results, and the beneficial results that are produced are of limited value. Thus, pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), it is certified that the amendments to the CBP Regulations set forth in this document will not have a significant economic impact on a substantial number of small entities. The regulation would merely discontinue the patent survey procedure for reasons related to changed circumstances, disuse, and ineffectiveness. Accordingly, these amendments are not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

Executive Order 12866

Since CBP receives so few requests for patent surveys, and elimination of the program will not preclude a patent owner from petitioning the ITC for an investigation and action to enforce its patent, CBP concludes that this rule does not meet the criteria for a ''significant regulatory action'' as specified in E.O. 12866. The rule will not have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. Because patent surveys are not an essential element of the ITC enforcement process, elimination of the program in this final rule does not create serious inconsistency or otherwise interfere with an action taken or planned by another agency. It is noted that no comments were received, indicating little if any concern by patent owners that access to ITC enforcement will be curtailed or the ITC's procedures will be affected by the final rule. Also, the rule does not materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof, as patent surveys have nothing to do with any of these matters; nor does the rule raise novel legal policy issues arising out of legal mandates, the President's priorities, or the principles set forth in E.O. 12866.

Drafting Information

The principal author of this document was Bill Conrad, Office of Regulations and Rulings, Customs and Border Protection. However, personnel from other offices contributed in its development.

List of Subjects

19 CFR Part 12

Entry of merchandise, Customs duties and inspection, Fees assessment, Imports, Patents, Reporting and recordkeeping requirements.

19 CFR Part 24

Accounting, Customs duties and inspection, Fees, Imports, Reporting and recordkeeping requirements.

Amendments to the Regulations

■ For the reasons stated in the preamble, parts 12 and 24 of the Customs Regulations (19 CFR parts 12 and 24) are amended as follows:

PART 12—SPECIAL CLASSES OF MERCHANDISE

■ 1. The general authority citation for part 12 continues to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66; 1202 (General Note 23, Harmonized Tariff Schedule of the United States), 1624.

* * * * *

§ 12.39a [Removed]

■ 2. Part 12 of the CBP Regulations is amended by removing § 12.39a.

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

■ 3. The general authority citation for part 24 continues to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 58a–58c, 66, 1202 (General Note 23, Harmonized Tariff Schedule of the United States), 1505, 1624; 26 U.S.C. 4461, 4462; 31 U.S.C. 9701.

* * * * *

Section 24.12 also issued under 19 U.S.C. 1524, 46 U.S.C. 31302;

* * * * *

§ 24.12 [Amended]

■ 4. Section 24.12 of the CBP Regulations is amended by removing paragraph (a)(3).

Dated: August 24, 2004.

Robert C. Bonner,

Commissioner, Customs and Border Protection.

[FR Doc. 04–19665 Filed 8–27–04; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

19 CFR Part 111

[C.B.P. Dec. No. 04–30]

RIN 1651–AA46

Customs Broker License Examination Dates

AGENCY: Customs and Border Protection, Department of Homeland Security.

ACTION: Final rule.

SUMMARY: This document adopts as a final rule the interim rule amending the Customs and Border Protection (CBP) regulations to allow CBP to publish a notice changing the date on which a semi-annual written examination for an individual broker's license will be held when the normal date conflicts with a holiday, religious observance, or other scheduled event.

EFFECTIVE DATE: August 30, 2004

FOR FURTHER INFORMATION CONTACT: Alice Buchanan, Office of Field Operations (202–344–2673).

SUPPLEMENTARY INFORMATION:

Background

Section 641 of the Tariff Act of 1930, as amended (19 U.S.C. 1641), provides that a person (an individual, corporation, association, or partnership) must hold a valid customs broker's license and permit in order to transact customs business on behalf of others, sets forth standards for the issuance of broker's licenses and permits, and provides for the taking of disciplinary action against brokers that have engaged in specified types of infractions. In the case of an applicant for an individual broker's license, section 641 provides that the Secretary of the Treasury may conduct an examination to determine the applicant's qualifications for a license. Section 641 also authorizes the Secretary of the Treasury to prescribe rules and regulations relating to the customs business of brokers as may be necessary to protect importers and the revenue of the United States and to carry out the provisions of section 641.

Pursuant to the Homeland Security Act of 2002 (Pub. L. 107–296) and Treasury Order No. 100–16, the Secretary of the Department of Homeland Security now has the authority to prescribe the rules and regulations relating to Customs brokers.

The regulations issued under the authority of section 641 are set forth in part 111 of the Customs and Border

Protection (CBP) Regulations (19 CFR part 111). Part 111 includes detailed rules regarding the licensing of, and granting of permits to, persons desiring to transact customs business as customs brokers, including the qualifications required of applicants and the procedures for applying for licenses and permits. Section 111.11 sets forth the basic requirements for a broker's license and, in paragraph (a)(4), provides that an applicant for an individual broker's license must attain a passing grade on a written examination taken within the 3-year period before submission of the license application prescribed under § 111.12.

