

regulation, either on a temporary basis or indefinitely. The Committee also rejected this option as being too extreme for the current situation.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the information collection requirements that are contained in this rule are currently approved by the Office of Management and Budget (OMB), under OMB No. 0581-0178, Vegetable and Specialty Crops. This rule will impose minimal additional reporting or recordkeeping requirements, deemed to be insignificant, on both small and large onion handlers that export onions.

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, as noted in the initial regulatory flexibility analysis, 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.

The Committee's meeting was widely publicized throughout the South Texas onion industry and all interested persons were invited to attend the meeting and participate in Committee deliberations. Like all Committee meetings, the March 16, 2007, meeting was a public meeting and all entities, both large and small, were able to express their views on this issue. Furthermore, interested persons were invited to submit information on the regulatory and informational impacts of this action on small businesses.

An interim final rule concerning this action was published in the **Federal Register** on April 9, 2007. Copies of the rule were mailed by the Committee's staff to all Committee members, onion handlers, and interested persons. In addition, the rule was made available through the Internet by USDA and the Office of the Federal Register. That rule provided for a 60-day comment period, which ended June 8, 2007. No comments were received.

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/foab.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 continues in effect the action that exempts onions for export from the handling regulations prescribed under the South Texas onion marketing order.

After consideration of all relevant material presented, including the Committee's recommendation, and other information, it is found that finalizing the interim final rule, without change, as published in the **Federal Register** (72 FR 17360, April 9, 2007) will tend to effectuate the declared policy of the Act.

#### List of Subjects in 7 CFR Part 959

Onions, Marketing agreements, Reporting and recordkeeping requirements.

#### PART 959—ONIONS GROWN IN SOUTH TEXAS

■ Accordingly, the interim final rule amending 7 CFR part 959 which was published at 72 FR 17360 on April 9, 2007, is adopted as a final rule without change.

Dated: July 9, 2007.

Lloyd C. Day,

Administrator, Agricultural Marketing Service.

[FR Doc. E7-13547 Filed 7-11-07; 8:45 am]

BILLING CODE 3410-02-P

#### DEPARTMENT OF AGRICULTURE

##### Agricultural Marketing Service

##### 7 CFR Part 1220

[Docket No. AMS-LS-07-0084; LS-05-07]

##### Soybean Promotion and Research Program; Section 610 Review

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

**ACTION:** Confirmation of regulations.

**SUMMARY:** This document summarizes the results of an Agricultural Marketing Service (AMS) review of the Soybean Promotion, Research, and Consumer Information Program under the criteria contained in section 610 of the Regulatory Flexibility Act (RFA). Based upon its review, AMS has determined that the Soybean Research and Promotion Order (Order) should be continued without change.

**ADDRESSES:** Interested persons may obtain a copy of the review. Requests for copies should be sent to Kenneth R. Payne, Chief, Marketing Programs, Livestock and Seed Program, AMS, USDA, Room 2628-S, STOP 0251, 1400 Independence Avenue, SW., Washington, DC 20250-0251; Phone:

(202) 720-1115; Fax: (202) 720-1125; or, online at [www.regulations.gov](http://www.regulations.gov).

#### FOR FURTHER INFORMATION CONTACT:

Kenneth R. Payne, Chief, Marketing Programs Branch, Livestock and Seed Program, AMS, USDA, Room 2638-S, STOP 0251, 1400 Independence Avenue, SW., Washington, DC 20250-0251 or e-mail [Kenneth.Payne@usda.gov](mailto:Kenneth.Payne@usda.gov).

**SUPPLEMENTARY INFORMATION:** The Order (7 CFR 1220) is authorized under the Soybean Promotion, Research, and Consumer Information Act (Act) (7 U.S.C. 6301 *et seq.*). This program is a national producer program for soybean and soybean product promotion, research, consumer information, and industry information as part of a comprehensive strategy to strengthen the soybean industry's position in the marketplace by maintaining and expanding existing domestic and foreign markets and uses for soybeans and soybean products, and to develop new markets and uses for soybean and soybean products. Soybean producers fund this program through a mandatory assessment of one-half of one percent (0.5 percent) of the net market price per bushel on soybeans marketed. Assessments collected under this program are used for promotion, research, consumer information, and industry information.

The national program is administered by the United Soybean Board (Board), which has 64 producer members. Board members serve 3-year terms and represent 28 states and 2 geographic units.

