

(d) * * *

(2) *Bases.* (i) Unless the provisions of paragraph (b) or (c) of this section apply, the contribution method shall be used to divide crop acreage bases when:

(A) The farm being divided is the result of reconstitution by a combination which became effective with respect to the 1982 or subsequent crop year;

(B) A crop acreage base was established for one or more tracts at the time of combination; and

(C) Acreage did not exceed the crop acreage base in any year the farm was in combination.

(ii) The contribution method shall not be used to divide crop acreage bases when the county committee determines, with the concurrence of the State committee, that the use of the contribution method would not result in an equitable distribution of crop acreage bases considering available land, cultural operations, and changes in type of farming.

6. Section 719.10 is revised to read as follows:

§ 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.

Signed at Washington, DC on December 22, 1988.

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-88-103]

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

(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 porcine animals subject to assessment.

DATES: Effective January 1, 1989. 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 merely (1) revises the table containing the numbers identifying imported pork and pork products listed in the table in § 1230.110 (53 FR 27478) in the regulations from the former TSUS numbers to the HTS numbers to conform with the USCS conversion to the new HTS, and (2) includes a table listing HTS numbers of live porcine animals subject to assessment. In addition, the action will not impose any requirements on importers beyond those previously discussed in the September 5, 1986, issue of the Federal Register (51 FR 31898), when it was determined that the Order would not have a significant effect upon a substantial number of small entities. The conversion to the new HTS numbering system to be implemented by the USCS is merely a technical change and will impose no new requirements on the industry. Accordingly, the Administrator of the Agricultural Marketing Service has determined that this action will not have a significant economic impact upon a substantial number of small entities.

The Pork Promotion, Research, and Consumer Information Act of 1985 (7

U.S.C. 4801-4819) approved December 23, 1985, authorizes the establishment of a national pork promotion, research, and consumer information program. The program is funded by an assessment of 0.25 percent of the market value of live porcine animals sold in the United States and an equivalent amount on imported live porcine animals, pork, and pork products. The final Order establishing a pork promotion, research, and consumer information program was published in the September 5, 1986, issue of the Federal Register (51 FR 31898) and assessments began on November 1, 1986. The Order requires importers of live porcine animals to pay an amount equal to 0.25 percent of their market value, and importers of pork and pork products to pay an amount which represents 0.25 percent of the value of the live porcine animals from which the pork and pork products were derived, based upon the most recent annual seven-market average price for barrows and gilts, as published by the Department. As a matter of practicality, the assessment on imported pork and pork products is expressed in dollars per pound. The formula for converting the live animal equivalent of 0.25 percent of the value of the live animal to an assessment per pound is described in the supplementary information accompanying the Order and published in the September 5, 1986, 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. 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 TSUS numbers of live porcine animals subject to assessment under the Order were published in an issue of the Department of Treasury News, United States Customs Service dated September 26, 1986.

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

current TSUS numbering system listed therein to the HTS numbering system, and to include the HTS numbers for live porcine animals. This revised table lists the HTS numbers for pork and pork products which conform to the previously listed TSUS numbers. Additionally, a separate table lists the HTS numbers of imported live porcine animals subject to assessment. This change will permit the USCS to collect assessments due on imported live porcine animals, pork, and pork products in conjunction with its regular importation processing and collection system.

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.

