

DEPARTMENT OF AGRICULTURE**Agricultural Marketing Service****7 CFR Parts 29, 60, 81, 99, 100, 101, and 202****Office of Transportation****7 CFR Part 3305****[Docket Number TB-95-17]****Removal of Selected Regulations****AGENCY:** Agricultural Marketing Service and Office of Transportation, USDA.**ACTION:** Final rule.

SUMMARY: This rule will remove several miscellaneous regulations covering a number of agricultural commodities and services (cotton, tobacco, fresh and processed fruits and vegetables, meats and meat products, eggs, and poultry products). They represent an accumulation of regulations which were originally enacted to administer specific programs and which, upon review, have either been found to be obsolete, no longer are administered by the Agricultural Marketing Service (AMS), or duplicate existing regulations. This action will eliminate recurring Code of Federal Regulations (CFR) printing costs.

EFFECTIVE DATE: December 7, 1995.**FOR FURTHER INFORMATION CONTACT:** Larry L. Crabtree 202-205-0235.

SUPPLEMENTARY INFORMATION: 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.

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. It is not intended to have preemptive effect. This rule will not preempt any State or local laws, regulation, or policies, unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to this rule or the application of its provisions.

Regulatory Impact Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), the Administrator of the AMS has considered the economic impact of this rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order

that small businesses will not be unduly or disproportionately burdened.

Since this action is administrative in nature, the Administrator of AMS determined that this action will have no significant economic impact on small entities because the changes remove obsolete and duplicative material.

Paperwork Reduction Act

In accordance with the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the information collection requirements contained in the provisions to be amended have been previously approved by the Office of Management and Budget.

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

Background

The Secretary of Agriculture is authorized under various statutes to develop and establish efficient marketing methods and practices of agricultural commodities. This has usually been accomplished by promulgating and codifying regulations in the CFR.

Rapid changes in consumer preferences, together with associated changes in commodity characteristics, processing technology, and marketing practices have out paced the revision of regulations. As a result, industry and the marketplace have been in some instances burdened with outdated and unnecessary regulatory language. The President's regulatory review initiative has provided an impetus to develop new approaches to meet more effectively the needs of U.S. industry, government agencies, and consumers and still reduce the regulatory burden. To meet this initiative, any regulations currently listed in the CFR which could be maintained and administered under the authorities of the AMS are being removed from the CFR and incorporated into AMS directives. Additionally, any regulations which are deemed outdated and which should be abolished, will be removed and considered obsolete once removed from the CFR. This rule eliminates selected regulations which encompass approximately 24 pages of the CFR.

The regulations at 7 CFR part 60 and 7 CFR 29.131 describe procedures for subscribing to printed Market News Reports. These sections are being eliminated because sufficient authority already exists in current statutes and information for obtaining such publications by mail is readily available through a variety of public sources.

The regulations at 7 CFR part 81 Section 32 Diversion Programs describe

procedures to administer the Fresh Apples Diversion Program for 1988 crop apples. This part is being eliminated because the program is no longer in existence.

The regulations at part 99, Statistical Science Program; part 100, National Laboratory Accreditation Program; concerning laboratory services, statistical science support, and Part 101, Pesticide Data Program will be removed because they are either reserved or contain only informational text.

The regulations at 7 CFR part 202, subpart B, Rules applicable to Cease and Desist Proceedings; relate to rules of practice for administering the Federal Seed Act (FSA). This part is being eliminated because 7 CFR 1.130, *Rules of Practice Governing Formal Adjudicatory Procedures*, is now used in enforcing the FSA.

The regulations at 7 CFR part 3305 describe the organization and functions of the Office of Transportation and the methods by which the public may obtain information about the Office. This part is being eliminated because the Office of Transportation was abolished January 1, 1991.

Pursuant to the provisions in 5 U.S.C. 553, it is found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice or to engage in further public procedures prior to putting this rule into effect and that good cause exists for not postponing the effective date of this action until 30 days after publication in the Federal Register for the following reasons: (1) The sections being removed are either duplicative unnecessary or obsolete, (2) removal will not alter any aspect of an existing program; and (3) no useful purpose would be served by a delay of the effective date.

List of Subjects**7 CFR Part 29**

Administrative practice and procedure, Advisory committees, Government publications, Imports, Pesticides and pests, Reporting and recordkeeping requirements, Tobacco.

7 CFR Part 60

Government publications, Market news reports, Subscription fees.

7 CFR Part 81

Animal feeds, Apples, Grant programs—agriculture, Reporting and recordkeeping requirements, Surplus agricultural commodities.

7 CFR Part 99

Agricultural commodities, Statistics.

7 CFR Part 100

Agricultural commodities, Statistics

7 CFR Part 101

Agricultural commodities,
Laboratories.

7 CFR Part 202

Administrative practice and
procedure, Advertising, Agricultural
commodities, Imports, Labeling, Seeds,
Vegetables.

7 CFR Part 3305

Freedom of information, Organization
and functions.

PART 29—TOBACCO INSPECTION

Subpart B—Regulations

1. The authority citation for 7 CFR
part 29, subpart B continues to read as
follows:

Authority: 7 U.S.C. 511m and 511r.

§ 29.13 [Removed and reserved]

2. In part 29, subpart B, § 29.131 is
removed and reserved.

**PARTS 60, 81, 99, 100, 101, and—
[REMOVED AND RESERVED]**

PART 202—[AMENDED]

**§ 202.10—202.29 (Subpart B) [Removed
and reserved]**

1. Accordingly, under the authority of
7 U.S.C. 1621–1627, 2242a and 4403, 7

CFR Parts 60, 81, 99, 100, 101, 202
(subpart B), are removed and reserved.

**PART 3305—[REMOVED AND
RESERVED]**

1. For the reasons set forth in the
preamble and under the authority of 5
U.S.C. 552, part 3305 is removed and
reserved.

Dated: December 1, 1995

Lon Hatamiya,

Administrator.

[FR Doc. 95–29792 Filed 12–06–95; 8:45 am]

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