Section 4.30 also issued under 19 U.S.C. 288, 1433, 1446, 1448, 1450–1454, 1490;

* * * * *

2. Section 4.30(a) is amended by adding paragraphs (a)(1) and (a)(2) to read as follows:

§ 4.30 Permits and special licenses for unlading and lading.

(a) * * *

(1) U.S. and foreign vessels arriving at a U.S. port directly from a foreign port or place are required to make entry, whether it be formal or, as provided in § 4.8, preliminary, before the port director may issue a permit or special license to lade or unlade.

(2) U.S. vessels arriving at a U.S. port from another U.S. port at which formal entry was made may be issued a permit or special license to lade or unlade without having to make either preliminary or formal entry at the second and subsequent ports. Foreign vessels arriving at a U.S. port from another U.S. port at which formal entry was made may be issued a permit or special license to lade or unlade at the second and subsequent ports prior to formal entry without the necessity of making preliminary entry. In these circumstances, after the master has reported arrival of the vessel, the port director may issue the permit or special license or may, in his discretion, require the vessel to be boarded, the master to make an oath or affirmation to the truth of the statements contained in the vessel's manifest to the Customs officer who boards the vessel, and require delivery of the manifest prior to issuing the permit.

* * * * *

Dated: January 26, 1996.

Stuart P. Seidel,

Assistant Commissioner, Office of Regulations and Rulings.

[FR Doc. 96–2063 Filed 1–31–96; 8:45 am]

BILLING CODE 4820–02–P

19 CFR Part 132

[T.D. 96–12]

RIN 1515–AB73

Export Certificates for Beef Subject to Tariff-Rate Quota

AGENCY: Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document adopts as a final rule, without change, the interim amendment to the Customs Regulations setting forth the form and manner by which an importer may make a declaration that a valid export certificate is in effect for imported beef which is the subject of a tariff-rate quota and the product of a participating country, as defined in regulations of the United States Trade Representative, in accordance with the Uruguay Round Agreements Act.

EFFECTIVE DATE: February 1, 1996.

FOR FURTHER INFORMATION CONTACT: Karen Cooper, Quota Branch, (202) 927–5401.

SUPPLEMENTARY INFORMATION:

Background

As a result of the Uruguay Round Agreements, approved by Congress in § 101 of the Uruguay Round Agreements Act (Pub. L. 103–465), the President, by Presidential Proclamation No. 6763, established a tariff-rate quota for imported beef.

The specific imported beef, as well as the various countries eligible for the in-quota tariff rate are set forth in Additional U.S. Note 3, Schedule XX, Chapter 2, of the Harmonized Tariff Schedule of the United States. The eligible countries which may export such beef to the United States and avail themselves of the preferential, in-quota tariff rate include Australia, New Zealand and Japan.

As part of the implementation of the tariff-rate quota for beef, the United States, specifically, the United States Trade Representative (USTR), offered these exporting countries that have an allocation of the in-quota quantity the opportunity to use export certificates for their qualifying beef exports to the United States. Although countries that have an allocation of the in-quota quantity are referred to in the statutory law as ''participating countries'', for purposes of the interim rule and now for this final rule, a participating country constitutes an allocated country that has been authorized to participate in the export certificate program. To this end, New Zealand has requested the opportunity to participate in this program.

An exporting country using export certificates in this regard must notify the USTR and provide the necessary supporting information. Customs is then responsible for ensuring that no imports of beef from that country are counted against the country's in-quota allocation unless such beef is covered by a proper export certificate.

Accordingly, the USTR undertook rulemaking in this matter (15 CFR 2012.2 and 2012.3).

In addition, Customs issued an interim rule published in the Federal Register (60 FR 39108) on August 1, 1995, in order to set forth the form and manner by which an importer declares that a valid export certificate exists, including a unique number therefor which must be referenced on the entry, or withdrawal from warehouse, for consumption. This interim rule also included a record retention period for the certificate and required the submission of such certificate to Customs upon request.

