

regulations that are needed to effectuate the provisions of the order regulating the handling of milk in the Order 2 marketing area. These rules and regulations are, and will continue to be, issued to facilitate the administration of the order and are updated as necessary, published, and made available to interested parties. Industry representatives may request a copy of the rules and regulations from the market administrator at any time.

This action will not change the rules and regulations previously issued by the Order 2 market administrator and now in effect to carry out the regulatory provisions of the order. Order 2 establishes specific procedures that must be followed by the market administrator in revising the rules and regulations. It also sets forth methods whereby interested parties are informed about proposals to change the rules and regulations and how they may participate in the promulgation process.

The printing and procedural functions involving the implementation of rules and regulations for Order 2 are accomplished by the market administrator in the performance of his duties. These matters are being adequately performed by the Order 2 market administrator. Thus, it should not be necessary to replicate the market administrator's efforts by requiring that certain portions of the rules and regulations, all of which must be approved by the Secretary, be published in the Federal Register or that the Order 2 subparts containing the rules and regulations be published in the Code of Federal Regulations each year. Furthermore, this action is consistent with the President's regulatory reform initiative.

Accordingly, with regard to the termination of the provisions of the order as hereinafter set forth, it is found in accordance with the Act that these provisions no longer tend to effectuate the declared policy of the Act. Pursuant to 5 U.S.C. 553, it is hereby 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 in 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, except for order provisions concerning publication in the Federal Register, this action will not affect the operation or administration of the order or the provisions issued thereunder.

Written comments are invited from interested parties concerning this action.

## List of Subjects in 7 CFR Part 1002

Milk marketing orders.

### Order

For the reasons set forth in the preamble, 7 CFR part 1002 is amended as follows:

## **PART 1002—MILK IN NEW YORK-NEW JERSEY MARKETING AREA**

1. The authority citation for 7 CFR part 1002 continues to read as follows:

Authority: 7 U.S.C. 601–674.

### **§ 1002.77 [Amended]**

2. In § 1002.77, paragraph (i)(1), the words “published in the Federal Register and” are removed.

3. In § 1002.77, paragraph (i)(3), the words “approval, and shall be published in the Federal Register following such” are removed.

### **§§ 1002.300–1002.353 [Removed]**

4. In part 1002, Subpart—Conduct of Hearings Relating to Suspended Cooperative Payments (§§ 1002.300 through 1002.353) is removed.

### **§§ 1002.400–1002.444 [Removed]**

5. Subpart—Cooperative Payment Rules and Regulations Approval of Tentative Amendment, §§ 1002.400 through 1002.444 and their undesignated centerheadings and the subpart heading are removed.

Dated: November 27, 1995.

Shirley R. Watkins,

*Acting Assistant Secretary, Marketing and Regulatory Programs.*

[FR Doc. 95–29461 Filed 12–1–95; 8:45 am]

BILLING CODE 3410–02–P

## **7 CFR Part 1260**

[No. LS–95–007]

### **Beef Promotion and Research; Reapportionment**

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This final rule adjusts representation on the Cattlemen's Beef Promotion and Research Board (Board), established under the Beef Promotion and Research Act (Act) of 1985, to reflect changes in cattle inventories and cattle and beef imports that have occurred since the Board was reapportioned in 1993. These adjustments are required by the Beef Promotion and Research Order (Order) and would result in an increase in Board membership from 107 to 111, effective with the Secretary's 1996 appointments.

**EFFECTIVE DATE:** January 3, 1996.

### **FOR FURTHER INFORMATION CONTACT:**

Ralph L. Tapp, Chief, Marketing Programs Branch, Livestock and Seed Division, Agricultural Marketing Service (AMS), USDA, Room 2606–S, P.O. Box 96456, Washington, DC 20090–6456. 202/720–1115.

### **SUPPLEMENTARY INFORMATION:**

Executive Orders 12866 and 12778 and the Regulatory Flexibility Act

This final rule has been determined to be not significant for purposes of Executive Order 12866 and therefore has not been reviewed by the Office of Management and Budget (OMB).

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. It is not intended to have retroactive effect. Section 11 of the Act provides that nothing in the Act may be construed to preempt or supersede any other program relating to beef promotion organized and operated under the laws of the United States or any State. There are no administrative proceedings that must be exhausted prior to any judicial challenge to the provisions of this rule.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), the Administrator of AMS has determined that this final rule will not have a significant impact on a substantial number of small entities as defined by RFA since it only adjusts representation on the Board to reflect changes in domestic cattle inventory and imports.

The Board was initially appointed August 4, 1986, pursuant to the provisions of the Act (7 U.S.C. 2901 *et seq.*) and the Order issued thereunder (7 CFR 1260.101 *et seq.*). Domestic representation on the Board is based on cattle inventory numbers, and importer representation is based on the conversion of the volume of imported cattle, beef, or beef products into live animal equivalencies.

Section 1260.141(b) of the Order provides that the Board shall be composed of cattle producers and importers appointed by the Secretary from nominations submitted by certified producer and importer organizations. A producer may only be nominated to represent the unit in which that producer is a resident.

Section 1260.141(c) of the Order provides that at least every 3 years and not more than every 2 years, the Board shall review the geographic distribution of cattle inventories throughout the United States and the volume of imported cattle, beef, and beef products and, if warranted, shall reapportion