

\$9.70 per 25-pound container of tomatoes. Therefore, the estimated assessment revenue for the 1999–2000 fiscal period as a percentage of total grower revenue could range between .26 and .41 percent.

This action decreases the assessment obligation imposed on handlers. Assessments are applied uniformly on all handlers, and some of the costs may be passed on to producers. However, decreasing the assessment rate reduces the burden on handlers, and may reduce the burden on producers. In addition, the Committee's meeting was widely publicized throughout the Florida tomato industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the September 10, 1999, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

This action imposes no additional reporting or recordkeeping requirements on either small or large Florida tomato handlers. 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.

The Department has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

A small business guide on complying with fruit, vegetable, and speciality crop marketing agreements and orders may be viewed at the following web site:

<http://www.ams.usda.gov/fv/moab.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.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect, and that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) The 1999–2000 fiscal

period began on August 1, 1999, and the marketing order requires that the rate of assessment for each fiscal period apply to all assessable tomatoes handled during such fiscal period; (2) this action decreases the assessment rate for assessable tomatoes beginning with the 1999–2000 fiscal period; (3) handlers are aware of this action which was unanimously recommended by the Committee at a public meeting and is similar to other assessment rate actions issued in past years; and (4) this interim final rule provides a 60-day comment period, and all comments timely received will be considered prior to finalization of this rule.

#### List of Subjects in 7 CFR Part 966

Marketing agreements, Reporting and recordkeeping requirements, Tomatoes.

For the reasons set forth in the preamble, 7 CFR part 966 is amended as follows:

#### PART 966—TOMATOES GROWN IN FLORIDA

1. The authority citation for 7 CFR part 966 continues to read as follows:

**Authority:** 7 U.S.C. 601–674.

2. Section 966.234 is revised to read as follows:

##### § 966.234 Assessment rate.

On and after August 1, 1999, an assessment rate of \$0.025 per 25-pound container is established for Florida tomatoes.

Dated: October 18, 1999.

**Robert C. Keeney,**

*Deputy Administrator, Fruit and Vegetable Programs.*

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#### NATIONAL CREDIT UNION ADMINISTRATION

**12 CFR Parts 701, 703, 704, 709, 712, 713, 723, 790, 791 and 792**

#### Credit Unions; Miscellaneous Technical Amendments

**AGENCY:** National Credit Union Administration (NCUA).

**ACTION:** Final Rule.

**SUMMARY:** NCUA is correcting minor errors or omissions made in several rules. These amendments are technical rather than substantive.

**DATES:** This rule is effective October 25, 1999.

**FOR FURTHER INFORMATION CONTACT:** Chrisanthy J. Loizos, Staff Attorney, Division of Operations, Office of

General Counsel, (703) 518–6540, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314–3428.

**SUPPLEMENTARY INFORMATION:** NCUA has issued final rules over several years that contain minor technical mistakes or omissions. Through various amendments, NCUA is correcting the errors found in the following rules.

#### 12 CFR 701.2

NCUA is removing this section because it currently indicates that a publication entitled “Federal Credit Union Bylaws” is incorporated by reference into NCUA’s regulations. However, NCUA does not have such a publication approved by the Office of the Federal Register.

#### 12 CFR 701.21(a) and 12 CFR 703.20(c)

On March 5, 1998, § 701.27 was removed and incorporated into part 712, entitled “Credit Union Service Organizations (CUSOs).” 63 FR 10756. Therefore, NCUA is replacing references to § 701.27 with part 712 in these sections.

#### 12 CFR 703.20(a) and 12 CFR 704.7(d)

Prior to September 29, 1998, member business loans were excluded from part 703 through § 701.21(h). On that date, NCUA issued an interim final rule that removed the member business loan provisions from § 701.21(h) and relocated them to part 723. 63 FR 51799. This change became final on May 27, 1999. 64 FR 28729. When part 723 was issued, NCUA unintentionally failed to amend § 703.20(a) to reflect the change. Similarly, NCUA is also replacing the reference to § 701.21(h) within § 704.7(d) to part 723.