Section 111.13 sets forth the requirements and procedures for the written examination for an individual broker's license. Paragraph (b) of § 111.13 concerns the date and place of the examination and, in the first sentence, provides that ''[w]ritten examinations will be given on the first Monday in April and October.''

On May 29, 2003, CBP published in the **Federal Register** (68 FR 31976) as T.D. 03–23 , an interim rule adding a provision that would allow CBP to publish a notice changing the date on which a semi-annual written examination for an individual broker's license will be held when the normal date conflicts with a holiday, religious observance, or other scheduled event. In the interim rule, CBP noted that the first Monday in October 2003, that is, October 6th, coincided with the observance of Yom Kippur, and CBP noted that the regulatory text quoted above did not provide for the adoption of alternative examination dates. In order to avoid conflicts with national holidays, religious observances, and other foreseeable events that could limit an individual's opportunity to take the broker's examination, T.D. 03–23 amended § 111.13(b) to provide CBP with some flexibility in those circumstances as regards the determination of the specific date on which an examination will be given. The interim rule requested comments, and those that were received are discussed below.

Discussion of Comments

Two commenters responded to the solicitation of public comment, and both requested that the regulation include a statement as to when the rescheduled examination will occur. Specifically, one commenter requested that the rescheduled examination date be no more than five business days (or one calendar week) later than the first Monday in April or the first Monday in October. The other commenter requested that we standardize the manner in which the rescheduled date will be determined, but did not request any specific time frame for the rescheduled date.

CBP believes that it is not necessary to include in the regulation a statement as to exactly when the rescheduled examination would occur. While CBP does not intend to schedule an examination later than one week after the first Monday in April or October, CBP believes that it would not be wise to standardize the rescheduled date(s) because CBP contracts the administration of the examinations to the Office of Personnel Management (OPM). Standardization as to when an examination would be rescheduled could unduly constrain CBP and OPM to what may become ill-timed or unavailable dates.

Conclusion

After analysis of the comments and further review of the matter, CBP has determined to adopt as a final rule, with no changes, the interim rule published in the **Federal Register** (68 FR 31976) on May 29, 2003, as T.D. 03–23.

Signing Authority

This final rule is being issued in accordance with 19 CFR 0.1(b)(1) of the CBP Regulations.

Inapplicability of Notice and Delayed Effective Date Requirements and the Regulatory Flexibility Act

Because this regulation finalizes an interim rule already in effect that provides a benefit to prospective applicants for individual customs broker licenses and imposes no new regulatory burden or obligation on any member of the general public, CBP finds that, pursuant to the provisions of 5 U.S.C. 553(d)(1) and (3), there is good cause for dispensing with a delayed effective date. Because no notice of proposed rulemaking is required for interim regulations, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) do not impose restrictions on the publication of this regulation.

Executive Order 12866

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 Dwayne S. Rawlings, Office of Regulations and Rulings, Bureau of Customs and Border Protection.

List of Subjects in 19 CFR Part 111

Administrative practice and procedure, Brokers, Customs duties and inspection, Imports, Licensing, Reporting and recordkeeping requirements.

Amendment to the Regulations

■ For the reasons set forth above, the interim rule amending § 111.13 of Title 19 of the Code of Federal Regulations (19 CFR part 111.13), which was published in the **Federal Register** (68 FR 31976) on May 29, 2003, as T.D. 03–23, is adopted as a final rule without change.

Dated: August 24, 2004.

Robert C. Bonner,

Commissioner, Customs and Border Protection.

[FR Doc. 04–19664 Filed 8–27–04; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs; Cefpodoxime Proxetil Tablets

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Pharmacia and Upjohn Co. The NADA provides for veterinary prescription use of cefpodoxime proxetil tablets in dogs for treatment of skin infections (wounds and abscesses) caused by susceptible strains of certain bacteria.

DATES: This rule is effective August 30, 2004.

FOR FURTHER INFORMATION CONTACT: Melanie R. Berson, Center for Veterinary Medicine (HFV–110), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–7540, e-mail: *melanie.berson@fda.gov*.

SUPPLEMENTARY INFORMATION: Pharmacia and Upjohn Co., 7000 Portage Rd., Kalamazoo, MI 49001–0199, filed NADA 141–232 for use of SIMPLICEF (cefpodoxime proxetil) Tablets. The NADA provides for veterinary prescription use of cefpodoxime proxetil tablets in dogs for treatment of skin infections (wounds and abscesses) caused by susceptible strains of *Staphylococcus intermedius*, *S. aureus*, *Streptococcus canis* (group G, β-