

cheese and related products are the foods which conform to the applicable requirements of the Food and Drug Administration for cheeses and related cheese products (21 CFR part 133).

* * * * *

20. Amend § 58.812 to read as follows:

§ 58.812 Methods of sample analysis.

Samples shall be tested according to the applicable methods of laboratory analysis contained in either DA Instruction 918-RL, as issued by the USDA, Agricultural Marketing Service, Dairy Programs, or the Official Methods of Analysis of the Association of Official Analytical Chemists, or Standard Methods for the Examination of Dairy Products.

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21. Amend § 58.905 by revising paragraphs (a), (b), and (c) to read as follows:

§ 58.905 Meaning of words.

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(a) *Evaporated milk*. The liquid food made by evaporating sweet milk to such point that it contains not less than 6.5 percent of milkfat and not less than 16.5 percent of the total milk solids. The finished product shall conform to the requirements of the Food and Drug Administration for evaporated milk (21 CFR 131.130).

(b) *Concentrated milk, plain condensed milk*. The product which conforms to the standard of identity for evaporated milk except that it is not processed by heat to prevent spoilage. The container may be unsealed, and stabilizing ingredients are not used. The finished product shall conform to the requirements of the Food and Drug Administration for concentrated milk (21 CFR 131.115).

(c) *Sweetened condensed milk*. The liquid or semi-liquid food made by evaporating a mixture of sweet milk and refined sugar (sucrose) or any combination of refined sugar (sucrose) and refined corn sugar (dextrose) to such point that the finished sweetened condensed milk contains not less than 28.0 percent of total milk solids and not less than 8.0 percent of milkfat. The quantity of sugar used is sufficient to prevent spoilage. The finished product shall conform to the requirements of the Food and Drug Administration for sweetened condensed milk (21 CFR 131.120).

* * * * *

22. Revise § 58.915 to read as follows:

§ 58.915 Batch or continuous in-container thermal processing equipment.

Batch or continuous in-container thermal processing equipment shall meet the requirements of the Food and Drug Administration for thermally processed low-acid foods packaged in hermetically sealed containers (21 CFR part 113). The equipment shall be maintained in such a manner as to assure control of the length of processing and to minimize the number of damaged containers.

23. Amend § 58.938 by revising paragraph (g) to read as follows:

§ 58.938 Physical requirements and microbiological limits for sweetened condensed milk

* * * * *

(g) *Composition*. Shall meet the minimum requirements of the Food and Drug Administration for sweetened condensed milk (21 CFR 131.120). In addition, the quantity of refined sugar used shall be sufficient to give a sugar-in-water ratio of not less than 61.5 percent.

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Authority (7 U.S.C. 1621-1627).

Dated: August 7, 2001.

Kenneth C. Clayton,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 01-20189 Filed 8-10-01; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1205

[CN-01-001]

2001 Proposed Amendment to Cotton Board Rules and Regulations Adjusting Supplemental Assessment on Imports

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Agricultural Marketing Service (AMS) is proposing to amend the Cotton Board Rules and Regulations by raising the value assigned to imported cotton for the purpose of calculating supplemental assessments collected for use by the Cotton Research and Promotion Program. An adjustment is required on an annual basis to ensure that the assessments collected on imported cotton and the cotton content of imported products remain similar to those paid on domestically produced cotton.

DATE: Comments must be received on or before September 12, 2001.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposed rule. Comments may be mailed to USDA, AMS, Cotton Program, STOP 0224, 1400 Independence Avenue, SW, Washington, DC 20250-0224 or Email cottoncomments@usda.gov. Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection at this address during the hours of 8:00 a.m. to 4:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Whitney Rick, (202) 720-2259.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This proposed rule has been determined to be "not significant" for purposes of Executive Order 12866, and, therefore, has not been reviewed by the Office of Management and Budget.