HTS No.	HTS article description	TSUS No.
Imported Live Porcine Animals		
0103.10.00004	Live swine: Purebred breeding animals	100.8500
0103.91.00006	Other: Weighing less than 50 kg each	100.8500
0103.92.00005	Weighing 59 kg or more each	100.8500
Imported Pork and Pork Products		
0203.11.00002	Meat of swine, fresh, chilled, or frozen: Fresh or chilled: Carcasses and half-carcasses	106.4020
0203.12.10009	Hams, shoulders and cuts thereof, with bone in: Processed	107.3020
0203.12.90002	Other	106.4020
0203.19.20000	Other: Processed	107.3060
0203.19.40006	Other	106.4020
0203.21.00000	Frozen: Carcasses and half-carcasses	106.4040
0203.22.10007	Hams, shoulders and cuts thereof, with bone in: Processed	107.3020
0203.22.90000	Other	106.4040
0203.29.20008	Other: Processed	107.3060
0203.29.40004	Other	106.4040
0206.30.00006	Edible offal of bovine animals, swine, sheep, goats, horses, asses, mules or hinnies, fresh, chilled or frozen: Of swine, fresh or chilled	106.8000/106.8500
0206.41.00003	Of swine, frozen: Livers	106.8000/106.8500
0206.49.00005	Other	106.8000/106.8500
0210.11.00003	Meat and edible meat offal, salted, in brine, dried or smoked; edible flours and meals of meat or meat offal: Meat of swine: Hams, shoulders and cuts thereof, with bone in	107.3020
0210.12.00208	Bellies (streaky) and cuts thereof: Bacon	107.3040/107.3540
0210.12.00404	Other	107.3040/107.3540
0210.19.00005	Other	107.3060
1601.00.20007	Sausages and similar products, or meat, meat offal or blood; food preparations based on these products: Pork	107.1000/107.1500
1602.41.20203	Other prepared or preserved meat, meat offal or blood: Of swine: Hams and cuts thereof: Containing cereals or vegetables	107.3515/107.3525
1602.41.20409	Other: Boned and cooked and packed in airtight containers: In containers holding less than 1 kg	107.3515/107.3525
1602.41.90002	Other	107.3020
1602.42.20202	Shoulders and cuts thereof: Boned and cooked and packed in airtight containers: In containers holding less than 1 kg	107.3515/107.3525
1602.42.20408	Other	107.3515/107.3525
1602.42.40002	Other	107.3020
1602.49.20009	Other, including mixtures Offal: Other: Not containing cereals or vegetables: Boned and cooked and packed in airtight containers	107.3560

HTS No.	HTS article description	TSUS No.
1602.49.40005	Other	107.3060

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 27478) 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:

Authority: 7 U.S.C. 4801-4819.

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.

Live Porcine animals	Assessment
0103.10.00004...	0.25 percent customs entered value.
0103.91.00006...	0.25 percent customs entered value.
0103.92.00005...	0.25 percent customs entered value.

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

Pork and Pork products	Assessment
0203.11.00002.....	.18 cents/lb.
0203.12.10009.....	.18 cents/lb.
0203.12.90002.....	.18 cents/lb.
0203.19.20000.....	.21 cents/lb.
0203.19.40006.....	.18 cents/lb.
0203.21.00000.....	.18 cents/lb.
0203.22.10007.....	.18 cents/lb.
0203.22.90000.....	.18 cents/lb.
0203.29.20008.....	.21 cents/lb.
0203.29.40004.....	.18 cents/lb.
0206.30.00006.....	.18 cents/lb.
0206.41.00003.....	.18 cents/lb.
0206.49.00005.....	.18 cents/lb.
0210.11.00003.....	.18 cents/lb.
0210.12.00208.....	.19 cents/lb.
0210.12.00404.....	.19 cents/lb.
0210.19.00005.....	.21 cents/lb.
1601.00.20007.....	.25 cents/lb.
1602.41.20203.....	.28 cents/lb.
1602.41.20409.....	.28 cents/lb.
1602.41.90002.....	.18 cents/lb.
1602.42.20202.....	.28 cents/lb.
1602.42.20408.....	.28 cents/lb.
1602.42.40002.....	.18 cents/lb.
1602.49.20009.....	.25 cents/lb.
1602.49.40005.....	.21 cents/lb.

Done at Washington, DC, on December 22, 1988.

J. Patrick Boyle,
Administrator.

[FR Doc. 88-29915 Filed 12-28-88; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 1260

[No. LS-88-101]

Beef Promotion and Research

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule.

