its constituents equitably, both geographically and on a volume basis.

List of Subjects in 7 CFR Part 1160

Fluid milk, Milk, Promotion.

For the reasons set forth in the preamble, it is proposed that 7 CFR part 1160 be amended as follows:

PART 1160—FLUID MILK PROMOTION PROGRAM

1. The authority citation for 7 CFR Part 1160 continues to read as follows:

Authority: 7 U.S.C. 6401–6417.

2. In § 1160.200, paragraph (a) is revised to read as follows:

§ 1160.200 Establishment and membership.

(a) There is hereby established a National Fluid Milk Processor Promotion Board of 20 members, 15 of whom shall represent geographic regions and five of whom shall be at-large members of the Board. To the extent practicable, members representing geographic regions shall represent fluid milk processing operations of differing sizes. No fluid milk processor shall be represented on the Board by more than three members. The at-large members shall include at least three fluid milk processors and at least one member from the general public. Except for the non-processor member or members from the general public, nominees appointed to the Board must be active owners or employees of a fluid milk processor. The failure of such a member to own or work for such fluid milk processor shall disqualify that member for membership on the Board except that such member shall continue to serve on the Board for a period not to exceed 6 months following the disqualification or until appointment of a successor Board member to such position, whichever is sooner, provided that such person continues to meet the criteria for serving on the Board as a processor representative. Should a member representing the general public cease to be employed by the entity employing that member when appointed, gain employment with a new employer, or cease to own or operate the business which that member owned or operated at the date of appointment, such member shall be disqualified for membership on the Board, except that such member shall continue to serve on the Board for a period not to exceed 6 months, or until appointment of a successor Board member, whichever is sooner.

* * * * *

Dated: January 5, 2005.

Kenneth C. Clayton,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 05–580 Filed 1–11–05; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1205

[Doc. No. CN–04–001]

Cotton Board Rules and Regulations: Adjusting Supplemental Assessment on Imports (2004 Amendments)

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Agricultural Marketing Service (AMS) is proposing to amend the Cotton Board Rules and Regulations by adjusting the total rate of assessment per kilogram for imported cotton collected for use by the Cotton Research and Promotion Program. The proposed total rate of assessment would be calculated by adding together the $1 per bale equivalent assessment and the supplemental assessment, and adjusting the sum to account for the estimated amount of U.S. cotton contained in imported textile products. The proposed adjustment would reduce the assessable portion of the cotton content of imported textile products by the estimated average amount of U.S. cotton contained therein. Exemptions and refunds would continue to be provided for importers wishing to document the U.S. cotton content of specific goods. The proposed rule would continue to ensure that the total assessment collected on imported cotton and the cotton content of imported products remain similar to those paid on domestically produced cotton, and that the U.S. cotton content of imported products is not subject to more than one assessment.

DATES: Comments must be received on or before March 14, 2005.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposed rule to Whitney Rick, Assistant to the Deputy Administrator, Cotton Program, Agricultural Marketing Service, USDA, 1400 Independence Ave., SW., STOP 0224 Washington, DC 20250–0224. Comments should be submitted in triplicate. Comments may also be submitted electronically to: *http://www.cottoncomments@usda.gov* or *http://www.regulations.gov.* All comments should reference the docket number and the date and page number of this issue of the **Federal Register**. All comments received will be made available for public inspection at Cotton Program, AMS, USDA, Room 2641–S, 1400 Independence Ave., SW., Washington, DC 20250 during regular business hours. A copy of this notice may be found at: *http://www.ams.usda.gov/cotton/rulemaking.htm.*

FOR FURTHER INFORMATION CONTACT: Whitney Rick, Assistant to the Deputy Administrator, Cotton Program, AMS, USDA, 1400 Independence Ave., SW., Stop 0224, Washington, DC 20250–0224, telephone (202) 720–2259, facsimile (202) 690–1718, or e-mail at whitney.rick@usda.gov.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

The Office of Management and Budget has waived the review process required by Executive Order 12866 for this action.

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect. This proposed rule would not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Cotton Research and Promotion Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under Section 12 of the Act, any person subject to an order may file with the Secretary a petition stating that the order, any provision of the plan, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of the order or to be exempted therefrom. Such person is afforded the opportunity for a hearing on the petition. After the hearing, the Secretary would rule on the petition. The Act provides that the District Court of the United States in any district in which the person is an inhabitant, or has his principal place of business, has jurisdiction to review the Secretary's ruling, provided a complaint is filed within 20 days from the date of the entry of ruling.

Regulatory Flexibility Act

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) AMS has considered the economic impact of this action on small entities and has determined that its implementation will not have a

significant economic impact on a substantial number of small businesses.

There are an estimated 10,000 importers who are presently subject to rules and regulations issued pursuant to the Cotton Research and Promotion Order. The majority of these importers are small businesses under the criteria established by the Small Business Administration.

The proposed rule would reduce the total rate of assessment per kilogram for imported cotton products collected for use by the Cotton Research and Promotion Program. The proposed total rate of assessment would be calculated by adding together the $1 per bale equivalent assessment and the supplemental assessment, and adjusting the sum to account for the estimated amount of U.S. cotton contained in imported textile products. The proposed adjustment to the sum would reduce the assessable portion of the cotton content of imported products by 22.2 percent, the current average estimated by AMS of U.S. cotton contained therein. The proposed total rate of assessment per kilogram for imported raw cotton and cotton textile products would be calculated using the following formula:

1. One Dollar per Bale Assessment Converted to Kilograms

A 500 pound bale equals 226.8 kg. (500 × .453597). $1 per bale assessment equals $0.002000 per pound (1/500) or $0.004409 per kg. (1/226.8).

2. Supplemental Assessment of 5/10 of One Percent of the Value of the Cotton Converted to Kilograms

The 2003 calendar year weighted average price received by producers for Upland cotton is $0.55 per pound or $1.2125 per kg. (0.55 × 2.2046). Five tenths of one percent of the average price in kg. equals $0.006063 per kg. (1.2125 × .005).

3. Adjustment for U.S. Cotton Content of Imported Products

The adjustment for the U.S. cotton content of assessed imports is obtained by multiplying the sum of Nos. 1 and 2 above by the U.S. cotton share of total net cotton textile imports (0.222) which equals $0.002325 per kilogram ($0.010472 per kg. × 0.222). Subtracting this amount from the sum of Nos. 1 and 2 above would equal the proposed total rate of assessment for imported products of $0.008147 per kilogram ($0.010472 per kg. − $0.002325 per kg. = $0.008147).

The current total rate of assessment on imported raw cotton and imported cotton products is $0.008267 per kilogram. The proposed rule would increase the assessment on raw cotton to $0.010472, an increase of $0.002205. Even though the assessment would be raised for imported raw cotton, the increase is small and will not significantly affect small businesses. The proposed rule would decrease the total rate of assessment for imported cotton products to $0.008147 per kilogram, a decrease of $0.00012 per kilogram from last year. The proposed rule would not have a significant economic impact on a substantial number of importers of cotton and cotton-containing products because importers would be paying a small increase on imported raw cotton and a reduced rate of total assessment on imported cotton products.

Paperwork Reduction

In compliance with Office of Management and Budget (OMB) regulations (5 CFR part 1320) which implement the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*) the information collection requirements contained in the regulation to be amended have been previously approved by OMB and were assigned control number 0581–0093.

Background

The Cotton Research and Promotion Act (Act), as amended, 7 U.S.C. 2101 *et seq.*, was enacted by Congress in 1966. Congress intended the Act to:

> [E]nable the establishment of an orderly procedure for the development, financing through adequate assessments on all cotton marketed in the United States and on imports of cotton, and carrying out an effective and continuous coordinated program of research and promotion designed to strengthen cotton's competitive position and to maintain and expand domestic and foreign markets and uses for United States cotton.
>
> 7 U.S.C. 2101.

The Act authorizes the Secretary of the Department of Agriculture to issue a Cotton Research and Promotion Order. An amended Order was approved by producers and importers voting in a referendum held July 17–26, 1991. The amended Order was published in the **Federal Register** on December 10, 1991 (56 FR 64470). A proposed rule implementing the amended Order was published in the **Federal Register** on December 17, 1991 (56 FR 65450). Implementing rules were published on July 1 and 2, 1992, (57 FR 29181) and (57 FR 29431), respectively. The Order imposes an assessment on the production and importation of cotton in order to pay for the generic research and promotion projects authorized by the Act. The assessment consists of two parts, an assessment of $1 per bale of cotton or per bale equivalent of cotton containing products, and a supplemental assessment tied to the value of cotton.

The Act requires the Secretary to establish procedures to ensure that U.S. (upland) cotton content of imported products is not subject to more than one assessment. Under the current procedures established in the regulations, an importer may receive an exemption from paying the assessment or a reimbursement of the assessment paid by submitting sufficient documentation to the Board to verify the U.S. cotton content of the products to be imported or already imported. Because foreign mills frequently mix U.S. cotton with other cottons when formulating cotton yarns and fabrics, the ability of importers, except those purchasing products from mills that use only U.S. cotton, to verify through documentation the U.S. cotton content of the products they are importing may be limited.

AMS believes that changes in the composition of U.S. cotton use and the upcoming completion of the removal of all U.S. import quotas on textile manufactures as outlined in the Agreement on Textile and Clothing necessitates a change to its current regulatory procedures for ensuring that U.S. (upland) cotton content of imported products is not subject to more than one assessment. Prior to the 2001/2002 crop year, the majority of U.S. (upland) cotton (58 percent in the 2000/2001 crop year) was consumed domestically by U.S. mills. Starting with the 2001/2002 crop year, a majority of U.S. cotton was exported (67 percent in 2003/2004). AMS expects this shift in the composition of U.S. cotton use to continue into the foreseeable future and that the ending of U.S. textile quotas will lead to an increase in the amount of U.S. cotton returning to the United States in cotton product imports. AMS, therefore, believes that it is appropriate at this time to make an adjustment to the total rate of assessment to account for the amount of U.S. cotton content of imported textile products.

The estimated amount of U.S. cotton contained in total assessable cotton imports would be calculated by multiplying the U.S. cotton export share of foreign mill use adjusted for location by assessable imports. Adjusting the average amount of U.S. cotton contained in total cotton imports for location would ensure that the U.S. cotton content of total cotton imports would properly account for differences among supplying countries with respect to U.S. cotton's share of their cotton mill use and in their share of U.S. cotton product imports.

AMS will use regularly published statistics on U.S. exports by destination (Weekly Export Sales Report), the world's textile usage of cotton by country (Foreign Agricultural Service Cotton Circular) and the raw cotton equivalent contained in imports and exports of textile manufactures by country (Cotton & Wool Outlook) in the calculations of the U.S. content of U.S. imports of processed cotton products. AMS would determine the percentage of U.S. cotton contained in total assessable cotton imports as follows:

Step 1. Define six non-U.S. cotton product supply regions: (i) North America: Bahamas, Belize, Canada, Costa Rica, Dominican Republic, El Salvador, Guatemala, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, (ii) South America: Argentina, Brazil, Chile, Colombia, Ecuador, Peru, Venezuela, (iii) Asia: China, Hong Kong, Israel, Japan, Malaysia, Philippines, Saudi Arabia, Singapore, South Korea, Sri Lanka, Taiwan, United Arab Emirates, (iv) Europe: Belgium, France, Germany, Ireland, Italy, Netherlands, Poland, Spain, Turkey, (v) Oceania: Australia, and (vi) Africa: Ivory Coast, Morocco, Nigeria, South Africa. These six regions coincide with the six regions used by the USDA's Economic Research Service in its reporting of U.S. cotton textile imports.

Step 2. Calculate the U.S. cotton share of foreign mill use for each region by dividing total U.S. exports of raw cotton to each region by total mill consumption of raw cotton in that region. This would represent an approximation of the percentage of U.S. cotton contained in all cotton products imported into the United States from that region. For the purpose of this calculation, U.S. cotton content contained in a region's cotton products is uniformly distributed across each product manufactured in that region.

