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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1230

[No. LS-88-103]

Pork Promotion, Research, and Consumer Information

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule adopts with some modifications an interim final rule which amended regulations issued under the Pork Promotion, Research, and Consumer Information Order (Order). This final rule (1) revises 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) implemented by the U.S. Customs Service (USCS), and (2) includes a new table listing the HTS numbers of live porcine animals subject to assessment. This rule also incorporates a listing of the assessment amounts in cents per kilogram. These changes will facilitate the continued collection of assessments on imported porcine animals, pork, and pork products by USCS.

EFFECTIVE DATE: May 22, 1989.

ADDRESS: 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.

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

SUPPLEMENTARY INFORMATION: This 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 has also been reviewed under the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 et seq.). Many importers may be classified as small entities. This 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 lists the amount of assessment for each identified HTS number in cents per kilogram in addition to cents per pound 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 implemented by the USCS is merely a technical change and imposes 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. Prior to the interim final rule published on December 29, 1988 (53 FR 52628), the assessment on imported pork and pork products was expressed in dollars per pound. In the interim final rule, the assessment was expressed in cents per pound rather than dollars to simplify and facilitate use of the table. 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 implemented a new numbering system, the Harmonized Commodity Description and Coding System, otherwise known as the Harmonized Tariff System (HTS), to replace the TSUS numbering system. The HTS numbering system became 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 final rule is to revise the present table found under § 1230.110 of the regulations (53 FR 27478) to reflect the change from the TSUS numbering system listed therein to the HTS numbering system, list assessment amounts for imported pork and pork products in cents per kilogram, 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 permits 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 are shown in the following chart.

HTS No.	HTS article description	TSUS No.
Imported Live Porcine Animals:		
Live swine:		
0103.10.00004	Purebred breeding animals, Other.	100.0180
0103.91.00006	Weighing less than 50 kg each.	100.8500
0103.92.00005	Weighing 50 kg or more each.	100.8500
Imported Pork and Pork Products:		
Meat of swine, fresh, chilled, or frozen:		
0203.11.00002	Fresh or chilled: Carcasses and half-carcasses, Hams, shoulders and cuts thereof, with bone in.	106.4020
0203.12.10009	Processed	107.3020

HTS No.	HTS article description	TSUS No.
0203.12.90002	Other	106.4020
0203.19.20000	Other: Processed	107.3060
0203.19.40006	Other	106.4020
0203.21.00000	Carcasses and half-carcasses, Hams, shoulders and cuts thereof, with bone in.	106.4020
0203.22.10007	Processed	107.3020
0203.22.90000	Other	106.4040
0203.29.20008	Other: Processed	107.3060
0203.29.40004	Other: Edible offal of bovine animals, swine, sheep, goats, horses, asses, mules or hinnies, fresh, chilled or frozen.	106.4040
0206.30.00006	Of swine, fresh or chilled.	106.8500
0206.41.00003	Of swine, frozen: Livers.	106.8500
0206.49.00005	Other: Meat and edible meat offal, salted, in brine, dried or smoked; edible flours and meals of meat or meat offal.	106.8500
0210.11.00003	Meat of swine: Hams, shoulders and cuts thereof, with bone in.	107.3020
0210.12.00208	Bellies (streaky) and cuts thereof: Bacon.	107.3040
0210.12.00404	Other	107.3040
0210.19.00005	Other: Sausages and similar products, or meat, meat offal or blood; food preparations based on these products.	107.3060
1601.00.20007	Pork: Other prepared or preserved meat, meat offal or blood: Of swine; Hams and cuts thereof Containing cereals or vegetables.	107.1000/ 107.1500
1602.41.20203	Other: Boned and cooked and packed in airtight containers in containers holding less than 1 kg.	107.3515/ 107.3525
1602.41.20409	Other	107.3515/ 107.3525
1602.41.90002	Other: Shoulders and cuts thereof: Boned and cooked and packed in airtight containers.	107.3020
1602.42.20202	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

HTS No.	HTS article description	TSUS No.
1602.49.20009	Other, including mixtures: Offal, Other: Not containing cereals or vegetables; Boned and cooked and packed in airtight containers.	107.3560/ 107.3540
1602.49.40005	Other	107.3060

Comments

The interim final rule requested comments from interested persons by January 30, 1989. The Department received only two comments—one from the Office of Trade Operations, USCS, Department of the Treasury and one from the Multilateral Trade Policy Affairs Division (MTPAD), FAS, USDA.

The USCS comment recommended that the cents-per-pound assessments listed in the table of assessments for imported pork and pork products in § 1230.110 also be expressed in cents-per-kilogram. The commentor pointed out that the "Unit of Quantity" for reporting purposes for covered products under the HTS is "kilogram." The commentor further stated that "kilogram" will be the unit in which quantities will be reported on USCS entry documents. "Pounds" will no longer be used. In the commentor's opinion, expressing rates only in cents-per-pound will cause confusion in the importing community, require more work in the preparation and verification of entry documents, and increase the probability of clerical errors. The Agency believes that the adoption of this recommendation would facilitate the computation, collection, and processing of assessments on imported pork and pork products. Accordingly, cents-per-kilogram has been included in the table of assessments for pork and pork products in § 1230.110 (7 CFR 1230.110) for each HTS number listed therein. To determine cents per kilogram, the cents-per-pound assessments are multiplied by a metric conversion factor 2.2046 and carried to the sixth decimal.