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect. This proposed rule would not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Cotton Research and Promotion Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under Section 12 of the Act, any person subject to an order may file with the Secretary a petition stating that the order, any provision of the plan, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of the order or to be exempted therefrom. 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 any district in which the person is an inhabitant, or has his principal place of business, has jurisdiction to review the Secretary's ruling, provided a complaint is filed within 20 days from the date of the entry of ruling.

Regulatory Flexibility Act

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) AMS has considered the economic impact of this action on small entities and has determined that its implementation will not have a significant economic impact on a substantial number of small businesses.

There are an estimated 10,000 importers who are presently subject to rules and regulations issued pursuant to the Cotton Research and Promotion Order. This proposed rule would affect importers of cotton and cotton-containing products. The majority of these importers are small businesses under the criteria established by the Small Business Administration. This proposed rule would raise the assessments paid by the importers under the Cotton Research and Promotion Order. Even though the assessment would be raised, the increase is small and will not significantly affect small businesses.

The current assessment on imported cotton is \$0.009833 per kilogram of imported cotton. The proposed assessment is \$0.009965, an increase of \$0.000132 or a 1.34 percent increase from the current assessment. From January through December 2000 approximately \$20 million was collected at the \$0.009833 per kilogram rate. Should the volume of cotton products imported into the U.S. remain at the same level in 2001, one could expect the increased assessment to generate approximately \$20.2 million or a 1.34 percent increase from 2000.

Paperwork Reduction

In compliance with Office of Management and Budget (OMB) regulations (5 CFR Part 1320) which implement the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*) the information collection requirements contained in the regulation to be amended have been previously approved by OMB and were assigned control number 0581-0093.

Background

The Cotton Research and Promotion Act Amendments of 1990 enacted by Congress under Subtitle G of Title XIX of the Food, Agriculture, Conservation and Trade Act of 1990 on November 28, 1990, contained two provisions that authorized changes in the funding procedures for the Cotton Research and Promotion Program.

These provisions are: (1) The assessment of imported cotton and cotton products; and (2) termination of the right of cotton producers to demand a refund of assessments.

An amended Cotton Research and Promotion Order was approved by producers and importers voting in a referendum held July 17-26, 1991, and the amended Order was published in the **Federal Register** on December 10, 1991, (56 FR 64470). Proposed rule implementing the amended Order were published in the **Federal Register** on

December 17, 1991, (56 FR 65450). Implementing rules were published on July 1 and 2, 1992, (57 FR 29181) and (57 FR 29431), respectively.

This proposed rule would increase the value assigned to imported cotton in the Cotton Board Rules and Regulations (7 CFR 1205.510(b)(2)). This value is used to calculate supplemental assessments on imported cotton and the cotton content of imported products. Supplemental assessments are the second part of a two-part assessment. The first part of the assessment is levied on the weight of cotton produced or imported at a rate of \$1 per bale of cotton which is equivalent to 500 pounds or \$1 per 226.8 kilograms of cotton.

Supplemental assessments are levied at a rate of five-tenths of one percent of the value of domestically produced cotton, imported cotton, and the cotton content of imported products. The agency has adopted the practice of assigning the calendar year weighted average price received by U.S. farmers for Upland cotton to represent the value of imported cotton. This is done so that the assessment on domestically produced cotton and the assessment on imported cotton and the cotton content of imported products remain similar. The source for the average price statistic is "Agricultural Prices", a publication of the National Agricultural Statistics Service (NASS) of the Department of Agriculture. Use of the weighted average price figure in the calculation of supplemental assessments on imported cotton and the cotton content of imported products yields an assessment that approximates assessments paid on domestically produced cotton in the prior calendar year.

The current value of imported cotton as published in the **Federal Register** (65 FR 25236) on May 1, 2000, for the purpose of calculating supplemental assessments on imported cotton is \$1.0847 per kilogram. This number was calculated using the annual weighted average price received by farmers for Upland cotton during the calendar year 1999 which was \$0.492 per pound and multiplying by the conversion factor 2.2046. Using the Average Weighted Price Received by U.S. farmers for Upland cotton for the calendar year 2000, which is \$0.504 per pound, the new value of imported cotton is \$1.1111 per kilogram. The proposed value is \$.0264 per kilogram more than the previous value.

