

The salable quantity is the total quantity of each class of oil that handlers may purchase from, or handle for, producers during a marketing year. The salable quantity calculated by the Committee is based on the estimated trade demand. The total salable quantity is divided by the total industry allotment base to determine an allotment percentage. Each producer is allotted a share of the salable quantity by applying the allotment percentage to the producer's allotment base for the applicable class of spearmint oil.

The initial salable quantity and allotment percentages for Scotch and Native spearmint oils for the 1995-96 marketing year were recommended by the Committee at its October 5, 1994, meeting. The Committee recommended salable quantities of 908,531 pounds and 906,449 pounds, and allotment percentages of 51 percent and 46 percent, respectively, for Scotch and Native spearmint oils. A proposed rule was published in the December 15, 1994, issue of the **Federal Register** (59 FR 64625). Comments on the proposed rule were solicited from interested persons until January 17, 1995. No comments were received. Accordingly, based upon analysis of available information, a final rule establishing the Committee's recommendation as the salable quantities and allotment percentages for Scotch and Native spearmint oils for the 1995-96 marketing year was published in the February 15, 1995, issue of the **Federal Register** (60 FR 8524).

Pursuant to authority contained in sections 985.50, 985.51, and 985.52 of the order, at its February 22, 1995, meeting, the Committee recommended, with one member voting in opposition, that the salable quantity for Native spearmint oil for the 1995-96 marketing year be increased from 906,449 pounds to 1,004,976 pounds. The member voting in opposition did not favor an increase in the salable quantity and allotment percentage because he believed it was too early to determine what the market conditions will be during the 1995-96 marketing year. Based on the total allotment base of 1,970,542 pounds, the allotment percentage for Native spearmint oil is increased from 46 percent to 51 percent, resulting in a 98,527 pound increase in the salable quantity.

Native Spearmint Oil Recommendations

(1) Salable Quantity

October 5, 1994.....	906,449 pounds
February 22, 1995.....	1,004,976 pounds

(2) Allotment Base

October 5, 1994.....	1,970,542 pounds
February 22, 1995.....	1,970,542 pounds

(3) Allotment Percentage

October 5, 1994.....	46 percent
February 22, 1995.....	51 percent

In making this latest recommendation, the Committee considered all available information on supply and demand. The 1995-96 marketing year begins on June 1, 1995. Handlers have indicated that the available supply of Scotch spearmint oil appears adequate to meet anticipated demand through May 31, 1996. Handlers have indicated, however, that demand for Native spearmint oil is currently fairly strong and anticipate that this trend will likely continue into the next marketing year. Based upon this strengthening demand, as well as historical data that indicates the annual average of sales for the last eight years is 1,006,512 pounds, the Committee believes that an increase in the salable quantity to 1,004,976 pounds is necessary to meet anticipated demand. This level of demand was not anticipated by the Committee when it made its initial recommendation for the establishment of the Native spearmint oil salable quantity and allotment percentage for the 1995-96 marketing year.

The recommended salable quantity of 1,004,976 pounds of Native spearmint oil (an increase of 98,527 pounds), combined with a revised estimated carry-in of 100,000 pounds on June 1, 1995, results in a revised 1995-96 estimated available supply of 1,104,976 pounds. Thus, the revised estimate for the 1995-96 marketing year Native spearmint oil available supply is approximately 100,000 pounds higher than the annual average of sales for the past eight years. With this revision, the Committee anticipates that demand for Native spearmint oil during the 1995-96 marketing year will be adequately met.

The Department, based on its analysis of available information, has determined that an allotment percentage of 51 percent should be established for Native spearmint oil for the 1995-96 marketing year. This percentage will provide an increased salable quantity of 1,004,976 pounds of Native spearmint oil.

Based on available information, the Administrator of the 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, interim final and final rules in connection with the establishment of the salable quantities and allotment percentages 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 finalize the interim final rule revising § 985.214 (60 FR 8524) of the salable quantity and allotment percentage for Native 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 60 FR 18950 on April 14, 1995, is adopted as a final rule without change.

Dated: June 6, 1995.

Sharon Bomer Lauritsen,

*Deputy Director, Fruit and Vegetable Division.
[FR Doc. 95-14280 Filed 6-9-95; 8:45 am]
BILLING CODE 3410-02-P*

7 CFR Part 985

[Docket No. FV95-985-1FIR]

Spearmint Oil Produced in the Far West; Expenses and Assessment Rate for the 1995-96 Fiscal Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (Department) is adopting as a final rule, without change, the provisions of an interim final rule that authorized expenses and established an assessment rate for the Spearmint Oil Administrative Committee (Committee) under Marketing Order No. 985 for the 1995-96 fiscal year. Authorization of this budget enables the Committee to incur expenses that are reasonable and necessary to administer this program. Funds to administer this program are derived from assessments on handlers.

