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DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 6

Adjustment of Appendices to the Dairy Tariff-Rate Import Quota Licensing Regulation for the 2002 Tariff-Rate Quota Year

AGENCY: Office of the Secretary, USDA.

ACTION: Final rule.

SUMMARY: This document sets forth the revised appendices to the Dairy Tariff-Rate Import Quota Licensing Regulation for the 2002 quota year reflecting the cumulative annual transfers from Appendix 1 to Appendix 2 for certain dairy product import licenses permanently surrendered by licensees or revoked by the Licensing Authority.

EFFECTIVE DATE: April 29, 2002.

FOR FURTHER INFORMATION CONTACT: Michael I. Hankin, Dairy Import Quota

Manager, Import Policies and Programs Division, STOP 1021, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Washington, DC 20250-1021 or telephone at (202) 720-9439.

SUPPLEMENTARY INFORMATION: The Foreign Agricultural Service, under a delegation of authority from the Secretary of Agriculture, administers the Dairy Tariff-Rate Import Quota Licensing Regulation codified at 7 CFR 6.20-6.37 that provides for the issuance of licenses to import certain dairy articles under tariff-rate quotas (TRQs) as set forth in the Harmonized Tariff Schedule of the United States. These dairy articles may only be entered into the United States at the low-tier tariff by or for the account of a person or firm to whom such licenses have been issued and only in accordance with the terms and conditions of the regulation.

Licenses are issued on a calendar year basis, and each license authorizes the license holder to import a specified quantity and type of dairy article from a specified country of origin. The Import Policies and Programs Division, Foreign Agricultural Service, U.S. Department of Agriculture, issues these licenses and, in conjunction with the U.S. Customs Service, monitors their use.

The regulation at 7 CFR 6.34(a) states: "Whenever a historical license (Appendix 1) is not issued to an applicant pursuant to the provisions of § 6.23, is permanently surrendered, or is

revoked by the Licensing Authority, the amount of such license will be transferred to Appendix 2." Section 6.34(b) provides that the cumulative annual transfers will be published in the **Federal Register**. Accordingly, this document sets forth the revised Appendices for the 2002 tariff-rate quota year.

List of Subjects in 7 CFR Part 6

Agricultural commodities, Cheese, Dairy Products, Imports, Reporting and record keeping requirements.

Issued at Washington, DC.

Michael I. Hankin,

Licensing Authority.

Accordingly, 7 CFR Part 6 is amended as follows:

PART 6—IMPORT QUOTAS AND FEES

1. The authority citation for Part 6, Subpart—Dairy Tariff-Rate Import Quota Licensing continues to read as follows:

Authority: Additional U.S. Notes 6, 7, 8, 12, 14, 16-23 and 25 to Chapter 4 and General Note 15 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 1202), Pub. L. 97-258, 96 Stat. 1051, as amended (31 U.S.C. 9701), and secs. 103 and 404, Pub. L. 103-465, 108 Stat. 4819 (19 U.S.C. 3513 and 3601).

2. Appendices 1, 2 and 3 to Subpart—Dairy Tariff-Rate Import Quota Licensing are revised to read as follows:

APPENDICES 1, 2 AND 3 TO SUBPART—DAIRY TARIFF-RATE IMPORT QUOTA LICENSING

[Articles Subject to: Appendix 1, Historical Licenses; Appendix 2, Nonhistorical Licenses; and Appendix 3, Designated Importer Licenses for Quota Year 2002 (quantities in kilograms)]

Article by additional U.S. note number and country of origin	Appendix 1	Appendix 2	Appendix 3	
			Tokyo Round	Uruguay Round
NON-CHEESE ARTICLES				
BUTTER (NOTE 6)	5,591,819	1,385,181	.....	.....
EU-15	80,694	15,467	.....	.....
New Zealand	124,709	25,884	.....	.....
Other Countries	63,105	10,830	.....	.....
Any Country	5,323,311	1,333,000	.....	.....
DRIED SKIM MILK (NOTE 7)	600,076	4,660,924	.....	.....
Australia	600,076	.....	.....	.....
Canada .....	.....	219,565	.....	.....
Any Country .....	.....	4,441,359	.....	.....
DRIED WHOLE MILK (NOTE 8)	3,175	3,318,125	.....	.....
New Zealand	3,175	.....	.....	.....
Any Country .....	.....	3,318,125	.....	.....
DRIED BUTTERMILK/WHEY (NOTE 12)	224,981	.....	.....	.....