An example of the complete assessment formula and how the various figures are obtained is as follows:

One bale is equal to 500 pounds.

One kilogram equals 2.2046 pounds.
One pound equals 0.453597 kilograms.

One Dollar Per Bale Assessment Converted to Kilograms

A 500 pound bale equals 226.8 kg.
(500 x .453597).

\$1 per bale assessment equals
\$0.002000 per pound (1 ÷ 500) or
\$0.004409 per kg. (1 ÷ 226.8).

Supplemental Assessment of ⁵/₁₀ of One Percent of the Value of the Cotton Converted to Kilograms.

The 2000 calendar year weighted average price received by producers for Upland cotton is \$0.504 per pound or \$1.1111 per kg. (0.504 x 2.2046) = 1.1111.

Five tenths of one percent of the average price in kg. equals \$0.005556 per kg. (1.1111 x .005).

Total Assessment

The total assessment per kilogram of raw cotton is obtained by adding the \$1 per bale equivalent assessment of \$0.004409 per kg. and the supplemental assessment \$0.005556 per kg. which equals \$0.009965 per kg.

The current assessment on imported cotton is \$0.009833 per kilogram of imported cotton. The proposed assessment is \$0.009965, an increase of \$0.000132 per kilogram. This increase reflects the increase in the Average Weighted Price of Upland Cotton Received by U.S. Farmers during the period January through December 2000.

Since the value of cotton is the basis of the supplemental assessment calculation and the figures shown in the right hand column of the Import Assessment Table 1205.510(b)(3) are a result of such a calculation, the figures in this table have been revised. These figures indicate the total assessment per kilogram due for each Harmonized Tariff Schedule (HTS) number subject to assessment.

One HTS number subject to assessment pursuant to this regulation and found in the assessment table has been changed. In order to maintain consistency between the HTS and the assessment table, the changes to this one number have been incorporated into the assessment table. The last two digits of this number were changed to provide for statistical reporting purposes and involve no physical change to the products they represent. The assessment rate for the one number has been applied to each of the new replacement numbers in the assessment table. The following table represents the changes:

Old No.	New No.	Conversion factor	Assessment cents/kg.
6303910000	6303910010 6303910020	0.6429 0.6429	0.6406 0.6406

A thirty day comment period is provided to comment on the changes to the Cotton Board Rules and Regulations proposed herein. This period is deemed appropriate because this proposal would slightly raise the assessments paid by importers under the Cotton Research and Promotion Order and would ensure that the measurements collected for imported cotton content products remain similar to those paid on domestically produced cotton. Accordingly, the change proposed in this rule, if adopted, should be implemented as soon as possible.

List of Subjects in 7 CFR Part 1205

Advertising, Agricultural research, Cotton, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, it is proposed that 7 CFR Part 1205 be amended as follows:

PART 1205—COTTON RESEARCH AND PROMOTION

1. The authority citation for Part 1205 continues to read as follows:

Authority: 7 U.S.C. 2101–2118.

2. In § 1205.510, paragraph (b)(2) and the table in paragraph (b)(3)(ii) are revised to read as follows:

§ 1205.510 Levy of assessments.

* * * * *

(b) * * *

(2) The 12-month average of monthly weighted average prices received by U.S. farmers will be calculated annually. Such weighted average will be used as the value of imported cotton for the purpose of levying the supplemental assessment on imported cotton and will be expressed in kilograms. The value of imported cotton for the purpose of levying this supplemental assessment is \$0.9965 per kilogram.