Under the proposed rule, AMS examined the most current data available and determined that U.S. cotton's share of non-U.S. mill use for each region was as follows: North America, 100.0 percent; South America, 16.0 percent; Asia, 9.9 percent; Europe, 11.6 percent; Oceana, 0.0 percent; and Africa, 0.2 percent. These shares were obtained by dividing U.S. exports of raw cotton to each region by total cotton mill use in each region. The specific calculations are shown in Table 1.

TABLE 1.—TABULATION OF U.S. COTTON EXPORT SHARE OF FOREIGN MILL USE

Region	U.S. exports of raw cotton	Raw cotton mill use—million 480 lb. Bales—	U.S. cotton share of raw cotton mill use
North America	2.842	2.767	[a] 1.000
South America	0.833	5.207	0.160
Asia	6.481	65.254	0.099
Europe	1.757	15.103	0.116
Oceana	0.000	0.125	0.000
Africa	0.006	2.876	0.002

[a] North America share capped at 1.000.

Step 3. Determine total imports of assessable cotton for each region by subtracting the total cotton content of U.S. exports of processed cotton products in raw cotton equivalents to each region from the total cotton content of U.S. imports of processed cotton products from that region in raw cotton equivalents. The net result (net imports) of processed cotton products provides an approximation of the amount of cotton coming into the United States from each region that is not being exempted or receiving a refund.

Under the proposed rule, AMS examined the most current data available and determined that processed cotton imports into the U.S. totaled 9,232 [1] million pounds (North America, 3,116 million pounds; South America, 242 million pounds, Asia, 4,770 million pounds, Europe, 684 million pounds, Oceania, 41 million pounds, and Africa, 378 million pounds. U.S. processed cotton exports for the same time period and regions totaled 2,317 [1] million pounds (North America, 2,151 million pounds; South America, 45 million pounds; Asia 64 million pounds; Europe 45 million pounds; Oceania 5 million pounds; and Africa, 7 million pounds). Subtracting U.S. exports from U.S. imports results in total net imports of 6,915 [1] million pounds (North America, 965 pounds; South America, 197 million pounds; Asia, 4,706 million pounds; Europe, 639 million pounds; Oceana, 36 million pounds; and Africa, 371 million pounds.

[1] Total does not equal sum of regions due to rounding.

Step 4. Adjust the U.S. cotton content of imports for location by multiplying the U.S. cotton share of foreign mill use for each region by that region's share of total imports of assessable cotton and then totaling-up the result obtained across all the regions. The share of total imports of assessed cotton products is calculated by dividing the total assessed cotton contained in each regions' imports as discussed in Step 3 above by the sum of all regions' imports of assessed cotton.

Step 5. The percentage of U.S. cotton contained in assessable imports is then used to calculate the assessable content of imported cotton products by multiplying the cotton content of each imported product by the percentage of U.S. cotton contained in total assessable imports and subtracting that amount from the cotton content of imported products (assessable cotton content = cotton content per HTS code − (cotton content per HTS code × proportion of U.S. cotton contained in U.S. imports) where the proportion of U.S. cotton contained in U.S. imports equals the percentage of U.S. cotton contained in assessable imports divided by 100).

Using the above method and the most current data available to AMS, the proposed rule would lower the total amount of assessments paid by importers for imported textile products by approximately 22.2 percent from the total amount of assessments paid by importers using current procedures. Raw cotton import assessments would increase by 26.7 percent based on the established formula. Exemptions and

refunds would continue to be provided for importers wishing to document the U.S. cotton content of specific goods.

The $1 per bale of cotton or per bale equivalent of cotton containing products, and the supplemental assessment would continue to be calculated the same way. The $1 per bale of cotton or per bale equivalent of cotton containing products assessment is levied on the weight of cotton produced or imported at a rate of $1 per bale of cotton which is equivalent to 500 pounds or $1 per 226.8 kilograms of cotton.

The supplemental assessment is levied at a rate of five-tenths of one percent of the value of domestically produced cotton, imported cotton, and the cotton content of imported products. AMS assigns the calendar year weighted average price received by U.S. farmers for Upland cotton to represent the value of imported cotton. The current value of imported cotton as published in the **Federal Register** (68 FR 27898) on May 22, 2003, for the purpose of calculating supplemental assessments on imported cotton is $0.7716 per kilogram. This number was calculated using the annual weighted average price received by farmers for Upland cotton during the calendar year 2002 which was $0.35 per pound and multiplying by the conversion factor 2.2046. Using the Average Weighted Price Received by U.S. farmers for Upland cotton for the calendar year 2003, which is $0.55 per pound, the new value of imported cotton is $1.2125 per kilogram. The proposed value is $.4409 per kilogram more than the previous value.

The U.S. cotton share of total net imported products is approximated at 0.222. This figure was obtained by multiplying U.S. cotton's share of each region's mill use by that region's share of assessable cotton imports. The U.S. content of assessable cotton imports for each supply region is shown in Table 2.

TABLE 2.—TABULATION OF U.S. COTTON SHARE OF TOTAL ASSESSABLE U.S. COTTON IMPORTS

Region	U.S. share of foreign mill use	Region share of assessable cotton imports	U.S. cotton share of assessable imports
North America	1.000	0.140	0.140
South America	0.160	0.028	0.004
Asia	0.099	0.681	0.067
Europe	0.116	0.092	0.011
Oceana	0.000	0.005	0.000
Africa	0.002	0.054	0.000
Total	N.A.	1.000	0.222

An example of the complete assessment formula and how the various figures are obtained is as follows:

One bale is equal to 500 pounds.

One kilogram equals 2.2046 pounds.

One pound equals 0.453597 kilograms.

1. One Dollar per Bale Assessment Converted to Kilograms

A 500 pound bale equals 226.8 kg. (500 × .453597).

$1 per bale assessment equals $0.002000 per pound (1/500) or $0.004409 per kg. (1/226.8).

2. Supplemental Assessment of 5/10 of One Percent of the Value of the Cotton Converted to Kilograms

The 2003 calendar year weighted average price received by producers for Upland cotton is $0.55 per pound or $1.2125 per kg. (0.55 × 2.2046).

Five tenths of one percent of the average price in kg. equals $0.006063 per kg. (1.2125 × .005).

3. Total Rate of Assessment

The total rate of assessment per kilogram of raw cotton is $0.010472 per kg. (obtained by adding the $1 per bale equivalent assessment of $0.004409 per kg., and the supplemental assessment $0.006063 per kg.), and making an adjustment of 0.222 for the U.S. cotton content of assessed imported textile products. The proposed total rate of assessment for imported cotton would be $0.008147 per kilogram. The current total rate of assessment on imported cotton is $0.008267 per kilogram. The proposed rule would decrease the total rate of assessment on imported cotton products to $0.008147 per kilogram, a decrease of $0.00012 per kilogram from last year.

The figures shown in the right hand column of the Import Assessment Table 1205.510(b)(3) are a result of such a calculation, and have been revised accordingly. These figures indicate the total assessment per kilogram due for each Harmonized Tariff Schedule (HTS) number subject to assessment.

A sixty-day comment period is provided to comment on the changes to the Cotton Board Rules and Regulations proposed herein. This period is deemed appropriate because this proposal would adjust the assessments paid by importers on imported raw cotton and cotton products under the Cotton Research and Promotion Order, by increasing the assessment on raw cotton and reducing the total rate of assessment for imported cotton products. These proposed changes would ensure that the total assessment collected on imported cotton and the cotton content of imported products remain similar to those paid on domestically produced cotton, and that the U.S. cotton content of imported products is not subject to more than one assessment.

Accordingly, the change proposed in this rule, if adopted, should be implemented as soon as possible.

List of Subjects in 7 CFR Part 1205

Advertising, Agricultural research, Cotton, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble 7 CFR part 1205 is proposed to be amended as follows:

PART 1205—COTTON RESEARCH AND PROMOTION

1. The authority citation for part 1205 continues to read as follows:

Authority: 7 U.S.C. 2101–2118.

2. In § 1205.510, paragraph (b)(2) and the table in paragraph (b)(3)(ii) are revised to read as follows:

§ 1205.510 Levy of assessments.

* * * * *

(b) * * * (2) The 12-month average of monthly weighted average prices received by U.S. farmers will be calculated annually. Such weighted average will be used as the value of imported cotton for the purpose of levying the supplemental assessment on

imported cotton and will be expressed in kilograms. The value of imported cotton for the purpose of levying the supplemental assessment is $1.2125 per kilogram. The total rate of assessment for imported raw cotton is $0.010472, and the total rate of assessment for imported cotton products is $0.008147 per kilogram.

(3) * * *

(ii) * * *

BILLING CODE 3410–02–P

IMPORT ASSESSMENT TABLE

(Raw Cotton Fiber)

HTS No.	Conv. fact.	Cents/kg.
5201000500	0	1.0472
5201001200	0	1.0472
5201001400	0	1.0472
5201001800	0	1.0472
5201002200	0	1.0472
5201002400	0	1.0472
5201002800	0	1.0472
5201003400	0	1.0472
5201003800	0	1.0472
5204110000	1.1111	0.9052
5204200000	1.1111	0.9052
5205111000	1.1111	0.9052
5205112000	1.1111	0.9052
5205121000	1.1111	0.9052
5205122000	1.1111	0.9052
5205131000	1.1111	0.9052
5205132000	1.1111	0.9052
5205141000	1.1111	0.9052
5205210020	1.1111	0.9052
5205210090	1.1111	0.9052
5205220020	1.1111	0.9052
5205220090	1.1111	0.9052
5205230020	1.1111	0.9052
5205230090	1.1111	0.9052
5205240020	1.1111	0.9052
5205240090	1.1111	0.9052
5205310000	1.1111	0.9052
5205320000	1.1111	0.9052
5205330000	1.1111	0.9052
5205340000	1.1111	0.9052
5205410020	1.1111	0.9052
5205410090	1.1111	0.9052
5205420020	1.1111	0.9052
5205420090	1.1111	0.9052
5205440020	1.1111	0.9052
5205440090	1.1111	0.9052
5206120000	0.5556	0.4526
5206130000	0.5556	0.4526
5206140000	0.5556	0.4526
5206220000	0.5556	0.4526
5206230000	0.5556	0.4526
5206240000	0.5556	0.4526
5206310000	0.5556	0.4526
5207100000	1.1111	0.9052
5207900000	0.5556	0.4526
5208112020	1.1455	0.9332
5208112040	1.1455	0.9332
5208112090	1.1455	0.9332
5208114020	1.1455	0.9332
5208114060	1.1455	0.9332
5208114090	1.1455	0.9332
5208118090	1.1455	0.9332
5208124020	1.1455	0.9332
5208124040	1.1455	0.9332
5208124090	1.1455	0.9332
5208126020	1.1455	0.9332
5208126040	1.1455	0.9332
5208126060	1.1455	0.9332
5208126090	1.1455	0.9332
5208128020	1.1455	0.9332
5208128090	1.1455	0.9332
5208130000	1.1455	0.9332
5208192020	1.1455	0.9332

5208192090	1.1455	0.9332
5208194020	1.1455	0.9332
5208194090	1.1455	0.9332
5208196020	1.1455	0.9332
5208196090	1.1455	0.9332
5208224040	1.1455	0.9332
5208224090	1.1455	0.9332
5208226020	1.1455	0.9332
5208226060	1.1455	0.9332
5208228020	1.1455	0.9332
5208230000	1.1455	0.9332
5208292020	1.1455	0.9332
5208292090	1.1455	0.9332
5208294090	1.1455	0.9332
5208296090	1.1455	0.9332
5208298020	1.1455	0.9332
5208312000	1.1455	0.9332
5208321000	1.1455	0.9332
5208323020	1.1455	0.9332
5208323040	1.1455	0.9332
5208323090	1.1455	0.9332
5208324020	1.1455	0.9332
5208324040	1.1455	0.9332
5208325020	1.1455	0.9332
5208330000	1.1455	0.9332
5208392020	1.1455	0.9332
5208392090	1.1455	0.9332
5208394090	1.1455	0.9332
5208396090	1.1455	0.9332
5208398020	1.1455	0.9332
5208412000	1.1455	0.9332
5208416000	1.1455	0.9332
5208418000	1.1455	0.9332
5208421000	1.1455	0.9332
5208423000	1.1455	0.9332
5208424000	1.1455	0.9332
5208425000	1.1455	0.9332
5208430000	1.1455	0.9332
5208492000	1.1455	0.9332
5208494020	1.1455	0.9332
5208494090	1.1455	0.9332
5208496010	1.1455	0.9332
5208496090	1.1455	0.9332
5208498090	1.1455	0.9332
5208512000	1.1455	0.9332
5208516060	1.1455	0.9332
5208518090	1.1455	0.9332

5208523020	1.1455	0.9332
5208523045	1.1455	0.9332
5208523090	1.1455	0.9332
5208524020	1.1455	0.9332
5208524045	1.1455	0.9332
5208524065	1.1455	0.9332
5208525020	1.1455	0.9332
5208530000	1.1455	0.9332
5208592025	1.1455	0.9332
5208592095	1.1455	0.9332
5208594090	1.1455	0.9332
5208596090	1.1455	0.9332
5209110020	1.1455	0.9332
5209110035	1.1455	0.9332
5209110090	1.1455	0.9332
5209120020	1.1455	0.9332
5209120040	1.1455	0.9332
5209190020	1.1455	0.9332
5209190040	1.1455	0.9332
5209190060	1.1455	0.9332
5209190090	1.1455	0.9332
5209210090	1.1455	0.9332
5209220020	1.1455	0.9332
5209220040	1.1455	0.9332
5209290040	1.1455	0.9332
5209290090	1.1455	0.9332
5209313000	1.1455	0.9332
5209316020	1.1455	0.9332
5209316035	1.1455	0.9332
5209316050	1.1455	0.9332
5209316090	1.1455	0.9332
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5209390080	1.1455	0.9332
5209390090	1.1455	0.9332
5209413000	1.1455	0.9332
5209416020	1.1455	0.9332
5209416040	1.1455	0.9332
5209420020	1.0309	0.8399
5209420040	1.0309	0.8399
5209430030	1.1455	0.9332
5209430050	1.1455	0.9332
5209490020	1.1455	0.9332
5209490090	1.1455	0.9332

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5209516050	1.1455	0.9332
5209520020	1.1455	0.9332
5209590025	1.1455	0.9332
5209590040	1.1455	0.9332
5209590090	1.1455	0.9332
5210114020	0.6873	0.5599
5210114040	0.6873	0.5599
5210116020	0.6873	0.5599
5210116040	0.6873	0.5599
5210116060	0.6873	0.5599
5210118020	0.6873	0.5599
5210120000	0.6873	0.5599
5210192090	0.6873	0.5599
5210214040	0.6873	0.5599
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5210218020	0.6873	0.5599
5210314020	0.6873	0.5599
5210314040	0.6873	0.5599
5210316020	0.6873	0.5599
5210318020	0.6873	0.5599
5210414000	0.6873	0.5599
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5210418000	0.6873	0.5599
5210498090	0.6873	0.5599
5210514040	0.6873	0.5599
5210516020	0.6873	0.5599
5210516040	0.6873	0.5599
5210516060	0.6873	0.5599
5211110090	0.6873	0.5599
5211120020	0.6873	0.5599
5211190020	0.6873	0.5599
5211190060	0.6873	0.5599
5211210025	0.6873	0.5599
5211210035	0.4165	0.3393
5211210050	0.6873	0.5599
5211290090	0.6873	0.5599
5211320020	0.6873	0.5599
5211390040	0.6873	0.5599
5211390060	0.6873	0.5599
5211490020	0.6873	0.5599
5211490090	0.6873	0.5599
5211590025	0.6873	0.5599
5212146090	0.9164	0.7466
5212156020	0.9164	0.7466
5212216090	0.9164	0.7466

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5509530060	0.5556	0.4526
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5513110060	0.4009	0.3266
5513110090	0.4009	0.3266
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5513130020	0.4009	0.3266
5513210020	0.4009	0.3266
5513310000	0.4009	0.3266
5514120020	0.4009	0.3266
5516420060	0.4009	0.3266
5516910060	0.4009	0.3266
5516930090	0.4009	0.3266
5601210010	1.1455	0.9332
5601210090	1.1455	0.9332
5601300000	1.1455	0.9332
5602109090	0.5727	0.4666
5602290000	1.1455	0.9332
5602906000	0.526	0.4285
5604900000	0.5556	0.4526
5607909000	0.8889	0.7242
5608901000	1.1111	0.9052
5608902300	1.1111	0.9052
5609001000	1.1111	0.9052
5609004000	0.5556	0.4526
5701104000	0.0556	0.0453
5701109000	0.1111	0.0905
5701901010	1.0444	0.8509
5702109020	1.1	0.8962
5702312000	0.0778	0.0634
5702411000	0.0722	0.0588
5702412000	0.0778	0.0634
5702421000	0.0778	0.0634
5702913000	0.0889	0.0724
5702991010	1.1111	0.9052
5702991090	1.1111	0.9052
5703900000	0.4489	0.3657
5801210000	1.1455	0.9332
5801230000	1.1455	0.9332
5801250010	1.1455	0.9332
5801250020	1.1455	0.9332
5801260020	1.1455	0.9332
5802190000	1.1455	0.9332
5802300030	0.5727	0.4666
5804291000	1.1455	0.9332
5806200010	0.3534	0.2879

5806200090	0.3534	0.2879
5806310000	1.1455	0.9332
5806400000	0.4296	0.3500
5808107000	0.5727	0.4666
5808900010	0.5727	0.4666
5811002000	1.1455	0.9332
6001106000	1.1455	0.9332
6001210000	0.8591	0.6999
6001220000	0.2864	0.2333
6001910010	0.8591	0.6999
6001910020	0.8591	0.6999
6001920020	0.2864	0.2333
6001920030	0.2864	0.2333
6001920040	0.2864	0.2333
6003203000	0.8681	0.7072
6003306000	0.2894	0.2358
6003406000	0.2894	0.2358
6005210000	0.8681	0.7072
6005220000	0.8681	0.7072
6005230000	0.8681	0.7072
6005240000	0.8681	0.7072
6005310010	0.2894	0.2358
6005320010	0.2894	0.2358
6005330010	0.2894	0.2358
6005340010	0.2894	0.2358
6005410010	0.2894	0.2358
6005420010	0.2894	0.2358
6005430010	0.2894	0.2358
6005440010	0.2894	0.2358
6005310080	0.2894	0.2358
6005320080	0.2894	0.2358
6005330080	0.2894	0.2358
6005340080	0.2894	0.2358
6005410080	0.2894	0.2358
6005420080	0.2894	0.2358
6005430080	0.2894	0.2358
6005440080	0.2894	0.2358
6006211000	1.1574	0.9429
6006221000	1.1574	0.9429
6006231000	1.1574	0.9429
6006241000	1.1574	0.9429
6006310040	0.1157	0.0943
6006320040	0.1157	0.0943
6006330040	0.1157	0.0943
6006340040	0.1157	0.0943
6006310080	0.1157	0.0943
6006320080	0.1157	0.0943

6006330080	0.1157	0.0943
6006340080	0.1157	0.0943
6006410085	0.1157	0.0943
6006420085	0.1157	0.0943
6006430085	0.1157	0.0943
6006440085	0.1157	0.0943
6101200010	1.0094	0.8224
6101200020	1.0094	0.8224
6102200010	1.0094	0.8224
6102200020	1.0094	0.8224
6103421020	0.8806	0.7174
6103421040	0.8806	0.7174
6103421050	0.8806	0.7174
6103421070	0.8806	0.7174
6103431520	0.2516	0.2050
6103431540	0.2516	0.2050
6103431550	0.2516	0.2050
6103431570	0.2516	0.2050
6104220040	0.9002	0.7334
6104220060	0.9002	0.7334
6104320000	0.9207	0.7501
6104420010	0.9002	0.7334
6104420020	0.9002	0.7334
6104520010	0.9312	0.7586
6104520020	0.9312	0.7586
6104622006	0.8806	0.7174
6104622011	0.8806	0.7174
6104622016	0.8806	0.7174
6104622021	0.8806	0.7174
6104622026	0.8806	0.7174
6104622028	0.8806	0.7174
6104622030	0.8806	0.7174
6104622060	0.8806	0.7174
6104632006	0.3774	0.3075
6104632011	0.3774	0.3075
6104632026	0.3774	0.3075
6104632028	0.3774	0.3075
6104632030	0.3774	0.3075
6104632060	0.3774	0.3075
6104692030	0.3858	0.3143
6105100010	0.985	0.8025
6105100020	0.985	0.8025
6105100030	0.985	0.8025
6105202010	0.3078	0.2508
6105202030	0.3078	0.2508
6106100010	0.985	0.8025
6106100020	0.985	0.8025

6106100030	0.985	0.8025
6106202010	0.3078	0.2508
6106202030	0.3078	0.2508
6107110010	1.1322	0.9224
6107110020	1.1322	0.9224
6107120010	0.5032	0.4100
6107210010	0.8806	0.7174
6107220015	0.3774	0.3075
6107220025	0.3774	0.3075
6107910040	1.2581	1.0250
6108210010	1.2445	1.0139
6108210020	1.2445	1.0139
6108310010	1.1201	0.9125
6108310020	1.1201	0.9125
6108320010	0.2489	0.2028
6108320015	0.2489	0.2028
6108320025	0.2489	0.2028
6108910005	1.2445	1.0139
6108910015	1.2445	1.0139
6108910025	1.2445	1.0139
6108910030	1.2445	1.0139
6108920030	0.2489	0.2028
6109100005	0.9956	0.8111
6109100007	0.9956	0.8111
6109100009	0.9956	0.8111
6109100012	0.9956	0.8111
6109100014	0.9956	0.8111
6109100018	0.9956	0.8111
6109100023	0.9956	0.8111
6109100027	0.9956	0.8111
6109100037	0.9956	0.8111
6109100040	0.9956	0.8111
6109100045	0.9956	0.8111
6109100060	0.9956	0.8111
6109100065	0.9956	0.8111
6109100070	0.9956	0.8111
6109901007	0.3111	0.2535
6109901009	0.3111	0.2535
6109901049	0.3111	0.2535
6109901050	0.3111	0.2535
6109901060	0.3111	0.2535
6109901065	0.3111	0.2535
6109901090	0.3111	0.2535
6110202005	1.1837	0.9644
6110202010	1.1837	0.9644
6110202015	1.1837	0.9644
6110202020	1.1837	0.9644

6110202025	1.1837	0.9644
6110202030	1.1837	0.9644
6110202035	1.1837	0.9644
6110202040	1.1574	0.9429
6110202045	1.1574	0.9429
6110202065	1.1574	0.9429
6110202075	1.1574	0.9429
6110909022	0.263	0.2143
6110909024	0.263	0.2143
6110909030	0.3946	0.3215
6110909040	0.263	0.2143
6110909042	0.263	0.2143
6111201000	1.2581	1.0250
6111202000	1.2581	1.0250
6111203000	1.0064	0.8199
6111205000	1.0064	0.8199
6111206010	1.0064	0.8199
6111206020	1.0064	0.8199
6111206030	1.0064	0.8199
6111206040	1.0064	0.8199
6111305020	0.2516	0.2050
6111305040	0.2516	0.2050
6112110050	0.7548	0.6149
6112120010	0.2516	0.2050
6112120030	0.2516	0.2050
6112120040	0.2516	0.2050
6112120050	0.2516	0.2050
6112120060	0.2516	0.2050
6112390010	1.1322	0.9224
6112490010	0.9435	0.7687
6114200005	0.9002	0.7334
6114200010	0.9002	0.7334
6114200015	0.9002	0.7334
6114200020	1.286	1.0477
6114200040	0.9002	0.7334
6114200046	0.9002	0.7334
6114200052	0.9002	0.7334
6114200060	0.9002	0.7334
6114301010	0.2572	0.2095
6114301020	0.2572	0.2095
6114303030	0.2572	0.2095
6115198010	1.0417	0.8487
6115929000	1.0417	0.8487
6115936020	0.2315	0.1886
6116101300	0.3655	0.2978
6116101720	0.8528	0.6948
6116926420	1.0965	0.8933