EFFECTIVE DATE: June 1, 1995, through May 31, 1996.

FOR FURTHER INFORMATION CONTACT:

Caroline C. Thorpe, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523-S, Washington, DC 20090-6456, telephone: (202) 720-5127; or Robert Curry, Northwest Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, 1220

SW. Third Avenue, room 369, Portland, Oregon 97204, telephone: (503)326-2724.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Agreement and Order No. 985 (7 CFR part 985), regulating the handling of spearmint oil produced in the Far West. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the Act.

The Department is issuing this rule in conformance with Executive Order 12866.

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the marketing order provisions now in effect, spearmint oil produced in the Far West is subject to assessments. It is intended that the assessment rate specified herein will be applicable to all assessable oil produced during the 1995-96 fiscal year, beginning June 1, 1995, through May 31, 1996. This final 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 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 requesting a modification of the order or to be exempted therefrom. Such 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.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities.

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 issued pursuant to the Act, 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 statutes have small entity orientation and compatibility.

There are 8 handlers of spearmint oil regulated under the marketing order each season and approximately 260 spearmint oil producers in the Far West. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than \$500,000, and small agricultural service firms are defined as those whose annual receipts are less than \$5,000,000. A minority of these producers and handlers may be classified as small entities.

The marketing order, administered by the Department, requires that the assessment rate for a particular fiscal year apply to all assessable spearmint oil handled from the beginning of such year. Annual budgets of expenses are prepared by the Committee, the agency responsible for local administration of this marketing order, and submitted to the Department for approval. The members of the Committee are handlers and producers of spearmint oil. They are familiar with the Committee's needs and with the costs for goods, services, and personnel in their local area, and are thus in a position to formulate appropriate budgets. The Committee's budget is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

The assessment rate recommended by the Committee is derived by dividing the anticipated expenses by expected shipments of spearmint oil. Because that rate is applied to actual shipments, it must be established at a rate which will provide sufficient income to pay the Committee's expected expenses.

The Committee met on February 22, 1995, and unanimously recommended a total expense amount of \$233,272 for its 1995-96 budget. This is \$4,567 less in expenses than the 1994-95 budget.

The Committee also unanimously recommended an assessment rate of \$0.10 per pound for the 1995-96 fiscal year, which is \$0.01 more than the assessment rate from the 1994-95 fiscal year. The assessment rate, when applied to anticipated shipments of 2,000,000 pounds from the 1995-96 spearmint oil production, would yield \$200,000 in assessment income. This, along with approximately \$24,272 from the Committee's authorized reserves, and \$9,000 interest will be adequate to cover estimated expenses.

Major expense categories for the 1995-96 fiscal year include \$101,300 for salaries, \$20,000 for market

development, and \$23,000 for travel. Funds in the reserve at the beginning of the 1995-96 fiscal year are estimated at \$160,000, which is within the maximum permitted by the order of one fiscal year's expenses.

An interim final rule was issued on March 28, 1995, and published in the **Federal Register** on April 3, 1995 (60 FR 16770). That rule provided a 30-day comment period which ended May 3, 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 all handlers. Some of the additional costs may be passed on to producers. However, these costs should be significantly offset by the benefits derived from 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.

It is found that the specified expenses for the marketing order covered in this rule are reasonable and likely to be incurred and that such expenses and the specified assessment rate to cover such expenses 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 year starts on June 1, 1995, and the marketing order requires that the rate of assessment for the fiscal year apply to all assessable spearmint oil handled during the fiscal 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 with a 30-day comment period. No comments were received and the interim final rule is adopted without change.

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

Accordingly, the interim final rule amending 7 CFR part 985 which was

published at 60 FR 16770 on April 3, 1995, is adopted a final rule without change.

Dated: June 6, 1995.

Sharon Bomer Lauritsen,
Deputy Director, Fruit and Vegetable Division.
[FR Doc. 95-14281 Filed 6-9-95; 8:45 am]
BILLING CODE 3410-02-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 101

[Docket No. 93N-0283]

RIN 0905-AD89

Food Labeling; Placement of the Nutrition Label on Food Packages; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a final rule that appeared in the **Federal Register** of April 5, 1995 (59 FR 17202). The document amended food labeling regulations to provide increased flexibility in the placement of the nutrition label on packaged foods. The document was published with some inadvertent errors. This document corrects those errors.

