

# Rules and Regulations

Federal Register

Vol. 74, No. 156

Friday, August 14, 2009

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## 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 2009 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 2009 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.

**DATES:** *Effective Date:* August 14, 2009.

**FOR FURTHER INFORMATION CONTACT:** Jorge Martinez, Dairy Import Licensing Program, Import Policies and Export Reporting Division, STOP 1021, U.S. Department of Agriculture, 1400

Independence Avenue, SW., Washington, DC 20250-1021 or telephone at (202) 720-9439 or e-mail at [jorge.martinez@fas.usda.gov](mailto:jorge.martinez@fas.usda.gov).

**SUPPLEMENTARY INFORMATION:** The Foreign Agricultural Service (FAS), 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 Export Reporting Division, Foreign Agricultural Service, U.S. Department of Agriculture, issues these licenses and, in conjunction with U.S. Customs and Border Protection, U.S. Department of Homeland Security, 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 2009 tariff-rate quota year.

#### List of Subjects in 7 CFR Part 6

Agricultural commodities, Cheese, Dairy products, Imports, Reporting and recordkeeping requirements.

Issued at Washington, DC, the 13th day of July 2009.

**Ronald Lord,**  
*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), Public Law 97-258, 96 Stat. 1051, as amended (31 U.S.C. 9701), and secs. 103 and 404, Public Law 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 2009

[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) .....	5,278,428	1,698,572	.....	.....
EU-25 .....	75,459	20,702	.....	.....
New Zealand .....	111,671	38,922	.....	.....
Other Countries .....	52,986	20,949	.....	.....
Any Country .....	5,038,312	1,617,999	.....	.....
DRIED SKIM MILK (NOTE 7) .....	.....	5,261,000	.....	.....
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) .....	11,000	213,981	.....	.....
Canada .....	.....	161,161	.....	.....

ARTICLES SUBJECT TO: APPENDIX 1, HISTORICAL LICENSES; APPENDIX 2, NONHISTORICAL LICENSES; AND APPENDIX 3, DESIGNATED IMPORTER LICENSES FOR QUOTA YEAR 2009—Continued

[Quantities in kilograms]

Article by additional U.S. note number and country of origin	Appendix 1	Appendix 2	Appendix 3	
			Tokyo round	Uruguay round
New Zealand .....	11,000	52,820	.....	.....
BUTTER SUBSTITUTES CONTAINING OVER 45 PERCENT OF BUTTERFAT AND/OR BUTTER OIL (NOTE 14) .....	.....	6,080,500	.....	.....
Any Country .....	.....	6,080,500	.....	.....
<b>TOTAL: NON-CHEESE ARTICLES .....</b>	<b>5,292,603</b>	<b>16,572,178</b>	.....	.....
<b>CHEESE ARTICLES</b>				
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) .....				
.....	23,018,053	8,451,678	9,661,128	7,496,000
Argentina .....	7,690	.....	92,310	.....
Australia .....	535,628	5,542	758,830	1,750,000
Canada .....	1,013,777	127,223	.....	.....
Costa Rica .....	.....	.....	.....	1,550,000
EU-25 .....	15,878,329	7,389,327	1,132,568	3,446,000
Of which Portugal is .....	65,838	63,471	223,691	.....
Israel .....	79,696	.....	593,304	.....
Iceland .....	294,000	.....	29,000	.....
New Zealand .....	4,389,093	426,379	6,506,528	.....
Norway .....	124,982	25,018	.....	.....
Switzerland .....	593,952	77,460	548,588	500,000
Uruguay .....	.....	.....	.....	250,000
Other Countries .....	100,906	100,729	.....	.....
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) ..				
.....	2,285,947	195,054	.....	430,000
Argentina .....	2,000	.....	.....	.....
EU-25 .....	2,283,946	195,054	.....	350,000
Chile .....	.....	.....	.....	80,000
Other Countries .....	1	.....	.....	.....
CHEDDAR CHEESE, AND CHEESE AND SUBSTITUTES FOR CHEESE CONTAINING, OR PROCESSED FROM, CHEDDAR CHEESE (NOTE 18) .....				
.....	3,596,515	687,341	519,033	7,620,000
Australia .....	916,205	68,294	215,501	1,250,000
Chile .....	.....	.....	.....	220,000
EU-25 .....	52,404	210,596	.....	1,050,000
New Zealand .....	2,525,360	271,108	303,532	5,100,000
Other Countries .....	102,546	37,343	.....	.....
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) .....				
.....	2,720,253	445,300	357,003	.....
Australia .....	780,380	100,618	119,002	.....
EU-25 .....	145,148	208,852	.....	.....
New Zealand .....	1,644,084	117,915	238,001	.....
Other Countries .....	150,641	17,915	.....	.....
EDAM AND GOUDA CHEESE, AND CHEESE AND SUBSTITUTES FOR CHEESE CONTAINING, OR PROCESSED FROM, EDAM AND GOUDA CHEESE (NOTE 20) .....				
.....	5,135,020	471,382	.....	1,210,000
Argentina .....	110,495	14,505	.....	110,000
EU-25 .....	4,905,445	383,555	.....	1,100,000
Norway .....	114,318	52,682	.....	.....
Other Countries .....	4,762	20,640	.....	.....
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) .....				
.....	6,411,744	1,108,803	795,517	5,165,000
Argentina .....	3,915,276	210,207	367,517	1,890,000
EU-25 .....	2,496,468	885,532	.....	2,025,000
Romania .....	.....	.....	.....	500,000

