2118); the Potato Research and Promotion Act, as amended (7 U.S.C. 2611–2627); the Mushroom Promotion, Research, and Consumer Information Act of 1990 (7 U.S.C. 6101-6112); the Watermelon Research and Promotion Act, as amended (7 U.S.C. 4901–4916); the Pecan Promotion and Research Act of 1990 (7 U.S.C. 6001-6013); the Soybean Promotion, Research, and Consumer Information Act (7 U.S.C. 6301-6311); the Pork Promotion, Research, and Consumer Information Act (7 U.S.C. 4801-4819); the Egg **Research and Consumer Information** Act, as amended (7 U.S.C. 2701-2718) the Beef Promotion and Research Act of 1985 (7 U.S.C. 2901-2911); and the National Wool Act of 1954 (7 U.S.C. 1781-1787).

This rule has been determined to be not significant for purposes of Executive Order 12866 and therefore has not been reviewed by OMB.

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. It is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The acts named above except for the Beef Promotion and Research Act of 1985 (7 U.S.C. 2901-2911) and the National Wool Act of 11954 (7 U.S.C. 1781–1787) provide that administrative proceedings must be exhausted before parties may file suit in court. A person subject to a research and promotion order or plan (hereinafter referred to as order) may file a petition with the Secretary of Agriculture (Secretary) stating that the order or any provision of the order, or any obligation imposed in connection with the order, is not in accordance with law and requesting a modification of the order or an exemption from the order. The petitioner is afforded the opportunity for a hearing on the petition. After the hearing the Secretary will make a ruling on the petition. The acts provide that the district courts of the United States in any district in which a person who is a petitioner resides or carries on business are vested with jurisdiction to review the Secretary's ruling on the petition. If a complaint for that purpose is filed within 20 days after the date of the entry of the ruling.

The acts under which this rule is authorized provide for the conduct of referenda by the Department so that members of the applicable industry designated to pay assessments to fund activities of the various research and promotion programs may either approve or disapprove initiation and/or continuation of a program or certain amendments to a research and promotion order or plan. The Department is solely responsible for developing procedures for referenda, thus ensuring the integrity of the process.

Regulatory Impact Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (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 has determined that this rule will have no economic impact on small entities.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the information collection requirements contained in the orders and regulations covered by the acts have previously been approved by OMB. This action will not impact any of the information collection requirements.

Background

In response to the President's Regulatory Review Initiative of March 4, 1995, AMS conducted an indepth review of its regulations. A report on this initiative was submitted to the Office of Budget, Policy, and Analysis on May 3, 1995. As part of the report, AMS identified procedures for the conduct of referenda for certain research and promotion programs which could be removed from the Code of Federal Regulations, one of which, the Floral **Research and Consumer Information** Order, (7 CFR part 1290) was removed July 20, 1995 (60 FR 37327). Also, Subpart-Procedures for Conduct of Referenda in Connection with a Fluid Milk Promotion Program (1160.600-609), and Subpart-Procedure for the Conduct of Referenda in connection with the Honey Research, Promotion, and Consumer Information Order (1240.200–207) will be retained pending scheduling of continuance referenda in early 1996. Each of the programs has published procedures, totaling 53 CFR pages, which delineate the administrative processes used by AMS for conducting referenda. The provisions generally vary only by identification of the commodity, eligible voter, and organization to conduct the referenda. Since referenda are

conducted infrequently prior to or following initiation of a program, it is not cost-effective to incur annual printing costs for the pages currently in the CFR. Instead, the rules will be published in the Federal Register in sufficient time to conduct a referendum. The rules will not, however, be codified in the CFR.

Pursuant to the provisions in 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 procedure 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 because: (1) No changes in the procedures are proposed; (2) removal of the procedures is a technical action; and (3) rules will be published in the Federal Register in sufficient time to conduct a referendum.

List of Subjects

7 CFR Part 1150

Dairy products, reporting and recordkeeping requirements, Research.

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 1209

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

Advertising, Agricultural research, Imports, Marketing agreements, Pecans, Promotion, 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.