On February 18, 1999, AMS published in the **Federal Register** (64 FR 8014), a plan to review certain regulations, including the Soybean Promotion, Research, and Consumer Information Program, known as the Soybean Checkoff Program (Program), under criteria contained in section 610 of the Regulatory Flexibility Act (RFA) (U.S.C. 601-612). Updated plans were published in the **Federal Register** on January 4, 2002 (67 FR 525), August 14, 2003 (68 FR 48574), and March 24, 2006 (71 FR 14827). The reviews are being conducted over the next 10 years under section 610 of the RFA. Because many AMS regulations impact small entities, AMS decided, as a matter of policy, to review certain regulations which, although they may not meet the threshold requirement under section 610 of the RFA, warranted review.

As part of its review of the Program, AMS published a notice of review and request for written comments on the Soybean Research and Promotion Order in the December 2, 2005 issue of the

**Federal Register** (70 FR 72257).

Comments were due January 31, 2006. Comments were received from 18 various State soybean associations, a national trade association, and several soybean producers.

The review was undertaken to determine whether the Order should be continued without change, amended, or rescinded (consistent with the objectives of the Act) to minimize the impacts on small entities. In conducting this review, AMS considered the following factors: (1) The continued need for the Order; (2) the nature of complaints or comments from the public concerning the Order; (3) the complexity of the Order; (4) the extent to which the Order overlaps, duplicates, or conflicts with other Federal rules and, to the extent feasible, with state and local governmental rules; and (5) the length of time since the Order has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the Order.

*Comments:* USDA received comments from 18 various State soybean associations, national trade associations, and soybean producers regarding the Order and/or the regulations in response to the published notice of review.

A comment from the chairman of the United Soybean Board discussed background information about the Program as well as rationale for the continuation of the Order. The comment from the Board chairman addressed the intent of the 610 review. The chairman also referenced the results of the 2004 request for a referendum, in which only 3,206 valid requests for a referendum were cast. A total of 66,388 valid votes were required to prompt a referendum. Additionally, the comment referred to the recent return on investment study, which evaluated Program activities from 1995–2001, and determined that for every \$1 invested, producers received \$6.75 in returns.

Thirteen comments addressed the process used by the Board for selecting contractors. To obtain contractors, the Board periodically announces Request for Proposals (RFP) for potential contractors who provide specific services for the Board. As part of the oversight responsibility, USDA reviews and approves all contracts between the Board and contractors. The Board continually evaluates the work of all contractors, who are subject to audits. Competitive bidding is used by the Board and subcontractors, when deemed necessary.

Eighteen comments received questioned how the Board manages the Program's finances. The Board's

financial records are audited on an annual basis by an independent auditor. Through the Board's compliance program and auditing authority, Qualified State Soybean Boards (QSSB) are periodically reviewed to ensure proper accounting procedures are in place so that checkoff dollars are not commingled with non-checkoff dollars and are spent on authorized activities. AMS also reviews and approves the annual financial audit of the Board, the operating and administrative budgets of the Board, and amendments made to either budget as the fiscal year progresses. Producers and organizations representing soybean producers are encouraged to attend State meetings and provide input during the decision-making process.

For budgeting purposes, the Board has adopted the use of a Budget Allocation Model, which allows all producers the opportunity to direct programs and funding. This model is used in conjunction with the Board's committee structure to allocate checkoff funds for Board activity. The Board is required under the Order to have its financial records annually reviewed by an independent certified public accountant. To date, the audits have not reflected any substantive reasons for concern and have indicated that the Board does adhere to the administrative cap set forth in the Act. Board financial information and meeting minutes are available to QSSBs and the general public upon request to the Board and are distributed to Board members.

The Board, by representation of producers nominated by State boards and appointed by the Secretary, is responsible for decisions that impact the entire soybean industry. Therefore, AMS understands the value of transparency of the Board's decisions and actions. In fiscal year 2006, Beyond the Bean magazine was distributed quarterly to producers to communicate educational, action-oriented checkoff activities of the Board. Additionally, Board and committee meetings are open to the public. The public, which includes QSSB representatives and producers, are afforded the opportunity to participate in Board and committee meetings and are encouraged to provide input in the decision-making process.

Fifteen comments made recommendations that include changes to the Act, such as: Doubling the assessment rate, changing how Board members are selected, the removal of legislation authorizing the Coordinating Committee, allowing for the payment of membership dues with checkoff dollars, and allowing checkoff funds generated in States to remain under the sole

discretion and control of the each respective State. However, implementation of these suggestions would require changes to language in the Act itself, which would require congressional action.

Fourteen comments recommended changes to the Order, including suggestions on how referendums are conducted and a request to correct an erroneously eliminated section that allows State checkoff programs to pay refunds and mandate that producers requesting a refund direct their total assessment to the Board. The Order was amended in January 2007 to add the eliminated section back into the Order. The Order currently allows for soybean producers to petition for a referendum every five years. Suggestions received from the public on how the Order can be revised concerning change the referendum process have been forwarded to the Board for further consideration.

