

# Rules and Regulations

Federal Register

Vol. 65, No. 6

Monday, January 10, 2000

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

RIN Number 0551-AA58

#### Dairy Tariff-Rate Import Quota Licensing

**AGENCY:** Office of the Secretary, USDA.

**ACTION:** Final rule.

**SUMMARY:** This final rule makes two revisions to Import Regulation 1, Revision 8, which governs the administration of the tariff-rate import quota (TRQ) licensing system for certain dairy products. It broadens the definition for "Licensing Authority" and provides for the review and correction of errors made by officers or employees of the Federal Government.

**EFFECTIVE DATE:** This final rule is effective on February 9, 2000.

**FOR FURTHER INFORMATION CONTACT:** Richard P. Warsack, Dairy Import Quota Manager, Import Policies and Programs Division, 1400 Independence Avenue SW, AG BOX 1021, U.S. Department of Agriculture, Washington, DC 20250-1021 or e-mail at warsack@fas.usda.gov.

#### SUPPLEMENTARY INFORMATION:

##### Executive Order 12372

This program is not subject to the provision of Executive Order 12372, which requires intergovernmental consultation with State or local officials. (See notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115, June 24, 1983).

##### Executive Order 12988

This final rule has been reviewed under Executive Order 12988. The provisions of this final rule would have preemptive effect with respect to any state or local laws, regulations, or policies which conflict with such provisions or which otherwise impede

their full implementation. The final rule would not have retroactive effect. The rule does not require that administrative remedies be exhausted before suit may be filed.

##### Executive Order 12866

This final rule is issued in conformance with Executive Order 12866. It has been determined to be not significant for the purpose of E.O. 12866 and, therefore, has not been reviewed by the Office of Management and Budget (OMB).

##### Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule since the Office of the Secretary is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

##### Paperwork Reduction Act

In accordance with provisions of the Paperwork Reduction Act of 1995, the current information collection is approved by OMB under OMB control number 0551-0001, expiring on October 31, 2000. The final rule would not add a paperwork burden on the public.

##### Background

This final rule revises Import Regulation 1, Revision 8, that governs the administration of the import licensing system for certain dairy products, which are subject to TRQs provided for in the Harmonized Tariff Schedule of the United States (HTS). The final rule amends § 6.21 by changing the definition of "Licensing Authority." Also, the final rule adds a new § 6.35, Correction of Errors. This section provides that if a person demonstrates, to the satisfaction of the Licensing Authority, that errors were made by officers or employees of the United States Government, the Licensing Authority will review and rectify the errors to the extent possible under the regulation. Licenses issued annually by the U.S. Department of Agriculture qualify importers to enter specific quantities of certain dairy products under the low-tier tariff rates established in the HTS.

##### Discussion of Major Comments

One comment was received in response to the proposed rule published

in the **Federal Register**, 64 FR 42288, August 4, 1999. The comment stated that the proposed rule should not set a deadline for discovery of errors. Based on the comment, the Department reviewed the proposed rule and extended the deadline date for notification to the Licensing Authority in the final rule from March 15 to August 31 of the calendar year following the calendar year during which the alleged error occurred. The Department believes that changing the proposed deadline date from March 15 to August 31 provides licensees adequate time to review their final license portfolio which USDA would have issued in mid-March of the same year. In addition, USDA chose the August 31 date for administrative reasons because it is the last day before the beginning of the next application period for dairy product import licenses. The Department believes that all licensees should know immediately upon receiving the final licenses in mid-March whether the license amounts in their current portfolio are correct or if an error has been committed.

The Department clarified § 6.35(b) and added language to indicate that licensees must notify the Department of any errors by letter, postmarked not later than August 31.

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

Agricultural commodities, Cheese, Dairy products, Reports and recordkeeping requirements.

##### Final Rule

Accordingly, 7 CFR part 6 subpart—Dairy Tariff-Rate Import Quota Licensing is amended to read as follows:

### PART 6—[AMENDED]

#### Subpart—Tariff-Rate Import Quota Licensing

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 104, Pub. L. 103-465, 108 Stat. 4819 (19 U.S.C. 3513 and 3601).

2. Amend § 6.21 by revising the definition of *Licensing Authority* to read as follows:

**§ 6.21 Definitions.**

\* \* \* \* \*

*Licensing Authority.* Any officer or employee of the U.S. Department of Agriculture designated to act in this position by the Director of the Division charged with managing the Dairy Tariff-Rate Import Quota Licensing System, currently the Import Policies and Programs Division of the Foreign Agricultural Service.

