This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 60 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

7 CFR Part 719

Farm Marketing Quotas, Acreage Allotments, and Production Adjustment; Reconstitution of Farms, Allotments, Quotas, Bases, and Acreages

AGENCY: Agricultural Stabilization and Conservation Service, Commodity Credit Corporation, USDA.

ACTION: Interim Rules.

SUMMARY: This rule adopts as final, without change, the interim rule which was published on March 1, 1988 (53 FR 6119) which amended 7 CFR Part 719.

This rule also sets forth an interim rule which amends the regulations at 7 CFR Part 719 governing the reconstitution of allotments, marketing quotas, bases, and acreages under the production adjustment, and marketing quota and conservation programs administered by the Agricultural Stabilization and Conservation Service (ASCS) and Commodity Credit Corporation (CCC). These amendments are necessary to improve the administration of programs authorized by the Agricultural Adjustment Act of 1938, as amended, and the Agricultural Act of 1949, as amended.

EFFECTIVE DATE: The final and interim rules are effective December 29, 1988.

Comments: With respect to the interim rule, comments must be received January 30, 1989 in order to be assured of consideration.

ADDRESS: Interested persons are invited to send written comments on the interim rule to the Director, Cotton, Grain, and Rice Price Support Division, U.S. Department of Agriculture, P.O. Box 2415, Washington, DC 20013. All written submissions made pursuant to this notice will be made available for public inspection in Room 3530–South Building, USDA, between the hours of 8:15 a.m. and 4:45 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Jane Salem, Management Analyst, Cotton, Grain, and Rice Price Support Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, DC 20013, (202) 447–7635.

SUPPLEMENTARY INFORMATION: The final rule and interim rule have been reviewed under U.S. Department of Agriculture (USDA) procedures established in accordance with provisions of Departmental Regulations 1515–1 and Executive Order 12291, and has been classified as "not major." It has been determined that these program provisions will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local governments, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The provisions of 7 CFR Part 719 do not provide financial assistance to producers of agricultural commodities. Accordingly, the Catalog of Federal Domestic Assistance does not list titles, numbers for the reconstitution of allotments, quotas, bases, and acreages. However, the constitution of a farm does provide the basis for determining producer eligibility with respect to programs administered by the Agricultural Stabilization and Conservation Service (ASCS) and Commodity Credit Corporation (CCC) which are identified by program numbers 10.051 through 10.068 in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule or this interim rule since neither ASCS nor CCC is required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of either rule.

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment. Therefore, neither an environmental assessment nor an Environmental Impact Statement is needed.

This program/activity is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115 (June 24, 1983).

Information collection requirements contained in the regulations (7 CFR Part 719) have been approved by the Office of Management and Budget (OMB) in accordance with the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB numbers 0560–0025 and 0560–0033. This interim rule amends 7 CFR Part 719 to make changes which will result in more efficient program administrations and to make certain changes for clarity.

Final Rule

The regulations governing the reconstitution of allotments, marketing quotas, bases, and acreages under production adjustment, marketing quota and conservation programs which are administered by ASCS and CCC are found at 7 CFR part 719. An interim rule was published on March 1, 1988 (53 FR 6119) which amended this part for clarity and to provide for the more effective administration of programs administered by ASCS and CCC. One comment was received in response to the interim rule. The commenter stated that the rule called for "the decombining of all farms which have a peanut quota and are combined across county lines where the owners are not the same". This suggested change was not adopted because the intent of the interim rule was to provide regulations for constitution and reconstitution of farms which were initiated subsequent to the publication date of the rule, and not to decombine farms comprised of land which was properly constituted under prior regulations. Accordingly, the March 1, 1988 interim rule is adopted as a final rule without change.

Interim Rule

Based upon a further review of the regulations set forth at 7 CFR Part 719 it has been determined that additional amendments will further clarify the manner in which reconstitutions of farms are made by ASCS and will provide enhanced administration of ASCS and CCC programs by providing...
more flexibility to producers with respect to the reconstitution of farms. Accordingly, the following changes are made by this interim rule.

Section 719.2(f) of the current regulations defines the term "cropland". This interim rule clarifies and expands the definition to provide that in addition to one-row shelterbelt plantings that two-row shelterbelt plantings may be considered to be cropland.