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).

DATES: Effective January 1, 1989. 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

Cattlemen's Beef Promotion and Research Board. Except for the second change, this action will not impose any requirements on importers beyond those previously discussed in the July 18, 1986, issue of the *Federal Register* (51 FR 26132), when it was determined that the Order would not have a significant effect upon a substantial number of small entities. The conversion to the new HTS numbering system to be implemented by the USCS is merely a technical change and will impose no new requirements on the industry. It is estimated that the increase in total assessments collected on imports as a result of the change made in this interim final rule will be less than 1 percent over a 12-month period as a result of the new assessments. This impact will be minimal. Any additional costs will be outweighed by the benefits derived from the operations of the Beef Promotion and Research Program. The changes in the language pertaining to the expenses of the Board are merely for clarification. Accordingly, the Administrator of the Agricultural Marketing Service has determined that this action will not have a significant economic impact upon a substantial number of small entities.

The Beef Promotion and Research Act of 1985 (7 U.S.C. 2901 *et seq.*) approved December 23, 1985, authorizes the establishment of a national beef promotion and research program. The program is funded by a \$1.00 per head assessment on all cattle marketed in the United States and an equivalent amount of assessment on imported cattle, beef, and beef products. The final Order establishing a beef promotion and research program was published in the July 18, 1986, issue of the *Federal Register* (51 FR 26132) and assessments began on October 1, 1986. The Order requires importers of cattle to pay to the USCS, upon importation, an assessment of \$1.00 per head of cattle imported. Also importers of beef and beef products, which includes veal, must pay to the USCS, upon importation, an assessment equivalent to \$1.00 per head. As a matter of practicality, the assessment on imported beef and beef products is expressed in dollars per

pound for each type of such products. The formula for converting the live animal equivalent of \$1.00 per head to an assessment per pound is described in the supplementary information accompanying the Order and published in the July 18, 1986, issue of the *Federal Register* (51 FR 26136). The initial schedule of assessments is listed in a table in § 1260.172 (7 CFR 1260.172) of the Order for each type of beef and beef product identified by a TSUS number. Edible meat offal of bovine animals was not previously included in the list of TSUS numbers listed in the Order as subject to assessment upon importation. It is estimated that total assessments collected on imports will increase by less than 1 percent over a 12-month period as a result of these assessments.

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 Tariff Schedule of the United States 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).

One of the purposes of this interim final rule is to revise the present table found under § 1260.172 (7 CFR 1260.172) of the Order to reflect the change from the current TSUS numbering system listed therein to the HTS numbering system. This revised table lists (1) the HTS numbers for imported cattle, beef, and beef products which conform to the previously listed TSUS numbers and are subject to assessment under the Order, and (2) the HTS numbers for edible meat offal of bovine animals which were not identified under the previous TSUS numbering system but are subject to assessment under the Order. This change permits the USCS to continue to collect assessments due on imported cattle, beef, and beef products already being assessed, and begin collection of assessments due on edible meat offal of bovine animals in conjunction with its regular importation processing and collection system.

The new HTS system uses an 11 digit number to identify specific imports such as cattle, beef, or beef products compared with a 7 digit number used in the TSUS system. Under the HTS, some of the major TSUS categories for cattle, beef, and beef products subject to assessment have been subdivided and the new categories have been assigned HTS numbers; other major TSUS categories remained unchanged, but were renumbered with HTS numbers; and the veal category under the TSUS numbering system has been subdivided and renumbered with HTS numbers.

Under the TSUS system, edible beef offal was not identified by a specific TSUS number as were other types of beef and beef products. Consequently, edible beef offal was not included in the table in § 1260.172 (7 CFR 1260.172) of the Order for assessment purposes. However, under the new HTS, edible beef offal is identified by four separate HTS numbers. These numbers have been included in the revised table.

