

that an allotment percentage of 56 percent should be established for Scotch spearmint oil for the 1995–96 marketing year. This percentage will provide an increased calculated salable quantity of 997,317 pounds, the actual additional amount of Scotch spearmint oil being made available by this final rule is 67,786 pounds. This results in an actual salable quantity of 954,879 pounds of Scotch spearmint oil.

Therefore, based on available information, AMS has determined that the issuance of this final rule will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant matter presented, including that contained in the prior proposed and final rules in connection with the establishment of the salable quantity and allotment percentage for Scotch and Native spearmint oils for the 1995–96 marketing year, the Committee's recommendation and other available information, it is found that to revise section 985.214 (60 FR 8524) to change the salable quantity and allotment percentage for Scotch spearmint oil, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 985

Marketing agreements, Oils and fats, Reporting and recordkeeping requirements, Spearmint oil.

For the reasons set forth in the preamble, 7 CFR part 985 is amended as follows:

PART 985—SPEARMINT OIL PRODUCED IN THE FAR WEST

Accordingly, the interim final rule amending 7 CFR part 985 which was published at 61 FR 15695 on April 9, 1996, is adopted as a final rule without change.

Dated: June 3, 1996.

Sharon Bomer Lauritsen,
Acting Director, Fruit and Vegetable Division.
[FR Doc. 96–14755 Filed 6–10–96; 8:45 am]
BILLING CODE 3410–02–P

7 CFR Part 1240

[AMS–FV–96–701.FR]

Honey Research, Promotion, and Consumer Information Order— Amendment of the Rules and Regulations To Add HTS Code for Flavored Honey

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule adds a new Harmonized Tariff Schedule (HTS) code number for imported flavored honey to the rules and regulations issued under the Honey Research, Promotion, and Consumer Information Order to provide authority for the U.S. Customs Service to collect an assessment on all imported, flavored honey.

EFFECTIVE DATE: July 12, 1996.

FOR FURTHER INFORMATION CONTACT: Richard B. Schultz, Research and Promotion Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2535-So., Washington, D.C. 20090–6456; telephone (202) 720–9915.

SUPPLEMENTARY INFORMATION: This rule is issued under the Honey Research, Promotion, and Consumer Information Act, as amended [104 Stat. 3904, 7 U.S.C. 4601 *et seq.*], hereinafter referred to as the Act.

This rule has been issued in conformance with Executive Order 12866.

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 Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 10 of the Act, a person subject to an order may file a petition with the Secretary stating that such order, any provision of such order, or any obligation imposed in connection with such order is not in accordance with law; and requesting a modification of the order or an exemption from the order. Such person is afforded the opportunity for a hearing on the petition. After the 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 a principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided that a complaint is filed within 20 days after the date of entry of the ruling.

The Regulatory Flexibility Act (5 U.S.C. 601–612) requires the Agency to examine the impact of a rule on small entities. Pursuant to 5 U.S.C. 605(b), the Agricultural Marketing Service (AMS) has certified that the issuance of this final rule will not have a significant economic effect on a substantial number of small entities.

The board estimates that 500,000 pounds of flavored honey are imported annually at a market value of

approximately \$325,000 and will result in an estimated \$5,000 in assessments. This action will not result in a major price increase or have significant adverse effects on production or marketing.

There are an estimated 145 handlers, 510 producer-packers, 8,300 producers, and 350 importers who are currently subject to the provisions of the Order. The majority of these persons may be classified as small agricultural producers and small agricultural service firms. Small agricultural producers are defined by the Small Business Administration [13 CFR 121.601] as those having annual receipts of less than \$500,000, and small service firms are defined as those having annual receipts of less than \$5 million.

In accordance with the Paperwork Reduction Act [44 U.S.C. Chapter 35], and OMB regulations [5 CFR Part 1320], the information collection and recordkeeping requirements contained in this action have been previously approved under OMB control number 0581–0093.

Background

The Honey Research, Promotion, and Consumer Information Order (Order) provides that each producer and importer shall pay to the Board a one cent per pound assessment rate on honey and honey products produced in or imported into the United States. Section 1240.5 of the Order defines honey products as products wherein honey is a principal ingredient.

In order for the U.S. Customs Service (Customs) to collect the assessments on imported honey and honey products, each product needs to be identified by an HTS Code. Since the Board inception, honey has been assessed by Customs under HTS code number 0409.00.00. However, there were no HTS codes for honey products.

The Board has identified flavored honey as a product containing approximately 99 percent honey. The Board estimates that 500,000 pounds of flavored honey are imported into the United States annually without the importer paying the required assessment. Therefore, at the recommendation of the Board, the Department requested the Committee for Statistical Annotation of Tariff Schedules (Committee) on the International Trade Commission to establish an HTS code for flavored honey. The Committee notified the Department on February 13, 1996, that a code has been established for flavored honey. The purpose of this rule is to add the new HTS code for flavored honey to the rules and regulations under the

Order to provide authority for Customs to collect the assessment on all imported, flavored honey.