Section 719.2(f) is added to define the term "substantive change" which is used to determine whether a reconstitution of land is required.

Section 719.3(b)(3) of the current regulations is applicable to all allotment and quota crops. This interim rule amends § 719.3(b)(3) to provide that the provision applies to tobacco only and expands the provision to provide for more flexibility in considering land as a single farming unit with respect to crops of tobacco.

Section 719.3(b)(7) of the March 1, 1988 interim rule is applicable to all crops. This interim rule amends § 719.3(b)(7) to provide that the provisions of that section apply only to acreage base crops and expands the provision to provide for more flexibility in considering land as a single farming unit with respect to acreage base crops.

This interim rule also adds a § 719.3(b)(8) for clarity to provide specific provisions for peanuts. It is not intended that this provision will require the division of any peanut farm that contains land located in different counties provided the farm was and is otherwise correctly constituted.

Section 719.3(d)(1) of the current regulations provides, generally, that a reconstitution is required when a change occurs that results in the farm no longer meeting the criteria for a single farming unit. This interim rule amends this section to provide that a change in an operation must be substantive and not merely to transfer allotments which are subject to sale or transfer.

Section 719.3(d)(3) refers to "his". This interim rule removes the gender specific term.

Section 719.3(d)(7) of the March 1, 1988 interim rule is redesignated § 719.3(d)(9). In order to enhance the administration of the Conservation Reserve Program, this interim rule adds a new § 719.3(d)(7) to provide that a reconstitution shall be required when one or more owners of the farm refuse to sign a Conservation Reserve Program contract, while one or more owners on the same farm want to enter into a Conservation Reserve Program contract.

This interim rule further adds a new § 719.3(d)(8) to provide that the Deputy Administrator may require reconstitution of land sold for or devoted to nonagricultural uses. Section 719.7(b)(1)(iv) of the March 1, 1988 interim rule is applicable to reconstitutions of farms by division or combination. This interim rule amends § 719.7(b)(1)(iv) to provide that the provision applies to reconstitutions by division only so that abuses of acreage reduction programs are minimized.

In order to provide producers greater flexibility in reconstituting land as one unit, this interim rule adds a § 719.7(b)(4) to provide that reconstitutions of farms on which there is no cropland may be effective for the current crop year.

Section 719.8(c)(4)(i) of the March 1, 1988 interim rule refers to the seller and purchaser of land. For clarity, this interim rule amends § 719.8(c)(4)(i) to refer to transferring owner and transferee in lieu of seller and purchaser.

Section 719.8(c)(4)(ii) of the March 1, 1988 interim rule provides that with respect to reconstitutions using the designation by landowner method of division, neither the tract transferred from the parent farm nor the remaining portion of the parent farm shall receive or retain allotments, quotas, or bases in excess of allotments, quotas, and bases for similar farms in the same area having allotments, quotas, and bases with respect to the commodity or commodities involved. In order to more accurately establish farms for purposes of program administration, this interim rule provides that, in addition to those provisions, the cropland available for and adapted to producing the commodity shall be considered. The interim rule further provides that with respect to upland cotton and rice, both the tract transferred from the parent farm and the remaining portion of the parent farm shall receive or retain at least one-tenth acre of crop acreage base.

Section 719.8(d)(2) of the March 1, 1988 interim rule refers to divisions which became effective in the 1985 or earlier crop year. This interim rule removes that reference and consolidates the provisions of that section for clarity.

Section 719.10 of the March 1, 1988 interim rule excludes land devoted to trees from being considered to be cropland. Since trees may be planted as row shelterbelt. This interim rule further provides that with respect to preservation of cropland classification, the Deputy Administrator may determine the period of time vegetative cover will be classified as cropland.

Since producers will soon be executing contracts to participate in the 1999 price support and production adjustment programs, this interim rule will become effective upon date of publication in the Federal Register. Comments are requested on this interim rule, however, and will be taken in consideration in developing the final rule.

List of Subjects in 7 CFR Part 719

Acreage allotments.

PART 719

Final Rule

The interim rule published in the Federal Register on March 1, 1988 (53 FR 6119) is adopted as a final rule without change.

