

amends § 1212.37 of the Order by decreasing from six to four the number of members needed to constitute a quorum at Board meetings and by changing the number of trustees designated in § 1212.84 of the Order from five to four.

The 1993 Act requires that appointments of the Board members made under the 1990 Act be terminated. Such appointments will be terminated on the effective date of this rule and, when practicable, new appointments will be made by the Secretary. The 1993 Act also specifies that the initial Board members under the amended Order will serve initial terms of office of 30 months. This change is directly related to the provision of the 1993 Act which delays the deadline for the initial referendum until 30 months after the date on which the collection of assessments begin under the amended Order. A conforming change in § 1212.67 of the Order pursuant to the 1993 provision has also been made.

In order to provide administrative continuity during the 30 months prior to the initial continuance referendum, the 1993 Act provides that the initial Board members under the amended Order serve 30-month concurrent terms of office. The 1990 Act provided for the staggering of the terms of office of the initial Board members. Although staggered terms of office are generally desirable, this created a situation where 30 percent or more of the Board's membership could change prior to the initial referendum. In contrast, the 1993 Act provides that the initial Board members under the amended Order serve 30-month concurrent terms of office and that staggered terms be reinstituted after the referendum if the program continues. The purpose of this change is to minimize the organizational uncertainties associated with Board member turnover and to facilitate organizational continuity during the period prior to the initial referendum. Therefore, this action also revises § 1212.34 of the Order.

In addition, a technical change is made to § 1212.64 of the Order to add the code number for limes from the Harmonized Tariff Schedule of the United States.

After consideration of all relevant material presented, it is found that the amendments to the Order herein tend to effectuate the declared policy of the Act, as amended.

Pursuant to the provisions of 5 U.S.C. 553, it is found and determined that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because (1) this action is required by the

1993 Act; (2) the proposed rule provided a 30-day period to allow interested parties to comment prior to this action; (3) the amended Order cannot be fully implemented until this rule becomes effective and the initial Board is appointed; and (4) no useful purpose would be served by a delay of the effective date.

#### List of Subjects in 7 CFR Part 1212

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

For the reasons set forth in the preamble, 7 CFR Part 1212 is amended as follows:

#### PART 1212—LIME RESEARCH, PROMOTION, AND CONSUMER INFORMATION

1. The authority citation for 7 CFR Part 1212 is revised to read as follows:

**Authority:** 7 U.S.C. 6201–6212.

#### Subpart A—Lime Research, Promotion, and Consumer Information Order

##### § 1212.2 [Amended]

2. Section 1212.2 is amended by removing the phrase “and any amendments thereto” and adding in its place “as amended”.

##### § 1212.5 [Amended]

3. Section 1212.5 is amended by removing the word “*aurantifolia*” and adding in its place “*latifolia*”.

##### § 1212.18 [Amended]

4. Section 1212.18 is amended by removing the phrase “, or other subdivisions as may be prescribed pursuant to § 1212.40(o)”.

5. In § 1212.30 paragraph (a) is amended by removing the word “Seven” and adding in its place “Three”; paragraph (b) is revised; and paragraph (c) and the undesignated concluding text are removed as follows:

##### § 1212.30 Establishment and membership.

\* \* \* \* \*

(b) Two of the three producer members shall be producers of limes in District 1, and one producer member shall be a producer of limes in District 2. One of the three importer members shall be an importer of limes in District 1, and two importer members shall be importers of limes in District 2. The public member shall be selected at large.

##### § 1212.31 [Amended]

6. Section 1212.31 is amended by revising the section heading and paragraph (a), designating the existing text of paragraph (k) as paragraph (k)(1) and revising it, and designating the

concluding text at the end of the section as paragraph (k)(2) to read as follows:

##### § 1212.31 Nominations.

\* \* \* \* \*

(a) Except for the member and alternate member who represent the general public, nominations of initial members to the Board shall be submitted to the Secretary for selection as soon as practicable after February 8, 1995. In subsequent years, nominations of members to the Board shall be submitted to the Secretary by the Board by August 1. Nominations may be made by means of group meetings for producer and importer members or by mail ballot.

\* \* \* \* \*

(k) (1) In the event of a mail ballot, all qualified persons interested in serving on the Board or who are interested in nominating another person to serve on the Board shall submit to the Board in writing such information as name, mailing address, number of pounds produced, marketed, handled, or imported, or other information as may be required, in order to place that person on the ballot: *Provided*, That in the case of nominating the initial Board under the amended Act, the Secretary shall mail out the ballots and cause press releases concerning the distribution of ballots and pertinent information on balloting to be distributed to the media in the lime producing and importing areas. These ballots shall be returned to the Secretary.

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##### § 1212.32 [Amended]

7. Section 1212.32 is amended by removing the word “seven” and adding in its place “three”.

8. Section 1212.34 is revised to read as follows:

##### § 1212.34 Term of office.

(a) The initial members of the Board and their respective alternates shall serve 30-month concurrent terms of office.

(b) The term of office for the initial Board shall begin immediately following appointment by the Secretary. In subsequent years, the term of office shall begin on January 1 or such other period which may be approved by the Secretary.

(c) Subsequent appointments to the Board will be for a term of 3 years, except that during the initial 3-year appointments, members and their alternates shall serve terms as follows: one producer member from District 1 and one importer member from District 2 shall be appointed for a term of 1 year;