APPENDICES 1, 2 AND 3 TO SUBPART—DAIRY TARIFF-RATE IMPORT QUOTA LICENSING—Continued

[Articles Subject to: Appendix 1, Historical Licenses; Appendix 2, Nonhistorical Licenses; and Appendix 3, Designated Importer Licenses for Quota Year 2002 (quantities in kilograms)]

Article by additional U.S. note number and country of origin	Appendix 1	Appendix 2	Appendix 3	
			Tokyo Round	Uruguay Round
Canada	161,161	.....	.....	.....
New Zealand	63,820	.....	.....	.....
BUTTER SUBSTITUTES CONTAINING OVER 45 PERCENT OF BUTTERFAT AND/OR BUTTER OIL (NOTE 14) .....	.....	6,080,500	.....	.....
Any Country .....	.....	6,080,500	.....	.....
TOTAL: NON-CHEESE ARTICLES	6,420,051	15,444,730	.....	.....
CHEESE ARTICLES				
CHEESE AND SUBSTITUTES FOR CHEESE (EXCEPT: SOFT RIPENED COW'S MILK CHEESE; CHEESE NOT CONTAINING COW'S MILK; CHEESE (EXCEPT COTTAGE CHEESE) CONTAINING 0.5 PERCENT OR LESS BY WEIGHT OF BUTTERFAT; AND, ARTICLES WITHIN THE SCOPE OF OTHER IMPORT QUOTAS PROVIDED FOR IN THIS SUBCHAPTER) (NOTE 16)	23,759,623	7,711,108	9,661,128	7,496,000
Argentina	7,690	.....	92,310	.....
Australia	535,628	5,542	758,830	1,750,000
Canada	1,031,946	109,054	.....	.....
Costa Rica .....	.....	.....	.....	1,550,000
Czech Republic .....	.....	.....	.....	200,000
EU-15	15,578,947	6,753,485	1,132,568	2,346,000
Of which Portugal is	127,536	1,773	223,691	.....
Israel	79,696	.....	593,304	.....
Iceland	294,000	.....	29,000	.....
New Zealand	4,479,868	335,604	6,506,528	.....
Norway	124,982	25,018	.....	.....
Poland	917,497	18,727	.....	300,000
Slovak Republic .....	.....	.....	.....	600,000
Switzerland	597,513	73,899	548,588	500,000
Uruguay .....	.....	.....	.....	250,000
Other Countries	111,856	89,779	.....	.....
Any Country .....	.....	300,000	.....	.....
BLUE-MOLD CHEESE (EXCEPT STILTON PRODUCED IN THE UNITED KINGDOM) AND CHEESE AND SUBSTITUTES FOR CHEESE CONTAINING, OR PROCESSED FROM, BLUE-MOLD CHEESE (NOTE 17)	2,321,554	159,447	.....	430,000
Argentina	2,000	.....	.....	.....
EU-15	2,319,553	159,447	.....	300,000
Chile .....	.....	.....	.....	80,000
Czech Republic .....	.....	.....	.....	50,000
Other Countries	1	.....	.....	.....
CHEDDAR CHEESE, AND CHEESE AND SUBSTITUTES FOR CHEESE CONTAINING, OR PROCESSED FROM, CHEDDAR CHEESE (NOTE 18)	3,664,363	619,493	519,033	7,620,000
Australia	937,721	46,778	215,501	1,250,000
Chile .....	.....	.....	.....	220,000
Czech Republic .....	.....	.....	.....	50,000
EU-15	57,168	205,832	.....	1,000,000
New Zealand	2,543,600	252,868	303,532	5,100,000
Other Countries	125,874	14,015	.....	.....
Any Country .....	.....	100,000	.....	.....
AMERICAN-TYPE CHEESE, INCLUDING COLBY, WASHED CURD AND GRANULAR CHEESE (BUT NOT INCLUDING CHEDDAR) AND CHEESE AND SUBSTITUTES FOR CHEESE CONTAINING OR PROCESSED FROM SUCH AMERICAN-TYPE CHEESE (NOTE 19)	2,856,128	309,425	357,003	.....
Australia	834,747	46,251	119,002	.....
EU-15	186,222	167,778	.....	.....
New Zealand	1,671,294	90,705	238,001	.....
Other Countries	163,865	4,691	.....	.....
EDAM AND GOUDA CHEESE, AND CHEESE AND SUBSTITUTES FOR CHEESE CONTAINING, OR PROCESSED FROM, EDAM AND GOUDA CHEESE (NOTE 20)	5,294,715	311,687	.....	1,210,000
Argentina	119,003	5,997	.....	110,000
Czech Republic .....	.....	.....	.....	100,000
EU-15	5,035,993	253,007	.....	1,000,000
Norway	114,318	52,682	.....	.....
Other Countries	25,401	1	.....	.....