Interim Rule

7 CFR Part 719 is amended as follows:

PART 719—(AMENDED)

1. The authority citation for 7 CFR Part 719 is revised to read as follows:


2. In § 719.2, paragraphs (f), (3), and (4) are revised and paragraph (ff) is added to read as follows:

§ 719.2 Definitions.

(f) * * * * *

(2) Is not currently tilled, but it can be established that such land:

(i) Has been tilled in a prior year; and

(ii) Is suitable for crop production.

(3) Is currently devoted to one- or two-row shelterbelt planting.

(4) Is preserved as cropland in accordance with § 719.10. Land classified as cropland shall be removed from such classification upon a determination by the county committee that the land is:

(i) Removed from agricultural production;

(ii) No longer suitable for production of crops;

(iii) Devoted to trees (other than those set forth in accordance with § 719.10 or one- or two-row shelterbelt plantings) which were planted in the preceding year except that land planted to trees:

(A) From September 1 through December 31 of the preceding year shall retain its cropland classification for the succeeding year.
(B) In the current year shall retain its cropland classification for the current year; or
(iv) No longer preserved as cropland in accordance with the provisions of § 719.10 and does not meet the conditions in paragraphs (f)(1) through (g) of this section.

(ff) Substantive change means a significant modification in cropping practice, equipment, labor, accounting system or management with respect to a farming operation.

3. In § 719.3, paragraphs (b)(3), (b)(7), (d)(1), and (d)(3) are revised, paragraph (d)(7) is redesignated as (d)(9) and revised, and paragraphs (b)(8), (d)(7) and (d)(9) are added to read as follows:

§ 719.3 Farm constitution.

(b) *( * * *

(3) Land across county lines when the tobacco allotments or quotas established for the land involved cannot be transferred from one county to another county by lease, sale, owner, or operator. However, this paragraph shall not apply if:
(i) All of the land is owned and operated by one person and all such land is contiguous;
(ii) Two or more tracts are located in counties that are contiguous in the same state and are owned by the same person if:
(A) A burley tobacco quota is established for one or more of the tracts; and
(B) The county committee determines that the tracts will be operated as a single farming unit as set forth in § 719.4(e); or
(iii) Because of a change in operation, tracts or parts of tracts will be divided from the parent farm that currently has land in more than one county, and there is no change in operation and ownership of the remainder of the farm, or if there is a change in ownership, the new owner agrees in writing to the constitution of the farm.

(7) For acreage base crops, land located in counties that are not contiguous. However, this paragraph shall not apply if:
(i) Counties touch at a corner;
(ii) Counties are divided by a river;
(iii) Counties do not touch because of a correction line adjustment; or
(iv) The land is within 20 miles, by road, or other land that will be a part of the farming unit.

(B) In the current year shall retain its cropland classification for the current year; or
(iv) No longer preserved as cropland in accordance with the provisions of § 719.10 and does not meet the conditions in paragraphs (f)(1) through (g) of this section.

(ff) Substantive change means a significant modification in cropping practice, equipment, labor, accounting system or management with respect to a farming operation.

3. In § 719.3, paragraphs (b)(3), (b)(7), (d)(1), and (d)(3) are revised, paragraph (d)(7) is redesignated as (d)(9) and revised, and paragraphs (b)(8), (d)(7) and (d)(9) are added to read as follows:

§ 719.3 Farm constitution.

(b) *( * * *

(3) Land across county lines when the tobacco allotments or quotas established for the land involved cannot be transferred from one county to another county by lease, sale, owner, or operator. However, this paragraph shall not apply if:
(i) All of the land is owned and operated by one person and all such land is contiguous;
(ii) Two or more tracts are located in counties that are contiguous in the same state and are owned by the same person if:
(A) A burley tobacco quota is established for one or more of the tracts; and
(B) The county committee determines that the tracts will be operated as a single farming unit as set forth in § 719.4(e); or
(iii) Because of a change in operation, tracts or parts of tracts will be divided from the parent farm that currently has land in more than one county, and there is no change in operation and ownership of the remainder of the farm, or if there is a change in ownership, the new owner agrees in writing to the constitution of the farm.