Five comments addressed the Board's decision to establish the United States Soybean Export Council (USSEC). AMS has reviewed all agreements and contracts to ensure that all activities were performed and permissible under the Act and Order. Preliminary information pertaining to the creation of USSEC and impact upon ASA are anticipated and will be distributed to Board members. Such information will also be made available to the public upon request.

Five comments addressed the method used for calculating eligible soybean producers. According to the Act, the term "producer" is defined as "any person engaged in the growing of soybeans in the United States, who owns or shares the ownership and risk of loss of such soybeans." USDA periodically reviews data available from the Farm Service Agency to determine the total number of producers eligible to participate in a request for referendum.

Two comments indicated that the period used for Minimum Assessment Provision by the Board should begin either September or October instead of the beginning of the calendar year. The calendar year is used in order to provide consistency among the various accounting periods used by the QSSBs.

Based upon this review, the USDA has determined that the Order is not unduly complex. The USDA has not identified any relevant Federal rules or State and local regulations that duplicate, overlap, or conflict with the Order's requirements. While there are organizations that exist to conduct soybean research, the Board works with these organizations complementarily. In many cases, the work being done by

these research institutions is either fully or partially funded by the Board.

There are State programs that promote generic soybeans and soybean products. These State programs are, in most cases, affiliated with the Board as the QSSBs in their respective States or geographic units. Assessments are collected by QSSBs, portions of which are retained by their respective geographic units for local generic soybean promotion, research, and information.

Additionally, these are some organizations that exist solely to represent soybean producers. These organizations are voluntary in nature and serve different functions. The activities of these organizations concentrate in areas not covered by the Order, and therefore do not duplicate or conflict with the Order.

Based upon the review, AMS has determined that the Order should continue without change. AMS plans to continue working with the soybean industry in maintaining an effective Program.

**Authority:** 7 U.S.C. 6301–6311.

Dated: July 9, 2007.

**Lloyd C. Day,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. E7–13548 Filed 7–11–07; 8:45 am]

**BILLING CODE 3410–02–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA–2007–27863 Directorate Identifier 2007–CE–037–AD; Amendment 39–15126; AD 2007–14–04]

RIN 2120–AA64

#### **Airworthiness Directives; Pacific Aerospace Corporation, Ltd Model 750XL Airplanes**

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

**ACTION:** Final rule.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for the products listed above. This AD results from mandatory continuing airworthiness information (MCAI) issued by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as:

To prevent the rudder trim tab upper pivot hole in the rudder rib flogging out, which

may lead to aerodynamic flutter and possible loss of aircraft control \* \* \*

We are issuing this AD to require actions to correct the unsafe condition on these products.

**DATES:** This AD becomes effective August 16, 2007.

On August 16, 2007, the Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD.

**ADDRESSES:** You may examine the AD docket on the Internet at <http://dms.dot.gov> or in person at Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** Karl Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4146; fax: (816) 329–4090.

#### **SUPPLEMENTARY INFORMATION:**

##### **Discussion**

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That NPRM was published in the **Federal Register** on May 18, 2007 (72 FR 28003). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

To prevent the rudder trim tab upper pivot hole in the rudder rib flogging out, which may lead to aerodynamic flutter and possible loss of aircraft control \* \* \*

To correct the unsafe condition, you must inspect the rudder trim tab upper pivot for any lateral movement of the bush. If you find any lateral movement of the bush, install modification PAC/XL/0267.

##### **Comments**

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM or on the determination of the cost to the public.

##### **Conclusion**

We reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed.

##### **Differences Between This AD and the MCAI or Service Information**

We have reviewed the MCAI and related service information and, in general, agree with their substance. But we might have found it necessary to use different words from those in the MCAI

to ensure the AD is clear for U.S. operators and is enforceable. In making these changes, we do not intend to differ substantively from the information provided in the MCAI and related service information.

We might also have required different actions in this AD from those in the MCAI in order to follow FAA policies. Any such differences are highlighted in a Note within the AD.

##### **Costs of Compliance**

We estimate that this AD will affect 7 products of U.S. registry. We also estimate that it will take about 16 work-hours per product to comply with basic requirements of this AD. The average labor rate is \$80 per work-hour. Required parts will cost about \$1,000 per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these parts. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here.

Based on these figures, we estimate the cost of this AD to the U.S. operators to be \$15,960 or \$2,280 per product.

##### **Authority for This Rulemaking**

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. "Subtitle VII: Aviation Programs," describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in "Subtitle VII, Part A, Subpart III, Section 44701: General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

##### **Regulatory Findings**

We determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this AD: