

available at [http://www.aphis.usda.gov/plant\\_health/plant\\_pest\\_info/weeds/downloads/delistingguide.pdf](http://www.aphis.usda.gov/plant_health/plant_pest_info/weeds/downloads/delistingguide.pdf). Persons who submit a petition to remove a taxon from the noxious weed lists would be required to provide their name, address, telephone number, and (if available) e-mail address. Persons who submit a petition to remove a taxon from the noxious weed lists are encouraged to provide the following information, which can help speed up the review process and help APHIS determine whether the specified plant taxon should not be listed as a noxious weed:

(a) Evidence that the species is distributed throughout its potential range or has spread too far to implement effective control.

(b) Evidence that control efforts have been unsuccessful and further efforts are unlikely to succeed.

(c) For cultivars of a listed noxious weed, scientific evidence that the cultivar has a combination of risk elements that result in a low pest risk. For example, the cultivar may have a narrow habitat suitability, low dispersal potential, evidence of sterility, inability to cross-pollinate with introduced wild types, or few if any potential negative impacts on the economy or environment of the United States.

(d) List of references.

#### PART 361—IMPORTATION OF SEED AND SCREENINGS UNDER THE FEDERAL SEED ACT

19. The authority citation for part 361 continues to read as follows:

**Authority:** 7 U.S.C. 1581–1610; 7 CFR 2.22, 2.80, and 371.3.

20. In § 361.6, paragraph (a)(1) is amended as follows:

a. By removing the entries for “*Caulerpa taxifolia* (Mediterranean clone)”, “*Homeria* spp.”, and “*Mimosa invisa* Martius”.

b. By revising the entries for “*Digitaria abyssinica* (= *D. scalarum*)”, “*Drymaria arenariodes* Humboldt & Bonpland ex Roemer & Schultes”, “*Imperata cylindrica* (L.) Rauschel”, “*Mikania micrantha* Humboldt, Bonpland, & Kunth”, “*Prosopis farcta* (Solander ex Russell) Macbride”, “*Prosopis pallida* (Humboldt & Bonpland ex Willdenow) Humboldt, Bonpland, & Kunth”, “*Setaria pallidifusca* (Schumacher) Stapf & Hubbard”, and “*Spermacoce alata* (Aublet) de Candolle” to read as set forth below.

c. By adding, in alphabetical order, entries for “*Acacia nilotica* (Linnaeus) Willdenow ex Delile”, “*Ageratina riparia* (Regel) R.M. King and H. Robinson”, “*Arctotheca calendula* (Linnaeus) Levyns”, “*Digitaria*

*abyssinica* (Hochstetter ex A. Richard) Stapf”, “*Euphorbia terracina* Linnaeus”, “*Inula britannica* Linnaeus”, “*Mimosa diplotricha* C. Wright”, “*Moraea collina* Thunberg”, “*Moraea flaccida* (Sweet) Steudel”, “*Moraea miniata* Andrews”, “*Moraea ochroleuca* (Salisbury) Drapiez”, “*Moraea pallida* (Baker) Goldblatt”, “*Onopordum acaulon* Linnaeus”, and “*Onopordum illyricum* Linnaeus”.

#### § 361.6 Noxious weed seeds.

(a) \* \* \*

(1) \* \* \*

*Digitaria abyssinica* (Hochstetter ex A. Richard) Stapf

\* \* \* \* \*

*Drymaria arenariodes* Humboldt & Bonpland ex J.A. Schultes

\* \* \* \* \*

*Imperata cylindrica* (Linnaeus) Palisot de Beauvois

\* \* \* \* \*

*Mikania micrantha* Kunth

\* \* \* \* \*

*Prosopis farcta* (Banks & Solander) J.F. Macbride

\* \* \* \* \*

*Prosopis pallida* (Humboldt & Bonpland ex Willdenow) Kunth

\* \* \* \* \*

*Setaria pumila* (Poir.) Roem. & Schult. subsp. *pallidifusca* (Schumach.) B.K. Simon

\* \* \* \* \*

*Spermacoce alata* Aublet

\* \* \* \* \*

Done in Washington, DC, this 3rd day of June 2009.

**Kevin Shea,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. E9–13507 Filed 6–9–09; 8:45 am]

**BILLING CODE 3410–34–P**

#### DEPARTMENT OF AGRICULTURE

##### Agricultural Marketing Service

#### 7 CFR Part 1220

[Doc. No. AMS–LS–09–0026]

#### 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 on the United Soybean Board (Board) to reflect changes in production levels that have

occurred since the Board was last reapportioned in 2006. As required by the Soybean Promotion, Research, and Consumer Information Act (Act), membership on the Board is reviewed every 3 years and adjustments are made accordingly. This proposed change would result in an increase in Board membership for one State, increasing the total number of Board members from 68 to 69. These changes would be reflected in the Soybean Promotion and Research Order (Order) and would be effective for the 2010 appointment process.