(7) For acreage base crops, land located in counties that are not contiguous. However, this paragraph shall not apply if:
(i) Counties touch at a corner;
(ii) Counties are divided by a river;
(iii) Counties do not touch because of a correction line adjustment; or
(iv) The land is within 20 miles, by road, or other land that will be a part of the farming unit.

(B) In the current year shall retain its cropland classification for the current year; or
(iv) No longer preserved as cropland in accordance with the provisions of § 719.10 and does not meet the conditions in paragraphs (f)(1) through (g) of this section.

(ff) Substantive change means a significant modification in cropping practice, equipment, labor, accounting system or management with respect to a farming operation.

3. In § 719.3, paragraphs (b)(3), (b)(7), (d)(1), and (d)(3) are revised, paragraph (d)(7) is redesignated as (d)(9) and revised, and paragraphs (b)(8), (d)(7) and (d)(9) are added to read as follows:

§ 719.3 Farm constitution.

(b) *( * * *

(3) Land across county lines when the tobacco allotments or quotas established for the land involved cannot be transferred from one county to another county by lease, sale, owner, or operator. However, this paragraph shall not apply if:
(i) All of the land is owned and operated by one person and all such land is contiguous;
(ii) Two or more tracts are located in counties that are contiguous in the same state and are owned by the same person if:
(A) A burley tobacco quota is established for one or more of the tracts; and
(B) The county committee determines that the tracts will be operated as a single farming unit as set forth in § 719.4(e); or
(iii) Because of a change in operation, tracts or parts of tracts will be divided from the parent farm that currently has land in more than one county, and there is no change in operation and ownership of the remainder of the farm, or if there is a change in ownership, the new owner agrees in writing to the constitution of the farm.

(7) One or more owners of the farm refuse to sign a Conservation Reserve Program contract, while one or more owners on the same farm want to enter into a Conservation Reserve Program contract;

(8) In accordance with guidelines issued by the Deputy Administrator, land is sold for or devoted to nonagricultural uses;

(9) Notwithstanding the provisions of paragraphs (d)(1) through (d)(7) of this section, a reconstitution shall not be approved if the county committee determines that the primary purpose of the reconstitution is to:

(i) Increase the amount of program benefits received;

(ii) Meet the acreage reduction requirements of production adjustment programs;

(iii) Avoid liquidated damages or penalties which are assessed under a production adjustment program;

(iv) Correct an erroneous acreage report; or

(v) Circumvent any other program provision.

4. In § 719.7, paragraph (b)(1)(iv) is revised and paragraph (b)(4) is added to read as follows:

§ 719.7 Reconstitution of allotments, quotas, bases, and acreages.

(b) *( * * *

(1) *( * * *

(4) *( * * *

(ii) State lines.

(d) *( * * *

(1) A substantive change has occurred in the operation of the land after the last constitution or reconstitution and as a result of such change the farm does not meet the conditions for constitution of a farm as set forth in paragraph (b) of this section except that no reconstitution shall be made if the county committee determines that the primary purpose of the change in operation is to establish eligibility to transfer allotments subject to sale or lease;

(3) An owner requests in writing that the owner's land no longer be included in a farm which is composed of tracts under separate ownership.

(7) One or more owners of the farm refuse to sign a Conservation Reserve Program contract, while one or more owners on the same farm want to enter into a Conservation Reserve Program contract;

(8) In accordance with guidelines issued by the Deputy Administrator, land is sold for or devoted to nonagricultural uses;

(9) Notwithstanding the provisions of paragraphs (d)(1) through (d)(7) of this section, a reconstitution shall not be approved if the county committee determines that the primary purpose of the reconstitution is to:

(i) Increase the amount of program benefits received;

(ii) Meet the acreage reduction requirements of production adjustment programs;

(iii) Avoid liquidated damages or penalties which are assessed under a production adjustment program;

(iv) Correct an erroneous acreage report; or

(v) Circumvent any other program provision.

4. In § 719.7, paragraph (b)(1)(iv) is revised and paragraph (b)(4) is added to read as follows:

§ 719.7 Reconstitution of allotments, quotas, bases, and acreages.

(b) *( * * *

(1) *( * * *

(iv) Notwithstanding the provisions of paragraph (b)(1)(i) and (ii) of this section, a division may be effective for the current crop year.