\* \* \* \* \*

3. Redesignate § 6.35 and 6.36 as § 6.36 and 6.37 respectively.

4. Add a new § 6.35 to read as follows:

**§ 6.35 Correction of errors.**

(a) If a person demonstrates, to the satisfaction of the Licensing Authority, that errors were made by officers or employees of the United States Government, the Licensing Authority will review and rectify the errors to the extent permitted under this subpart.

(b) To be considered, a person must provide sufficient documentation regarding the error to the Licensing Authority by letter, postmarked not later than August 31 of the calendar year following the calendar year in which the error was alleged to have been committed.

(c) If the error resulted in the loss of a historical license by a license holder, the Licensing Authority will transfer the amount of such license from Appendix 2 to Appendix 1 in order to provide for the issuance of such license in the calendar year following the calendar year for which the license was revoked. The cumulative annual transfers to Appendix 1 in accordance with this paragraph will be published in the **Federal Register**.

Signed at Washington, DC on November 29, 1999.

**Timothy J. Galvin,**

*Administrator, Foreign Agricultural Service.*  
[FR Doc. 00-409 Filed 1-7-00; 8:45 am]

BILLING CODE 3410-10-P

**DEPARTMENT OF AGRICULTURE**

**Animal and Plant Health Inspection Service**

**7 CFR Part 371**

[Docket No. 97-025-1]

**Organization, Functions, and Delegations of Authority**

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

**ACTION:** Final rule.

**SUMMARY:** This document revises the statement of organization, functions, and delegations of authority of the Animal and Plant Health Inspection Service (APHIS) to reflect changes in the internal APHIS organization. APHIS units are already functioning as described in this rule. The new internal APHIS organization stimulates interdependence and cooperation throughout the agency, enhances the ability of the Administrator to manage the agency, and provides improved support to the field organization through better planning, clearer direction, timely action, and better use of resources.

**EFFECTIVE DATE:** December 23, 1999.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ira Johnson, Jr., Position Classification Specialist, Human Resources Division, MRPBS, APHIS, Room 1724, 14th Street and Independence Avenue, SW, Washington, DC 20250; (202) 720-9407.

**SUPPLEMENTARY INFORMATION:**

**Background**

The statement of organization, functions, and delegations of authority of the Animal and Plant Health Inspection Service (APHIS) is being revised to reflect changes made in the internal APHIS organization. These changes create a headquarters organization based on function, rather than program discipline.

The statement of organization, functions, and delegations of authority was approved by APHIS and the United States Department of Agriculture (USDA) management after a comprehensive review of all APHIS activities.

The major changes in the statement of organization, functions, and delegations of authority are as follows:

**1. Redefine the Roles of the Plant Protection and Quarantine (PPQ) Unit**

PPQ has added responsibilities which include: Assisting in the development, adoption, and enforcement of sanitary and phytosanitary measures regulating the field release, interstate movement, and importation of genetically modified organisms that may contain plant pests; serving as a member of the North American Plant Protection Organization; and enforcing animal disease exclusion policies, procedures, and regulations at international ports of entry relative to all animal products and associated materials.

**2. Redefine the Roles of the Veterinary Services (VS) Unit**

VS has added the responsibility of planning, directing, and coordinating the activities for the Center for Veterinary Biologics and the administration of a veterinary biologics program.

**3. Redesignate the Management and Budget (M&B) Unit as Marketing and Regulatory Programs Business Services (MRPBS) and Redefine Its Roles**

This redesignation better reflects the actual functions of this unit. MRPBS has added the responsibility of directing and coordinating program activities related to investigations and enforcement of APHIS laws and regulations.

**4. Redesignate the Animal Damage Control (ADC) Unit as the Wildlife Services (WS) Unit**

This redesignation better reflects the actual functions of this unit.

**5. Redesignate the Regulatory Enforcement and Animal Care (REAC) Unit as the Animal Care (AC) Unit and Redefine Its Roles**

This redesignation better reflects the actual functions of this unit. AC is no longer responsible for directing the formal investigation of reported violations of laws and regulations applicable to APHIS activities. AC still has the responsibility of directing activities to ensure compliance with and enforcement of animal welfare and horse protection laws and the regulations promulgated under those laws.

**6. Redefine the Roles of the Policy and Program Development (PPD) Unit**

PPD has added responsibilities that include ensuring agency compliance with the National Environmental Policy Act, handling environmental documentation activities for the agency, and handling pesticide and animal drug registration responsibilities.

**7. Reassign the Responsibilities of the Former Recruitment and Development (R&D) Unit**

R&D's responsibilities have been reassigned to MRPBS, PPQ, and VS.

**8. Reassign the Responsibilities of the Former Science and Technology (S&T) Unit**

S&T's responsibilities have been reassigned to PPQ, VS, and WS.