

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Increase in Fiscal Year 2011 Specialty Sugar Tariff-Rate Quota; Determination of Total Amounts of Fiscal Year 2012 Tariff-Rate Quotas for Raw Cane Sugar and Certain Sugars, Syrups and Molasses; and Extension of Entry Period for the Fiscal Year 2012 Raw Sugar Tariff-Rate Quota.

AGENCY: Office of the Secretary, USDA.

ACTION: Notice.

SUMMARY: The Office of the Secretary of the Department of Agriculture is providing notice of an increase in the fiscal year (FY) 2011 specialty sugar tariff-rate quota (TRQ) of 9,072 metric tons raw value (MTRV). The Secretary also announces the establishment of the FY 2012 in-quota aggregate quantity of the raw, as well as, refined and specialty sugar TRQ as required under the U.S. World Trade Organization (WTO) commitments. The FY 2012 raw cane sugar TRQ is established at 1,117,195 MTRV that may be entered under subheading 1701.11.10 of the U.S. Harmonized Tariff Schedule (HTS) during FY 2012 (October 1, 2011-September 30, 2012). In addition, the in-quota aggregate quantity of the refined and specialty sugar TRQ is established at 112,718 MTRV for certain sugars, syrups, and molasses (collectively referred to as refined sugar) that may be entered under subheadings 1701.12.10, 1701.91.10, 1701.99.10, 1702.90.10, and 2106.90.44 of the HTS during FY 2012. The Secretary also today announced that sugar entering the United States under the FY 2012 raw sugar import TRQ will be permitted to enter U.S. Customs territory beginning September 1, 2011, a month earlier than the usual first entry date of October 1. This latter action is in response to increased tightness in the

U.S. raw sugar market. Additional U.S. Note 5(a) (iv) of Chapter 17 of the HTS authorizes the Secretary of Agriculture to permit sugar allocated under a given quota period to be entered in a previous or subsequent quota year period.

DATES: Effective: [Insert date of Publication in the Federal Register].

FOR FURTHER INFORMATION CONTACT: Angel F. Gonzalez, Import Policies and Export Reporting Division, Foreign Agricultural Service, Department of Agriculture, 1400 Independence Avenue, SW., AgStop 1021, Washington, DC 20250-1021; by telephone (202) 720-2916; by fax (202) 720-0876; or by e-mail angel.f.gonzalez@fas.usda.gov.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of the Department of Agriculture is providing notice of an increase in the FY 2011 specialty sugar TRQ of 9,072 MTRV. Entries of specialty sugar under this additional tranche will be permitted beginning [insert 3 days after publication].

The provisions of paragraph (a)(i) of the Additional U.S. Note 5, Chapter 17 in the HTS authorize the Secretary of Agriculture to establish the in-quota TRQ amounts (expressed in terms of raw value) for imports of raw cane sugar and certain sugars, syrups, and molasses that may be entered under the subheadings of the HTS subject to the lower tier of duties of the TRQs for entry during each fiscal year. The Office of the U.S. Trade Representative (USTR) is responsible for the allocation of these quantities among supplying countries and areas.

Section 359(k) of the Agricultural Adjustment Act of 1938, as amended requires that at the beginning of the quota year the Secretary of Agriculture establish the

TRQs for raw cane sugar and refined sugars at the minimum levels necessary to comply with obligations under international trade agreements, with the exception of specialty sugar.

Notice is hereby given that I have determined, in accordance with paragraph (a)(i) of the Additional U.S. Note 5, Chapter 17 in the HTS and section 359(k) of the 1938 Act, that an aggregate quantity of up to 1,117,195 MTRV of raw cane sugar described in subheading 1701.11.10 of the HTS may be entered or withdrawn from warehouse for consumption during FY 2012 (October 1, 2011-September 30, 2012). This is the minimum amount to which the United States is committed under the WTO Uruguay Round Agreements. I have further determined that an aggregate quantity of 112,718 MTRV of sugars, syrups, and molasses described in subheadings 1701.12.10, 1701.91.10, 1701.99.10, 1702.90.10, and 2106.90.44 may be entered or withdrawn from warehouse for consumption during FY 2012. Of this quantity of 112,718 MTRV, the quantity of 92,374 MTRV is reserved for the importation of specialty sugars as defined by the USTR. The total of 112,718 MTRV includes the 22,000 MTRV minimum level necessary to comply with U.S. WTO Uruguay Round commitments, of which 1,656 MTRV is reserved for specialty sugar. Because the specialty sugar TRQ is first-come, first-served, tranches are needed to allow for orderly marketing throughout the year. The FY 2012 specialty sugar TRQ will be opened in five tranches. The first tranche, totaling 1,656 MTRV, will open October 12, 2011. All specialty sugars are eligible for entry under this tranche. The second tranche will open on October 26, 2011, and be equal to 33,565 MTRV. The remaining tranches will each be equal to 19,051 MTRV, with the

third opening on January 11, 2012; the fourth, on April 11, 2012; and the fifth, on July 11, 2012. The second, third, fourth, and fifth tranches will be reserved for organic sugar and other specialty sugars not currently produced commercially in the United States or reasonably available from domestic sources.

*Conversion factor: 1 metric ton = 1.10231125 short tons.

Karris T. Gutter.

Under Secretary,

Acting Farm and Foreign Agricultural Services

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