4. In § 719.7, paragraph (b)(1)(iv) is revised and paragraph (b)(4) is added to read as follows:

§ 719.7 Reconstitution of allotments, quotas, bases, and acreages.

(b) *( * * *

(1) *( * * *

(iv) Notwithstanding the provisions of paragraph (b)(1)(i) and (ii) of this section, a division may be effective for the current crop year.
§719.10 Preservation of cropland.

Cropland acreage established and maintained in vegetative cover under authorized conservation programs administered by the Agricultural Stabilization and Conservation Service, or comparable practices carried out without Federal cost-sharing, including approved volunteer cover, shall retain its cropland classification for the period of time that the cover is maintained or as otherwise established by the Deputy Administrator.


Milton Hertz, Executive Vice President, Commodity Credit Corporation and Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 88-29916 Filed 12-28-88; 8:45 am]
BILLING CODE 3410-05-M

Agricultural Marketing Service

7 CFR Part 1230

[No. LS–58–103]

Pork Promotion, Research, and Consumer Information

AGENCY: Agricultural Marketing Service; USDA.

ACTION: Interim final rule.

SUMMARY: This interim final rule amends regulations issued under the Pork Promotion, Research, and Consumer Information Order (Order) by:

(1) Revising the table which lists the Tariff Schedule of the United States Tariff Schedule of the United States (TSUS) numbers identifying imported pork and pork products subject to assessments under the Order to conform with a new numbering system—the Harmonized Tariff System (HTS) to be implemented by the U.S. Customs Service (USCS), and (2) including a new chart listing the HTS numbers of live and porcine animals subject to assessment.


ADDRESS: Send two copies of comments to Ralph L. Tapp, Chief, Marketing Programs and Procurement Branch; Livestock and Seed Division; Agricultural Marketing Service; USDA, Room 2610–5, P.O. Box 96456; Washington, DC 20090–0456. Comments will be available for public inspection during regular business hours at the above office in Room 2810 South Building, 14th and Independence Avenue, SW; Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ralph L. Tapp, Chief, Marketing Programs and Procurement Branch, (202) 447–2650.

SUPPLEMENTARY INFORMATION: This interim final rule has been reviewed under USDA procedures established to implement Executive Order No. 12291 and Departmental Regulation 1512–1, and is hereby classified as a nonmajor rule under the criteria contained therein.

This action was also reviewed under the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 et seq.) Many importers may be classified as small entities. This interim final rule merely (1) revises the table containing the numbers identifying imported pork and pork products listed in the table in §1230.110 of the regulations (53 FR 27478) for each type of pork and pork product identified by a TSUS number. Although TSUS numbers for imported live porcine animals did not appear in the table in §1230.110 of the regulations (53 FR 27478), such animals were subject to assessment at a rate specified in §1230.71 of the Order (7 CFR 1230.71). The USCS numbers of live porcine animals subject to assessment under the Order were published in an issue of the Federal Register (51 FR 31901). The schedule of assessments is listed in a table in §1230.110 of the regulations (53 FR 27478) for each type of pork and pork product identified by a TSUS number. The USCS is implementing a new numbering system, the Harmonized Commodity Description and Coding System, otherwise known as the Harmonized Tariff System (HTS), to replace the current TSUS numbering system. The HTS numbering system will become effective January 1, 1989, as part of the Omnibus Trade and Competitiveness Act of 1988 (Pub. L. 100–418, 102 Stat. 1107).

The purpose of this interim final rule is to revise the present table found under §1230.110 of the regulations (53 FR 27478) to reflect the change from the...
The new HTS uses an 11 digit number to identify specific imports of live porcine animals, pork, and pork products compared with a 7 digit number used in the TSUS system. Under the HTS, some of the major TSUS categories for live porcine animals, pork, and pork products subject to assessment have been subdivided into new categories which have been assigned HTS numbers; other major TSUS categories remained unchanged, but were renumbered with HTS numbers.

As a result of these changes from the TSUS system to the HTS, the 13 TSUS categories of pork and pork products listed in the table in § 1230.110 of the regulations (53 FR 27478) subject to assessment have been expanded to 27 HTS categories, and the one TSUS category for live porcine animals has been expanded to three HTS categories. The live porcine animals, pork, and pork products subject to assessment and the assessment remain unchanged.