ARTICLES SUBJECT TO: APPENDIX 1, HISTORICAL LICENSES; APPENDIX 2, NONHISTORICAL LICENSES; AND APPENDIX 3, DESIGNATED IMPORTER LICENSES FOR QUOTA YEAR 2009—Continued

[Quantities in kilograms]

Article by additional U.S. note number and country of origin	Appendix 1	Appendix 2	Appendix 3	
			Tokyo round	Uruguay round
Uruguay .....	.....	.....	428,000	750,000
Other Countries .....	.....	13,064	.....	.....
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) .....	5,341,056	1,310,258	823,519	380,000
EU-25 .....	4,071,866	1,080,128	393,006	380,000
Switzerland .....	1,235,692	183,795	430,513	.....
Other Countries .....	33,498	46,335	.....	.....
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) .....	1,867,826	2,557,092	1,050,000	.....
EU-25 .....	1,867,825	2,557,092	.....	.....
Israel .....	.....	.....	50,000	.....
New Zealand .....	.....	.....	1,000,000	.....
Other Countries .....	1	.....	.....	.....
SWISS OR EMMENTHALER CHEESE WITH EYE FORMATION (NOTE 25) .....	15,999,980	6,297,351	9,557,945	2,620,000
Argentina .....	.....	9,115	70,885	.....
Australia .....	209,698	.....	290,302	.....
Canada .....	.....	.....	70,000	.....
EU-25 .....	11,188,057	5,288,771	4,003,172	2,420,000
Iceland .....	149,999	.....	150,001	.....
Israel .....	27,000	.....	.....	.....
Norway .....	3,187,264	468,046	3,227,690	.....
Switzerland .....	1,178,377	505,728	1,745,895	200,000
Other Countries .....	59,585	25,691	.....	.....
<b>TOTAL: CHEESE ARTICLES</b> .....	<b>66,376,394</b>	<b>21,524,259</b>	<b>22,764,145</b>	<b>24,921,000</b>

[FR Doc. E9-19529 Filed 8-13-09; 8:45 am]  
BILLING CODE 3410-10-P

**DEPARTMENT OF COMMERCE**

**Bureau of Economic Analysis**

**15 CFR Part 801**

[Docket No. 0807311007-91137-02]

RIN 0691-AA69

**International Services Surveys: BE-140, Benchmark Survey of Insurance Transactions by U.S. Insurance Companies with Foreign Persons**

**AGENCY:** Bureau of Economic Analysis, Commerce.

**ACTION:** Final rule.

**SUMMARY:** This final rule amends the Bureau of Economic Analysis' (BEA) regulations to set forth the reporting requirements for a new mandatory Benchmark Survey of Insurance Transactions by U.S. Insurance Companies with Foreign Persons. The survey will collect data on cross-border reinsurance and other insurance transactions from U.S. insurance

companies. The BE-140 survey will be conducted every five years with the first survey covering calendar year 2008. The BE-140 survey data will be used by BEA to estimate the insurance services component of the U.S. International Transactions Accounts (ITAs) and other economic accounts compiled by BEA.

**DATES:** This final rule will be effective September 14, 2009.

**FOR FURTHER INFORMATION CONTACT:** Chris Emond, Chief, Special Surveys Branch, Balance of Payments Division, (BE-50) Bureau of Economic Analysis, U.S. Department of Commerce, Washington, DC 20230; e-mail; or phone (202) 606-9826.

**SUPPLEMENTARY INFORMATION:** In the April 10, 2009 *Federal Register* (74 FR 16337), BEA published a notice of proposed rulemaking to amend 15 CFR 801.9(a) to set forth the reporting requirements for a new mandatory survey entitled BE-140, Benchmark Survey of Insurance Transactions by U.S. Insurance Companies with Foreign Persons. No comments were received on the proposed rule. Thus, the proposed rule is adopted without change.

**Description of Changes**

The BE-140 survey is a mandatory survey and will be conducted by BEA every five years, with the first survey covering calendar year 2008, pursuant to the authority provided in the International Investment and Trade in Services Survey Act (22 U.S.C. 3101-3108), hereinafter, "the Act." For the initial survey, BEA will send the survey to potential respondents in September of 2009; responses will be due by December 1, 2009.

The BE-140 survey will collect information from U.S. insurance companies on the following covered transactions: Reinsurance assumed from or ceded to insurance companies resident abroad, primary insurance sold to foreign persons, and receipts and payments of auxiliary insurance services. The specific data that will be collected on the survey are: (1) Premiums earned, and (2) losses, on reinsurance assumed; (3) premiums incurred, and (4) losses, on reinsurance ceded; (5) premiums earned, and (6) losses, on primary insurance sold; (7) sales of, and (8) purchases of, auxiliary insurance services. The exemption level for the survey is \$2 million based on