**DATES:** Comments must be received by August 10, 2009.

**ADDRESSES:** Comments should be posted online at <http://www.regulations.gov>. Comments received will be posted without change, including any personal information provided. All comments should reference the docket number, AMS–LS–09–0026; the date of submission; and the page number of this issue of the **Federal Register**. Comments may also be sent to Kenneth R. Payne, Chief, Marketing Programs Branch, Livestock and Seed Program, Agricultural Marketing Service (AMS), Department of Agriculture (USDA), Room 2628–S, STOP 0251, 1400 Independence Avenue, SW., Washington, DC 20250–0251.

**FOR FURTHER INFORMATION CONTACT:** Kenneth R. Payne, Chief, Marketing Programs Branch, Livestock and Seed Program, AMS, USDA, Room 2628–S, STOP 0251, 1400 Independence Avenue, SW., Washington, DC 20250–0251; Telephone 202/720–1115; Fax 202/720–1125; or e-mail to [Kenneth.Payne@ams.usda.gov](mailto:Kenneth.Payne@ams.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 proposed rule was reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have a retroactive effect. This action would 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 1971 of the Act, a person subject to the Order may file a petition with USDA stating that the Order, any provision of the Order, or any obligation imposed in connection with the Order,

is not in accordance with the law and request 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, USDA would rule on the petition. The Act provides that district courts of the United States in any district in which such person is an inhabitant, or has their principal place of business, has jurisdiction to review USDA'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**

AMS 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 (RFA) (5 U.S.C. 601–612), because it only adjusts representation on the Board to reflect changes in production levels that have occurred since the Board was last reapportioned in 2006. The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions so that small businesses will not be disproportionately burdened. As such, these changes will not impose a significant impact on persons subject to the program.

There are an estimated 589,182 soybean producers and an estimated 10,000 first purchasers who collect the assessment, most of whom would be considered small businesses under the criteria established by the Small Business Administration (SBA) [13 CFR 121.201]. SBA defines small agricultural producers as those having annual receipts of less than \$750,000.

**Paperwork Reduction Act**

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the reporting and recordkeeping requirements included in 7 CFR part 1220 were previously approved by OMB and were assigned 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 an initial Board with

60 members. For purposes of establishing the Board, the United States was divided into 31 States and geographical units. Representation on the Board from each unit was determined by the level of production in each unit. The initial Board was appointed 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 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 of Agriculture (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 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.

The Board was last reapportioned in 2006. The total Board membership increased from 64 to 68 members, with Nebraska, North Dakota, Pennsylvania, and Virginia each gaining one additional member. Additionally, Florida was grouped with the Eastern Region due to lower production levels. These changes were effective with the 2007 appointments.

Currently, the Board has 68 members representing 30 geographical units. This membership is based on average production levels for the years 2001–2005 (excluding crops in years that production was the highest and that production was the lowest) as reported by USDA's National Agricultural Statistics Service (NASS).

This proposed rule would increase total membership on the Board from 68 to 69. Production data for years 2003–

2008 (excluding the crops in years in which production was the highest and in which production was the lowest) was gathered from NASS. This change would not affect the number of geographical units.

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

| State      | Current representation | Proposed representation |
|------------|------------------------|-------------------------|
| Ohio ..... | 3                      | 4                       |

Board adjustments as proposed by this rulemaking would become effective, if adopted, with the 2010 appointment process.

**List of Subjects in 7 CFR 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 and 7 U.S.C. 7401.

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                 |
| Ohio .....           | 4                 |
| Missouri .....       | 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                 |

| Unit           | Number of members |
|----------------|-------------------|
| Delaware ..... | 1                 |
| Texas .....    | 1                 |
| Oklahoma ..... | 1                 |
| New York ..... | 1                 |

| Unit  | Number of members |
|---|-------------------|
| Eastern Region:<br>(Florida, Massachusetts, New Jersey, Connecticut, Florida, Rhode Island, Vermont, New Hampshire, Maine, West Virginia, District of Columbia, and Puerto Rico ..... | 1                 |
| Western Region:<br>(Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Arizona, Washington, Oregon, Nevada, California, Hawaii, and Alaska)   | 1                 |

\* \* \* \* \*

Dated: June 3, 2009.

