(2) The Secretary shall conduct a referendum as soon as practical after the end of the fiscal year ending two years after implementation of this amendment, and at such time every fifth year thereafter, to ascertain whether continuation of the order is favored by growers who have been engaged in the production of almonds for market within the State of California during the current crop year.

* * * * *

§ 981.467 [Amended]

25. In section 981.467, paragraph (a) is amended by removing the date ''July 1'' and adding in its place ''August 1'' and by removing the words ''export or'' and ''or both,'' from the second sentence in paragraph (a).

§ 981.472 [Amended]

26. In section 981.472, paragraph (a) is amended by removing the dates ''July 1 to August 31'' and adding in its place ''August 1 to August 31.''

981.73 [Amended]

27. Section 981.73 is amended by removing the date ''July 15'' and adding in its place ''August 15'' and by removing the date ''June 30'' and adding in its place ''July 31''.

Dated: June 19, 1996.

Michael V. Dunn,

Assistant Secretary, Marketing and Regulatory Programs.

[FR Doc. 96–16304 Filed 6–25–96; 8:45 am]

BILLING CODE 3410–02–P

7 CFR Part 985

[Docket No. AO–79–2; FV95–985–4]

Spearmint Oil Produced in the Far West Order Amending the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the marketing order for spearmint oil produced in the Far West. The Department of Agriculture (Department) proposed this amendment, which was favored by spearmint oil producers in a referendum. Previously, the order included in the regulated production area the States of Washington, Idaho, Oregon, and portions of Utah, Nevada, Montana, and California. This amendment redefines the ''production area'' to remove the portions of the States of Montana and California. This amendment is designed to improve the administration, operation, and function of the Far West spearmint oil program.

EFFECTIVE DATE: June 27, 1996.

FOR FURTHER INFORMATION CONTACT: Caroline C. Thorpe, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2522–S, Washington, D.C. 20090–6456, telephone (202) 720–5127; or Robert Curry, Marketing Specialist, Northwest Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, 1220 SW Third Avenue, room 369, Portland, Oregon 97204–2807, telephone: (503) 326–2724.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Hearing was issued on October 4, 1995, and published in the Federal Register on October 11, 1995 (60 FR 52869). Notice of Public Hearing: Correction was issued on November 8, 1995, and published in the Federal Register on November 13, 1995 (60 FR 57144). A Notice of order filed on proposed rulemaking was issued on November 30, 1995, and published in the Federal Register December 5, 1995 (60 FR 62229). The Emergency Final Decision and Referendum Order was issued on February 13, 1996, and published in the Federal Register on February 20, 1996 (61 FR 6329).

This administrative action is governed by the provision of sections 556 and 557 of title 5 of the United States Code, and is therefore excluded from the requirements of Executive Order 12866.

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule 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 Agricultural Marketing Agreement Act of 1937 (Act), as amended (7 U.S.C. 601 *et seq.*) provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler 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 the handler is an inhabitant, or has his or her principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after date of the entry of the ruling.

Preliminary Statement

This final rule was formulated on the record of a public hearing held in Spokane, Washington, on November 14, 1995, to consider the proposed amendment of Marketing Order No. 985, regulating the handling of spearmint oil produced in the Far West, hereinafter referred to as the ''order.'' The hearing was held pursuant to the provisions of the Act and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900). The Notice of Hearing contained an amendment proposal recommended by the Department.

The Department proposed this action to determine if portions of both the States of California and Montana should continue to be regulated under the order.

Upon the basis of evidence introduced at the hearing and the record thereof, the Assistant Secretary for Marketing and Regulatory Programs on February 13, 1996, filed with the Hearing Clerk, Department of Agriculture, an Emergency Final Decision and Referendum Order, directing that a referendum be conducted during the period March 2 through March 15, 1996, among all known producers of spearmint oil produced in the Far West. The proposed amendment was favored by more than the requisite two-thirds of spearmint oil producers voting in the referendum. Based upon the referendum and other available information the Department determined that the ''production area,'' the area regulated under the order, no longer include portions of the states of California and Montana.

There is no amended marketing agreement effective with this amendment of the order. The original order was published in the April 14, 1980, Federal Register (45 FR 25040), as a final rule. At that time, a marketing agreement was not approved by spearmint oil handlers representing 50 percent or more of the volume of spearmint oil handled by all handlers during the representative period.

