

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 1280

[No. LS-95-010]

#### Sheep Promotion, Research, and Information Program: Rules and Regulations

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule would implement provisions of a proposed Sheep and Wool Promotion, Research, Education, and Information Order (Order), which would establish a national and industry-funded sheep and wool promotion, research, and information program if an Order is approved by producers, feeders, and importers voting in the initial referendum. A full proposal and four partial proposals were published previously in the Federal Register (60 FR 2874). This proposed rule establishes the collection and remittance process, puts into effect the reporting requirements, identifies and establishes the Harmonized Tariff Schedule (HTS) classification numbers, conversion factors, and assessment rates for imported sheep, sheep meat, wool, and wool products subject to assessment, establishes procedures for calculating, collecting, and remitting assessments on imported sheep, sheep meat, wool, and wool products and establishes the basis for exempting certain imported sheep and sheep products from assessment. Because the Sheep Promotion, Research, and Information Act of 1994 (Act) provides that raw wool will be exempted from the collecting provisions, raw wool is not subject to assessment.

**DATES:** Written comments must be received by November 2, 1995.

**ADDRESSES:** Send two copies of comments to Ralph L. Tapp, Chief; Marketing Programs Branch; Livestock

and Seed Division; Agricultural Marketing Service (AMS), USDA, Room 2606-S; PO Box 96456; Washington, DC 20090-6456. Comments will be available for public inspection during regular business hours in Room 2606, South Building, 14th and Independence Avenue, SW., Washington, DC 20250.

All comments should reference the docket number and the date and page number of the issue of the Federal Register. Comments concerning the information collection requirements contained in this action should also be sent to the Office of Information and Regulatory Affairs; Office of Management and Budget (OMB); Washington, DC 20503. Attention: Desk Officer for Agricultural Marketing Service, USDA.

**FOR FURTHER INFORMATION CONTACT:**

Ralph L. Tapp, Chief, Marketing Programs Branch, 202/720-1115.

**SUPPLEMENTARY INFORMATION:** Prior documents in this proceeding: Invitation to submit proposals—60 FR 381 (January 4, 1995); Sheep and Wool Promotion, Research, Education, and Information Order—60 FR 28747 (June 2, 1995); and Procedures for the Conduct of Referendum—60 FR 40313 (August 8, 1995).

#### Regulatory Impact Analysis

##### *Executive Orders 12866 and 12778 and the Regulatory Flexibility Act*

This proposed rule has been determined to be not significant for purposes of Executive Order 12866 and therefore has not been reviewed by OMB.

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. It is not intended to have a retroactive effect. This rule would not preempt any State or local laws, regulations, or policies unless they present an irreconcilable conflict with this rule.

The Act provides that any person subject to the Order may file with the Secretary a petition stating that the Order, any provision of the Order, or any obligation imposed in connection with the Order is not in accordance with the law, and requesting a modification of the Order or an exemption from certain provisions or obligations of the Order. The petitioner will have the opportunity for a hearing on the petition. Thereafter the Secretary will issue a decision on the petition. The Act

provides that the district court of the United States in any district in which the petitioner resides or carries on business has jurisdiction to review the Secretary's decision, if the petitioner files a complaint for that purpose not later than 20 days after the date of the entry of the Secretary's decision.

The petitioner must exhaust his or her administrative remedies before he or she can initiate any such proceeding in the district court.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 et seq.), the Administrator of AMS has considered the economic impact of this proposed action on small entities.

The purpose of RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly burdened.

The Administrator of AMS has considered the economic impact of this action on small entities to RFA.

There are an estimated 87,350 domestic sheep producers and feeders and an estimated 700 remittance persons who would be subject to the rules and regulations issued pursuant to the Order. There are also an estimated 9,000 importers who would become subject to the rules and regulations. Nearly every sheep producer, feeder, and importer would be classified as a small business under the criteria established by the Small Business Administration (13 CFR 121.601).

The Act provides for the establishment of a coordinated program of promotion and research designed to strengthen the sheep industry's position in the marketplace and to maintain and expand foreign and domestic markets and uses for sheep and sheep products. This program would be financed by assessments on domestic and imported sheep and sheep products which includes wool and products containing wool fibers. Pursuant to the Act, a proposed rule was published on June 2, 1995 (60 FR 28747). That action proposed a full proposal and four partial proposals.

This proposed rule establishes the collection and remittance process, puts into effect the reporting requirements of an Order, identifies and establishes HTS classification numbers, conversion factors, and assessment rates for imported sheep and sheep products