

Agriculture (Department), the Department conducts the necessary rulemaking, and, if appropriate, a public hearing and a referendum before the program is implemented. One portion of the rulemaking relates to the provisions of the act which requires that a person covered by the program exhaust administrative remedies before filing suit in court. Under these administrative remedies, a person may file a petition with the Secretary to modify or be exempted from the relevant act.

In the past, separate rulemaking has been conducted for each order. As a result, each order has a subpart relating to petition procedures, and the subparts are nearly identical.

In order to promote administrative efficiency, the Department is deleting the individual subparts and creating a new subpart under Part 1200 to cover petition procedures for all of the research and promotion programs that provide for petitions which are administered by AMS. The new subpart will state that it covers all of the existing statutes for research, promotion, and consumer information acts which provide for petitions that are established as public law by Congress. It will be applicable for the Pecan Promotion and Research Act of 1990, the Wheat and Wheat Foods Research and Nutrition Education Act, and the Floral Research and Consumer Information Act if a program is implemented for those programs in the future. In addition, it will be applicable for the Sheep Promotion, Research, and Information Act of 1994 if an order is adopted. Also, it will be applicable for the Fresh Cut Flowers and Fresh Cut Greens Promotion and Consumer Information Act.

The creation of the new subpart will eliminate the need for one rulemaking action (a proposed rule and a final rule) for each new program and thus reduce costs for the Department as well as for the research and promotion boards and councils which pay user fees to cover the Department's costs.

This rule removes Part 1290 in its entirety because there is no active program under the Floral Research and Consumer Information Act of 1981.

The provisions of the Administrative Procedure Act concerning notice and opportunity for comment on agency rulemaking [5 U.S.C. 553] do not apply to the promulgation of agency rules of practice. Accordingly, this action is made effective upon publication in the **Federal Register**. Furthermore, this final rule makes technical revisions to the existing rules of practice, which are uniform for all applicable research and promotion programs; the rules are

already applicable to those programs that are newly specified in the rules because of the existing definition of the term "Act"; no substantive rule or rule change is involved; and these procedures are patterned directly after existing procedures that are presently in use.

List of Subjects

7 CFR Part 1150

Dairy products, Reporting and recordkeeping requirements, Research.

7 CFR Part 1160

Milk, Fluid milk products, Promotion.

7 CFR Part 1200

Administrative practice and procedure, Cotton, Cut Flowers, Cut Greens, Dairy, Eggs, Floral products, Fluid milk, Honey, Limes, Marketing agreements, Mushrooms, Pecans, Pork, Potatoes, Sheep, Soybeans, Watermelons, Wheat, Wheat foods.

7 CFR Part 1205

Advertising, Agricultural research, Cotton, Reporting and recordkeeping requirements.

7 CFR Part 1207

Advertising, Agricultural research, Potatoes, Reporting and recordkeeping requirements.

7 CFR Part 1208

Administrative practice and procedure, Advertising, Consumer information, Marketing agreements, Cut flowers, Cut greens, Promotion, Reporting and recordkeeping requirements.

7 CFR Part 1209

Administrative practice and procedure, Advertising, Agricultural research, Marketing agreements, Mushrooms, Reporting and recordkeeping requirements.

7 CFR Part 1210

Administrative practice and procedure, Advertising, Agricultural research, Reporting and recordkeeping requirements, Watermelons.

7 CFR Part 1211

Administrative practice and procedure, Advertising, Agricultural research, Imports, Marketing agreements, Pecans, Promotion, Reporting and recordkeeping requirements.

7 CFR Part 1212

Administrative practice and procedure, Advertising, Limes, Marketing agreements, Reporting and recordkeeping requirements.

7 CFR Part 1220

Agricultural research, Reporting and recordkeeping requirements, Soybeans.

7 CFR Part 1230

Administrative practice and procedure, Advertising, Agricultural research, Meat and meat products, Reporting and recordkeeping requirements.

7 CFR Part 1240

Advertising, Agricultural research, Honey, Imports, Reporting and recordkeeping requirements.

7 CFR Part 1250

Administrative practice and procedure, Advertising, Agricultural research, Eggs and egg products, Reporting and recordkeeping requirements.

7 CFR Part 1280

Administrative practice and procedure, Advertising, Agricultural research, Marketing agreements, Sheep and sheep products, Reporting and recordkeeping requirements.

7 CFR Part 1290

Administrative practice and procedure, Advertising, Agricultural research, Plants.

For the reasons set forth in the preamble, 7 CFR Parts 1150, 1160, 1200, 1205, 1207, 1208, 1209, 1210, 1211, 1212, 1220, 1230, 1240, 1250, 1280, and 1290 are amended to read as follows:

PART 1150—DAIRY PROMOTION PROGRAM

1. The authority citation for Part 1150 continues to read as follows:

Authority: 7 U.S.C. 4501–4513.

2. In Part 1150, Subpart—Rules of Practice Governing Proceedings on Petitions to Modify or to be Exempted from an Order is removed.

PART 1160—FLUID MILK PROMOTION PROGRAM

3. The authority citation for Part 1160 continues to read as follows:

Authority: 7 U.S.C. 6401–6417.

4. In Part 1160, Subpart—Rules of Practice Governing Proceedings on Petitions to Modify or to be Exempted from an Order is removed.

PART 1200—RULES OF PRACTICE AND PROCEDURE GOVERNING PROCEEDINGS UNDER RESEARCH, PROMOTION, AND EDUCATION PROGRAMS

5. The authority citation for 7 CFR Part 1200 is revised to read as follows: