

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 importer and domestic assessments. This final rule will not change the current assessment rate of 0.45 percent of the market value.

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 Department's Statistical Bulletin No. 697 "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 USDA, AMS, LGMN Branch. This average price is published on a yearly basis during the month of January in 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 changes in the annual average price of domestic barrows and gilts to maintain equity of assessments between domestic porcine animals and imported pork and pork products.

The average annual market price decreased from \$51.30 in 1997 to \$31.82 in 1998, a decrease of about 38 percent. This decrease will result in a corresponding decrease in assessments

for all HTS numbers listed in the table in § 1230.110, 63 FR 45935; August 28, 1998, of an amount equal to sixteen-hundredths of a cent per pound, or as expressed in cents per kilogram, thirty-five-hundredths of a cent per kilogram. Based on the most recent available Department of Commerce, Bureau of Census, data on the volume of imported pork and pork products available for the period January 1, 1998, through December 31, 1998, the decrease in assessment amounts would result in an estimated \$888,000 decrease in assessments over a 12-month period.

On June 10, 1999, AMS published in the **Federal Register** (64 FR 31158) a proposed rule which would decrease the per pound assessment on imported pork and pork products consistent with decreases in the 1998 average prices of domestic barrows and gilts to provide comparability between imported and domestic assessments. The proposal was published with a request for comments by July 12, 1999. No comments were received.

Accordingly, this final rule establishes the new per-pound and per-kilogram assessments on imported pork and pork products.

List of Subjects in 7 CFR Part 1230

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

For the reasons set forth in the preamble, 7 CFR part 1230 is amended as follows:

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 B—[Amended]

2. In § 1230.110 paragraph (b) is revised to read as follows:

§ 1230.110 Assessments on imported pork and pork products.

* * * * *

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

Pork and pork products	Assessment	
	Cents/lb	Cents/kg
0203.11.0000 .....	.20	.440920
0203.12.1010 .....	.20	.440920
0203.12.1020 .....	.20	.440920
0203.12.9010 .....	.20	.440920

Pork and pork products	Assessment	
	Cents/lb	Cents/kg
0203.12.9020 .....	.20	.440920
0203.19.2010 .....	.24	.529104
0203.19.2090 .....	.24	.529104
0203.19.4010 .....	.20	.440920
0203.19.4090 .....	.20	.440920
0203.21.0000 .....	.20	.440920
0203.22.1000 .....	.20	.440920
0203.22.9000 .....	.20	.440920
0203.29.2000 .....	.24	.529104
0203.29.4000 .....	.20	.440920
0206.30.0000 .....	.20	.440920
0206.41.0000 .....	.20	.440920
0206.49.0000 .....	.20	.440920
0210.11.0010 .....	.20	.440920
0210.11.0020 .....	.20	.440920
0210.12.0020 .....	.20	.440920
0210.12.0040 .....	.20	.440920
0210.19.0010 .....	.24	.529104
0210.19.0090 .....	.24	.529104
1601.00.2010 .....	.28	.617288
1601.00.2090 .....	.28	.617288
1602.41.2020 .....	.31	.683426
1602.41.2040 .....	.31	.683426
1602.41.9000 .....	.20	.440920
1602.42.2020 .....	.31	.683426
1602.42.2040 .....	.31	.683426
1602.42.4000 .....	.20	.440920
1602.49.2000 .....	.28	.617288
1602.49.4000 .....	.24	.529104

Dated: August 11, 1999.

Barry L. Carpenter,

Deputy Administrator, Livestock and Seed Program.

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DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Parts 318 and 319

[Docket No. 94–015N]

RIN 0583–AB82

Use of Soy Protein Concentrate, Modified Food Starch, and Carrageenan as Binders in Certain Meat Products

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Affirmation of effective date for direct final rule.

SUMMARY: On May 24, 1999, the Food Safety and Inspection Service (FSIS) published a direct final rule, "Use of Soy Protein Concentrate, Modified Food Starch, and Carrageenan as Binders in Certain Meat Products" (64 FR 27901). This direct final rule notified the public of FSIS's intention to amend the Federal meat inspection regulations to allow the use of soy protein concentrate, both singly and in combination with

modified food starch or carrageenan, as a binder in cured pork products labeled "Ham with Natural Juices," "Ham Water Added," and "Ham and Water Product—X% of Weight is Added Ingredients," and to increase the permitted use level of modified food starch as a binder in "Ham and Water Product—X% of Weight is Added Ingredients" products. These binders will be used to reduce purging of the pumped brine solution from the products. FSIS received one comment in response to the direct final rule.

However, the comment was not an adverse comment or notice of intent to submit an adverse comment. Therefore, FSIS is affirming the July 23, 1999, effective date for this direct final rule.