(3) * * *

(ii) * * *

IMPORT ASSESSMENT TABLE

[Raw Cotton Fiber]

HTS No.	Conv. fact.	Cents/kg.
5201000500	0	0.9965
5201001200	0	0.9965
5201001400	0	0.9965
5201001800	0	0.9965
5201002200	0	0.9965
5201002400	0	0.9965

IMPORT ASSESSMENT TABLE— Continued [Raw Cotton Fiber]

HTS No.	Conv. fact.	Cents/kg.
5201002800	0	0.9965
5201003400	0	0.9965
5201003800	0	0.9965
5204110000	1.1111	1.1072
5204200000	1.1111	1.1072
5205111000	1.1111	1.1072
5205112000	1.1111	1.1072
5205121000	1.1111	1.1072
5205122000	1.1111	1.1072
5205131000	1.1111	1.1072
5205132000	1.1111	1.1072
5205141000	1.1111	1.1072
5205210020	1.1111	1.1072
5205210090	1.1111	1.1072
5205220020	1.1111	1.1072
5205220090	1.1111	1.1072
5205230020	1.1111	1.1072
5205230090	1.1111	1.1072
5205240020	1.1111	1.1072
5205240090	1.1111	1.1072
5205310000	1.1111	1.1072
5205320000	1.1111	1.1072
5205330000	1.1111	1.1072
5205340000	1.1111	1.1072
5205410020	1.1111	1.1072
5205410090	1.1111	1.1072
5205420020	1.1111	1.1072
5205420090	1.1111	1.1072
5205440020	1.1111	1.1072
5205440090	1.1111	1.1072
5206120000	0.5556	0.5537
5206130000	0.5556	0.5537
5206140000	0.5556	0.5537
5206220000	0.5556	0.5537
5206230000	0.5556	0.5537
5206240000	0.5556	0.5537
5206310000	0.5556	0.5537
5207100000	1.1111	1.1072
5207900000	0.5556	0.5537
5208112020	1.1455	1.1415
5208112040	1.1455	1.1415
5208112090	1.1455	1.1415
5208114020	1.1455	1.1415
5208114060	1.1455	1.1415
5208114090	1.1455	1.1415
5208118090	1.1455	1.1415
5208124020	1.1455	1.1415
5208124040	1.1455	1.1415
5208124090	1.1455	1.1415
5208126020	1.1455	1.1415
5208126040	1.1455	1.1415
5208126060	1.1455	1.1415
5208126090	1.1455	1.1415
5208128020	1.1455	1.1415
5208128090	1.1455	1.1415
5208130000	1.1455	1.1415
5208192020	1.1455	1.1415
5208192090	1.1455	1.1415
5208194020	1.1455	1.1415
5208194090	1.1455	1.1415
5208196020	1.1455	1.1415
5208196090	1.1455	1.1415

IMPORT ASSESSMENT TABLE— Continued [Raw Cotton Fiber]

HTS No.	Conv. fact.	Cents/kg.
5208224040	1.1455	1.1415
5208224090	1.1455	1.1415
5208226020	1.1455	1.1415
5208226060	1.1455	1.1415
5208228020	1.1455	1.1415
5208230000	1.1455	1.1415
5208292020	1.1455	1.1415
5208292090	1.1455	1.1415
5208294090	1.1455	1.1415
5208296090	1.1455	1.1415
5208298020	1.1455	1.1415
5208312000	1.1455	1.1415
5208321000	1.1455	1.1415
5208323020	1.1455	1.1415
5208323040	1.1455	1.1415
5208323090	1.1455	1.1415
5208324020	1.1455	1.1415
5208324040	1.1455	1.1415
5208325020	1.1455	1.1415
5208330000	1.1455	1.1415
5208392020	1.1455	1.1415
5208392090	1.1455	1.1415
5208394090	1.1455	1.1415
5208396090	1.1455	1.1415
5208398020	1.1455	1.1415
5208412000	1.1455	1.1415
5208416000	1.1455	1.1415
5208418000	1.1455	1.1415
5208421000	1.1455	1.1415
5208423000	1.1455	1.1415
5208424000	1.1455	1.1415
5208425000	1.1455	1.1415
5208430000	1.1455	1.1415
5208492000	1.1455	1.1415
5208494020	1.1455	1.1415
5208494090	1.1455	1.1415
5208496010	1.1455	1.1415
5208496090	1.1455	1.1415
5208498090	1.1455	1.1415
5208512000	1.1455	1.1415
5208516060	1.1455	1.1415
5208518090	1.1455	1.1415
5208523020	1.1455	1.1415
5208523045	1.1455	1.1415
5208523090	1.1455	1.1415
5208524020	1.1455	1.1415
5208524045	1.1455	1.1415
5208524065	1.1455	1.1415
5208525020	1.1455	1.1415
5208530000	1.1455	1.1415
5208592025	1.1455	1.1415
5208592095	1.1455	1.1415
5208594090	1.1455	1.1415
5208596090	1.1455	1.1415
5209110020	1.1455	1.1415
5209110035	1.1455	1.1415
5209110090	1.1455	1.1415
5209120020	1.1455	1.1415
5209120040	1.1455	1.1415
5209190020	1.1455	1.1415
5209190040	1.1455	1.1415
5209190060	1.1455	1.1415

