

Notices

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This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Determination of Total Amounts and Quota Period for Tariff-Rate Quotas for Raw Cane Sugar and Certain Imported Sugars, Syrups, and Molasses

AGENCY: Office of the Secretary, USDA.

ACTION: Notice.

SUMMARY: This notice establishes the aggregate quantity of 1,254,983 metric tons raw value of sugar that may be entered under the provisions of additional U.S. note 5(a) of the Harmonized Tariff Schedule of the United States (HTS) during fiscal year (FY) 2002. The following quantities are established for entry: 1,117,195 metric tons raw value of raw sugar under subheading 1701.11.10 of the HTS; 34,000 metric tons raw value of certain sugars, syrups, and molasses under subheadings 1701.12.10, 1701.91.10, 1701.99.10, 1702.90.10, and 2106.90.44; and 137,788 metric tons raw value of sugar from Mexico in accordance with the terms of the North American Free Trade Agreement (NAFTA).

EFFECTIVE DATE: April 15, 2002.

ADDRESSES: Inquiries may be mailed or delivered to the Import Policies and Programs Division Director, Foreign Agricultural Service, AgStop 1021, South Building, U.S. Department of Agriculture, Washington, DC 20250-1021.

FOR FURTHER INFORMATION CONTACT: Richard Blabey (Division Director, Import Policy and Programs Division), 202-720-2916.

SUPPLEMENTARY INFORMATION:

Paragraph (a)(i) of additional U.S. note 5 to chapter 17 of the HTS provides, in pertinent part, as follows:

The aggregate quantity of raw cane sugar entered, or withdrawn from warehouse for consumption, under subheading 1701.11.10, during any

fiscally year, shall not exceed in the aggregate an amount (expressed in terms of raw value), not less than 1,117,195 metric tons, as shall be established by the Secretary of Agriculture * * *, and the aggregate quantity of sugars, syrups and molasses entered, or withdrawn from warehouse for consumption, under subheading 1701.12.10, 1701.91.10, 1701.99.10, 1702.90.10 and 2106.90.44, during any fiscal year, shall not exceed in the aggregate an amount (expressed in terms of raw value), not less than 22,000 metric tons, as shall be established by the Secretary. With either the aggregate quantity for raw cane sugar or the aggregate quantity for sugars, syrups and molasses other than raw cane sugar, the Secretary may reserve a quota quantity for the importation of specialty sugars as defined by the United States Trade Representative.

These provisions of paragraph (a)(i) of additional U.S. note 5 to chapter 17 of the HTS authorize the Secretary of Agriculture to establish the total amounts (expressed in terms of raw value) for imports of raw cane sugar and certain other sugars, syrups, and molasses that may be entered under the subheadings of the HTS subject to the lower tier of duties of the tariff-rate quotas (TRQs) for entry during the fiscal year beginning October 1. Allocations of the quota amounts among supplying countries and areas will be made by the United States Trade Representative.

Notice

I hereby give notice, in accordance with paragraph (a)(i) of additional U.S. note 5 to chapter 17 of the HTS, that an aggregate quantity of up to 1,254,983 metric tons, raw value, of raw cane sugar described in subheading 1701.11.10 of the HTS may be entered or withdrawn from warehouse for consumption during the period from October 1, 2001, through September 30, 2002. This TRQ amount may be allocated among supplying countries and areas by the United States Trade Representative.

I will issue Certificates of Quota Eligibility (CQEs) to allow Brazil, the Dominican Republic, and the Philippines to ship up to 25 percent of their respective initial country allocations at the low-tier tariff during each quarter of FY 2002. I will allow Mexico to ship up to 15 percent, 35

percent, 35 percent, and 15 percent of its NAFTA allocation during each quarter of FY 2002. Argentina, Australia, Guatemala, and Peru will be allowed to ship up to 50 percent of their respective initial country allocations in the first 6 months of FY 2002. Unentered allocations, during any quarter or 6-month period, may be entered in any subsequent period. For all other countries, CQEs corresponding to their respective country allocations may be entered at the low-tier tariff at any time during the fiscal year.

I have further determined that an aggregate quantity of up to 171,788 metric tons raw value of certain sugars, syrups, and molasses described in subheadings 1701.12.10, 1701.91.10, 1701.99.10, 1702.90.10, and 2106.90.44 of the HTS may be entered or withdrawn from warehouse for consumption during the period from October 1, 2001 through September 30, 2002. I have further determined that out of this quantity of 171,788 metric tons, the quantity of 13,656 metric tons raw value is reserved for the importation of specialty sugars. These TRQ amounts may be allocated among supplying countries and areas by the United States Trade Representative.

Mexico's NAFTA access of 137,788 metric tons raw value may enter the U.S. market as either raw or refined sugar, pursuant to Annex 703.2 of the NAFTA.

Signed at Washington, D.C. on April 9, 2002.

Ann M. Veneman,

Secretary of Agriculture.

[FR Doc. 02-9054 Filed 4-12-02; 8:45 am]

BILLING CODE 3410-10-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Docket Number: FV-02-331]

United States Standards for Grades of Canned Apples

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice; withdrawal.

SUMMARY: The Agricultural Marketing Service (AMS) published a notice soliciting comments on its proposed revision to change the United States Standards for Grades of Canned Apples.

Specifically, AMS proposed to lower the recommended drained weight for canned apples packed in No. 10 cans. After reviewing the Agency has decided to withdraw the proposal and terminate the action.