The other comment, submitted by the Foreign Agricultural Service, recommended certain changes in the chart contained in the Supplementary Information section on page 52627 of the interim final rule (53 FR 52627). That chart listed a comparison of the former TSUS numbers and the new corresponding HTS numbers along with

an HTS article description for live porcine animals and pork and pork products subject to assessment under the Act. It was the commentator's opinion that such changes were necessary to make the listed HTS numbers correctly conform to corresponding TSUS numbers. Based on a review of the latest available information on the conversion of TSUS numbers to HTS numbers, the Agency concurs with the recommended changes and has revised the applicable numbers in the chart that appears in this supplementary information section accordingly. The changes do not result in any deletions or additions to the list of HTS numbers published in the tables of import assessments for live porcine animals and pork and pork products contained in § 1230.110 on page 52628 of the interim final rule (53 FR 27628).

This final rule adopts with some modifications the provisions of the interim final rule. Such changes are to facilitate the application of the regulation. Accordingly, the interim final rule amending 7 CFR Part 1230 which was published at 53 FR 52626 on December 29, 1988, is adopted as a final rule with the following changes.

List of Subjects in 7 CFR Part 1230

Administrative practice and procedure, Advertising, Agricultural research, Marketing agreement, Meat and Meat products, Pork and pork products.

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	
	Cents/lb	Cents/kg
0203.11.00002.....	.18	0.396828
0203.12.10009.....	.18	.396828
0203.12.90002.....	.18	.396828
0203.19.20000.....	.21	.462966
0203.19.40006.....	.18	.396828
0203.21.00000.....	.18	.396828
0203.22.10007.....	.18	.396828
0203.22.90000.....	.18	.396828
0203.29.20008.....	.21	.462966
0203.29.40004.....	.18	.396828
0206.30.00008.....	.18	.396828
0206.41.00003.....	.18	.396828
0206.49.00005.....	.18	.396828
0210.11.00003.....	.18	.396828
0210.12.00208.....	.19	.418874
0210.12.00404.....	.19	.418874
0210.19.00005.....	.21	.462966
1601.00.20007.....	.25	.551150
1602.41.20203.....	.28	.617288
1602.41.20409.....	.28	.617288
1602.41.90002.....	.18	.396828
1602.42.20202.....	.28	.617288
1602.42.20408.....	.28	.617288
1602.42.40002.....	.18	.396828
1602.49.20009.....	.25	.551150
1602.49.40005.....	.21	.462966

Done at Washington, DC, on April 17, 1989.

J. Patrick Boyle,
Administrator.

[FR Doc. 89-9501 Filed 4-19-89; 8:45 am]

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7 CFR Part 1260

[No. LS-88-101]

Beef Promotion and Research

AGENCY: Agriculture Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule adopts with some modifications an interim final rule which amended the Beef Promotion and Research Order (Order) by (1) changing 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 (HTS) to be implemented by the U.S. Customs Service (USCS); (2) expanding 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) clarifying the language pertaining to the expenses of the Cattlemen's Beef Promotion and Research Board (board). This final rule also incorporates a list of the assessment amounts for each HTS category in cents per kilogram. These changes will facilitate the continued

collection by USCS of assessments on imported cattle and beef and beef products.

EFFECTIVE DATE: May 22, 1989.

ADDRESS: 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.

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

SUPPLEMENTARY INFORMATION: This 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 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 TSUS numbers to the 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, (3) clarifies the language pertaining to expenses of the board, and (4) lists assessment amounts for imported beef and beef products in cents per kilogram. 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 implemented by the USCS on January 1, 1989, 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 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 for 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 cents 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 has implemented a new numbering system, the Harmonized Commodity Description and Coding System, otherwise known as the Harmonized Tariff System (HTS), to replace the Tariff Schedule of the United States numbering system. The HTS numbering system became 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 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 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 and (3) assessment amounts for imported beef and beef products in cents per kilogram. 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 of the four new categories. 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-Number	HTS-Article-Description	TSUS-Number
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
Other:		
0102.90.20004	Cows imported specially for dairy purposes	100.5000
Other:		
0102.90.40206	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

HTS-Number	HTS-Article-Description	TSUS-Number
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	106.1060
	Edible offal of bovine animals, swine, sheep, goats, horses, asses, mules or hinnies, fresh, chilled, or frozen:	
0206.10.00000	Of bovine animals, fresh or chilled	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:	
0210.20.00002	Meat of bovine animals	107.4000/107.4500
	Sausages and similar products, of meat, meat offal or blood; food preparations based on these products:	(na-edible beef offal)
	Other:	
1601.00.40003	Beef in airtight containers	107.2000
	Other:	
1601.00.60204	Beef	107.2520
	Other prepared or preserved meat, meat offal or blood:	
	Of bovine animals:	
1602.50.05004	Offal	na.
	Other:	
	Not containing cereals or vegetables:	
1602.50.09000	Cured or pickled	107.4500
	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:	
	In containers holding less than 1 kg	107.5220/107.5240
1602.50.20201	Other	107.5240
1602.50.20407	Other	107.5240
1602.50.60006	Other	107.6300

This 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 CFR 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 per centum of the projected total assessment 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 assessment 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 assessment 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 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 the same paragraph.