The information collection requirements contained in the order and regulation have been previously approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) and have been assigned OMB numbers 0581–0065 for Far West spearmint oil.

This rule will have no impact on the reporting burden of approximately 8 handlers of spearmint oil as none of the handlers have a history of receiving commercial production from the portions of California or Montana removed from regulation under the order.

Small Business Consideration

In accordance with the provisions of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), the Agricultural Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities. Small agricultural producers have been defined by the Small Business Administration (SBA) (13 CFR 121.601) as those having annual receipts of less than $500,000. Small agricultural service firms, which include handlers under this order, are defined as those with annual receipts of less than $5 million.

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. Marketing orders and rules issued thereunder are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both the RFA and the Act have small entity orientation and compatibility. Interested persons were invited to present evidence at the hearing on the probable impact that the proposed amendment to the order would have on small businesses.

During the 1994–95 marketing year from June 1, 1994, through May 31, 1995, 8 handlers were regulated under the order. In addition, there are approximately 260 producers of spearmint oil in the regulated production area. The Act requires the application of uniform rules on regulated handlers. A minority of handlers and producers of Far West spearmint oil may be classified as small entities. The order itself is tailored to the size and nature of these small entities. Thus, both the RFA and the Act are compatible with respect to small entities.

This amendment removes from the regulated production area the portions of California and Montana currently regulated by the order. This amendment is designed to enhance the administration and functioning of the marketing order to the benefit of the industry.

Order Amending the Order Regulating the Handling of Spearmint Oil Produced in the Far West

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings and Determinations Upon the Basis of the Hearing Record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held upon the proposed amendment to Marketing Order No. 985 (7 CFR Part 985), regulating the handling of spearmint oil produced in the Far West.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The order, as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The order, as hereby amended, regulates the handling of spearmint oil grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial and industrial activity specified in the marketing order upon which hearings have been held;

(3) The order, as hereby amended, is limited in application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the Act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the Act; and

(4) All handling of spearmint oil grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is necessary and in the public interest to make this order amendment effective upon publication in the Federal Register.

A later effective date would unnecessarily delay the implementation of the order amendment and the improvement in operation of the marketing order program. There has been uncertainty within the spearmint oil industry for some time with respect to the possible redefinition of the order's production area. Such uncertainty has the potential of hampering the ability of individual producers and handlers to make sound economic decisions concerning their operations. The amendment could affect planting, contracting, lending and other important economic decisions of those in the industry.

In view of the foregoing, it is hereby found and determined that good cause exists to making this amendatory order effective upon publication in the Federal Register, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after publication in the Federal Register (Sec. 553(d), Administrative Procedure Act; 5 U.S.C. 551–559).

(c) *Determinations.* It is hereby determined that:

(1) Handlers (excluding cooperative associations of producers who are not engaged in processing, distribution, or shipping the commodity covered by the said order, as hereby amended) who, during the period June 1, 1994, through May 31, 1995, handled not less than 50 percent of the volume of such spearmint oil covered by the said order, as hereby amended, have not signed a marketing agreement;

(2) The issuance of this amendatory order, amending the aforesaid order, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval or produced for market at least two-thirds of the volume of such commodity represented in the referendum, all such producers, during the period June 1, 1994, through May 31, 1995 (which has been deemed to be a representative period), having been engaged within the production area in the production of such spearmint oil; and

(3) In the absence of signed marketing agreements, the issuance of this amendatory order is the only practical means pursuant to the declared policy of the Act of advancing the interest of producers of spearmint oil in the production area.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, all handling of spearmint oil grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order as hereby amended as follows:

The provisions of the proposed marketing order amending the order contained in the Emergency Final Decision issued by the Assistant Secretary on February 13, 1996, and

published in the Federal Register on February 20, 1996, shall be and are the terms and provisions of this order amending the order and are set forth in full herein.

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—MARKETING ORDER REGULATING THE HANDLING OF SPEARMINT OIL PRODUCED IN THE FAR WEST

1. The authority citation for 7 CFR Part 985 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Section 985.5 is revised to read as follows:

§ 985.5 Production area.