As a result of these changes from the TSUS system to the HTS system there are 8 categories which cover imported cattle subject to assessment compared with the previous 10 TSUS categories. The 16 TSUS categories of beef and beef products listed in the table in the Order subject to assessment have been expanded to 24 HTS categories and 2 subcategories. Four new categories have been added. The cattle, beef, and beef products subject to assessment and the assessment under the TSUS system remain unchanged. The four new categories will be assessed at a rate equivalent to \$1.00 per head according to the formula described in the supplementary information accompanying the Order and published in the July 18, 1986, issue of the *Federal Register* (51 FR 26136). The assessment rate is .20 cents per pound for each new category. The following chart lists a comparison of the new HTS numbers and the former TSUS numbers for imported cattle, beef, and beef products subject to assessment under the Act and Order.

HTS No.	HTS article description	TSUS No.
Imported Live Cattle		
Live bovine animals:		
Purebred breeding animals:		
Dairy:		
0102.10.00103	Male	100.0130
0102.10.00201	Female	100.0140
Other:		
0102.10.00309	Male	100.0130
0102.10.00504	Female	100.0150

HTS No.	HTS article description	TSUS No.
0102.90.20004	Other: Cows imported specially for dairy purposes.....	100.5000
0102.90.40206	Other: Weighing less than 90 kg each.....	100.4000/100.4300
0102.90.40402	Weighing 90 kg or more but less than 320 kg each.....	100.4500
0102.90.40607	Weighing 320 kg or more each.....	100.5300/100.5500
Imported Beef and Beef Products		
Meat of bovine animals, fresh or chilled:		
Carcasses and half-carcasses:		
0201.10.00103	Veal.....	106.1080
0201.10.00906	Other.....	106.1020
Other cuts with bone in:		
Processed:		
0201.20.20009	High-quality beef cuts.....	107.6100
0201.20.40005	Other.....	107.6200
0201.20.60000	Other.....	106.1020
Boneless:		
Processed:		
0201.30.20007	High-quality beef cuts.....	107.6100
0201.30.40003	Other.....	107.6200
0201.30.60008	Other.....	106.1060
Meat of bovine animals, frozen:		
Carcasses and half-carcasses:		
0202.10.00102	Veal.....	106.1080
0202.10.00905	Other.....	106.1040
Other cuts with bone in:		
Processed:		
0202.20.20008	High-quality beef cuts.....	107.6100
0202.20.40004	Other.....	107.6200
0202.20.60009	Other.....	106.1040
Boneless:		
Processed:		
0202.30.20006	High-quality beef cuts.....	107.6100
0202.30.40002	Other.....	107.5500/107.6200
0202.30.60007	Other.....	107.6200
Edible offal of bovine animals, swine, sheep, goats, horses, asses, mules or hinnies, fresh, chilled, or frozen:		
Of bovine animals, fresh or chilled.....		
0206.10.00000		na
Of bovine animals, frozen:		
0206.21.00007	Tongues.....	na
0206.22.00006	Livers.....	na
0206.29.00009	Other.....	na
Meat and edible meat offal, salted, in brine, dried or smoked; edible flours and meals of meat or meat offal:		
0210.20.0002	Meat of bovine animals.....	107.4000/107.4500/(na-edible beef offal).
Sausages and similar products, of meat, meat offal or blood; food preparations based on these products:		
Other:		
1601.00.40003	Beef in airtight containers.....	107.2000
1601.00.60204	Other.....	107.2520
Other prepared or preserved meat, meat offal or blood:		
Of bovine animals:		
1602.50.05004	Offal.....	107.4000/107.4500
Other:		
Not containing cereals or vegetables:		
1602.50.09000	Cured or pickled.....	107.4820/107.4840
Other:		
In airtight containers:		
Corned beef:		
1602.50.10203	In containers holding less than 1 kg.....	107.4820/107.4840
1602.50.10409	Other.....	107.4840
Other:		
1602.50.20201	In containers holding less than 1 kg.....	107.5220/107.5240
1602.50.20407	Other.....	107.5240
1602.50.60006	Other.....	107.6300

