

This proposed rule also would increase the amount of assessment on all of the imported pork and pork products subject to assessment as published in the **Federal Register** as a final rule September 8, 1994, and effective on October 11, 1994 (59 FR 46323). This adjustment would reflect the increase in the assessment rate to 0.45 percent and would be consistent with the decrease in the annual average price of domestic barrows and gilts for calendar year 1994 as reported by USDA, AMS, Livestock and Grain Market News (LGMN) Branch. This adjustment in assessments would make the equivalent market value of the live porcine animal from which the imported pork and pork products were derived reflect the recent decrease in the market value of domestic porcine animals, thereby promoting comparability between the importer and domestic assessments.

The methodology for determining the per-pound amounts for imported pork and pork products was described in the supplementary information accompanying the Order and published in the September 5, 1986, **Federal Register** at 51 FR 31901. The weight of imported pork and pork products is converted to a carcass weight equivalent by utilizing conversion factors which are published in the USDA Statistical Bulletin No. 616 "Conversion Factors and Weights and Measures." These conversion factors take into account the removal of bone, weight lost in cooking or other processing, and the nonpork components of pork products. Secondly, the carcass weight equivalent is converted to a live animal equivalent weight by dividing the carcass weight equivalent by 70 percent, which is the average dressing percentage of porcine animals in the United States. Thirdly, the equivalent value of the live porcine animal is determined by multiplying the live animal equivalent weight by an annual average market price for barrows and gilts as reported by the USDA, AMS, LGMN Branch. The annual average price, which was based on price data from six major markets, is now based on only five markets as one of the six markets—St. Louis—closed in 1994. This average price is published on a yearly basis during the month of January in the LGMN Branch's publication "Livestock, Meat, and Wool Weekly Summary and Statistics." Finally, the equivalent value is multiplied by the applicable assessment rate of 0.45 percent due on imported pork and pork products. The end result is expressed in an amount per pound for each type of pork or pork product. To determine the

amount per kilogram for pork and pork products subject to assessment under the Act and Order, the cent-per-pound assessments are multiplied by a metric conversion factor 2.2046 and carried to the sixth decimal.

The formula in the preamble for the Order at 51 FR 31901 contemplated that it would be necessary to recalculate the equivalent live animal value of imported pork and pork products to reflect increases in the rate of assessments or changes in the annual average price of domestic barrows and gilts to maintain equity of assessments between domestic and porcine animals and imported pork and pork products.

Substituting the proposed assessment rate of 0.45 in the formula and using the 1994 average annual five market price for domestic barrows and gilts of \$39.57 per hundredweight would result in an increase in assessments for all the Harmonized Tariff Systems (HTS) numbers in the table in § 1230.110, 59 FR 46323; September 8, 1994, of an amount equal to two- to four-hundredths of a cent per pound, or as expressed in cents per kilogram, four- to nine-hundredths of a cent per kilogram. Based on Department of Commerce, Bureau of Census, data on the volume of imported pork and pork products available for the period January 1, 1994, through September 30, 1994, the proposed increases in the assessment amounts would result in an estimated \$175,000 increase in importer assessments over a 12-month period.

**List of Subjects in 7 CFR Part 1230**

Administrative practice and procedure, Advertising, Agriculture research, Marketing agreement, Meat and meat products, Pork and pork products.

For the reasons set forth in the preamble, it is proposed that 7 CFR part 1230 be amended as set forth below:

**PART 1230—PORK PROMOTION, RESEARCH, AND CONSUMER INFORMATION**

1. The authority citation for 7 CFR Part 1230 continues to read as follows:

**Authority:** 7 U.S.C. 4801–4819.

**Subpart—[Amended]**

2. Subpart B—Rules and Regulations is amended by revising § 1220.110 to read as follows:

**§ 1230.110 Assessments on Imported Pork and Pork Products.**

(a) The following HTS categories of imported live porcine animals are subject to assessment at the rate specified.

Live porcine animals	Assessment
0103.10.0000	0.45 percent Customs Entered Value.
0103.91.0000	0.45 percent Customs Entered Value.
0103.92.0000	0.45 percent Customs Entered Value.

(b) The following HTS categories of imported pork and pork products are subject to assessment at the rates specified. Assessment

Pork and pork products	Assessment	
	Cents/lb	Cents/kg
0203.11.0000 ....	.25	.551150
0203.12.1010 ....	.25	.551150
0203.12.1020 ....	.25	.551150
0203.12.9010 ....	.25	.551150
0203.12.9020 ....	.25	.551150
0203.19.2010 ....	.30	.661380
0203.19.2090 ....	.30	.661380
0203.19.4010 ....	.25	.551150
0203.19.4090 ....	.25	.551150
0203.21.0000 ....	.25	.551150
0203.22.1000 ....	.25	.551150
0203.22.9000 ....	.25	.551150
0203.29.2000 ....	.30	.661380
0203.29.4000 ....	.25	.551150
0206.30.0000 ....	.25	.551150
0206.41.0000 ....	.25	.551150
0206.49.0000 ....	.25	.551150
0210.11.0010 ....	.25	.551150
0210.11.0020 ....	.25	.551150
0210.12.0020 ....	.25	.551150
0210.12.0040 ....	.25	.551150
0210.19.0010 ....	.30	.661380
0210.19.0090 ....	.30	.661380
1601.00.2010 ....	.35	.771610
1601.00.2090 ....	.35	.771610
1602.41.2020 ....	.38	.837748
1602.41.2040 ....	.38	.837748
1602.41.9000 ....	.25	.551150
1602.42.2020 ....	.38	.837748
1602.42.2040 ....	.38	.837748
1602.42.4000 ....	.25	.551150
1602.49.2000 ....	.35	.771610
1602.49.4000 ....	.30	.661380

3. Subpart B—Rules and Regulations is amended by revising § 1230.1120 to read as follows:

**§ 1230.112 Rate of assessment.**

In accordance with § 1230.71(d) the rate of assessment shall be 0.45 percent of market value.

Dated: February 9, 1995.

**Lon Hatamiya,**  
Administrator.

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