

date of this rule 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 crop year began on August 1, 1995. The marketing order requires that the rate of assessment for the crop year apply to all assessable California prunes handled during the crop year. In addition, handlers are aware of this rule which was 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 993

Marketing agreements, Plums, Prunes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 993 is amended as follows:

#### **PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA**

Accordingly, the interim final rule adding § 993.346 which was published at 60 FR 39107 on August 1, 1995, is adopted as a final rule without change.

Dated: September 20, 1995.

Sharon Bomer Lauritsen,  
*Deputy Director, Fruit and Vegetable Division.*  
[FR Doc. 95-23898 Filed 9-26-95; 8:45 am]

BILLING CODE 3410-02-P

### **Animal and Plant Health Inspection Service**

#### **9 CFR Part 92**

[Docket No. 95-064-1]

#### **Specifically Approved States Authorized To Receive Mares and Stallions Imported From CEM-Affected Countries**

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Direct final rule.

**SUMMARY:** We are amending the animal importation regulations by adding Texas to the list of States approved to receive certain mares and stallions imported into the United States from countries affected with contagious equine metritis (CEM). We are taking this action because Texas has entered into an agreement with the Administrator of the Animal and Plant Health Inspection Service to enforce its State laws and regulations to control CEM and to require inspection, treatment, and testing of horses, as required by Federal regulations, to further ensure the horses' freedom from CEM. This action relieves

unnecessary restrictions on importers of mares and stallions from countries affected with CEM.

**DATES:** This rule will be effective on November 27, 1995, unless we receive written adverse comments or written notice of intent to submit adverse comments on or before October 27, 1995.

**ADDRESSES:** Please send an original and three copies of any adverse comments or notice of intent to submit adverse comments to Docket No. 95-064-1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your submission refers to Docket No. 95-064-1. Submissions received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments and notices are requested to call ahead on (202) 690-2817 to facilitate entry into the comment reading room.

**FOR FURTHER INFORMATION CONTACT:** Dr. David Vogt, Senior Staff Veterinarian, Import/Export Animals, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 39, Riverdale, MD 20737-1231, (301) 734-8423.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

The animal importation regulations (contained in 9 CFR part 92 and referred to below as the regulations), among other things, prohibit or restrict the importation of certain animals, including horses, into the United States to protect U.S. livestock from communicable diseases. Sections 92.301(c)(2), 92.304(a)(4)(ii), and 92.304(a)(7)(ii) allow certain horses to be imported into the United States from certain countries where contagious equine metritis (CEM) exists if specific requirements to prevent their introducing CEM into the United States are met.

Mares and stallions over 731 days old must be consigned to States that have been approved by the Administrator of the Animal and Plant Health Inspection Service (APHIS) as meeting conditions necessary to ensure that the mares and stallions are free of CEM. These conditions, which concern inspection, treatment, and testing of the mares and stallions, are contained in § 92.304(a)(5) of the regulations for stallions and in § 92.304(a)(8) for mares. Texas has agreed to abide by the State regulations concerning mares and stallions imported from countries where CEM

exists, and has entered into a written agreement with the Administrator, APHIS, to enforce its State laws and regulations that meet the requirements of § 92.304(a)(5) and § 92.304(a)(8) of the regulations, to control CEM.

This direct final rule will add Texas to the list of States approved to receive certain mares (§ 92.304(a)(7)(ii)) and stallions (§ 92.304(a)(4)(ii)) imported into the United States from countries affected with CEM.

#### **Dates**

We are publishing this rule without a prior proposal because we view this action as noncontroversial and anticipate no adverse public comment. This rule will be effective, as published in this document, 60 days after the date of publication in the Federal Register unless we receive written adverse comments or written notice of intent to submit adverse comments within 30 days of the date of publication of this rule in the Federal Register.

Adverse comments are comments that suggest the rule should not be adopted or that suggest the rule should be changed.

If we receive written adverse comments or written notice of intent to submit adverse comments, we will publish a notice in the Federal Register withdrawing this rule before the effective date. We will then publish a proposed rule for public comment. Following the close of that comment period, the comments will be considered, and a final rule addressing the comments will be published.

As discussed above, if we receive no written adverse comments nor written notice of intent to submit adverse comments within 30 days of publication of this direct final rule, this direct final rule will become effective 60 days following its publication. We will publish a notice to this effect in the Federal Register, before the effective date of this direct final rule, confirming that it is effective on the date indicated in this document.