6116926430	1.2183	0.9925
6116926440	1.0965	0.8933
6116928800	1.0965	0.8933
6117809510	0.9747	0.7941
6117809540	0.3655	0.2978
6201121000	0.948	0.7723
6201122010	0.8953	0.7294
6201122050	0.6847	0.5578
6201122060	0.6847	0.5578
6201134030	0.2633	0.2145
6201921000	0.9267	0.7550
6201921500	1.1583	0.9437
6201922010	1.0296	0.8388
6201922021	1.2871	1.0486
6201922031	1.2871	1.0486
6201922041	1.2871	1.0486
6201922051	1.0296	0.8388
6201922061	1.0296	0.8388
6201931000	0.3089	0.2517
6201933511	0.2574	0.2097
6201933521	0.2574	0.2097
6201999060	0.2574	0.2097
6202121000	0.9372	0.7635
6202122010	1.1064	0.9014
6202122025	1.3017	1.0605
6202122050	0.8461	0.6893
6202122060	0.8461	0.6893
6202134005	0.2664	0.2170
6202134020	0.333	0.2713
6202921000	1.0413	0.8483
6202921500	1.0413	0.8483
6202922026	1.3017	1.0605
6202922061	1.0413	0.8483
6202922071	1.0413	0.8483
6202931000	0.3124	0.2545
6202935011	0.2603	0.2121
6202935021	0.2603	0.2121
6203122010	0.1302	0.1061
6203221000	1.3017	1.0605
6203322010	1.2366	1.0075
6203322040	1.2366	1.0075
6203332010	0.1302	0.1061
6203392010	1.1715	0.9544
6203399060	0.2603	0.2121
6203422010	0.9961	0.8115
6203422025	0.9961	0.8115
6203422050	0.9961	0.8115

6203422090	0.9961	0.8115
6203424005	1.2451	1.0144
6203424010	1.2451	1.0144
6203424015	0.9961	0.8115
6203424020	1.2451	1.0144
6203424025	1.2451	1.0144
6203424030	1.2451	1.0144
6203424035	1.2451	1.0144
6203424040	0.9961	0.8115
6203424045	0.9961	0.8115
6203424050	0.9238	0.7526
6203424055	0.9238	0.7526
6203424060	0.9238	0.7526
6203431500	0.1245	0.1014
6203434010	0.1232	0.1004
6203434020	0.1232	0.1004
6203434030	0.1232	0.1004
6203434040	0.1232	0.1004
6203498045	0.249	0.2029
6204132010	0.1302	0.1061
6204192000	0.1302	0.1061
6204198090	0.2603	0.2121
6204221000	1.3017	1.0605
6204223030	1.0413	0.8483
6204223040	1.0413	0.8483
6204223050	1.0413	0.8483
6204223060	1.0413	0.8483
6204223065	1.0413	0.8483
6204292040	0.3254	0.2651
6204322010	1.2366	1.0075
6204322030	1.0413	0.8483
6204322040	1.0413	0.8483
6204423010	1.2728	1.0370
6204423030	0.9546	0.7777
6204423040	0.9546	0.7777
6204423050	0.9546	0.7777
6204423060	0.9546	0.7777
6204522010	1.2654	1.0309
6204522030	1.2654	1.0309
6204522040	1.2654	1.0309
6204522070	1.0656	0.8681
6204522080	1.0656	0.8681
6204533010	0.2664	0.2170
6204594060	0.2664	0.2170
6204622010	0.9961	0.8115
6204622025	0.9961	0.8115
6204622050	0.9961	0.8115

6204624005	1.2451	1.0144
6204624010	1.2451	1.0144
6204624020	0.9961	0.8115
6204624025	1.2451	1.0144
6204624030	1.2451	1.0144
6204624035	1.2451	1.0144
6204624040	1.2451	1.0144
6204624045	0.9961	0.8115
6204624050	0.9961	0.8115
6204624055	0.9854	0.8028
6204624060	0.9854	0.8028
6204624065	0.9854	0.8028
6204633510	0.2546	0.2074
6204633530	0.2546	0.2074
6204633532	0.2437	0.1985
6204633540	0.2437	0.1985
6204692510	0.249	0.2029
6204692540	0.2437	0.1985
6204699044	0.249	0.2029
6204699046	0.249	0.2029
6204699050	0.249	0.2029
6205202015	0.9961	0.8115
6205202020	0.9961	0.8115
6205202025	0.9961	0.8115
6205202030	0.9961	0.8115
6205202035	1.1206	0.9130
6205202046	0.9961	0.8115
6205202050	0.9961	0.8115
6205202060	0.9961	0.8115
6205202065	0.9961	0.8115
6205202070	0.9961	0.8115
6205202075	0.9961	0.8115
6205302010	0.3113	0.2536
6205302030	0.3113	0.2536
6205302040	0.3113	0.2536
6205302050	0.3113	0.2536
6205302070	0.3113	0.2536
6205302080	0.3113	0.2536
6206100040	0.1245	0.1014
6206303010	0.9961	0.8115
6206303020	0.9961	0.8115
6206303030	0.9961	0.8115
6206303040	0.9961	0.8115
6206303050	0.9961	0.8115
6206303060	0.9961	0.8115
6206403010	0.3113	0.2536
6206403030	0.3113	0.2536