EFFECTIVE DATE: April 15, 2002.

FOR FURTHER INFORMATION CONTACT:

Randle A. Macon, Processed Products Branch, Fruit and Vegetable Programs, Agricultural Marketing Service, U.S. Department of Agriculture, Room 0709, South Building; STOP 0247, 1400 Independence Avenue SW; Washington, DC. 20250; faxed to (202) 690-1527; or e-mailed to Randle.Macon@usda.gov.

The United States Standards for Canned Apples is available either through the address cited above or by accessing the AMS Home Page on the Internet at <http://www.ams.usda.gov/fv/ppb.html>.

SUPPLEMENTARY INFORMATION:

Background

AMS received petitions from Independent Food Processors Company of Sunnyside, Washington; and Snokist Growers of Yakima, Washington, requesting the revision of the United States Standards for Grades of Canned Apples. The two petitioners represent a significant part of the Pacific Northwest apple industry. The Pacific Northwest apple industry provides almost half of the apples produced domestically.¹

The petitions stated that the recommended drained weight of 96 ounces for apples packed in No. 10 size cans, in the U.S. Standards for Grades of Canned Apples, was difficult to obtain and places the Pacific Northwest processors at an economic disadvantage in bidding for government and non-government contracts. The reasons given for this disparity were that the varietal types of apples and the growing conditions in the Northwest region are different from other apple producing regions around the country.

The petitioners also stated that to meet the standard when packing certain varieties of apples, the cans are over-filled. This condition may cause damage to the sliced apples which may cause the slices to be graded as less than "Grade A."

Petitioners went on to state that to meet USDA recommended requirements for drained weight, some processors may be required to put more product into the can, causing economic hardship, damage to the product, and sometimes loss of the integrity of the can seal. If the seal's integrity was lost during processing, the product's wholesomeness was jeopardized.

USDA reviewed the petitions and data submitted, and had gathered additional information from relevant government agencies and industry sources including growers, processors, and buyers. Based on this information, USDA found that there may be a disparity between the drained weights for canned apples from Pacific Northwest processors and those from other sections of the country.

The Department therefore proposed to lower the recommended drained weight for apples packed No. 10 size cans, from 96 ounces to 92 ounces in the U.S. Standards for Grades of Canned Apples.

Based on that information, the USDA published a notice in the **Federal Register**, on December 24, 1997 (62 FR 67326), proposing to revise the U.S. Standards for Grades of Canned Apples by lowering the recommended drained weight for sliced apples packed in No. 10 size cans, from 96 ounces to 92 ounces.

A 60 day comment period was provided for interested persons to send in comments on this recommended change to the Standards. The USDA received 19 comments responding to the notice from a wide range of sources, including trade associations, government agencies, and manufacturers. There were also comments from members of Congress which were received after the 60 day comment period had closed.

Commenters responding in favor of lowering the recommended drained weight for sliced apples packed in No. 10 size cans from 96 ounces to 92 ounces, stated that this change was necessary because the current U.S. standards puts Pacific Northwest processors at an economic disadvantage in bidding for government and non-government contracts. The reason given was that the varietal types of apples and the growing conditions in the Northwest region are different from other apple producing regions around the country. The Pacific Northwest varieties are high quality larger and firmer apples that do not pack down in the can as well as the smaller variety apples from other growing areas regardless of cut. The commenters state that to meet the standard when packing No. 10 size containers, the cans are over-filled. This condition causes damage to the sliced apples upon closure of the can which may cause the slices to be graded as less than "Grade A." This over-filled condition may lead to loss of the integrity of the can seal. If the seal's integrity is lost during processing, the product's wholesomeness is jeopardized.

Another commenter, in favor of the change, stated that in order for Pacific

Northwest apple processors to meet the recommended drained weight for sliced apples packed in No. 10 size cans, they would have to use smaller and softer (lower quality) apples when packing this product.

Of the opposing comments received, there was one central concern that was raised by most of the commenters. Most asserted that lowering the recommended drained weight for sliced apples packed in No. 10 size cans, from 96 ounces to 92 ounces, will lead to inferior quality sliced apples being utilized resulting in a negative impact on the sliced apple market. This, in turn would cause a decrease in apple consumption by the consumer.

The comments from members of Congress, which were received after the 60 day comment period had closed, echoed the same concern that lowering the recommended drained weight for sliced apples packed in No. 10 size cans, from 96 ounces to 92 ounces, would lead to inferior quality sliced apples being utilized. This action could also result in job and production losses.

One commenter stated that lowering the recommended drained weight for sliced apples packed in No. 10 size cans, might cause processors outside of the Pacific Northwest to produce canned sliced apples that will seem not completely filled or slack filled which will also result in a negative consumer reaction. At the same time, Pacific Northwest packs might be viewed as superior because the cans are always full.

The comments reflect a diverse spectrum of views on both sides of the issue as well as considerable opposition within the industry, to the proposed amendments. After reviewing and considering the comments, The Department has decided not to proceed with this action, but will consider any additional views or recommendations from the industry. Therefore, the proposed revision as published in the December 24, 1997, notice is withdrawn.

Dated: April 9, 2002.

A.J. Yates,

Administrator, Agricultural Marketing Service.

[FR Doc. 02-9053 Filed 4-12-02; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Forest Service

Information Collection; Ride-Along Program

AGENCY: Forest Service, USDA.

¹ Source—USDA, NASS, ASB.