No comments were received from the public in response to the invitation therefor set forth in the interim rule, and Customs has determined to adopt this rule as a final rule without change.

Executive Order 12866 and Regulatory Flexibility Act

Because this document involves a foreign affairs function of the United States and implements an international agreement, it is not subject to E.O. 12866. Because no notice of proposed rulemaking was required in this case, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

Drafting Information

The principal author of this document was Russell Berger, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices participated in its development.

List of Subjects in 19 CFR Part 132

Customs duties and inspection, Imports, Postal service, Quotas.

Amendment to the Regulations

PART 132—QUOTAS

Accordingly, the interim rule amending 19 CFR part 132 to add a new § 132.15, which was published in the Federal Register at 60 FR 39108 on August 1, 1995, is adopted as a final rule without change.

George J. Weise,

Commissioner of Customs.

Approved: December 22, 1995.

John P. Simpson,

Deputy Assistant Secretary of the Treasury.

[FR Doc. 96–1992 Filed 1–31–96; 8:45 am]

BILLING CODE 4820–02–P

19 CFR Part 148

[T.D. 96–13]

Changes to Customs List of Designated Public International Organizations

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations by updating Customs list of designated public international organizations entitled to certain free entry privileges provided for under provisions of the International Organizations Immunities Act. The last time the list was updated was in 1993 and since then the President has issued several Executive Orders which designate certain organizations as entitled to this free entry privilege. Accordingly, Customs deems it appropriate to update the list at this time.

EFFECTIVE DATE: February 1, 1996.

FOR FURTHER INFORMATION CONTACT: Dennis Sequeira, Director, International Organizations & Agreements Division, Office of International Affairs, (202) 927–1480.

SUPPLEMENTARY INFORMATION:

Background

The International Organizations Immunities Act, 22 U.S.C. 288, generally provides that certain international organizations, agencies, and committees, those in which the United States participates or otherwise has an interest and which have been designated by the President through appropriate Executive Order as public international organizations, are entitled to enjoy certain privileges, exemptions, and immunities conferred by the Act. The Department of State lists the public international organizations, designated by the President as entitled to enjoy any measure of the privileges, exemptions, and immunities conferred by the Act, in the notes following the provisions of Section 288.

One of the privileges provided for under the Act is that the baggage and effects of alien officers, employees, and representatives—and their families, suites, and servants—to the designated organization, are admitted free of duty and without entry. Those designated organizations entitled to this duty-free entry privilege are delineated at § 148.87(b), Customs Regulations (19 CFR 148.87(b)). Thus, the list of public international organizations maintained by Customs is for the limited purpose of identifying those organizations entitled to the duty-free entry privilege; it does not necessarily include all of the international organizations that are on the list maintained by the Department of State, which delineates all of the international organizations designated by the President regardless of the extent of the privileges conferred.

Since the last revision of § 148.87(b) in 1993 (T.D. 93–45), four Executive Orders have been issued designating certain organizations as public international organizations. Collectively, these Executive Orders add 7 international organizations to Customs list of public international organizations entitled to the duty-free entry privilege—bringing the total of designated international organizations to 68, as follows:

1. Executive Order 12842 of March 29, 1993, 58 FR 17081, 3 CFR 1993 Comp., p. 592, 29 Weekly Comp. Pres. Doc. 505, designated the International Development Law Institute;

2. Executive Order 12894 of January 26, 1994, 59 FR 4237, 3 CFR 1994 Comp., p. 857, 30 Weekly Comp. Pres. Doc. 159, designated the North Pacific Marine Science Organization;

3. Executive Order 12895 of January 26, 1994, 50 FR 4237, 3 CFR 1994 Comp., p. 857, 30 Weekly Comp. Pres. Doc. 159, designated the North Pacific Anadromous Fish Commission; and

4. Executive Order 12904 of March 16, 1994, 59 FR 13179, 3 CFR 1994 Comp., p. 880, 30 Weekly Comp. Pres. Doc. 550, designated the Commission for Environmental Cooperation, the Commission for Labor Cooperation, the Border Environment Cooperation Commission, and the North American Development Bank pursuant to the North American Free Trade Agreement Implementation Act.