A comparison of the new HTS numbers and the former TSUS numbers of live porcine animals, pork, and pork products subject to assessment under the Act and Order, and a description of the type of pork, pork products, or porcine animals represented by corresponding new HTS numbers may be found in the following chart.

<table>
<thead>
<tr>
<th>HTS No.</th>
<th>HTS article description</th>
<th>TSUS No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>0103.10.00004</td>
<td>Live swine:</td>
<td>100.8500</td>
</tr>
<tr>
<td>0103.91.00006</td>
<td>Processed breeding animals</td>
<td>100.8500</td>
</tr>
<tr>
<td>0103.92.00005</td>
<td>Other</td>
<td>100.8500</td>
</tr>
<tr>
<td>0103.12.00002</td>
<td>Weighing less than 50 kg each</td>
<td>100.8500</td>
</tr>
<tr>
<td>0103.18.00006</td>
<td>Weighing 59 kg or more each</td>
<td>100.8500</td>
</tr>
</tbody>
</table>

**Imported Live Porcine Animals**

<table>
<thead>
<tr>
<th>HTS No.</th>
<th>HTS article description</th>
<th>TSUS No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>0203.11.00002</td>
<td>Meat of swine, fresh, chilled, or frozen:</td>
<td>106.4020</td>
</tr>
<tr>
<td>0203.12.10009</td>
<td>Fresh or chilled</td>
<td>107.3020</td>
</tr>
<tr>
<td>0203.18.00006</td>
<td>Carcasses and half-carcasses</td>
<td>107.3020</td>
</tr>
<tr>
<td>0203.19.20007</td>
<td>Processed</td>
<td>106.4020</td>
</tr>
<tr>
<td>0203.21.00006</td>
<td>Other:</td>
<td>107.3020</td>
</tr>
<tr>
<td>0203.22.20006</td>
<td>Processed</td>
<td>106.4020</td>
</tr>
<tr>
<td>0203.29.20008</td>
<td>Other</td>
<td>107.3020</td>
</tr>
<tr>
<td>0206.30.00006</td>
<td>Edible offal of bovine animals, swine, sheep, goats, horses, asses, mules or hinnies, fresh, chilled or frozen:</td>
<td>106.8500</td>
</tr>
<tr>
<td>0206.41.00003</td>
<td>Of swine, fresh or chilled</td>
<td>106.8500</td>
</tr>
<tr>
<td>0206.49.00005</td>
<td>Of swine, frozen</td>
<td>106.8500</td>
</tr>
<tr>
<td>0210.11.00003</td>
<td>Other</td>
<td>106.8500</td>
</tr>
<tr>
<td>0210.12.00002</td>
<td>Meat and edible meat offal, salted, in brine, dried or smoked; edible flours and meals of meat or meat offal:</td>
<td>107.3020</td>
</tr>
<tr>
<td>0210.12.00004</td>
<td>Hams, shoulders and cuts thereof, with bone in:</td>
<td>107.3020</td>
</tr>
<tr>
<td>0210.19.00006</td>
<td>Bellies (streaky) and cuts thereof:</td>
<td>107.3020</td>
</tr>
<tr>
<td>1601.00.20007</td>
<td>Sausages and similar products, or meat, meat offal or blood; food preparations based on these products:</td>
<td>107.3020</td>
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<tr>
<td>1602.41.20003</td>
<td>Other prepared or preserved meat, meat offal or blood:</td>
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<tr>
<td>1602.42.20002</td>
<td>Of swine:</td>
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<td>1602.42.20006</td>
<td>Weighing less than 50 kg each</td>
<td>107.3525</td>
</tr>
<tr>
<td>1602.42.40002</td>
<td>Other</td>
<td>107.3525</td>
</tr>
<tr>
<td>1602.49.20009</td>
<td>Shoulder and cuts thereof:</td>
<td>107.3525</td>
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<tr>
<td>1602.49.20009</td>
<td>Boned and cooked and packed in airtight containers:</td>
<td>107.3525</td>
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<tr>
<td>1602.49.20009</td>
<td>Not containing cereals or vegetables:</td>
<td>107.3525</td>
</tr>
</tbody>
</table>
Pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this action until 30 days after publication in the Federal Register because (1) the Omnibus Trade and Competitiveness Act of 1988 (Pub. L. 100-418, 102 Stat. 1107) requires that the USCS implement the HTS numbering system effective January 1, 1989, with the existing TSUS system in place until that date. Publication of this interim final rule, with an effective date of January 1, 1989, will provide for the continuation of the collection of assessments on imported live porcine animals, pork, and pork products under § 1230.110 of the regulations (53 FR 27778) issued under the order (7 CFR Part 1230), as authorized by the Pork Promotion, Research, and Consumer Information Act of 1985 (7 U.S.C. 4801-4819), by the USCS in conjunction with its regular importation processing and collection system; and (2) interested persons are afforded a 30-day comment period to submit written comments. Any comments which are received by January 30, 1989, will be considered prior to any finalization of this interim final rule.

