scuff plates at passenger/crew doors and the bulk cargo door and fatigue cracks on the corner doublers of the forward and aft passenger/crew door frames. The proposed actions were intended to prevent such corrosion and fatigue cracking, which could result in reduced structural integrity of the door surroundings.

**Actions Since NPRM Was Issued**

Since we issued the NPRM, we realized that we had previously issued AD 98-16-06, amendment 39-10682 (63 FR 40819, July 31, 1998), for all Airbus Model A310 series airplanes. That AD requires inspections of the lower door surrounding structure to detect cracks and corrosion, and repair if necessary. That AD also requires inspections to detect cracking of the holes of the corner doublers, the fail-safe ring, and the door frames of the door structures; and repair if necessary. In addition, that AD also provides for an optional terminating action for certain inspections.

**FAA's Conclusions**

Upon further consideration, we have determined that the inspections and terminating action in AD 98-16-06 are essentially identical to those specified in the NPRM. We are considering superseding AD 98-16-06 to mandate the optional terminating action and refer to the latest service information. Accordingly, the NPRM is withdrawn.

**Regulatory Impact**

Since this action only withdraws an NPRM, it is neither a proposed nor a final rule and therefore is not covered under Executive Order 12866, the Regulatory Flexibility Act, or DOT