Inapplicability of Public Notice and Comment Requirements, Delayed Effective Date Requirements, the Regulatory Flexibility Act, and Executive Order 12866

Because this amendment merely corrects the listing of designated organizations entitled by law to free entry privileges as public international organizations, pursuant to 5 U.S.C. 553(b)(B), good cause exists for dispensing with notice and public procedure thereon as unnecessary. For the same reason, good cause exists for dispensing with a delayed effective date under 5 U.S.C. 553(d) (1) and (3). Since this document is not subject to the notice and public procedure requirements of 5 U.S.C. 553, it is not subject to provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This document does not meet the criteria for a ''significant regulatory action'' as specified in E.O. 12866.

Drafting Information

The principal author of this document was Gregory R. Vilders, Attorney, Regulations Branch, Office of Regulations and Rulings.

List of Subjects in 19 CFR Part 148

Foreign officials, Government employees, International organizations, Privileges and immunities, Taxes.

Amendment to the Regulations

For the reasons stated above, part 148, Customs Regulations (19 CFR part 148), is amended as set forth below:

PART 148—PERSONAL DECLARATIONS AND EXEMPTIONS

1. The general authority citation for part 148 is revised to read as follows:

Authority: 19 U.S.C. 66, 1496, 1498, 1624. The provisions of this part, except for subpart C, are also issued under 19 U.S.C. 1202 (General Note 20, Harmonized Tariff Schedule of the United States);

* * * * *

2. Section 148.87(b) is amended by adding the following, in appropriate alphabetical order, to the table, to read as follows:

§ 148.87 Officers and employees of, and representatives to, public international organizations.

* * * * *

(b) * * *

Organization	Executive order	Date
* *	*	* *
Border Environmental Cooperation Commission.	12904	Mar. 16, 1994.
* *	*	* *
Commission for Environmental Cooperation.	12904	Mar. 16, 1994.
* *	*	* *
Commission for Labor Cooperation.	12904	Mar. 16, 1994.
* *	*	* *
International Development Law Institute.	12842	Mar. 29, 1993.
* *	*	* *
North American Development Bank.	12904	Mar. 16, 1994.
* *	*	* *
North Pacific Anadromous Fish Commission.	12895	Jan. 26, 1994.
* *	*	* *
North Pacific Marine Science Organization.	12894	Jan. 26, 1994.

* * * * *

George J. Weise,
Commissioner of Customs.

Approved: December 22, 1995.

John P. Simpson,
Deputy Assistant Secretary of the Treasury.

[FR Doc. 96–1991 Filed 1–31–96; 8:45 am]
BILLING CODE 4820–02–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 80

[Docket No. 94C–0041]

Color Additive Certification; Increase in Fees For Certification Services

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the color additive regulations by increasing the fees for certification services. The change in fees will allow FDA to continue to maintain an adequate color certification program as required by the Federal Food, Drug, and Cosmetic Act (the act). The fees are intended to recover the full costs of operation of FDA's color certification program, including the unfunded liability of the Civil Service Retirement Fund and the appropriate overhead costs of the Public Health Service (PHS) and the Department of Health and Human Services (DHHS).

DATES: Effective March 4, 1996.

FOR FURTHER INFORMATION CONTACT: David R. Petak, Accounting Branch (HFA–120), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1766.