EFFECTIVE DATE: May 5, 1995.

FOR FURTHER INFORMATION CONTACT: Arletta M. Beloian, Center for Food Safety and Applied Nutrition (HFS-165), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-205-5430.

SUPPLEMENTARY INFORMATION: In the last sentence of § 101.9(j)(17) (21 CFR 101.9(j)(17)), in the codified section of the final rule, the words "placement of", which were included in the sentence as noted in comment "2." of the preamble discussion, were inadvertently omitted. FDA is correcting § 101.9(j)(17) to include "placement of" preceding the words "the nutrition label" in that sentence. Further, to provide for parallel construction in the preceding sentence, FDA is also adding "placement of" preceding "the nutrition label."

In FR Doc. 95-8067, appearing in page 17202 in the **Federal Register** of Wednesday, April 5, 1995, the following correction is made:

§ 101.9 [Corrected]

On page 17205, in the third column, in § 101.9 (j)(17), under amendment

"3.", in lines 15 and 19, the words "the placement of" are added before the word "the".

Dated: June 6, 1995.

William B. Schultz,
Deputy Commissioner for Policy.
[FR Doc. 95-14298 Filed 6-9-95; 8:45 am]
BILLING CODE 4160-01-F

DEPARTMENT OF EDUCATION

34 CFR Part 682

RIN 1840-AB62, 1840-AB81, 1840-AB97, 1840-AB99, 1840-AC12

Federal Family Education Loan Program

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary amends the regulations governing the Federal Family Education Loan Program to add the Office of Management and Budget (OMB) control number to certain sections of the regulations. Those sections contain information collection requirements approved by OMB. The Secretary takes this action to inform the public that these requirements have been approved, and therefore affected parties must comply with them.

EFFECTIVE DATE: These regulations are effective on July 1, 1995.

FOR FURTHER INFORMATION CONTACT: Pamela Moran, Loans Branch, Division of Policy Development, Policy, Training, and Analysis Service, U.S. Department of Education, 600 Independence Avenue, S.W., (Room 3053, ROB-3), Washington, D.C. 20202. Telephone (202) 708-8242. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m. Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Final regulations for the Federal Family Education Loan Program were published in the **Federal Register** on June 16, 1994 (59 FR 31084), June 24, 1994 (59 FR 32862), June 28, 1994 (59 FR 33334), June 29, 1994 (59 FR 33580) and November 29, 1994 (59 FR 61210). Compliance with information collection requirements in certain sections of these regulations was delayed until those requirements were approved by OMB under the Paperwork Reduction Act of 1980. OMB approved the information collection requirements in the regulations on August 8, 1994 and December 5, 1994. The information collection requirements in these regulations will therefore become

effective with all of the other provisions of the regulations on July 1, 1995.

Waiver of Proposed Rulemaking

It is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. However, the publication of OMB control numbers is purely technical and does not establish substantive policy. Therefore, the Secretary has determined under 5 U.S.C. 553(b)(B), that public comment on the regulations is unnecessary and contrary to the public interest.

List of Subjects in 34 CFR Part 682

Administrative practice and procedure, Colleges and universities, Education, Loan programs-education, Reporting and recordkeeping requirements, Student aid, Vocational education.

Dated: June 6, 1995.

David A. Longanecker,
Assistant Secretary for Postsecondary Education.

The Secretary amends part 682 of title 34 of the Code of Federal Regulations as follows:

PART 682—FEDERAL FAMILY EDUCATION LOAN PROGRAM

1. The authority citation for part 682 continues to read as follows:

Authority: 20 U.S.C. 1071 to 1087-2, unless otherwise noted.

§§ 682.215, 682.405, and 682.415 [Amended]

2. Sections 682.215, 682.405, and 682.415, are amended by adding the OMB control number following each section to read as follows:

(Approved by the Office of Management and Budget under control number 1840-0538)

§§ 682.205, 682.209, 682.210, 682.211, 682.401, 682.409, 682.602, 682.604, and 682.605 [Amended]

3. Sections 682.205, 682.209, 682.210, 682.211, 682.401, 682.409, 682.602, 682.604, and 682.605 are amended by republishing the OMB control number following each section to read as follows:

(Approved by the Office of Management and Budget under control number 1840-0538)

[FR Doc. 95-14309 Filed 6-9-95; 8:45 am]

BILLING CODE 4000-01-P

34 CFR Parts 690

RIN 1840-AB73

Federal Pell Grant Program

AGENCY: Department of Education.