Comments

The interim final rule requested comments from interested persons by January 30, 1989. The Department received only two comments—one from the Office of the Trade Operations, USCS, Department of the Treasury, and one from the Multilateral Trade Policy Affairs Division (MTPAD), FAS, USDA.

The USCS comment recommended that the cents-per-pound assessments listed in the table of assessments for beef and beef products in section 1260.172 (7 CFR 1260.172) of the Order also be expressed in cents per kilogram. The commentator pointed out that the "Unit of Quantity" for reporting purposes for covered products under the HTS is "kilogram." The commentator further stated that "kilogram" will be the unit in which quantities will be reported on USCS entry documents. "Pounds" will no longer be used. In the commentator's opinion, expressing rates only in cents per pound will cause confusion in the importing community, require more work in the preparation and verification of entry documents, and increase the probability of clerical errors. The Agency believes that the adoption of this recommendation would facilitate the computation, collection, and processing of assessments on imported beef and beef products. Accordingly, the cents per kilogram has been included in the table of assessments for beef and beef products in section 1260.172 for each HTS number listed therein. To determine the cents per kilogram, the cents-per-pound assessments are multiplied by a metric conversion factor of 2.2046 and carried to the sixth decimal. The other comment, submitted by FAS, recommended certain changes in the chart contained in the Supplementary Information on page 52629-30 of the interim final rule. That chart listed a comparison of the former TSUS numbers and the new corresponding HTS numbers along with an HTS article description for live cattle and beef and beef products subject to assessment under the Act. It was the commentator's opinion that such changes were necessary to make the listed HTS numbers correctly conform to corresponding TSUS numbers. Based on a review of the latest available information on the conversion of TUSUS numbers to HTS numbers, the Agency concurs with the recommended changes and has revised the applicable numbers in the chart that appears in this supplementary information section accordingly. The changes do not result in any deletions or additions to the list of HTS numbers published in the tables of import assessments for live cattle and

beef and beef products contained in § 1260.172 on page 52631 of the interim final rule.

This final rule adopts with some modifications the provisions of the interim final rule. Such changes are to facilitate the application of the Order. Accordingly, the interim final rule amending 7 CFR Part 1260 which was published at 53 FR 52628 on December 29, 1988, is adopted as a final rule with the following changes.

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. The interim rule is corrected on page 52631 in the second column in paragraph 2. to state that only paragraph (a) of § 1260.151 is revised.

3. Revise § 1260.151(a) 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:

Live Cattle	Assessment
0102.10.00103.....	\$1.00/hd
0102.10.00201.....	\$1.00/hd
0102.10.00309.....	\$1.00/hd

Live Cattle	Assessment
0102.10.00504.....	\$1.00/hd
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	Assessment	
	cents/lb	cents/kg
0201.10.00103.....	.77	1.697542
0201.10.00906.....	.20	0.440920
0201.20.20009.....	.28	0.617288
0201.20.40005.....	.27	0.595242
0201.20.60000.....	.20	0.440920
0201.30.20007.....	.28	0.617288
0201.30.40003.....	.27	0.595242
0201.30.60008.....	.27	0.595242
0202.10.00102.....	.77	0.697542
0202.10.00905.....	.20	0.440920
0202.20.20008.....	.28	0.617288
0202.20.40004.....	.27	0.595242
0202.20.60009.....	.20	0.440920
0202.30.20006.....	.28	0.617288
0202.30.40002.....	.27	0.595242
0202.30.60007.....	.27	0.595242
0206.10.00000.....	.20	0.440920
0206.21.00007.....	.20	0.440920
0206.22.00006.....	.20	0.440920
0206.29.00009.....	.20	0.440920
0210.20.00002.....	.35	0.771610
1601.00.40003.....	.25	0.551150
1601.00.60204.....	.25	0.551150
1602.50.05004.....	.35	0.771610
1602.50.09000.....	.35	0.771610
1602.50.10203.....	.35	0.771610
1602.50.10409.....	.35	0.771610
1602.50.20201.....	.37	0.815702
1602.50.20407.....	.37	0.815702
1602.50.60006.....	.38	0.837748

* * * * *
 Done at Washington, DC on April 17, 1989.
 J. Patrick Boyle,
 Administrator.
 [FR Doc. 89-9502 Filed 4-19-89; 8:45 am]
 BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service
9 CFR Part 91
[Docket No. 89-031]
Ports Designated for Exportation of Animals
AGENCY: Animal and Plant Health Inspection Service, USDA.
ACTION: Final rule.

SUMMARY: We are amending the regulations concerning inspection and handling of livestock for exportation by adding Stevedoring Service of America as an operator of an export inspection facility at the port of Seattle, Washington. This action will add an additional facility through which animals may be exported.