

b. By adding, in alphabetical order, entries for Hyacinth bean and Yard long bean from Honduras and Broad bean,

Green bean, and Mung bean from Nicaragua to read as set forth below.

§ 319.56–2x Administrative instructions; conditions governing the entry of certain fruits and vegetables for which treatment is required.

(a) * * *

Country/ locality	Common name	Botanical name	Plant part(s)
Belize	Papaya	<i>Carica papaya</i>	Fruit (Treatment for Medfly not required for fruit grown in the districts of Cayo, Corozal, and Orange Walk, or in any portion of the district of Stann Creek <i>except</i> the area bounded as follows: Beginning at the southernmost point of the Placencia Peninsula; then north along the coast of the Caribbean Sea to Riversdale Rd.; then west along Riversdale Rd. to Southern Hwy.; then south along the Southern Hwy. to Independence Rd.; then east along Independence Rd. to Big Creek Port; then east, on an imaginary line, from Big Creek Port across the Placencia Lagoon to the point of beginning—see § 319.59–2t.) Papayas prohibited entry into Hawaii due to the papaya fruit fly, <i>Toxotrypana curvicauda</i> . Cartons in which fruit is packed must be stamped “Not for importation into or distribution within HI.”)
Honduras	Hyacinth bean. Yard long bean.	<i>Lablab purpureus</i> <i>Vigna unguiculata</i> , subsp. <i>sesquipedalis</i> .	Pod or shelled. Pod or shelled.
Nicaragua	Broad bean Green bean Mung bean	<i>Vicia faba</i> <i>Phaseolus</i> spp <i>Vigna radiata</i>	Pod or shelled. Pod or shelled. Pod or shelled.

* * * * *

Done in Washington, DC, this 27th day of June 1996.

Terry L. Medley,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96–16870 Filed 7–1–96; 8:45 am]

BILLING CODE 3410–34–P

Agricultural Marketing Service

7 CFR PART 1240

[FV–96–707]

Honey Research, Promotion, and Consumer Information Order; Continuance Referendum

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Referendum order.

SUMMARY: This document gives notice that a referendum will be conducted to determine whether the continuance of the Honey Research, Promotion, and Consumer Information Order is favored by a majority of the producers, producer-packers, and importers voting in the referendum. This action establishes the voting period, representative period, method of voting, and agents.

DATES: The referendum will be conducted by mail ballot from August 1

through August 30, 1996. The representative period for establishing voter eligibility shall be the period from January 1, 1994, through December 31, 1995.

ADDRESSES: Copies of the Honey Research, Promotion, and Consumer Information Order may be obtained from: Referendum Agent, Research and Promotion Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2535–S, Washington, DC 20090–6456.

FOR FURTHER INFORMATION CONTACT: Richard Schultz, Research and Promotion Branch, Fruit and Vegetable Division, AMS, USDA, Room 2535–S, P.O. Box 96456, Washington, D.C. 20090–6456. Telephone (202) 720–5976.

SUPPLEMENTARY INFORMATION: A referendum will be conducted among eligible honey producers, producer-packers, and importers to determine whether the continuance of the Honey Research, Promotion, and Consumer Information Order (Order) [7 CFR 1240] is favored by persons voting in the referendum. The Order is authorized under the Honey Research, Promotion, and Consumer Information Act, as amended (act) [7 U.S.C. 4601–4612].

The representative period for establishing voter eligibility for the referendum shall be the period from January 1, 1994, through December 31,

1995. Persons who are producers, producers and handlers, or importers of honey or honey products at the time of the referendum and during the representative period are eligible to vote. Persons who have received an exemption from assessment for the entire representative period are ineligible to vote. The referendum shall be conducted by mail ballot from August 1 through 30, 1996.

Section 13(b)(1) of the act provides that 5 years from the date on which the Secretary of Agriculture (Secretary) issues an order authorizing the collection of assessments, and every 5 years thereafter, the Secretary shall conduct a referendum to determine if honey producers and importers favor the termination or suspension of the Order. On July 21, 1986, the Secretary issued the Order, and the first continuance referendum was conducted in August 1991. Therefore, this order is issued pursuant to the Act's requirements and gives producers and importers a second opportunity to vote on whether the program will continue.

Section 13(d) also provides that the Secretary shall suspend or terminate the Order if termination or suspension is favored by a majority of the producers and importers voting in the referendum and that the producers and importers comprising this majority produce or

import more than 50 percent of the volume of honey produced or imported by those voting in the referendum.

In accordance with the Paperwork Reduction Act of 1995 [Pub. L. 104-13], the referendum ballot has been approved by the Office of Management and Budget (OMB) and has been assigned OMB number 0581-0093. It is estimated that there are 8,300 producers, 510 producer-packers, and 350 importers who will be eligible to vote in the referendum. It will take an average of 15 minutes for each voter to read the voting instructions and complete the referendum ballot.

