§1126.13 [Suspended in part]

4. In § 1126.13(e)(1), the words "and further, during each of the months of September through January not less than 15 percent of the milk of such dairy farmer is physically received as producer milk at a pool plant" are suspended.

5. In § 1126.13, paragraph (e)(2) is suspended.

6. In § 1126.13(e)(3), the sentence "The total quantity of milk so diverted during the month shall not exceed one-third of the producer milk physically received at such pool plant during the month that is eligible to be diverted by the plant operator;" is suspended.

Dated: August 1, 1995.

Patricia Jensen,

Acting Assistant Secretary, Marketing and Regulatory Programs.

[FR Doc. 95–19461 Filed 8–7–95; 8:45 am] BILLING CODE 3410–02–P

FEDERAL TRADE COMMISSION

16 CFR Part 234

Guides for the Mail Order Insurance Industry

AGENCY: Federal Trade Commission. **ACTION:** Elimination of guides.

SUMMARY: The Guides for the Mail Order Insurance Industry were adopted in 1964 to prevent deception of purchasers of insurance and maintenance of fair competition by out-of-state mail order sellers of insurance. Since issuance of the Guides, state insurance laws have changed significantly. The states, through their licensing powers, now regulate out-of-state mail order sellers of insurance. Those regulations cover most, if not all, of the substantive areas addressed by the Guides. These facts appear to make the Guides unnecessary. Because of these changed circumstances, the Commission has determined that it is in the public interest to eliminate the Guides for the Mail Order Insurance Industry. The Commission further has determined that, because the reasons to revoke the Guides are ample and not in controversy, it is unnecessary to seek comment. This action is not to be understood as a statement that the principles announced in the Guides do not reflect the requirements of Section 5 of the Federal Trade Commission Act, 15 U.S.C. 45.

EFFECTIVE DATE: August 8, 1995. **ADDRESSES:** Requests for copies of this notice should be sent to the Public Reference Branch, Room 130, Federal Trade Commission, Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Matthew Daynard or Walter Gross, Division of Service Industry Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC 20580, (202) 326–3291 or (202) 326–3319.

SUPPLEMENTARY INFORMATION: The Guides for the Mail Order Insurance Industry were issued on May 15, 1964.1 Designed to prevent deception and the maintenance of fair competition in the out-of-state mail order insurance industry, the Guides prohibit several forms of potential misrepresentation in advertising concerning the benefits, conditions, terms, identity, and claims paid for any insurance policy; the identity, standing in the industry, or financial condition of the insurer, and the disparagement of competitors or competitors' policies, services, or business methods.

As a part of its periodic review of the regulatory and economic impact of the Commission's rules and guides, the Commission reviewed the current status of state laws regulating mail order insurance sellers to determine whether there was a need to retain or remove the Guides. That review indicates that state insurance laws have changed substantially since the Guides were adopted in 1964.

All states have enacted some version of the model Unfair Trade Practices Act for insurance (National Ass'n of Insurance Commissioners). Those laws cover most, if not all, of the substantive areas covered by the Guides. In addition, at least 49 states have adopted the Nonadmitted Insurance Act (1983) (National Ass'n of Insurance Commissioners), or similar legislation. which: (1) Provides that no insurer shall transact business in the state, whether by mail or otherwise, without first obtaining a license; and (2) authorizes the state regulatory authority to require compliance with all state insurance laws as a condition of licensing. If licensing requirements, including compliance with the state's Unfair Trade Practices Act, are not met, the state can suspend or revoke the license.

These changes in state insurance laws appear to make the Guides' provisions unnecessary. Accordingly, the Commission has determined that it is in the public interest to eliminate the Guides.

List of Subjects in 16 CFR Part 234

Advertising, Insurance, Postal Service, Trade practices.

PART 234—[REMOVED]

The Commission, under authority of sections 5 (a)(1) and 6(g) of the Federal Trade Commission Act, 15 U.S.C. 45(a)(1) and 46(g), amends chapter I of title 16 of the Code of Federal Regulations by removing Part 234.

By direction of the Commission.

Donald S. Clark,

Secretary.

Statement of Commissioner Mary L. Azcuenaga Concurring in 16 CFR Part 14, Matter No. P954215; Repeal of Mail Order Insurance Guides, Matter No. P954903; Repeal of Guides Re: Debt Collection, Matter No. P954809; and Free Film Guide Review, Matter No. P959101

In a flurry of deregulation, the Commission today repeals or substantially revises several Commission guides and other interpretive rules. The Commission does so without seeking public comment. I have long supported the general goal of repealing or revising unnecessary, outdated, or unduly burdensome legislative and interpretive rules, and I agree that the repeal or revision of these particular guides and interpretive rules appears reasonable. Nevertheless, I cannot agree with the Commission's decision not to seek public comment before making these changes.

Although it is not required to do so under the Administrative Procedure Act, 5 U.S.C. 553(b)(A), the Commission traditionally has sought public comment before issuing, revising, or repealing its guides and other interpretive rules. More specifically, the Commission adopted a policy in 1992 of reviewing each of its guides at least once every ten years and issuing a request for public comment as part of this review. See FTC Operating Manual ch. 8.3.8. The Commission decided to seek public comment on issues such as:

(1) The economic impact of and continuing need for the guide; (2) changes that should be made in the guide to minimize any adverse economic effect; (3) any possible conflict between the guide and any federal, state, or local laws; and (4) the effect on the guide of technological, economic, or other industry changes, if any, since the guide was promulgated.

Id. The Commission has sought public comment and has posed these questions concerning a number of guides since adopting its procedures for regulatory review in 1992.²

Notwithstanding its long-standing, general practice of seeking public comment and its

¹²⁹ FR 6381 (1964).

¹Administrative Interpretations, General Policy Statements, and Enforcement Policy Statements, 16 C.F.R. Part 14; Guides for the Mail Order Insurance Industry, 16 C.F.R. Part 234; Guides Against Debt Collection Deception, 16 C.F.R. Part 237; and Guide Against Deceptive Use of the Word "Free" In Connection With the Sale of Photographic Film and Film Processing Services, 16 C.F.R. Part 242.

² See, e.g., Request for Comments Concerning Guides for the Hosiery Industry, 59 FR 18004 (Apr. 15, 1994); Request for Comment Concerning Guides for the Feather and Down Products Industry, 59 FR 18006 (Apr. 15, 1994).