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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 2001 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 2001 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 27, 2001.

**FOR FURTHER INFORMATION CONTACT:** Richard P. Warsack, Dairy Import Quota Manager, Import Policies and Programs

Division, STOP 1021, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Washington, D.C. 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 Programs Group, 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 2001 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, D.C. the 17th day of April, 2001.

**Richard P. Warsack,**  
*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 (Quantities in Kilograms)\*

Article by additional U.S. note number and country of origin	Appendix 1	Appendix 2	Appendix 3	
			Tokyo Round	Uruguay Round
<b>Non-Cheese Articles</b>				
Butter (Note 6) .....	5,592,278	1,384,722	.....	.....
EU-15 .....	81,153	15,008	.....	.....
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	.....	.....	.....
Canada .....	161,161	.....	.....	.....
New Zealand .....	63,820	.....	.....	.....
Butter Substitutes containing over 45 percent of butterfat and/or butter oil (Note 14) .....	.....	6,080,500	.....	.....

Article by additional U.S. note number and country of origin	Appendix 1	Appendix 2	Appendix 3	
			Tokyo Round	Uruguay Round
Any Country .....		6,080,500		
Total: Non-Cheese Articles .....	6,420,510	15,444,271		
<b>Cheese Articles</b>				
Cheese and substitutes for cheese (except cheese not containing cow's milk and soft ripened cow's milk cheese, 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) .....	23,832,227	7,638,504	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 .....	15,596,462	6,735,970	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 .....	4,516,178	299,294	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 .....	130,635	71,000		
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) .....	2,865,287	300,266	357,003	
Australia .....	839,370	41,628	119,002	
EU-15 .....	190,758	163,242		
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) .....	5,296,988	309,414		1,210,000
Argentina .....	119,003	5,997		110,000
Czech Republic .....				100,000
EU-15 .....	5,038,266	250,734		1,000,000
Norway .....	114,318	52,682		
Other Countries .....	25,401	1		
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) .....	6,531,696	988,851	795,517	5,165,000
Argentina .....	3,962,921	162,562	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 .....	13,000	64		

Article by additional U.S. note number and country of origin	Appendix 1	Appendix 2	Appendix 3	
			Tokyo Round	Uruguay Round
Swiss or Emmentaler cheese other than with eye formation, Gruyere-process cheese and cheese and substitutes for cheese containing, or processed from, such cheeses (Note 22) .....	5,767,170	884,144	823,519	380,000
EU-15 .....	4,358,468	793,526	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) .....	3,843,537	581,371	1,050,000	.....
EU-15 .....	3,680,293	569,707	.....	.....
New Zealand .....	.....	.....	1,000,000	.....
Israel .....	.....	.....	50,000	.....
Poland .....	163,243	11,664	.....	.....
Other Countries .....	1	.....	.....	.....
Swiss or Emmentaler cheese with eye formation (Note 25) .....	18,267,179	4,030,152	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 .....	13,265,347	3,211,481	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	.....	.....
<b>Total: Cheese Articles</b> .....	<b>72,390,001</b>	<b>15,511,642</b>	<b>22,764,145</b>	<b>24,921,000</b>

\* Articles Subject to: Appendix 1, Historical Licenses; Appendix 2, Nonhistorical Licenses; and Appendix 3, Designated Importer Licenses for Quota Year 2001

[FR Doc. 01-10296 Filed 4-26-01; 8:45 am]  
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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

**7 CFR Parts 300, 301, 302, 318, 319, 322, 330, 340, 351, 352, 353, 354, 355, 356, 360, 361, 371, 372, 380**

**9 CFR Parts 1, 2, 3, 11, 49, 50, 51, 52, 53, 54, 70, 71, 72, 73, 74, 75, 77, 79, 80, 82, 85, 89, 91, 92, 94, 95, 96, 97, 98, 99, 101, 102, 103, 104, 105, 106, 107, 108, 109, 112, 113, 114, 115, 116, 117, 118, 122, 123, 124, 145, 147, 151, 156, 160, 161, 162, 166, 167**

[Docket No. 00-063-2]

### Plant Protection Act; Revisions to Authority Citations

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** We are amending the regulations in title 7, chapter III, and title 9, chapter I, to reflect the enactment of the Plant Protection Act (Pub. L. 106-224, 114 Stat. 438, 7 U.S.C. 7701-7772)

in our lists of legal authorities. We are also removing or revising citations and references to plant protection and quarantine statutes that were repealed as a result of the enactment of this law. In addition, we are updating the authority citations throughout our regulations in titles 7 and 9, where appropriate, to remove duplicative or outdated citations and to reflect recent changes to the internal organization, functions, and delegations of authority within the Animal and Plant Health Inspection Service. We are also making other nonsubstantive editorial changes in the regulations for the sake of clarity.

**EFFECTIVE DATE:** April 27, 2001.

**FOR FURTHER INFORMATION CONTACT:** Ms. Cynthia Howard, Chief, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737-1238, (301) 734-5957.

#### SUPPLEMENTARY INFORMATION:

##### Background

In a final rule published in the **Federal Register** on August 14, 2000 (65 FR 49471-49472, Docket No. 00-063-1), the Secretary of Agriculture delegated to the Animal and Plant Health Inspection Service (APHIS) the authority to carry out title IV of the Agricultural Risk

Protection Act of 2000, known as the Plant Protection Act (PPA) (Title IV, Pub. L. 106-224, 114 Stat. 438, 7 U.S.C. 7701-7772). In that final rule, we also stated our intent to further amend titles 7 and 9 of the Code of Federal Regulations (referred to below as the regulations) in a separate rulemaking action to reflect the PPA in our lists of legal authorities and to make any other changes deemed necessary as a result of the enactment of that law. Accordingly, we are now amending the regulations to reference the PPA in the authority citations, and we are removing references to statutes that were repealed upon enactment of the PPA.

The PPA repealed the following statutes:

1. The Plant Quarantine Act (7 U.S.C. 151-164a, 167);
2. The Federal Plant Pest Act (7 U.S.C. 150aa *et seq.*, 7 U.S.C. 147a note);
3. Parts of the Federal Noxious Weed Act of 1974 (7 U.S.C. 2802 through 2813). Section 1 and section 15 of the Federal Noxious Weed Act were not repealed (7 U.S.C. 2801 note; 7 U.S.C. 2814);
4. The Mexican Border Act (7 U.S.C. 149);
5. The Insect Control Act (7 U.S.C. 148 *et seq.*);