EFFECTIVE DATE: The direct final rule published on May 24, 1999 at 64 FR 27901 is effective July 23, 1999.

FOR FURTHER INFORMATION CONTACT: Dr. Robert Post, Director, Labeling and Additives Policy Division, Office of Policy, Program Development and Evaluation, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250-3700; (202) 205-0279.

SUPPLEMENTARY INFORMATION:

Background

On May 24, 1999, FSIS published a direct final rule "Use of Soy Protein Concentrate, Modified Food Starch, and Carrageenan as Binders in Certain Meat Products." On June 23, 1999, FSIS received a comment in response to that rulemaking from Protein Technologies International (PTI), a manufacturer of domestically produced soy proteins used in a wide variety of food applications. PTI requested that the direct final rule not be published until the rule could be amended pursuant to PTI's position, which would be enunciated in a supplemental comment to be submitted in the future.

The commenter requested that the direct final rule be modified to include isolated soy protein at appropriate levels consistent with the usage contemplated by the direct final rule with respect to soy protein concentrate. The commenter also suggested that FSIS permit combinations of these substances to include any other approved binder, and not be limited solely to modified food starch, and that such combinations be permitted in any of the categories of ham products established by FSIS regulations.

The direct final rule indicates that the Agency will permit the use of soy protein concentrate, both singly and in combination with modified food starch or carrageenan, as a binder in cured

pork products labeled "Ham with Natural Juices," "Ham Water Added," and "Ham and Water Product—X% of Weight is Added Ingredients," as well as allow an increase in the permitted use level of modified food starch as a binder in "Ham and Water Product—X% of Weight is Added Ingredients" products. These provisions are based on the specific use requests contained in petitions submitted to FSIS by Central Soya and the National Starch and Chemical Company and informal requests from several food manufacturers and the accompanying data submitted to support the effectiveness of these combined uses. These data supported only the specific use requests submitted to FSIS as reflected in the direct final rule. Neither the data nor the direct final rule addressed the three issues raised by the commenter. The commenter's requests are therefore outside the scope of this rule.

The comment is not adverse with respect to the promulgation of the direct final rule because it was not opposed to the rulemaking. Rather, the comment suggests that provisions of the direct final rule should be extended by FSIS to matters outside the scope of the direct final rule (i.e., to another binder, to other combinations of binders, and to other ham products). Therefore, the effective date remains as July 23, 1999. However, FSIS welcomes the submission of information in support of the request made by the commenter. Upon receipt of data in support of the request, and based on the merits of the data, the Agency will consider further amendments to the meat regulations to include isolated soy protein singly and in combination with other approved binders for use in cured pork and other products.

Done at Washington, DC, on: August 10, 1999.

Thomas J. Billy,

Administrator.

[FR Doc. 99-21304 Filed 8-16-99; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

10 CFR Part 76

RIN 3150-AF85

Certification Renewal and Amendment Processes

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending the regulations governing the U.S. Enrichment Corporation's (USEC or the Corporation) gaseous diffusion plants to modify the certification renewal and amendment processes. The amendments are intended to improve these processes so that they are more effective and efficient. The final rule modifies the process for certificate renewals, establishes a process for certificate amendments comparable to the process currently used to amend a fuel cycle license, revises the appeal process for amendments, eliminates the "significant" designation for amendments, simplifies the criteria for persons who are eligible to file a petition for review of an amendment action, removes references to the initial application because the initial certificates have been issued, and lengthens the time periods associated with filing a petition for review.

EFFECTIVE DATE: September 16, 1999.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Telford, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone (301) 415-6229, e-mail JLT@nrc.gov.

SUPPLEMENTARY INFORMATION:

Background

The regulations establishing NRC's requirements for USEC's Paducah and Portsmouth gaseous diffusion plants (GDPs) were published on September 23, 1994 (59 FR 48960). Subsequently, the Atomic Energy Act (AEA) of 1954 was modified to increase the period for certificate renewals from 1 year to up to 5 years. The regulations implementing this modification to the AEA were published on February 12, 1997 (62 FR 6670). On March 3, 1997, the GDP's came under NRC's oversight. Since 1997, the NRC has implemented the initial certification and numerous certificate amendments. As a result, the NRC staff identified several areas where changes would improve the effectiveness and efficiency of the certificate renewal and amendment processes.

On September 15, 1998 (63 FR 49301), the NRC published a proposed rule that presented amendments to 10 CFR Part 76 intended to make the certification renewal and amendment processes more effective and efficient.

Comments on the Proposed Rule

The Commission received one letter commenting on the proposed rule. A copy of the letter is available for public inspection and copying for a fee at the