APPENDICES 1, 2 AND 3 TO SUBPART—DAIRY TARIFF-RATE IMPORT QUOTA LICENSING—Continued

[Articles Subject to: Appendix 1, Historical Licenses; Appendix 2, Nonhistorical Licenses; and Appendix 3, Designated Importer Licenses for Quota Year 2002 (quantities in kilograms)]

Article by additional U.S. note number and country of origin	Appendix 1	Appendix 2	Appendix 3	
			Tokyo Round	Uruguay Round
ITALIAN-TYPE CHEESES, MADE FROM COW'S MILK, (ROMANO MADE FROM COW'S MILK, REGGIANO, PARMESAN, PROVOLONE, PROVOLETTI, SBRINZ, AND GOYA-NOT IN ORIGINAL LOAVES) AND CHEESE AND SUBSTITUTES FOR CHEESE CONTAINING, OR PROCESSED FROM, SUCH ITALIAN-TYPE CHEESES, WHETHER OR NOT IN ORIGINAL LOAVES (NOTE 21)	6,524,558	995,989	795,517	5,165,000
Argentina	3,958,383	167,100	367,517	1,890,000
EU-15	2,555,775	826,225	.....	700,000
Poland .....	.....	.....	.....	1,325,000
Romania .....	.....	.....	.....	500,000
Uruguay .....	.....	.....	428,000	750,000
Other Countries	10,400	2,664	.....	.....
SWISS OR EMMENTHALER CHEESE OTHER THAN WITH EYE FORMATION, GRUYERE-PROCESS CHEESE AND CHEESE AND SUBSTITUTES FOR CHEESE CONTAINING, OR PROCESSED FROM, SUCH CHEESES (NOTE 22) ..	5,753,362	897,952	823,519	380,000
EU-15	4,344,660	807,334	393,006	380,000
Switzerland	1,333,942	85,545	430,513	.....
Other Countries	74,760	5,073	.....	.....
CHEESE AND SUBSTITUTES FOR CHEESE, CONTAINING 0.5 PERCENT OR LESS BY WEIGHT OF BUTTERFAT (EXCEPT ARTICLES WITHIN THE SCOPE OF OTHER TARIFF-RATE QUOTAS PROVIDED FOR IN THIS SUBCHAPTER), AND MARGARINE CHEESE (NOTE 23)	3,838,969	585,939	1,050,000	.....
EU-15	3,675,725	574,275	.....	.....
Israel .....	.....	.....	50,000	.....
New Zealand .....	.....	.....	1,000,000	.....
Poland	163,243	11,664	.....	.....
Other Countries	1	.....	.....	.....
SWISS OR EMMENTHALER CHEESE WITH EYE FORMATION (NOTE 25)	18,247,171	4,050,160	9,557,945	2,620,000
Argentina .....	.....	9,115	70,885	.....
Australia	209,698	.....	290,302	.....
Canada .....	.....	.....	70,000	.....
Czech Republic .....	.....	.....	.....	400,000
Hungary .....	.....	.....	.....	800,000
EU-15	13,254,454	3,222,374	4,003,172	1,220,000
Iceland	149,999	.....	150,001	.....
Israel	27,000	.....	.....	.....
Norway	3,206,405	448,905	3,227,690	.....
Switzerland	1,314,340	369,765	1,745,895	200,000
Other Countries	85,275	1		
TOTAL: CHEESE ARTICLES	72,260,443	15,641,200	22,764,145	24,921,000

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 94

[Docket No. 01-026-2]

Change in Disease Status of Portugal Because of African Swine Fever

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations to remove Portugal from the list of regions where African swine fever exists. We are taking this action because Portugal is now free of African swine fever. This action relieves restrictions due to African swine fever on the importation of pork and pork products into the United States from Portugal. However, because Portugal is on the list of regions where hog cholera exists and the list of regions that are subject to certain restrictions because of their proximity to or trading relationships with rinderpest- or foot-and-mouth disease-affected countries, Portugal continues to be subject to certain restrictions regarding the importation into the United States of pork and pork products.

EFFECTIVE DATE: May 14, 2002.

FOR FURTHER INFORMATION CONTACT: Dr. Gary Colgrove, Chief Staff Veterinarian, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 38, Riverdale, MD 20737-1231; (301) 734-4356.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 94 (referred to below as the regulations) govern the importation of certain animals and animal products into the United States in order to prevent the introduction of various animal diseases, including rinderpest, foot-and-mouth disease (FMD), African swine fever (ASF), hog cholera, and swine vesicular disease. These are dangerous and