#### 12 CFR 709.5(e)

Section 709.5(e) refers to a list of claims found in paragraph (b) of this section. When paragraph (b)(9) was added to § 709.5(b), NCUA failed to amend paragraph (e) to reflect the change. 62 FR 12949, Mar. 19, 1997. Therefore, NCUA is now amending the last sentence of § 709.5(e).

#### 12 CFR Part 712

Part 712 was adopted with the title to § 712.9 mislabeled in its table of contents. 63 FR 10756, Mar. 5, 1998. Therefore, NCUA is correcting the table of contents to represent the title of § 712.9 accurately.

#### 12 CFR 712.3(a)

NCUA recently amended this section, but the amended language inadvertently repeated the first sentence of this paragraph. 64 FR 33187, June 22, 1999.

NCUA is removing the duplicative sentence.

**12 CFR 713.2**

NCUA recently adopted this section with a typographical error. 64 FR 28720, May 27, 1999. NCUA is replacing the word "potentials" with the word "potential."

**12 CFR 723.1(b)(3)**

NCUA is removing the word "or" from the phrase "amount equal to or less than \$50,000" found in this paragraph. This language, relating to the definition of a member business loan, was adopted originally in an interim final rule and adopted in final form on May 27, 1999. 63 FR 51800, Sept. 29, 1998 and 64 FR 28730. NCUA is amending this rule to mirror the definition of member business rule found in the Federal Credit Union Act at 12 U.S.C. 1757a(c)(1)(B)(iii).

**12 CFR 790.2(b)(7) and (b)(16)**

NCUA changed the name of its Office of Information Systems to the Office of Technology and Information Systems. 59 FR 47072, Sept. 14, 1994. At the time the rule was amended, the name change was not reflected in paragraph (b)(7). Therefore, NCUA is correcting this omission. During the same rulemaking, NCUA created the Office of Corporate Credit Unions at § 790.2(b)(16). 59 FR 47072, Sept. 14, 1994. NCUA is changing a punctuation mark in this paragraph to distinguish clearly the duties listed for the office.

**12 CFR 791.18(e)**

Part 790 formerly consisted of rules regarding NCUA's structure and the disclosure of official records. NCUA restructured part 790 and moved the rules relating to the Freedom of Information Act to part 792. 54 FR 18476, May 1, 1989. The pertinent rules referenced in this section were redesignated to part 792, but NCUA did not amend this section to reflect the change. Therefore, NCUA is correcting the outdated citations with references to part 792.

**12 CFR 792.54(b)**

This paragraph refers to § 792.23. However, § 792.23 was redesignated to § 792.55. 63 FR 14338, March 25, 1998. Therefore the reference in § 792.54(b) will be changed to refer to § 792.55.

**12 CFR 792.55(a) and 12 CFR 792.56(a)**

Both of these sections refer to § 792.22. However, § 792.22 was redesignated to § 792.54. 63 FR 14338, March 25, 1998. Therefore, the

references to § 792.22 will be changed to refer to § 792.54.

**12 CFR 792.66(b)(2)**

This section, formerly § 792.34(b)(2), was adopted with a typographical error by referring to System NCUA-4 rather than System NCUA-15. 54 FR 18476, May 1, 1989 and 60 FR 31912, Jun. 19, 1995. NCUA has consistently given notice that System NCUA-4 is the Verified Employee Mailing List and that System NCUA-15 contains investigative reports regarding criminal activity. Therefore, NCUA is amending the reference within § 792.66(b)(2) from System NCUA-4 to System NCUA-15. Additionally, the name of System NCUA-15 was changed from Investigative Reports Involving Possible Felonies and/or Violations of the Federal Credit Union Act to Investigative Reports Involving Any Crime, Suspected Crime or Suspicious Activity Against a Credit Union. NCUA. 61 FR 8690, March 5, 1996. NCUA is amending this section to adopt the new name of System NCUA-15.

**Regulatory Procedures**

*Final Rule Under the Administrative Procedure Act*

The amendments to the final rule are technical rather than substantive. NCUA finds good cause that notice and public comment are unnecessary under sec. 553(b)(B) of the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(B).

*Effective Date*

NCUA also finds good cause to dispense with the 30-day delayed effective date requirement under sec. 553(d)(3) of the APA. The rule is technical rather than substantive. The rule will, therefore, be effective immediately upon publication of this notice.