SUPPLEMENTARY INFORMATION:

I. Background

In the Federal Register of November 29, 1994 (59 FR 60898), FDA issued an interim rule to amend the color additive regulations by increasing the fee for certification services. The change in fees was necessary so that FDA could recover the full costs of operation of its color certification program, including the unfunded liability of the Civil Service Retirement Fund and the appropriate overhead costs of PHS and DHHS. The fee schedule in effect before publication of the interim rule had been in place since 1982. While costs of the certification program have increased through the years, until 1991, the steady growth of the color additive market and corresponding increase in the batches certified generated sufficient revenue to cover these increased costs. The fee schedule is designed to cover the costs involved in the certifying of batches of color additive. These costs include both the cost of specific tests required by the regulations and the general costs associated with the certification program, such as costs of accounting, reviewing data, issuing certificates, and conducting research and establishment inspections.

Since 1991, however, the volume of batches certified has leveled off, while the costs have continued to rise at approximately 10 percent per year. Moreover, the old fee schedule did not reflect all applicable overhead costs for the program. It did not reflect the costs of management support provided by both PHS and DHHS, personnel costs for the unfunded liability portion of the Civil Service Retirement Fund, and ancillary costs of space, equipment, travel, and supplies. The agency announced in the November 1994 notice that it concluded that it is necessary to include these costs in the calculation of the fees to ensure that the fees fully cover the costs of certification. Because section 721(e) of the act (21 U.S.C. 379e(e)) requires payment of such fees necessary to provide, maintain, and equip an adequate certification service, an immediate increase was necessary.

The fee for straight colors including lakes is $.30 per pound (a $.05 per pound increase) with a minimum fee of $192. There are similar increases in fees for repacks of certified color additives and color additive mixtures. In addition, the interim rule announced the agency's tentative conclusion that fees would increase at a rate that is proportional to Federal salary increases, commencing with pay raises on or after January 1, 1996. This provision would permit FDA to set initial fees lower than they would otherwise be set. Interested persons were given until February 13, 1995, to comment on the interim rule. One letter was received in response to the interim rule from the International Association of Color Manufacturers (IACM). A description of the comment and the agency's response is as follows.

II. Comment

IACM, a trade association representing firms that manufacture certified color additives for use in foods, drugs, cosmetics, and medical devices, objected to the fee escalation provision, supported refunds of surplus fees, and suggested alternatives to the certification program.

In support of its objection to the escalator provision, IACM stated that it was opposed to an automatic annual increase in the color certification fees because it was contrary to section 721(e) of the act. IACM argued that Congress clearly intended that such fee increases would have to be specified in a proposed regulation with an opportunity for public notice and comments. IACM further stated that the fee study that FDA made available does not support the need for automatic fee increases and requested clarification of all the factors (e.g., local pay rate increase) that FDA intended to use as a basis for the automatic fee increase. IACM also requested more time to comment on these factors. In addition, IACM supported refunds of surplus fees but requested that FDA include a statement that it is ''* * * committed to making refunds.'' Lastly, IACM suggested that, in light of FDA's decision to increase the fee and provide for an automatic fee escalator, FDA should consider alternative methods of certification such as certifying private laboratories or certifying an individual company to conduct its own certification.

After due consideration FDA finds that it is persuaded by IACM's comments in support of its objection to the escalator provision, and the agency will not implement this provision. The agency will continue with its past policy of monitoring color certification costs and set fees as required by section 721(e) of the act as necessary to provide, maintain, and equip an adequate certification service. FDA will continue to closely monitor the certification fee structure and will continue with its policy of refunding any excess of funds in proportion to workload of each company that sought color certification. Accordingly, FDA is removing § 80.10(c) (21 CFR 80.10(c)) from the regulations.

IACM's request that FDA consider alternatives to the certification program are outside the scope of interim rule, and since the agency is returning to the past procedure for determining color additive certification fees, the issue needs no further consideration at this time. Thus, FDA is not making any additional modifications to § 80.10. The interim rule adopted on November 29, 1994, is therefore permanent, with the only modification that § 80.10(c) is withdrawn, and § 80.10(d) is redesignated as § 80.10(c) to replace it.

III. Analysis of Impacts

FDA has examined the impacts of the final rule under Executive Order 12866 and the Regulatory Flexibility Act (Pub. L. 96–354). Executive Order 12866