This interim final rule also clarifies the language pertaining to the expenses of the Cattlemen's Beef Promotion and Research Board found in § 1260.151(a) of the Order (7 C.F.R. 1260.151(a)) and established in the final rule on July 18, 1986, at 51 FR 26141. That section provides that the Board is authorized to incur such expenses (including provision for a reasonable reserve) as the

Secretary finds are reasonable and likely to be incurred by the Board for its maintenance and functioning and enable it to exercise its powers and perform its duties in accordance with that subpart. It further provides that such expenses incurred by the Board shall not exceed 5 percent of the projected revenue of that fiscal period. The same provision in the proposed rule, found at 51 FR 8990 and

designated as § 1260.171, stated that "administrative expenses" incurred by the Board shall not exceed 5 percent of the projected revenue of that fiscal period.

The Beef Promotion and Research Act (7 U.S.C. 2901 *et seq.*) which authorizes the Order limits only "administrative expenses" to the 5 percent limit. Section 2904(4)(D) (7 U.S.C. 2904 (4)(D)) provides

that the total costs of collection of assessments and administrative staff incurred by the Board during any fiscal year shall not exceed 5 percentum of the projected total assessments to be collected by the Board for such fiscal year.

It is in a separate provision, not subject to the 5 percent limitation, that the Act authorizes a reasonable reserve. Section 2904(8)(C) (7 U.S.C. 2904(8)(C)) provides that the assessments shall be used for payment of the costs of plans and projects as provided for in paragraph (4), and expenses in administering the Order, including administrative costs incurred by the Secretary after the order has been promulgated, and to establish a reasonable reserve.

Thus, under the Act, only those expenses associated with the annual cost of collecting assessments and maintaining the Board's administrative staff ("administrative expenses") are subject to the 5 percent limit. The Act does not include the reserve as an administrative expense and therefore the reserve is not to be included in the 5 percent limit.

To clarify that the reserve is not subject to the 5 percent limitation under the Act and the Order, this interim final rule substitutes the word "Administrative" for the word "such" as the first word in the second sentence of § 1260.151(a) (7 CFR 1260.151(a)) and the phrase "expenses authorized in the paragraph" is substituted for the word "such" in the last sentence of that same paragraph.

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 cattle, beef, and beef products under the Beef Promotion and Research Act (7 U.S.C. 2901 *et seq.*) and Order (7 CFR Part 1260) by the USCS in conjunction with its regular importation processing and collection system; (2) this action expands the table concerning the assessment rates for imported cattle,

beef and beef products to include four new categories for edible meat offal which will appear in the new HTS numbering system and therefore, these changes should be implemented concurrently with the HTS numbering changes; (3) the remaining changes in this action concerning the expenses of the Board are for clarity; and (4) 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 1260

Administrative practice and procedure, Advertising, Agricultural research, Marketing agreement, Meat and meat products, Beef and beef products.

For the reasons set forth in the preamble, 7 CFR Part 1260 is amended as follows:

PART 1260—BEEF PROMOTION AND RESEARCH

1. The authority citation for 7 CFR Part 1260 continues to read as follows:

Authority: 7 U.S.C. 2901 *et seq.*

2. Revise 1260.151 to read as follows:

§ 1260.151 Expenses.

(a) The Board is authorized to incur such expenses (including provision for a reasonable reserve), as the Secretary finds are reasonable and likely to be incurred by the Board for its maintenance and functioning and to enable it to exercise its powers and perform its duties in accordance with this subpart. Administrative expenses incurred by the Board shall not exceed 5 percent of the projected revenue of that fiscal period. Expenses authorized in this paragraph shall be paid from assessments collected pursuant to § 1260.172.

