

The rules and regulations under the marketing order currently exempt from inspection the Peerless variety of almonds used as bleaching stock and sold inshell. When the quality control regulations were initially implemented, it was determined there was no need to establish the percentage of inedible kernels of almonds sold inshell, which at that time were predominately of the Peerless variety, because inedible kernels could not be removed from product sold inshell and thus could not be disposed of in non-human consumption outlets. Therefore, inshell almonds, including Peerless, are exempt from meeting the inedible disposition obligation. However, in order to determine the kernel weight of Peerless almonds sold inshell for reporting to the Board, a predetermined shelling ratio contained in the marketing order has been used in the absence of inspection. This shelling ratio converted the weight of inshell almonds to a shelled weight, or kernel weight. Over time, the total quantity and varieties of all almonds sold inshell have increased, while Peerless bleaching stock sales have declined. There has also been an increased desire and need to obtain an accurate product weight for growers, handlers, and the Board. Thus, it has become common industry practice to have inspections performed on Peerless almonds sold inshell, as with other varieties sold inshell, regardless of the inspection exemption.

Consistent with the Act, the almond marketing order was recently amended by a majority vote of producers to require that the weight of inshell almonds be determined by weighing a representative sample of such almonds. Previously, predetermined shelling ratios were used to determine the kernel weight. Thus, the shelling ratios were removed from the order. The purpose of the quality control amendments was to reflect current industry practices as referenced above, and to provide more accurate information for reporting purposes.

The amendments to the order necessitate conforming changes to the administrative rules and regulations. Section 981.442 of the quality control regulations is revised to remove an inspection exemption for Peerless inshell almonds. Thus, all almonds, regardless of form or variety, will be inspected.

In addition, § 981.401 is revised to remove the exemption for Peerless almonds from the definition of adjusted

kernel weight. Currently, the adjusted kernel weight of Peerless inshell almonds is based on a predetermined weight contained in the shelling ratio table that was removed from the marketing order. Since Peerless inshell almonds will be required to have inspection, the actual kernel weight will be determined, thus providing an accurate weight.

The information collection requirements contained in the referenced sections have been previously approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB number 0581-0071.

After consideration of all relevant material presented, including the Board's recommendation, and other information, it is found that finalizing the interim final rule, without change, as published in the Federal Register (61 FR 42990, August 20, 1996) will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 981

Almonds, Marketing agreements, Nuts, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 981 is amended as follows:

PART 981—ALMONDS GROWN IN CALIFORNIA

Accordingly, the interim final rule amending 7 CFR part 981 which was published at 61 FR 42990 on August 20, 1996, is adopted as a final rule without change.

Dated: October 7, 1996.

Robert C. Keeney,

Director, Fruit and Vegetable Division.

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7 CFR Part 3010

Office of the Chief Financial Officer; Organization and Function

AGENCY: Office of the Chief Financial Officer, USDA.

ACTION: Final rule.

SUMMARY: This document removes the Organization and Function regulation that deals with the internal structure of the Office of Finance and Management (OFM). Under the reorganization of the Department of Agriculture, OFM no longer exists. The OFM functions have

been assigned to the Office of the Chief Financial Officer (OCFO) (60 FR 56392-56465, revising 7 CFR Part 2).

EFFECTIVE DATE: This final rule is effective October 15, 1996.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION: In support of the Department of Agriculture's regulatory reform initiative, it has been determined that this regulation is unnecessary. It deals with the internal structure of an organization, OFM, that was eliminated in the recent reorganization of USDA. The duties of OFM were delegated to the newly established OCFO.

Authority: 5 U.S.C. 301, 552

Impact Analysis

This rule relates to internal agency management. Therefore, pursuant to U.S.C. 553, notice of proposed rulemaking and opportunity for comment are not required, and this rule may be made effective less than 30 days after publication in the Federal Register. Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order Nos. 12866 and 12988. This action also is not a rule as defined by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) and the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 801 *et seq.*), and, thus is exempt from the provisions of those Acts. Finally, this rule does not contain any requirements for collection of information on financial or property matters within the scope of the Paperwork Reduction Act (45 U.S.C. 3501 *et seq.*)

List of Subjects in 7 CFR Part 3010

General statement, Organization, Functions.

PART 3010—[REMOVED]

For reason set forth in the summary, 7 CFR Part 3010 is removed and reserved.

Dated: October 4, 1996.

Irwin T. David,

Acting, Chief Financial Officer.

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