

7 CFR Part 1230

[No. LS-95-013]

Technical Amendments to the Pork Promotion, Research, and Consumer Information Order and Rules and Regulations**AGENCY:** Agricultural Marketing Service, USDA.**ACTION:** Final rule and Termination Order.

SUMMARY: A review of the Pork Promotion, Research, and Consumer Information Order (Order) and rules and regulations implementing the pork promotion and research program identified a number of changes to eliminate sections which are duplicative or obsolete and will avoid current and future conflict. The revisions eliminate certain sections dealing with membership on the National Pork Producers Delegate Body (Delegate Body), obtaining refunds, and other miscellaneous provisions.

EFFECTIVE DATE: December 28, 1995.

FOR FURTHER INFORMATION CONTACT: Ralph L. Tapp, Chief, Marketing Programs Branch, Room 2606-S, Livestock and Seed Division, AMS, USDA, PO Box 96456, Washington, DC 20090-6456; telephone 202/720-1115.

SUPPLEMENTARY INFORMATION: This rule amends the Order and Rules and Regulations (7 CFR part 1230). The Order and regulations are effective under the Pork Promotion, Research, and Consumer Information Act (Act).

This regulatory action is being taken as part of the National Performance Review program to eliminate unnecessary regulations and improve those that remain in force.

Executive Orders 12866 and 12778 and the Regulatory Flexibility Act

This rule has been determined to be not significant for purposes of Executive Order 12866 and therefore has not been reviewed by the Office of Management and Budget (OMB).

This rule was reviewed under Executive Order 12778, 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 Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under § 1625 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 that purpose is filed within 20 days after the date of the entry of the ruling.

Effect on Small Entities

The Administrator of the Agricultural Marketing Service (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 (5 U.S.C. 601 *et seq.*), because the changes are primarily to remove obsolete and duplicate material.

Paperwork Reduction

Information collection requirements and recordkeeping provisions contained in 7 CFR part 1230 have been previously approved by OMB and assigned OMB Control No. 0581-0093 under the Paperwork Reduction Act of 1980.

No additional recordkeeping requirements are imposed as a result of this rule.

Background and Proposed Changes

A review of the Order and regulations was conducted in response to the President's Regulatory Review Initiative of March 4, 1995. As a result, a number of paragraphs were identified that could be removed without adverse impact to the program. The amendments eliminate sections which are duplicative or obsolete.

Sections which are obsolete or are duplicated in other sections involve initial membership on the Delegate Body and the Board (§ 1230.30; § 1230.31; and §§ 1230.501-.512).

Other sections (§ 1230.72 and § 1230.77) originally implemented a statutory provision allowing producers to request refunds prior to the referendum. These sections became obsolete after a May 1988 referendum in which producers voted in favor of mandatory assessments.

After consideration of all relevant material with regard to the termination of the provisions hereinafter set forth, it is found that these provisions no longer tend to effectuate the declared policy of the Act.

Pursuant to 7 U.S.C. 553, it is also found and determined that upon good cause, it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice or engage in further public procedure prior to implementing this action because the sections being removed are either duplicative or obsolete and removal will not alter any aspect of the program.

List of Subjects in 7 CFR Part 1230

Advertising, Agricultural research, Marketing agreement, Meat and meat products, Pork and pork products, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 1230 is amended as follows:

PART 1230—[AMENDED]

1. The authority citation for 7 CFR Part 1230 continues to read as follows:

Authority: 7 U.S.C. 4801-4819.

§ 1230.30 [Amended]

2. In § 1230.30, paragraphs (b)(2) and (c)(2) are removed and reserved and in paragraphs (b)(3) and (c)(3) the word "thereafter" is removed.

§ 1230.31 [Amended]

3. In § 1230.31, paragraph (a) is removed and reserved and the first three words "for each subsequent" and the comma "," after Body of paragraph (b) are removed.

§ 1230.72 [Amended]

4. In § 1230.72, paragraph (a) in the second sentence the words "less the amount of refunds paid to producers in that State" are removed and in paragraph (b) in the first sentence the words "and to which no refund was received" are removed.

§ 1230.77 [Removed and reserved]

5. Section 1230.77 is removed and reserved.

§§ 1230.501-1230.512 [Removed and Reserved]

6. Sections 1230.501 through 1230.512 are removed and reserved.

Dated: November 20, 1995.

Lon Hatamiya,

Administrator.