3. Revise § 1260.172(b)(2) to read as follows:

§ 1260.172 Assessments.

(b) (2) The assessment rates for imported cattle, beef, and beef products are as follows:

	Assessment
Live cattle:	
0102.10.00103.....	\$1.00/hd.
0102.10.00201.....	1.00/hd.
0102.10.00309.....	1.00/hd.
0102.10.00504.....	1.00/hd.

	Assessment
0102.90.20004.....	1.00/hd.
0102.90.40206.....	1.00/hd.
0102.90.40402.....	1.00/hd.
0102.90.40607.....	1.00/hd.
Beef and beef products:	
0201.10.00103.....	.77 cents/lb.
0201.10.00906.....	.20 cents/lb.
0201.20.20009.....	.28 cents/lb.
0201.20.40005.....	.27 cents/lb.
0201.20.60000.....	.20 cents/lb.
0201.30.20007.....	.28 cents/lb.
0201.30.40003.....	.27 cents/lb.
0201.30.60008.....	.27 cents/lb.
0202.10.00102.....	.77 cents/lb.
0202.10.00905.....	.20 cents/lb.
0202.20.20008.....	.28 cents/lb.
0202.20.40004.....	.27 cents/lb.
0202.20.60009.....	.20 cents/lb.
0202.30.20006.....	.28 cents/lb.
0202.30.40002.....	.27 cents/lb.
0202.30.60007.....	.27 cents/lb.
0206.10.00000.....	.20 cents/lb.
0206.21.00007.....	.20 cents/lb.
0206.22.00005.....	.20 cents/lb.
0206.29.00009.....	.20 cents/lb.
0210.20.00002.....	.35 cents/lb.
1601.00.40003.....	.25 cents/lb.
1601.00.60204.....	.25 cents/lb.
1602.50.05004.....	.35 cents/lb.
1602.50.09000.....	.35 cents/lb.
1602.50.10203.....	.35 cents/lb.
1602.50.10409.....	.35 cents/lb.
1602.50.20201.....	.37 cents/lb.
1602.50.20407.....	.37 cents/lb.
1602.50.60006.....	.38 cents/lb.

Done at Washington, D.C. on December 22, 1988.

J. Patrick Boyle,
Administrator.

[FR Doc. 88-29914 Filed 12-28-88; 8:45 am]
BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Part 78

[Docket No. 88-196]

Brucellosis in Cattle; State and Area Classifications

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule.

SUMMARY: We are affirming without change an interim rule that amended the brucellosis regulations concerning the interstate movement of cattle by changing the classification of Puerto Rico from Class Free to Class A.

EFFECTIVE DATE: January 30, 1989.

FOR FURTHER INFORMATION CONTACT: Dr. Jan Huber, Senior Staff Veterinarian, Cattle Diseases and Surveillance Staff, VS, APHIS, USDA, Room 812, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782; 301-436-8389.

SUPPLEMENTARY INFORMATION:**Background**

In an interim rule published in the *Federal Register* and effective September 20, 1988 (53 FR 36433-36434, Docket Number 88-134), we amended the regulations in 9 CFR Part 78 governing the interstate movement of cattle because of brucellosis by changing the classification of Puerto Rico from Class Free to Class A. Comments on the interim rule were required to be postmarked or received on or before November 21, 1988. We did not receive any comments. The facts presented in the interim rule still provide a basis for this rule.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than \$100 million; will not cause a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this action, the Office of Management and Budget has waived its review process required by Executive Order 12291.