Production area means all the area within the States of Washington, Idaho, Oregon, and that portion of Nevada north of the 37th parallel and that portion of Utah west of the 111th meridian. The area shall be divided into the following districts:

(a) District 1. State of Washington

(b) District 2. The State of Idaho and that portion of the States of Nevada and Utah included in the production area.

(c) District 3. The State of Oregon.

Dated: June 19, 1996.

Michael V. Dunn,

Assistant Secretary, Marketing and Regulatory Programs.

[FR Doc. 96–16303 Filed 6–25–96; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF JUSTICE

8 CFR PARTS 3 AND 242

[EOIR 102F]

RIN 1125–AA01

Executive Office for Immigration Review; Motions and Appeals in Immigration Proceedings; Correction

AGENCY: Department of Justice.

ACTION: Correction to final regulation.

SUMMARY: This document contains additional corrections to the final regulation published Monday, April 29, 1996 (61 FR 18900), relating to new motions and appeals procedures in immigration proceedings.

EFFECTIVE DATE: July 1, 1996.

FOR FURTHER INFORMATION CONTACT: Margaret M. Philbin, General Counsel, Executive Office for Immigration Review, Suite 2400, 5107 Leesburg Pike, Falls Church, VA 22041, (703) 305–0470 (not a toll free call).

SUPPLEMENTARY INFORMATION:

Background

The final regulation that is the subject of these corrections streamlines the motions and appeals practice before the Board of Immigration Appeals and establishes a centralized procedure for filing notices of appeal, fees, fee waiver requests, and briefs directly with the Board. The new regulation also establishes time and number limitations on motions to reconsider and on motions to reopen and makes certain changes to appellate procedures to reflect the statutory directives of section 545 of the Immigration Act of 1990 (Pub. L. 101–649, 104 stat. at 4978).

Need for Correction

As published, the final regulation contains errors that may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication on April 29, 1996 of the final regulation (EOIR 102F), which was the subject of FR Doc. 96–10157 is corrected as follows:

§ 3.2(b) [Corrected]

1. On page 18904, in the third column, in § 3.2 paragraph (b), line 13, the word ''shall'' is corrected to read ''may'' and in line 17, the last sentence of the paragraph is corrected to read ''Such motion may be consolidated with, and considered by the Board in connection with the appeal to the Board.''

§ 246.7 [Corrected]

2. On page 18910, in the first column, § 246.7, line 4, the following language is removed: ''except that no appeal shall lie from an order of deportation entered in absentia''.

Rosemary Hart,

Federal Register Liaison Officer.

[FR Doc. 96–16270 Filed 6–25–96; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 102 and 134

Country of Origin Marking Exception for Textile Goods Assembled Abroad With Components Only Cut to Shape in the U.S.

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: General policy statement.

SUMMARY: This notice advises the public of a general country of origin marking exception that will be granted by Customs, commencing July 1, 1996, for imported textile goods assembled abroad with components which were only cut to shape in the United States.

EFFECTIVE DATE: July 1, 1996.

FOR FURTHER INFORMATION CONTACT: Craig Walker, Special Classification and Marking Branch, Office of Regulations and Rulings (202–482–6980).

SUPPLEMENTARY INFORMATION:

Background

On September 5, 1995, Customs published in the Federal Register (60 FR 46188) a final rule document setting forth, in section 102.21, Customs Regulations (19 CFR 102.21), new rules of origin applicable to textile and apparel products. These rules, which become effective July 1, 1996, implement the provisions of section 334 of the Uruguay Round Agreements Act (''the Act'') (codified at 19 U.S.C. 3592).

One of the fundamental changes that will result from the new textile rules of origin is that cutting fabric to shape will no longer confer origin. Currently (prior to July 1, 1996), the cutting of foreign fabric to shape in the U.S. results in the components becoming products of the U.S. If these components are assembled abroad and returned, they are entitled to a duty allowance under subheading 9802.00.80, HTSUS, and pursuant to the regulations (19 CFR 10.22, which will be eliminated effective August 5, 1996), they may be marked ''Assembled in X country from U.S. components'' or a similar phrase. However, under the new textile rules, these fabric components will no longer be of U.S. origin. Therefore, while the Act provides that importers may continue to receive a duty allowance for components cut to shape in the U.S. from foreign fabric and assembled abroad, effective July 1, 1996, such assembled goods will no longer be considered properly marked when they are labeled ''Assembled in X country from 'U.S.' components.''