[FR Doc. 95-28924 Filed 11-27-95; 8:45 am]

BILLING CODE 3410-02-P

7 CFR Part 1260

[No. LS-95-012]

Technical Amendments to the Beef Promotion and Research Order and Rules and Regulations**AGENCY:** Agricultural Marketing Service, USDA.**ACTION:** Final rule and Termination Order.

SUMMARY: A review of the Beef Promotion and Research Order (Order) and rules and regulations implementing the beef promotion and research program identified a number of changes to eliminate sections which are duplicative or obsolete and will avoid current and future conflict. The revisions eliminate certain sections dealing with membership on the Cattlemen's Beef Promotion and Research Board (Board), obtaining refunds, and other miscellaneous provisions.

EFFECTIVE DATE: December 28, 1995.

FOR FURTHER INFORMATION CONTACT: Ralph L. Tapp, Chief, Marketing Programs Branch, Room 2606-S; Livestock and Seed Division, AMS, USDA; P.O. Box 96456; Washington, DC. 20090-6456; telephone 202/202-1115.

SUPPLEMENTARY INFORMATION: This rule amends the Order and Rules and Regulations (7 CFR part 1260). The Order and regulations are effective under the Beef Promotion and Research Act of 1985 (Act).

This regulatory action is being taken as part of the National Performance Review program to eliminate unnecessary regulations and improve those that remain in force.

Executive Orders 12866 and 12778 and the Regulatory Flexibility Act

This rule has been determined to be not significant for purposes of Executive Order 12866 and therefore has not been reviewed by the Office of Management and Budget (OMB).

This rule was reviewed under Executive Order 12778, 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 Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 11 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 that purpose is filed within 20 days after the date of the entry of the ruling.

Effect on Small Entities

The Administrator of the Agricultural Marketing Service (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 (5 U.S.C. 601 *et seq.*), because the changes are primarily to remove obsolete and duplicate material.

Paperwork Reduction

Information collection requirements and recordkeeping provisions contained in 7 CFR part 1260 have been previously approved by OMB and assigned OMB Control No. 0581-0093 under the Paperwork Reduction Act of 1980.

No additional recordkeeping requirements are imposed as a result of this rule.

Background and Proposed Changes

A review of the Order and regulations was conducted in response to the President's Regulatory Review Initiative of March 4, 1995. As a result, a number of paragraphs were identified that could be removed without adverse impact to the program. The amendments eliminate sections which are duplicative or obsolete or will avoid conflicting information.

Sections which are obsolete or are duplicated in other sections involve initial membership on the Board (§ 1260.580 and § 1260.590). Other sections (§ 1260.150, 151, 173, 174, and 181) originally implemented a statutory provision allowing producers to request refunds prior to the May 1988 referendum and provided for establishing escrow accounts to pay refunds. These sections became obsolete after a referendum in which producers voted in favor of mandatory assessments.

A definition which is obsolete as a consequence of removing the sections it pertains to is: Referendum (§ 1260.110).

After consideration of all relevant material with regard to the removal of

the provisions as hereinafter set forth, it is found that these provisions no longer tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined that, upon good cause, it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice or to engage in further public procedure prior to implementing this action because: The sections being removed are either duplicative or obsolete and removal will not alter any aspect of the program.

List of Subjects in 7 CFR Part 1260

Advertising, Agricultural research, Imports, Marketing agreements, Meat and meat products, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 1260 is amended as follows:

PART 1260—BEEF PROMOTION AND RESEARCH

1. The authority citation for part 1260 is revised to read as follows:

Authority: 7 U.S.C. 2901-2911.

2. In part 1260, §§ 1260.110, 1260.150(i) and (j), 1260.151(c), 1260.173, 1260.174, 1260.181(b)(5), 1260.580, and 1260.590 are removed and reserved.

§§ 1260.110, 1260.173, 1260.174, 1260.580, and 1260.590 [Removed and reserved]

§§ 1260.150, 1260.151, and 1260.181 [Amended]

Dated: November 20, 1995.

Lon Hatamiya,
Administrator.

[FR Doc. 95-28926 Filed 11-27-95; 8:45 am]

BILLING CODE 3410-02-P

NATIONAL CREDIT UNION ADMINISTRATION**12 CFR Parts 701, 705 and 741****Requirements for Insurance and Technical Amendments**

AGENCY: National Credit Union Administration (NCUA).

ACTION: Final rule.

SUMMARY: The final rule consolidates all current regulations and requirements that apply to federally insured state-chartered credit unions (FISCUs) in one place, the regulations on requirements for insurance. The rule does not impose any new requirements on FISCUs. This rule will aid FISCUs by simplifying the process of determining which regulations they must follow.