#### **Executive Order 12866 and Regulatory Flexibility Act**

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

We anticipate that fewer than 20 mares and stallions over 731 days old will be imported into the State of Texas annually from countries where CEM exists. Approximately 200-300 mares and stallions over 731 days old from countries where CEM exists were imported into approved States in fiscal

year 1994. During this same period, approximately 3,598 horses of all classes were imported into the United States from countries other than Canada and Mexico through air and ocean ports; approximately 24,904 horses were imported from Canada; and, approximately 1,364 horses were imported from Mexico.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

#### Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

#### Executive Order 12778

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are in conflict with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

#### Paperwork Reduction Act

This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

#### List of Subjects in 9 CFR Part 92

Animal diseases, Imports, Livestock, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements.

Accordingly, 9 CFR part 92 is amended as follows:

#### **PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON**

1. The authority citation for part 92 continues to read as follows:

Authority: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 114a, 134a, 134b, 134c, 134d, 134f, 135, 136, and 136a; 31 U.S.C. 9701; 7 CFR 2.17, 2.51, and 371.2(d).

#### **§ 92.304 [Amended]**

2. Section 92.304 is amended as follows:

a. Paragraph (a)(4)(ii), by adding, in alphabetical order, “The State of Texas”.

b. Paragraph (a)(7)(ii), by adding, in alphabetical order, “The State of Texas”.

Done in Washington, DC, this 22nd day of September 1995.

Terry L. Medley,

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 95–23970 Filed 9–26–95; 8:45 am]

**BILLING CODE 3410–01–P**

## **DEPARTMENT OF THE TREASURY**

### **Customs Service**

#### **19 CFR Part 134**

[T.D. 95–79]

#### **Technical Correction of J List**

**AGENCY:** Customs Service, Department of the Treasury.

**ACTION:** Final rule.

**SUMMARY:** This document amends the Customs Regulations to correct the description set forth in § 134.33, the “J List”, of rails, joint bars and tie plates as articles excepted from country of origin marking requirements pursuant to 19 U.S.C. 1304(a)(3)(J). The description of rails, joint bars and tie plates now does not accurately reflect the correct tariff subheadings of the Harmonized Tariff Schedule of the United States (HTSUS) of articles covered within the marking exception. The error in the description is due to the inadvertent omission of certain subheading numbers when the Customs Regulations were amended to implement the Harmonized System of tariff classification by converting references to the Tariff Schedules of the United States to references to the HTSUS.

**EFFECTIVE DATE:** This amendment is effective September 27, 1995.

**FOR FURTHER INFORMATION CONTACT:** Keith Rudich, Special Classification and Marking Branch, (202) 482–6980.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

Section 134.33, Customs Regulations (19 CFR 134.33) sets forth a list of articles, including certain of the applicable tariff provisions, which are excepted from the requirements of country of origin marking pursuant to 19 U.S.C. 1304(a)(3)(J). When this “J List” was amended by T.D. 89–1 dated December 21, 1988 (53 FR 51256) to change the referenced tariff provisions from the Tariff Schedules of the United

States (TSUS) to the Harmonized Tariff Schedule of the United States (HTSUS), certain tariff classifications were inadvertently omitted from the reference in the “J List” to “Rail, joint bars and tie plates”. This document corrects those omissions by amending section 134.33 of the Customs Regulations (19 CFR 134.33) to clarify that the reference to “Rails, joint bars and tie plates” encompasses subheadings 7302.10.10 through 7302.90.00, HTSUS.

#### **Regulatory Flexibility Act and Executive Order 12866**

Because no notice of proposed rulemaking is required for this rule, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

This document does not meet the criteria for a “significant regulatory action” as specified in Executive Order 12866.

#### **Inapplicability of Public Notice and Comment Requirements and Delayed Effective Date Requirements**

Because this document merely corrects an error from a previously published document, it has been determined, pursuant to 5 U.S.C. 553(b)(B), that the notice and public comment procedures thereon are unnecessary. For the same reasons, it has also been determined, pursuant to 5 U.S.C. 553(d)(3), that good cause exists for not requiring a delayed effective date.

#### **Drafting Information**

The principal author of this document was Janet L. Johnson, Regulations Branch. However, personnel from other offices participated in its development.

#### **List of Subjects in 19 CFR Part 134**

Customs duties and inspection, Labeling, Packaging and containers.

#### **Amendment to the Regulations**

For the reasons set forth in the preamble, part 134 of the Customs Regulations (19 CFR part 134) is amended as set forth below.

#### **PART 134—COUNTRY OF ORIGIN MARKING**

1. The general authority citation for part 134 continues to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1202 (General Note 20, Harmonized Tariff Schedule of the United States (HTSUS)), 1304, 1624.

2. In § 134.33, the entry in the “Articles” column stating “Rails, joint bars, and tie plates covered by subheadings 7302.90.00, Harmonized Tariff Schedule of the United States” is