**David R. Shipman,**

*Acting Administrator, Agricultural Marketing Service.*

[FR Doc. E9-13533 Filed 6-9-09; 8:45 am]

BILLING CODE 3410-02-P

**NUCLEAR REGULATORY COMMISSION**

**10 CFR Part 72**

[NRC-2009-0162]

RIN 3150-A162

**List of Approved Spent Fuel Storage Casks: Standardized NUHOMS® System Revision 10**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend its spent fuel storage cask regulations by revising the Transnuclear, Inc. (TN), Standardized NUHOMS® System listing within the "List of Approved Spent Fuel Storage Casks" to include Amendment No. 10 to Certificate of Compliance (CoC) Number 1004. Amendment No. 10 would modify the CoC to add a dry shielded canister (DSC) designated the NUHOMS®-61BTH DSC, add a dry shielded canister designated the NUHOMS®-32PTH1 DSC, add an alternate high-seismic option of the horizontal storage module (HSM) for storing the 32PTH1 DSC, allow storage of Westinghouse 15x15 Partial Length Shield Assemblies in the

NUHOMS®-24PTH DSC, allow storage of control components in the NUHOMS®-32PT DSC, and add a new Technical Specification, which applies to Independent Spent Fuel Storage Installation sites located in a coastal marine environment, that any load bearing carbon steel component which is part of the HSM must contain at least 0.20 percent copper as an alloy addition.

**DATES:** Comments on the proposed rule must be received on or before July 10, 2009.

**ADDRESSES:** You may submit comments by any one of the following methods. Comments submitted in writing or in electronic form will be made available for public inspection. Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed.

*Federal e-Rulemaking Portal:* Go to <http://www.regulations.gov> and search for documents filed under Docket ID [NRC-2009-0162]. Address questions about NRC dockets to Carol Gallagher 301-492-3668; e-mail [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov).

*Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Rulemakings and Adjudications Staff.

*E-mail comments to:* [Rulemaking.Comments@nrc.gov](mailto:Rulemaking.Comments@nrc.gov). If you do not receive a reply e-mail confirming that we have received your comments, contact us directly at 301-415-1677.

*Hand deliver comments to:* 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 am and 4:15 pm Federal workdays. (Telephone 301-415-1677)

*Fax comments to:* Secretary, U.S. Nuclear Regulatory Commission at 301-415-1101.

You can access publicly available documents related to this document using the following methods:

*NRC's Public Document Room (PDR):* The public may examine and have copied for a fee publicly available documents at the NRC's PDR, Public File Area O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland.

*NRC's Agencywide Documents Access and Management System (ADAMS):* Publicly available documents created or received at the NRC are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this page, the public can gain entry into ADAMS, which provides text and image files of

NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's PDR Reference staff at 1-800-397-4209, 301-415-4737 or by e-mail to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). An electronic copy of the proposed CoC No. 1004, the proposed technical specifications (TS), and the preliminary safety evaluation report (SER) can be found under ADAMS Package Number ML090400180.

The proposed CoC No. 1004, the proposed TS, the preliminary SER, and the environmental assessment are available for inspection at the NRC PDR, 11555 Rockville Pike, Rockville, MD. Single copies of these documents may be obtained from Jayne M. McCausland, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone (301) 415-6219, e-mail [Jayne.McCausland@nrc.gov](mailto:Jayne.McCausland@nrc.gov).

**FOR FURTHER INFORMATION CONTACT:** Jayne M. McCausland, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone (301) 415-6219, e-mail [Jayne.McCausland@nrc.gov](mailto:Jayne.McCausland@nrc.gov).

**SUPPLEMENTARY INFORMATION:** For additional supplementary information, see the direct final rule published in the Rules and Regulations section of this **Federal Register**.

**Procedural Background**

This rule is limited to the changes contained in Amendment No. 10 to CoC No. 1004 and does not include other aspects of the Standardized NUHOMS® System design. Because NRC considers this action noncontroversial and routine, the NRC is publishing this proposed rule concurrently as a direct final rule in the Rules and Regulations section of this **Federal Register**. Adequate protection of public health and safety continues to be ensured. The direct final rule will become effective on August 24, 2009. However, if the NRC receives significant adverse comments on the direct final rule by July 10, 2009, then the NRC will publish a document that withdraws the direct final rule. If the direct final rule is withdrawn, the NRC will address the comments received in response to the proposed revisions in a subsequent final rule. Absent significant modifications to the proposed revisions requiring republication, the NRC will not initiate a second comment period on this action