6206900040	0.249	0.2029
6207110000	1.0852	0.8841
6207199010	0.3617	0.2947
6207210030	1.1085	0.9031
6207220000	0.3695	0.3010
6207911000	1.1455	0.9332
6207913010	1.1455	0.9332
6207913020	1.1455	0.9332
6208210010	1.0583	0.8622
6208210020	1.0583	0.8622
6208220000	0.1245	0.1014
6208911010	1.1455	0.9332
6208911020	1.1455	0.9332
6208913010	1.1455	0.9332
6209201000	1.1577	0.9432
6209203000	0.9749	0.7943
6209205030	0.9749	0.7943
6209205035	0.9749	0.7943
6209205040	1.2186	0.9928
6209205045	0.9749	0.7943
6209205050	0.9749	0.7943
6209303020	0.2463	0.2007
6209303040	0.2463	0.2007
6210109010	0.2291	0.1866
6210403000	0.0391	0.0319
6210405020	0.4556	0.3712
6211111010	0.1273	0.1037
6211111020	0.1273	0.1037
6211118010	1.1455	0.9332
6211118020	1.1455	0.9332
6211320007	0.8461	0.6893
6211320010	1.0413	0.8483
6211320015	1.0413	0.8483
6211320030	0.9763	0.7954
6211320060	0.9763	0.7954
6211320070	0.9763	0.7954
6211330010	0.3254	0.2651
6211330030	0.3905	0.3181
6211330035	0.3905	0.3181
6211330040	0.3905	0.3181
6211420010	1.0413	0.8483
6211420020	1.0413	0.8483
6211420025	1.1715	0.9544
6211420060	1.0413	0.8483
6211420070	1.1715	0.9544
6211430010	0.2603	0.2121
6211430030	0.2603	0.2121

6211430040	0.2603	0.2121
6211430050	0.2603	0.2121
6211430060	0.2603	0.2121
6211430066	0.2603	0.2121
6212105020	0.2412	0.1965
6212109010	0.9646	0.7859
6212109020	0.2412	0.1965
6212200020	0.3014	0.2456
6212900030	0.1929	0.1572
6213201000	1.1809	0.9621
6213202000	1.0628	0.8659
6213901000	0.4724	0.3849
6214900010	0.9043	0.7367
6216000800	0.2351	0.1915
6216001720	0.6752	0.5501
6216003800	1.2058	0.9824
6216004100	1.2058	0.9824
6217109510	1.0182	0.8295
6217109530	0.2546	0.2074
6301300010	0.8766	0.7142
6301300020	0.8766	0.7142
6302100005	1.1689	0.9523
6302100008	1.1689	0.9523
6302100015	1.1689	0.9523
6302215010	0.8182	0.6666
6302215020	0.8182	0.6666
6302217010	1.1689	0.9523
6302217020	1.1689	0.9523
6302217050	1.1689	0.9523
6302219010	0.8182	0.6666
6302219020	0.8182	0.6666
6302219050	0.8182	0.6666
6302222010	0.4091	0.3333
6302222020	0.4091	0.3333
6302313010	0.8182	0.6666
6302313050	1.1689	0.9523
6302315050	0.8182	0.6666
6302317010	1.1689	0.9523
6302317020	1.1689	0.9523
6302317040	1.1689	0.9523
6302317050	1.1689	0.9523
6302319010	0.8182	0.6666
6302319040	0.8182	0.6666
6302319050	0.8182	0.6666
6302322020	0.4091	0.3333
6302322040	0.4091	0.3333
6302402010	0.9935	0.8094

6302511000	0.5844	0.4761
6302512000	0.8766	0.7142
6302513000	0.5844	0.4761
6302514000	0.8182	0.6666
6302600010	1.1689	0.9523
6302600020	1.052	0.8571
6302600030	1.052	0.8571
6302910005	1.052	0.8571
6302910015	1.1689	0.9523
6302910025	1.052	0.8571
6302910035	1.052	0.8571
6302910045	1.052	0.8571
6302910050	1.052	0.8571
6302910060	1.052	0.8571
6303110000	0.9448	0.7697
6303910010	0.6429	0.5238
6303910020	0.6429	0.5238
6304111000	1.0629	0.8659
6304190500	1.052	0.8571
6304191000	1.1689	0.9523
6304191500	0.4091	0.3333
6304192000	0.4091	0.3333
6304910020	0.9351	0.7618
6304920000	0.9351	0.7618
6505901540	0.181	0.1475
6505902060	0.9935	0.8094
6505902545	0.5844	0.4761

* * * * *

Dated: January 5, 2005.

A.J. Yates,

Administrator, Agricultural Marketing Service.

[FR Doc. 05–475 Filed 1–11–05; 8:45 am]

BILLING CODE 3410–02–C

NUCLEAR REGULATORY COMMISSION

10 CFR Part 40

[Docket No. PRM–40–28]

Donald A. Barbour, Philotechnics; Denial of Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Denial of petition for rulemaking.

SUMMARY: The Nuclear Regulatory Commission (NRC) is denying a petition for rulemaking (PRM–40–28) submitted by Mr. Donald A. Barbour, Philotechnics. The petitioner requested that the NRC amend its regulations governing the domestic licensing of source material to provide clarity regarding the effective control of depleted uranium aircraft counterweights held under the exemption in 10 CFR 40.13(c)(5). The petitioner believes that this amendment should address a number of issues concerning the exemption, storage, and disposal of these devices.

ADDRESSES: Copies of the petition for rulemaking, the public comments received, and NRC's letter to the petitioner may be examined at the NRC Public Document Room, Public File Area Room O1F21, 11555 Rockville Pike, Rockville, MD. These documents also may be viewed and downloaded electronically via the rulemaking Web site at *http://ruleforum.llnl.gov.* Address questions about our rulemaking Web site to Carol Gallagher; (301) 415–5905; e-mail *cag@nrc.gov.*

The NRC maintains an Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. These documents may be accessed through the NRC's Public Electronic Reading Room on the Internet at *http://www.nrc.gov/reading-rm/adams.html.* If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr@nrc.gov.*

FOR FURTHER INFORMATION CONTACT: Gary C. Comfort, Jr., Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–8106, e-mail *gcc1@nrc.gov.*

SUPPLEMENTARY INFORMATION:

The Petition

On January 21, 2000 (65 FR 3394), the NRC published a notice of receipt of a petition for rulemaking filed by Donald A. Barbour, Philotechnics. The petitioner requested that the NRC amend its regulations to provide additional rules for the effective control of depleted uranium aircraft