

rent, \$24,500 (\$24,700), and education and promotion expense, \$1,225,000 (\$1,500,000). All other items are budgeted at last year's amounts.

The Committee also unanimously recommended an assessment rate of \$0.04 per 25-pound container, the same as last year. This rate, when applied to anticipated shipments of 50,000,000 25-pound containers, will yield \$2,000,000 in assessment income. This, along with \$25,000 in interest and other income, will be adequate to cover budgeted expenses.

An interim final rule was published in the Federal Register on October 30, 1995 (60 FR 55176). That interim final rule added § 966.233 to authorize expenses and establish an assessment rate for the Committee. That rule provided that interested persons could file comments through November 29, 1995. No comments were received.

While this action will impose some additional costs on handlers, the costs are in the form of uniform assessments on handlers. Some of the additional costs may be passed on to producers. However, these costs will be offset by the benefits derived by the operation of the marketing order. Therefore, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant matter presented, including the information and recommendations 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.

It is further found that good cause exists for not postponing the effective date of this action until 30 days after publication in the Federal Register (5 U.S.C. 553) because the Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis. The 1995-96 fiscal period began on August 1, 1995. The marketing order requires that the rate of assessment for the fiscal period apply to all assessable tomatoes handled during the fiscal period. In addition, handlers are aware of this action which was unanimously recommended by the Committee at a public meeting and published in the Federal Register as an interim final 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

Accordingly, the interim final rule amending 7 CFR part 966 which was published at 60 FR 55176 on October 30, 1995, is adopted as a final rule without change.

Dated: December 18, 1995.

Sharon Bomer Lauritsen,  
*Deputy Director, Fruit and Vegetable Division.*

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### 7 CFR Part 1250

[Docket No. PY-95-005]

#### Technical Amendments to Egg Research and Promotion Order and Rules and Regulations

AGENCY: Agricultural Marketing Service.

ACTION: Final Rule; Termination Order.

**SUMMARY:** A review of the Order and rules and regulations implementing the egg research and promotion program identified a number of changes to eliminate sections which are duplicative or obsolete and will avoid current and future conflict. The revisions eliminate certain sections dealing with membership on the Egg Board, obtaining refunds, and other miscellaneous provisions.

**EFFECTIVE DATE:** December 27, 1995.

#### FOR FURTHER INFORMATION CONTACT:

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**SUPPLEMENTARY INFORMATION:** This rule amends the Egg Research and Promotion Order and Rules and Regulations [7 CFR part 1250], hereinafter referred to as the Order and regulations. The Order and regulations are effective under the Egg Research and Consumer Information Act, as amended, hereinafter referred to as the Act.

This regulatory action is being taken as part of the National Performance Review program to eliminate unnecessary regulations and improve those that remain in force.

#### Executive Orders 12866 and 12778

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 would not preempt any State or local laws,

regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 14 of the Act, a person subject to the Order may file a petition with the Secretary stating that the Order, any provisions of the order, or any obligations imposed in connection with the Order, are not in accordance with law and requesting a modification of the Order or an exemption therefrom. The petitioner is afforded the opportunity for a hearing on the petition. After a hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which such person is an inhabitant, or has his principal place of business, has 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.

#### Effect on Small Entities

The Administrator of the Agricultural Marketing Service has determined that this rule will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), because the changes are primarily to remove obsolete and duplicate material and establish definitions consistent with current industry terminology.

#### Paperwork Reduction

Information collection requirements and recordkeeping provisions contained in 7 CFR Part 1250 have been previously approved by the Office of Management and Budget and assigned OMB Control No. 0581-0093 under the Paperwork Reduction Act of 1980.

No additional recordkeeping requirements are imposed as a result of this rule.

#### Background and Proposed Changes

A review of the Order and regulations was conducted in response to the President's Regulatory Review Initiative of March 4, 1995. As a result, a number of provisions were identified that could be removed without adverse impact to the program. The amendments eliminate sections that contain provisions duplicated in other sections or are obsolete.

#### Membership Provisions

Section 1250.328(d) was developed to establish the manner in which the initial Board would be nominated. Since June 1984, any changes in the