

established for papayas grown in Hawaii.

Dated: May 29, 1996.

Robert C. Keeney,

Director, Fruit and Vegetable Division.

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7 CFR Part 1230

[No. LS-96-001]

Pork Promotion, Research, and Consumer Information Order—Increase in Importer Assessments

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Pursuant to the Pork Promotion, Research, and Consumer Information Act (Act) of 1985 and the Order issued thereunder, this final rule increases the amount of the assessment per pound due on imported pork and pork products to reflect an increase in the 1995 five-market average price for domestic barrows and gilts. This action brings the equivalent market value of the live animals from which such imported pork and pork products were derived in line with the market values of domestic porcine animals. These changes will facilitate the continued collection of assessments on imported porcine animals, pork, and pork products.

EFFECTIVE DATE: July 5, 1996.

FOR FURTHER INFORMATION CONTACT:

Ralph L. Tapp, Chief, Marketing Programs Branch, 202/720-1115.

SUPPLEMENTARY INFORMATION: The Department of Agriculture (Department) is issuing this final rule in conformance with Executive Order 12866.

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This is not intended to have a retroactive effect. The Act states that the statute is intended to occupy the field of promotion and consumer education involving pork and pork products and of obtaining funds thereof from pork producers and that the regulation of such activity (other than a regulation or requirement relating to a matter of public health or the provision of State or local funds for such activity) that is in addition to or different from the Act may not be imposed by a State.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under § 1625 of the Act, a person subject to an order may file a petition with the Secretary stating that such order, a provision of such order or an obligation

imposed in connection with such order is not in accordance with law; and requesting a modification of the order or an exemption from the order. Such person is afforded the opportunity for a hearing on the petition. After the hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in the district in which such person resides or does business has jurisdiction to review the Secretary's determination, if a complaint is filed not later than 20 days after the date such person receives notice of such determination.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 United States Code (U.S.C.) 601 et seq.), the Agricultural Marketing Service (AMS) has considered the economic impact of this final action on small entities. The effect of the Order upon small entities was discussed in the September 5, 1986, issue of the Federal Register (51 FR 31898), and it was determined that the Order would not have a significant effect upon a substantial number of small entities. Many of the estimated 200 importers may be classified as small entities. This final rule increases the amount of assessments on imported pork and pork products subject to assessment by two-hundredths of a cent per pound, or as expressed in cents per kilogram, four-hundredths of a cent per kilogram. Adjusting the assessments on imported pork and pork products would result in an estimated increase in assessments of \$104,000 over a 12-month period. Accordingly, the Administrator of AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

The Act (7 U.S.C. 4801-4819) approved December 23, 1985, authorized the establishment of a national pork promotion, research, and consumer information program. The program was funded by an initial assessment rate of 0.25 percent of the market value of all porcine animals marketed in the United States and an equivalent amount of assessment on imported porcine animals, pork, and pork products. However, that rate was increased to 0.35 percent in 1991 (56 FR 51635) and to 0.45 percent effective September 3, 1995 (60 FR 29963). 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; as corrected, at 51 FR 36383 and amended at 53 FR 1909, 53 FR 30243, 56 FR 4, 56 FR 51635, and 60 FR 29963) and assessments began on November 1, 1986.

The Order requires importers of porcine animals to pay the U.S. Customs Service (USCS), upon importation, the assessment of 0.45 percent of the animal's declared value and importers of pork and pork products to pay USCS, upon importation, the assessment of 0.45 percent of the market value of the live porcine animals from which such pork and pork products were produced. This final rule increases the assessments on all of the imported pork and pork products subject to assessment as published in the Federal Register as a final rule June 7, 1995, and effective September 3, 1995; (60 FR 29965). This increase is consistent with the increase in the annual average price of domestic barrows and gilts for calendar year 1995 as reported by USDA, AMS, Livestock and Grain Market News (LGMN) Branch. This increase in assessments will make the equivalent market value of the live porcine animal from which the imported pork and pork products were derived reflect the recent increase in the market value of domestic porcine animals, thereby promoting comparability between importer and domestic assessments. This final rule will not change the current assessment rate of 0.45 percent of the market value.

The methodology for determining the per pound amounts for imported pork and pork products was described in the Supplementary Information accompanying the Order and published in the September 5, 1986, Federal Register at 51 FR 31901. The weight of imported pork and pork products is converted to a carcass weight equivalent by utilizing carcass conversion factors which are published in the Department's Statistical Bulletin No. 697 "Conversion Factors and Weights and Measures." These conversion factors take into account the removal of bone, weight lost in cooking or other processing, and the nonpork components of pork products. Secondly, the carcass weight equivalent is converted to a live animal equivalent weight by dividing the carcass weight equivalent by 70 percent, which is the average dressing percentage of porcine animals in the United States. Thirdly, the equivalent value of the live porcine animal is determined by multiplying the live animal equivalent weight by an annual average market price for barrows and gilts as reported by USDA, AMS, LGMN Branch. This average price is published on a yearly basis during the month of January in LGMN Branch's publication "Livestock, Meat, and Wool Weekly Summary and Statistics." Finally, the equivalent value is multiplied by the applicable assessment rate of 0.45 percent due on imported

pork and pork products. The end result is expressed in an amount per pound for each type of pork or pork product. To determine the amount per kilogram for pork and pork products subject to assessment under the Act and Order, the cent per pound assessments are multiplied by a metric conversion factor 2.2046 and carried to the sixth decimal.