Cattle are moved interstate for slaughter, for use as breeding stock, or for feeding. Changing the brucellosis status of Puerto Rico from Class Free to Class A imposes certain testing and other requirements on the interstate movement of cattle from Puerto Rico. However, these requirements will not affect the interstate movement of cattle to recognized slaughtering establishments or quarantined feedlots, or the interstate movement of cattle from certified brucellosis free herds. The change in the brucellosis status of Puerto Rico may decrease the opportunity for other movements of cattle out of Puerto Rico since, in most cases, the cattle would first have to be tested and found negative for brucellosis. However, no cattle are being moved out of Puerto Rico, either interstate or into foreign countries.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has

determined that this action will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

The regulations in this part contain no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with state and local officials. (See 7 CFR Part 3015, Subpart V.)

List of Subjects in 9 CFR Part 78

Animal diseases, Brucellosis, Cattle, Hogs, Quarantine, Transportation.

PART 78—BRUCELLOSIS

Accordingly, we are adopting as a final rule without change, the interim rule that amended 9 CFR Part 78 and that was published at 53 FR 36433-36434 on September 20, 1988.

Authority: 21 U.S.C. 111-114a-1, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

Done in Washington, D.C., this 22nd day of December 1988.

James Glosser,

Administrator, Animal and Plant Health Inspection Service.

December 21, 1988.

[FR Doc. 88-29913 Filed 12-28-88; 8:45 am]

BILLING CODE 3410-34-M

NUCLEAR REGULATORY COMMISSION**10 CFR Parts 170 and 171****Revision of Fee Schedules**

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (Commission or NRC) is amending its regulations by revising its fee schedules contained in 10 CFR Parts 170 and 171. The revised fee schedules will result in those power reactor, fuel cycle facility and materials applicants and licensees requiring the greatest expenditure of NRC resources paying the greatest fees. This permits NRC to more completely recover under 10 CFR Part 170 costs incurred for identifiable services for power reactor, fuel cycle facility and major materials applicants and licensees. This action also

implements fee legislation enacted by Congress in December 1987. All applicants and licensees currently subject to fees under 10 CFR Parts 170 and 171 are affected by this rule.

EFFECTIVE DATE: January 30, 1989.

ADDRESSES: Copies of the written public comments are available for public inspection and copying for a fee at the NRC Public Document Room at 2120 L Street NW., Washington, DC, in the lower level of the Gelman Building.

FOR FURTHER INFORMATION CONTACT: Lee Hiller, Assistant Controller, U.S. Nuclear Regulatory Commission, Washington, DC 20055, Telephone: 301-492-7351.

SUPPLEMENTARY INFORMATION:

- I. Background
- II. Responses to Comments
- III. Changes Included in the Final Rules
- IV. Section-by-Section Analysis
- V. Environmental Impact: Categorical Exclusion
- VI. Paperwork Reduction Act Statement
- VII. Regulatory Analysis
- VIII. Regulatory Flexibility Certification
- IX. Backfit Analysis

I. Background

On June 27, 1988 (53 FR 24077-24093), the Commission published in the *Federal Register* a notice of proposed rulemaking for revisions to 10 CFR Part 170 ("Fees for Facilities and Materials Licensees and Other Regulatory Services * * *") and Part 171 ("Annual Fees for Power Reactor Operating Licenses"). This action was necessary for the Commission to update the current fee schedules in Part 170 and to implement the requirements of section 5601 of the Omnibus Budget Reconciliation Act of 1987, as signed into law on December 22, 1987 (Pub. L. 100-203). Section 5601 amended section 7601 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA—Pub. L. 99-272), which requires the Commission to collect annual charges from its licensees. As discussed in the notice of proposed rulemaking published on June 27, 1988, the amendment requires the NRC to collect under 10 CFR Parts 170 and 171, as well as under other provisions of law, not less than 45 percent of the Commission's budget for each of Fiscal Years 1988 and 1989 (Option 1).

The proposed rule also sought comments on a second option to not change 10 CFR Part 170, but only raise the annual fees under 10 CFR Part 171 to reach the 45 percent mandate of Pub. L. 100-203 for FY 1988. On August 12, 1988, the Commission published an interim final rule for 10 CFR Part 171 (53 FR 30423) applicable to collections for FY