*Regulatory Flexibility Act*

An initial regulatory flexibility analysis under the Regulatory Flexibility Act is required only when an agency is required to publish a general notice of proposed rulemaking for any proposed rule. 5 U.S.C. 603. As noted previously, NCUA has determined that it is not necessary to publish a notice of proposed rulemaking for this rule. Accordingly, an initial regulatory analysis is not required. Moreover, since this final rule imposes no new requirements and makes only technical amendments, NCUA has determined and certifies that this rule will not have any significant economic impact on a substantial number of small credit

unions (primarily those under \$1 million in assets).

*Small Business Regulatory Enforcement Fairness Act*

Title II of the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 (Pub. L. 104-121) provides, generally, for congressional review of agency rules. A reporting requirement is triggered in instances where NCUA issues a final rule as defined by Section 551 of the Administrative Procedures Act. 5 U.S.C. 551. The Office of Management and Budget has reviewed this rule and has determined that for purposes of the Small Business Regulatory Enforcement Fairness Act of 1996 it is not a major rule.

*Paperwork Reduction Act*

NCUA has determined that the final rule does not increase paperwork requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) and regulations of the Office of Management and Budget.

*Executive Order 12612*

Executive Order 12612 requires NCUA to consider the effect of its actions on state interests. A portion of this final rule will apply to all federally-insured credit unions. This final rule will not have a 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. NCUA has determined that this final rule does not constitute a significant regulatory action for purposes of the executive order.

**List of Subjects**

*12 CFR Part 701*

Credit unions, Incorporation by reference, Credit.

*12 CFR Part 703*

Credit unions, Investments, Credit.

*12 CFR Part 704*

Credit unions, Corporate credit unions, Credit.

*12 CFR Part 709*

Credit unions, Liquidation.

*12 CFR Part 712*

Credit unions, Credit union service organizations.

*12 CFR Part 713*

Credit unions, Fidelity bonds.

*12 CFR Part 723*

Credit Unions, Credit, Reporting and recordkeeping requirements.

**12 CFR Part 790**

Credit unions.

**12 CFR Part 791**

Credit unions, Sunshine Act, Reporting and recordkeeping requirements.

**12 CFR Part 792**

Administrative practice and procedure, Credit unions, Freedom of Information Act, Reporting and recordkeeping requirements.

By the National Credit Union Administration Board on October 12, 1999.

**Becky Baker,**

*Secretary of the Board.*

For the reasons stated in the preamble, NCUA amends 12 CFR chapter VII as set forth below:

**PART 701—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS**

1. The authority citation for part 701 reads as follows:

**Authority:** 12 U.S.C. 1752(5), 1755, 1756, 1757, 1759, 1761a, 1761b, 1766, 1767, 1782, 1784, 1787, and 1789. Section 701.6 is also authorized by 31 U.S.C. 3717. Section 701.31 is also authorized by 15 U.S.C. 1601 *et seq.*, 42 U.S.C. 1981 and 3601–3610. Section 701.35 is also authorized by 42 U.S.C. 4311–4312.

**§ 701.2 [Removed and Reserved]**

2. Remove and reserve § 701.2.

**§ 701.21 [Amended]**

3. In § 701.21(a), remove the word “§ 701.27” and add, in its place, the words “Part 712”.

**PART 703—INVESTMENT AND DEPOSIT ACTIVITIES**

4. The authority citation for part 703 continues to read as follows:

**Authority:** 12 U.S.C. 1757(7), 1757(8), 1757(15).

**§ 703.20 [Amended]**

5. In § 703.20(a), remove the words “and 701.23” and add in their place, the words “701.23, and part 723”; and in § 703.20(c), remove the word “§ 701.27” and add, in its place, the words “part 712”.