The formula in the preamble for the Order at 51 FR 31901 contemplated that it would be necessary to recalculate the equivalent live animal value of imported pork and pork products to reflect changes in the annual average price of domestic barrows and gilts to maintain equity of assessments between domestic porcine animals and imported pork and pork products.

The average annual market price increased from \$39.57 in 1994 to \$41.76 in 1995, an increase of about 6 percent. This increase will result in a corresponding increase in assessments for all HTS numbers listed in the table in § 1230.110, 60 FR 29965; June 7, 1995, of an amount equal to two-hundredths of a cent per pound, or as expressed in cents per kilogram, four-hundredths of a cent per kilogram. Based on the most recent available Department of Commerce, Bureau of Census, data on the volume of imported pork and pork products, the increase in assessment amounts would result in an estimated \$104,000 increase in assessments over a 12-month period.

On March 22, 1996, AMS published in the Federal Register (61 FR 11776) a proposed rule which would increase the per pound assessment on imported pork and pork products consistent with increases in the 1995 average prices of domestic barrows and gilts to provide comparability between imported and domestic assessments. The proposal was published with a request for comments by April 22, 1996. No comments were received.

Accordingly, this final rule establishes the new per-pound and per-kilogram assessments on imported pork and pork products.

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.

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.

Subpart B—[Amended]

2. In Subpart B—Rules and Regulations, § 1230.110 is revised to read as follows:

§ 1230.110 Assessments on imported pork and pork products.

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

Live porcine animals	Assessment
0103.10.0000	0.45 percent Customs Entered Value.
0103.91.0000	0.45 percent Customs Entered Value.
0103.92.0000	0.45 percent Customs Entered Value.

(b) The following HTS categories of imported pork and pork products are subject to assessment at the rates specified.

Pork and pork products	Assessment	
	Cents/lb	Cents/kg
0203.11.0000 .....	.27	.507058
0203.12.1010 .....	.27	.507058
0203.12.1020 .....	.27	.507058
0203.12.9010 .....	.27	.507058
0203.12.9020 .....	.27	.507058
0203.19.2010 .....	.31	.573196
0203.19.2090 .....	.31	.573196
0203.19.4010 .....	.27	.507058
0203.19.4090 .....	.27	.507058
0203.21.0000 .....	.27	.507058
0203.22.1000 .....	.27	.507058
0203.22.9000 .....	.27	.507058
0203.29.2000 .....	.31	.573196
0203.29.4000 .....	.27	.507058
0206.30.0000 .....	.27	.507058
0206.41.0000 .....	.27	.507058
0206.49.0000 .....	.27	.507058
0210.11.0010 .....	.27	.507058
0210.11.0020 .....	.27	.507058
0210.12.0020 .....	.27	.507058
0210.12.0040 .....	.27	.507058
0210.19.0010 .....	.31	.573196
0210.19.0090 .....	.31	.573196
1601.00.2010 .....	.37	.683426
1601.00.2090 .....	.37	.683426
1602.41.2020 .....	.41	.749564
1602.41.2040 .....	.41	.749564
1602.41.9000 .....	.27	.507058
1602.42.2020 .....	.41	.749564
1602.42.2040 .....	.41	.749564
1602.42.4000 .....	.27	.507058
1602.49.2000 .....	.37	.683426
1602.49.400031	.573196

Dated: May 28, 1996.

Kenneth C. Clayton,

Acting Administrator.

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DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Parts 103 and 299

[INS No. 1666–94]

RIN 1115–AD75

Certification of Designated Fingerprinting Services

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule amends the Immigration and Naturalization Service (Service) regulations by certifying designated fingerprinting services (DFS) to take fingerprints of applicants for immigration benefits. This rule establishes the eligibility requirements and application procedures for DFS certification. When the rule is implemented, it will facilitate the processing of applications for immigration benefits, protect the integrity of the fingerprinting process, and relieve the strain on Service personnel resources.

EFFECTIVE DATE: This rule is effective July 5, 1996. Entities desiring to continue providing fingerprint services for immigration benefits without interruption must file an application for DFS status in accordance with the standards of this rule no later than November 1, 1996. After December 31, 1996, the Service will not accept fingerprints taken by entities who have not filed an application for DFS certification and been approved by the Service.

FOR FURTHER INFORMATION CONTACT: Jack Rasmussen, Adjudications Officer, or Kathleen Hatcher, Adjudications Officer, Adjudications Division, Immigration and Naturalization Service, 425 I Street, NW., Room 3214, Washington, DC 20536, telephone (202) 514–3240; Kim Mangan, Adjudications Officer, Immigration and Naturalization Service, 2901 Metro Dr., Suite 100, Bloomington, MN 55425, telephone (612) 335–2234; Delia Ramirez, Adjudications Officer, Immigration and Naturalization Service, EOFP 6th Fl., P.O. Box 30080, Laguna Niguel, CA 92607–0080, telephone (714) 360–3314; or Yolanda Sanchez, Adjudications Officer, Immigration and Naturalization