Referendum Order

It is hereby directed that a referendum be conducted among eligible producers, producer-packers, and importers to determine whether they favor the continuance of the Order. The representative period for establishing voter eligibility for the referendum shall be the period from January 1, 1994, through December 31, 1995. A referendum shall be conducted by mail ballot from August 1 through 30, 1996.

Section 13(d)(1) of the act provides that the Secretary shall conduct a referendum to determine if honey producers and importers favor the termination or suspension of the Order. Therefore, voters will vote on whether the program will continue. Section 13(d) also provides that the Secretary shall suspend or terminate the Order if termination or suspension is favored by a majority of the producers and importers voting in the referendum and that the producers and importers comprising this majority produce or import more than 50 percent of the volume of honey produced or imported by those voting in the referendum.

Richard Schultz and Martha B. Ransom, Research and Promotion Branch, Fruit and Vegetable Division, Agricultural Marketing Service, P.O. Box 96456, Department of Agriculture, Washington, DC 20090-6456, are designated as the referendum agents of the Secretary to conduct this referendum. The Procedure for the Conduct of Referenda in Connection with the Honey Research, Promotion, and Consumer Information Order [7 CFR 1240.200-1240.207] shall be used to conduct the referendum.

Ballots to be cast in the referendum, and any related material relevant to the referendum, will be mailed by the referendum agents to all known producers, producer-packers, and importers. Persons who have produced, produced and handled, or imported honey or honey products during the representative period are eligible to

vote. Persons who have received an exemption from assessment for the entire representative period are ineligible to vote. Any eligible producer, producer-packer, or importer who does not receive a ballot and related material should immediately contact the referendum agents.

List of Subjects in 7 CFR Part 1240

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

Authority: 7 U.S.C. 4601-4612.

Dated: June 26, 1996.

Kenneth C. Clayton,

Acting Administrator.

[FR Doc. 96-16839 Filed 6-27-96; 2:46 pm]

BILLING CODE 3410-02-P

Animal and Plant Health Inspection Service

9 CFR Parts 1 and 3

[Docket No. 95-078-1]

RIN 0579-AA74

Humane Treatment of Dogs and Cats; Tethering and Temperature Requirements

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the regulations for the humane treatment of dogs and cats under the Animal Welfare Act by removing the provisions for tethering dogs as a means of primary enclosure. We are also proposing to amend the regulations by revising the temperature requirements for indoor, sheltered, and mobile and traveling housing facilities, and for primary conveyances used in transportation, to require that the ambient temperature must never exceed 90 °F (32.2 °C) when dogs or cats are present. We are taking these actions because our experience in enforcing the Animal Welfare Act has led us to conclude that tethering dogs as a means of primary enclosure is not a humane practice. Also, temperatures exceeding 90 °F can be harmful to dogs and cats. These actions will help ensure that dogs and cats in facilities regulated under the Animal Welfare Act will be treated in a humane manner.

DATES: Consideration will be given only to comments received on or before September 3, 1996.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 95-078-1, Regulatory Analysis and Development, PPD,

APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comments refer to Docket No. 95-078-1. Comments 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 are requested to call ahead on (202) 690-2817 to facilitate entry into the comment reading room. **FOR FURTHER INFORMATION CONTACT:** Mr. Stephen Smith, Staff Animal Health Technician, REAC, APHIS, suite 6D02, 4700 River Road Unit 84, Riverdale, MD 20737-1234, (301) 734-4972.

SUPPLEMENTARY INFORMATION:

Background

Under the Animal Welfare Act (AWA)(7 U.S.C. 2131 *et seq.*) the Secretary of Agriculture is authorized to promulgate standards and other requirements governing the humane handling, housing, care, treatment, and transportation of certain animals by dealers, research facilities, exhibitors, and carriers and intermediate handlers. Regulations established under the Act are contained in 9 CFR parts 1, 2, and 3. Subpart A of 9 CFR part 3 (referred to below as the regulations) contains requirements concerning dogs and cats.

Recently, the Animal and Plant Health Inspection Service (APHIS) hosted public meetings in Kansas City and St. Louis, MO, and in Washington, DC, to gather information on the regulations in 9 CFR part 3, subpart A, that apply to the care of dogs and cats in the commercial pet trade. People attending the meetings included representatives of animal protection organizations and members of affected industries, such as dealers, research facilities, and commercial animal transporters.

Each meeting was divided into four workshops covering specific topic areas: (1) space requirements for primary enclosures, including room for exercise; (2) sanitation, materials, flooring, and construction of primary enclosures; (3) veterinary care and breeding frequency; and (4) transportation by land and air. APHIS has considered all of the recommendations and opinions expressed by participants of these workshops at each of the meetings, as well as APHIS' own experience in enforcing the Act, in developing this proposal on tethering and temperature requirements. There were many recommendations expressed in the workshops on issues closely related to what we are proposing in this