**PART 704—CORPORATE CREDIT UNIONS**

6. The authority citation for part 704 continues to read as follows:

**Authority:** 12 U.S.C. 1762, 1766(a), 1781, and 1789.

**§ 704.7 [Amended]**

7. In § 704.7(d), remove the word “§ 701.21(h)” and add, in its place, the words “part 723”.

**PART 709—INVOLUNTARY LIQUIDATION OF FEDERAL CREDIT UNIONS AND ADJUDICATION OF CREDITOR CLAIMS INVOLVING FEDERALLY INSURED CREDIT UNIONS IN LIQUIDATION**

8. The authority citation for part 709 continues to read as follows:

**Authority:** 12 U.S.C. 1766; Pub. L. 101–73, 103 Stat. 183, 530 (1989) (12 U.S.C. 1787 *et seq.*).

**§ 709.5 [Amended]**

9. In § 709.5(e), remove “(b)(8)” and add, in its place “(b)(9)”.

**PART 712—CREDIT UNION SERVICE ORGANIZATIONS (CUSOs)**

10. The authority citation for part 712 continues to read as follows:

**Authority:** 12 U.S.C. 1756, 1757(5)(D) and (7)(I), 1766, 1782, 1785, and 1786.

**§ 712.3 [Amended]**

11–12. In § 712.3(a), remove one sentence that reads “An FCU can invest in or loan to a CUSO only if the CUSO is structured as a corporation, limited liability company, or limited partnership.”

**PART 713—FIDELITY BOND AND INSURANCE COVERAGE FOR FEDERAL CREDIT UNIONS**

13. The authority citation for part 713 continues to read as follows:

**Authority:** 12 U.S.C. 1761a, 1761b, 1766(a), 1766(h), 1789(a)(11).

**§ 713.2 [Amended]**

14. In § 713.2, remove “potentials” and add, in its place “potential”.

**PART 723—MEMBER BUSINESS LOANS**

15. The authority citation for part 723 continues to read as follows:

**Authority:** 12 U.S.C. 1756, 1757, 1757A, 1766, 1785, 1789.

**§ 723.1 [Amended]**

16. In § 723.1(b)(3), remove “to or less” and add, in its place, “to less”.

**PART 790—DESCRIPTION OF NCUA; REQUESTS FOR AGENCY ACTION**

17. The authority citation for part 790 continues to read as follows:

**Authority:** 12 U.S.C. 1766, 1789, 1795f.

**§ 790.2 [Amended]**

18. In § 790.2(b)(7), remove “Information Systems” and add, in its place, “Technology and Information Systems”.

19. In § 790.2(b)(16), remove the comma after the word “manner” and add a semicolon in its place.

**PART 791—RULES OF NCUA BOARD PROCEDURE; PROMULGATION OF NCUA RULES AND REGULATIONS; PUBLIC OBSERVATION OF NCUA BOARD MEETINGS**

20. The authority citation for part 791 continues to read as follows:

**Authority:** 12 U.S.C. 1766, 1789 and 5 U.S.C. 522b.

**§ 791.18 [Amended]**

21. In § 791.18(e), remove all the references to “790” and add, in their place, “792”.

**PART 792—REQUESTS FOR INFORMATION UNDER THE FREEDOM OF INFORMATION ACT AND PRIVACY ACT, AND BY SUBPOENA; SECURITY PROCEDURES FOR CLASSIFIED INFORMATION**

22. The authority citation for part 792 continues as follows:

**Authority:** 5 U.S.C. 301, 552, 552a, 552b; 12 U.S.C. 1752a(d), 1766, 1789, 1795f; E.O. 12600, 52 FR 23781, 3 CFR, 1987 Comp., p. 235; E.O. 12958, 60 FR 19825, 3 CFR, 1995 Comp., p. 333.

**§ 792.54 [Amended]**

23. In § 792.54(b), remove “§ 792.23” and add, in its place, “§ 792.55”.

**§ 792.55 [Amended]**

24. In § 792.55(a), remove “§ 792.22” and add, in its place, “§ 792.54”.

**§ 792.56 [Amended]**

26. In § 792.56(a), remove “§ 792.22(a)” and add, in its place, “§ 792.54(a)”.

**§ 792.66 [Amended]**

27. In § 792.66(b)(2), remove “NCUA–4” and add, in its place, “NCUA–15”; and remove the words “Investigative Reports Involving Possible Felonies and/or Violations of the Federal Credit Union Act” and add, in their place “Investigative Reports Involving Any Crime, Suspected Crime or Suspicious Activity Against a Credit Union, NCUA”.

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