List of Subjects in 7 CFR Part 1230

Administrative practice and procedure, Advertising, Agricultural research, Live porcine animal, Marketing agreement, Meat and meat products, Pork and pork products.

For the reasons set forth in the preamble, 7 CFR Part 1230 is amended as follows:

PART 1230—PORK PROMOTION, RESEARCH, AND CONSUMER INFORMATION

1. The authority citation for 7 CFR Part 1230 continues to read as follows:


2. Amend Subpart B—Rules and Regulations, by revising §1230.110 to read as follows:

§ 1230.110 Assessments on imported live porcine animals, pork, and pork products.

The following HTS categories of imported live porcine animals are subject to assessment at the rate specified.

<table>
<thead>
<tr>
<th>HTS No.</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>0103.10.00004</td>
<td>0.25 percent customs entered value.</td>
</tr>
<tr>
<td>0103.91.00006</td>
<td>0.25 percent customs entered value.</td>
</tr>
<tr>
<td>0103.92.00005</td>
<td>0.25 percent customs entered value.</td>
</tr>
</tbody>
</table>

The following HTS categories of pork and pork products are subject to assessment at the rate specified.

<table>
<thead>
<tr>
<th>HTS article description</th>
<th>TSUS No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pork, and pork products</td>
<td>107.3060</td>
</tr>
</tbody>
</table>

SUMMARY: This interim final rule amends the Beef Promotion and Research Order (Order) to (1) change the Tariff Schedule of the United States (TSUS) numbers which identify imported cattle, beef, and beef products subject to assessments under the Order to conform with a new numbering system—the Harmonized Tariff System to be implemented by the U.S. Customs Service; (2) expand the table concerning the assessment rates for imported cattle, beef, and beef products to include four new categories for edible meat offal of bovine animals; and (3) clarify the language pertaining to the expenses of the Cattlemen’s Beef Promotion and Research Board (Board).


Comments must be received by January 30, 1989.

ADDRESS: Send two copies of comments to Ralph L. Tapp, Chief; Marketing Programs and Procurement Branch; Livestock and Seed Division; Agricultural Marketing Service; USDA, Room 2610-S; P.O. Box 96456; Washington, DC 20090–6456. Comments will be available for public inspection during regular business hours at the above office in Room 2610 South Building, 14th and Independence Avenue, SW; Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ralph L. Tapp, Chief; Marketing Programs and Procurement Branch. (202) 447–2650.

SUPPLEMENTARY INFORMATION: This interim final rule has been reviewed under USDA procedures established to implement Executive Order No. 12291 and Departmental Regulation 1512–1, and is hereby classified as a nonmajor rule under the criteria contained therein.

This action was also reviewed under the Regulatory Flexibility Act (RFA), (5 U.S.C. 601 et seq.). Many importers may be classified as small entities. This interim final rule (1) revises the table containing the numbers identifying imported cattle, beef, and beef products listed in table 1260.172 in the Order (7 CFR 1260.172) from the former Tariff Schedule of the United States (TSUS) numbers to the Harmonized Tariff System (HTS) numbers to conform with the USCS conversion to the new HTS, (2) expands the table to include four new categories for edible meat offal of bovine animals, and (3) clarifies the language pertaining to expenses of the