IMPORT ASSESSMENT TABLE—
Continued
[Raw Cotton Fiber]

HTS No.	Conv. fact.	Cents/ kg.
6206303040	0.9961	0.9926
6206303050	0.9961	0.9926
6206303060	0.9961	0.9926
6206403010	0.3113	0.3102
6206403030	0.3113	0.3102
6206900040	0.249	0.2481
6207110000	1.0852	1.0814
6207199010	0.3617	0.3604
6207210010	1.1085	1.1046
6207210030	1.1085	1.1046
6207220000	0.3695	0.3682
6207911000	1.1455	1.1415
6207913010	1.1455	1.1415
6207913020	1.1455	1.1415
6208210010	1.0583	1.0546
6208210020	1.0583	1.0546
6208220000	0.1245	0.1241
6208911010	1.1455	1.1415
6208911020	1.1455	1.1415
6208913010	1.1455	1.1415
6209201000	1.1577	1.1536
6209203000	0.9749	0.9715
6209205030	0.9749	0.9715
6209205035	0.9749	0.9715
6209205040	1.2186	1.2143
6209205045	0.9749	0.9715
6209205050	0.9749	0.9715
6209303020	0.2463	0.2454
6209303040	0.2463	0.2454
6210109010	0.2291	0.2283
6210403000	0.0391	0.039
6210405020	0.4556	0.454
6211111010	0.1273	0.1269
6211111020	0.1273	0.1269
6211118010	1.1455	1.1415
6211118020	1.1455	1.1415
6211320007	0.8461	0.8431
6211320010	1.0413	1.0377
6211320015	1.0413	1.0377
6211320030	0.9763	0.9729
6211320060	0.9763	0.9729
6211320070	0.9763	0.9729
6211330010	0.3254	0.3243
6211330030	0.3905	0.3891
6211330035	0.3905	0.3891
6211330040	0.3905	0.3891
6211420010	1.0413	1.0377
6211420020	1.0413	1.0377
6211420025	1.1715	1.1674
6211420060	1.0413	1.0377
6211420070	1.1715	1.1674
6211430010	0.2603	0.2594
6211430030	0.2603	0.2594
6211430040	0.2603	0.2594
6211430050	0.2603	0.2594
6211430060	0.2603	0.2594
6211430066	0.2603	0.2594
6212105020	0.2412	0.2404
6212109010	0.9646	0.9612
6212109020	0.2412	0.2404
6212200020	0.3014	0.3003
6212900030	0.1929	0.1922
6213201000	1.1809	1.1768
6213202000	1.0628	1.0591
6213901000	0.4724	0.4707
6214900010	0.9043	0.9011
6216000800	0.2351	0.2343
6216001720	0.6752	0.6728
6216003800	1.2058	1.2016

IMPORT ASSESSMENT TABLE—
Continued
[Raw Cotton Fiber]