A proposed rule was published in the Federal Register on March 27, 1996, [60 FR 13463]. No comments were received on the proposal.

This rule adds the new 2106.90.9988 HTS code for flavored honey to section 1240.115(e) of the rules and regulations issued under the Order. Flavored honey would be assessed at the one-cent-per-pound rate. A conversion factor is not necessary because the amount of honey in flavored honey is estimated at 99 percent of the total product. Customs will notify importers 60 to 90 days before it begins collecting the assessment on flavored honey.

Pursuant to the provisions in 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 puts into effect an HTS Code for flavored honey for the U.S. Customs Service to use in assessing imported flavored honey; (2) flavored honey is currently being imported; (3) a 30-day comment period was provided and no comments were received; and (4) no useful purpose would be served by a delay of the effective date.

After consideration of all relevant material presented, it is found that this regulation, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 1240

Advertising, Agricultural research, Honey, Imports, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR Part 1240 is amended as follows:

PART 1240—HONEY RESEARCH, PROMOTION, AND CONSUMER INFORMATION ORDER

1. The authority citation for 7 CFR Part 1240 continues to read as follows:

Authority: 7 U.S.C. 4601–4612.

2. In § 1240.115, paragraph (e) is revised to read as follows:

§ 1240.115 Levy of assessments.

(e) The U.S. Customs Service (USCS) will collect assessments on all honey or honey products where honey is the principal ingredient imported under its tariff schedule (HTS heading numbers 0409.00.00 and 2106.90.9988) at the time of entry or withdrawal for consumption and forward such assessment as per the agreement between the USCS and USDA. Any

importer or agent who is exempt from payment of assessments pursuant to § 1240.42 (a) and (b) of the Order may apply to the Board for reimbursement of such assessment paid.

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Dated: June 3, 1996.

Robert C. Keeney,

Director, Fruit and Vegetable Division.

[FR Doc. 96–14758 Filed 6–10–96; 8:45 am]

BILLING CODE 3410–02–P

Animal and Plant Health Inspection Service

9 CFR Parts 101 and 112

[Docket No. 93–167–2]

Viruses, Serums, and Toxins and Analogous Products; Master Labels

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations regarding the packaging and labeling of veterinary biologicals to implement the use of a master label. The use of a master label system will reduce the number of copies of labels that are required to be submitted for review and approval, and allow labels with certain minor revisions to be used sooner than would be possible under the current regulations. A definition of “master label” is added to the regulations. In the final rule, the provision for the use of labels with certain minor changes prior to APHIS approval is extended to include previously approved labels.

The amendments are necessary in order to improve label approval procedures by establishing a master label system. The effect of the amendment will be to streamline the procedure for requesting and receiving approval to use new or revised labels for veterinary biologicals.

EFFECTIVE DATE: July 11, 1996.

FOR FURTHER INFORMATION CONTACT:

Dr. David A. Espeseth, Deputy Director, Veterinary Biologics, APHIS, BBEP, 4700 River Road, Unit 148, Riverdale, MD 20737–1237, (301) 734–8245.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 112 pertain to the packaging and labeling of veterinary biologicals. The regulations require that all labels for veterinary biologicals be submitted and reviewed for compliance with the regulations and approved in writing prior to use. The Animal and Plant Health Inspection Service (APHIS) has issued licenses

under the Virus-Serum-Toxin Act (21 U.S.C. 151–159) for some 2300 veterinary biological products. Each licensed biological product is required to have approved packaging and labeling applicable to a variety of container sizes, trade names, producers, subsidiaries, and distributors.

On March 17, 1995, we published in the Federal Register (60 FR 14392–14395, Docket No. 93–167–1) a proposal to amend the regulations regarding the packaging and labeling of veterinary biologicals to implement the use of a master label system. The use of a master label system would reduce the number of copies of labels that are required to be submitted for review and approval, and would allow labels with certain minor revisions to be used sooner than would be possible under the current regulations. A definition of “master label” would be added to the regulations. The amendments are necessary in order to improve label approval procedures by establishing a master label system. The effect of the amendment would be to streamline the procedure for requesting and receiving approval to use new or revised labels for veterinary biologicals.

We solicited comments concerning our proposal for 60 days ending May 16, 1995. We received six comments by that date. They were from producers of veterinary biologics. The comments are discussed below.

Analysis of Comments and APHIS' Response

Two commenters supported the proposed rule without change. Four commenters commended the agency for its efforts to streamline and modernize the labeling regulations.

Two commenters suggested that changes to the manufacturer's name and address should be considered minor label changes that would allow label use prior to its submission to and approval by APHIS. APHIS does not agree with this comment. A change to the name and address of the manufacturer is deemed a major label change. Every applicant for a veterinary biologics establishment license must file an APHIS Form 2001, Application for United States Veterinary Biologics Establishment License. The information required by this form includes the name and address of the applicant, all subsidiaries and divisions, and locations of all premises to be used for preparation, testing, and initial shipping. This information is included in the establishment license when issued. A change to the name and address of the manufacturer requires a new APHIS Form 2001 to be filed (9