

modifications or clarifications. Six comments opposed the entire Order or portions thereof. The remaining comments neither supported nor opposed the proposal in its entirety, but rather addressed specific sections in the proposed Order or made general comments relating to the Act or the Order. Forty-two comments did not express opposition to Proposal II which would provide for 6 of the 25 importer Board members to represent importers of sheep meat and that 1 member of the Executive Committee be an importer of sheep meat and that organizations that represent importers of sheep or sheep products may make nominations for representation of the importer unit. Two comments opposed Proposal II. Fifty-nine comments opposed Proposal III which would prohibit the use of assessments for specific country of origin promotion programs and two comments supported Proposal III. Forty-eight comments opposed Proposal IV which would provide that funds generated under the Act be used to promote (1) a wide range of wool products in the United States, including interior textile product; e.g., carpet rugs, and upholstery; and (2) wool generically rather than to promote wool specifically grown in the United States and four comments supported Proposal IV. Finally, fifty-two comments supported Proposal V, which would provide that domestic assessments could be used to promote "Fresh American Lamb." The discussions are organized by headings of the proposed Order's provisions.

#### Definitions

Two commenters recommended that we review all of the terminology in § 1280.101 through § 1280.136 in the proposed Order and clarify any terms that are ambiguous, in order to ensure that the definitions in the proposed Order generally conform with or mirror those in the Act. We agree, and reviewed the definitions and determined that the definitions in the proposed Order either mirror the definitions in the Act or conform to the Act's intent.

#### *Section 1280.108 Degreased Wool*

One commenter stated that the definition of "degreased wool" has created some confusion because the term for "degreased wool" used both in the United States and abroad, is "scoured wool." The commenter recommended that the term "degreased wool" be changed to "scoured wool." We have not adopted this recommendation because the Act defines the term "degreased wool" and we believe that the proposed Order's

definition should mirror the Act's definition. Accordingly, this suggestion is not adopted.

#### *Section 1280.113 Feeder*

Five commenters opposed the definition of "feeder" in the proposed Order. One commenter suggested that a "feeder" should be defined as "a person that is the second owner of the lamb" because the definition in the Act and in the proposed Order was ambiguous and could allow a person who was primarily a producer to occupy a feeder seat on the Board but prohibit a person who is primarily a feeder to occupy a producer seat on the Board. The same commenter also stated that according to the definition in the proposed Order many producers could be feeders, but few feeders could be producers. Another commenter suggested that "feeder" should be defined as "a producer who purchases more than 500 head of lambs a year, to be finished for the commercial market." The commenter believes that the intent of the Act was not to include 4-H club members who show market sheep or other individuals who sell only a few market lambs in the definition of "feeder." Another commenter suggested that "feeder" should be defined as "any person other than a producer who purchases lambs to be finished for the commercial market." Another commenter suggested that a "feeder" should be defined as one whose main source of income (over 50 percent) comes from lambs purchased for the purpose of feeding to market weight. Another commenter opposed the definition of "feeder" but did not provide an alternate definition. The Act itself defines "feeder" as any person who feeds lambs until the lambs reach slaughter weight. The Department finds that the definition in the proposed Order should mirror that found in the Act. Accordingly, we have not adopted any of these suggestions.

#### *Section 1280.122 Producer*

Five commenters opposed the definition of "producer" in the proposed Order. One commenter suggested that "producer" be defined as any person involved in certain industry segments \* \* \* to include but not be limited to \* \* \* a "commercial" ewe flock, purebred operation, speciality lamb and/or wool market segment, 4-H member or youth, because that definition is more representative of the producer segment of the sheep industry. Another commenter suggested that "producer" be defined as any producer who markets less than 500 purchased lambs per year. Another commenter suggested that "producer" be defined as

one who breeds sheep for the production of lamb and wool. Three other commenters opposed the definition of "producer" but did not provide an alternative definition. The Act defines "producer" as any person, other than a feeder, who owns or acquires ownership of sheep. The Department finds that the definition in the proposed Order should mirror that found in the Act. Accordingly, we have not adopted these suggestions.

One commenter suggested that the definitions of "feeder," "importer" and "producer" include a minimum age restriction and thus require an individual to be at least 18 years of age to ensure that those eligible to vote in the referendum are actually engaged in the commercial feeding, importation or production of sheep and sheep products. The Act does not specify any age limit or restriction as an eligibility requirement, and there are no age limits or restrictions on persons who are required to pay assessments. The Department believes that Congress intended that each person who is subject to the assessment should be entitled to vote. Accordingly, we have not adopted this suggestion.

#### *Section 1280.126 Qualified State Sheep Board*

One commenter opposed the definition of "Qualified State Sheep Board (QSSB)" because § 1280.126 of the proposed Order was inconsistent with § 2(5), "Findings and Declaration Policy," of the Act, which states that existing State organizations which conduct sheep and sheep product promotion, research, industry, and consumer education programs that are invaluable to the efforts of promoting the consumption of sheep and sheep products. The commenter further believes that the definition of "QSSB" would allow any private trade association to be recognized as a "QSSB," because they are entities organized and operating within the State. Additionally, the commenter states that § 1280.126 in the proposed Order defines QSSB as a sheep and wool promotion entity but also appears to include entities that conduct promotion, research or consumer information programs with respect to sheep or wool or both. Finally, the same commenter suggested that § 1280.126 in the proposed Order be amended to include the following subsection "(d)": "(d) \* \* \* has agreed to maintain books and records as specified in regulations approved by the Secretary, to be subject to audit by or at the direction of the Secretary, to abide by all terms of the Act and the Order and to immediately