HTS No.	Conv. fact.	Cents/ kg.
6216004100	1.2058	1.2016
6217109510	1.0182	1.0146
6217109530	0.2546	0.2537
6301300010	0.8766	0.8735
6301300020	0.8766	0.8735
6302100005	1.1689	1.1648
6302100008	1.1689	1.1648
6302100015	1.1689	1.1648
6302215010	0.8182	0.8153
6302215020	0.8182	0.8153
6302217010	1.1689	1.1648
6302217020	1.1689	1.1648
6302217050	1.1689	1.1648
6302219010	0.8182	0.8153
6302219020	0.8182	0.8153
6302219050	0.8182	0.8153
6302222010	0.4091	0.4077
6302222020	0.4091	0.4077
6302313010	0.8182	0.8153
6302313050	1.1689	1.1648
6302315050	0.8182	0.8153
6302317010	1.1689	1.1648
6302317020	1.1689	1.1648
6302317040	1.1689	1.1648
6302317050	1.1689	1.1648
6302319010	0.8182	0.8153
6302319040	0.8182	0.8153
6302319050	0.8182	0.8153
6302322020	0.4091	0.4077
6302322040	0.4091	0.4077
6302402010	0.9935	0.99
6302511000	0.5844	0.5824
6302512000	0.8766	0.8735
6302513000	0.5844	0.5824
6302514000	0.8182	0.8153
6302600010	1.1689	1.1648
6302600020	1.052	1.0483
6302600030	1.052	1.0483
6302910005	1.052	1.0483
6302910015	1.1689	1.1648
6302910025	1.052	1.0483
6302910035	1.052	1.0483
6302910045	1.052	1.0483
6302910050	1.052	1.0483
6302910060	1.052	1.0483
6303110000	0.9448	0.9415
6303910010	0.6429	0.6406
6303910020	0.6429	0.6406
6304111000	1.0629	1.0592
6304190500	1.052	1.0483
6304191000	1.1689	1.1648
6304191500	0.4091	0.4077
6304192000	0.4091	0.4077
6304910020	0.9351	0.9318
6304920000	0.9351	0.9318
6505901540	0.181	0.1804
6505902060	0.9935	0.99
6505902545	0.5844	0.5824

* * * * *

Dated: August 7, 2001.

Kenneth C. Clayton,
*Acting Administrator, Agricultural Marketing
Service.*

[FR Doc. 01-20188 Filed 8-10-01; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF AGRICULTURE
Agricultural Marketing Service

7 CFR Part 1230

[No. LS-01-02]

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

AGENCY: Agricultural Marketing Service,
USDA.

ACTION: Proposed rule.

SUMMARY: Pursuant to the Pork Promotion, Research, and Consumer Information Act of 1985 (Act) and the Pork Promotion, Research, and Consumer Information Order (Order) issued thereunder, this proposed rule would increase by seven-hundredths to one-tenth of a cent per pound the amount of the assessment per pound due on imported pork and pork products to reflect an increase in the 2000 average price for domestic barrows and gilts. This proposed action would bring 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 proposed changes will facilitate the continued collection of assessments on imported porcine animals, pork, and pork products.

DATES: Comments must be received by September 12, 2001.

ADDRESSES: Send two copies of comments to Ralph L. Tapp, Chief; Marketing Programs Branch, Room 2627-S; Livestock and Seed Program; Agricultural Marketing Service (AMS), USDA; STOP 0251; 1400 Independence Avenue, SW.; Washington, DC 20250-0251. Comments will be available for public inspection during regular business hours at the above office in Room 2627 South Building; 14th and Independence Avenue, SW.; Washington, DC.

FOR FURTHER INFORMATION CONTACT:
Ralph L. Tapp, Chief, Marketing Programs Branch, 202/720-1115.

SUPPLEMENTARY INFORMATION:

**Executive Orders 12866 and 12988 and
Regulatory Flexibility Act**

This proposed rule has been determined not significant for purposes of Executive Order 12866 and therefore has not been reviewed by the Office of Management and Budget.

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. This proposal is not intended to have a retroactive effect.