

resignation, or disqualification of any member of the Board, the Secretary will appoint a successor from the most recent list of nominations for the position, from nominations submitted by the Board for producers or from certified feeder or importer organizations, for feeders and importers.

(5) Where there is more than one eligible organization that represents producers in a State or unit, or represents feeders, or importers, they may caucus and jointly nominate qualified persons for each position representing that State or unit on the Board for which a producer, feeder or importer member is to be appointed. If they cannot agree on any such nominations, or if no caucus is held, each eligible producer, feeder or importer organization may submit to the Secretary nominations for each seat on the Board for which the unit is entitled to representation. If a unit is entitled to only one seat on the Board, the unit shall submit at least two nominations for the appointment to represent that unit.

(6) Nominations should be submitted in order of preference and, for the initial Board, in order of preference for staggered terms. If the Secretary rejects any nominations submitted and there are insufficient nominations submitted from which appointments can be made, the Secretary may request additional nominations under paragraphs (a), (b), or (c) of this section.

(b) *Official nomination forms.* A "Nomination for Appointment to the National Sheep Promotion, Research, and Information Board" must be used to nominate producers, feeders, or importers for appointment to the Board. An "Advisory Committee Membership Background Information" form must be completed by each nominee listed on the "Nomination for Appointment to the National Sheep Promotion, Research, and Information Board" form and must be attached to that form. Official nomination forms and additional information on nominations are available from the Marketing Programs Branch; Livestock and Seed Division; AMS-USDA, Room 2606-S; P.O. Box 96456; Washington, D.C. 20090-6456 (Telephone: 202/720-1115).

(c) The Secretary may reject any nomination submitted under paragraph (a) of this section. If there are insufficient nominations from which to appoint members to the Board because the Secretary rejected the nominations submitted by a State or unit, the State or unit shall submit additional nominations, as provided in paragraph (a) of this section.

§ 1280.409 Initial Board membership.

(a) *Base membership.* The number of producer members appointed to the Board from each State or unit shall be allocated.

Alabama 1; Alaska 1; Arizona 1; Arkansas 1; California 5; Colorado 4; Connecticut 1; Delaware 1; Florida 1; Georgia 1; Hawaii 1; Idaho 2; Illinois 1; Indiana 1; Iowa 2; Kansas 1; Kentucky 1; Louisiana 1; Maine 1; Maryland 1; Massachusetts 1; Michigan 1; Minnesota 2; Mississippi 1; Missouri 1; Montana 5; Nebraska 1; Nevada 1; New Hampshire 1; New Jersey 1; New Mexico 2; New York 1; North Carolina 1; North Dakota 2; Ohio 1; Oklahoma 1; Oregon 2; Pennsylvania 1; Rhode Island 1; South Carolina 1; South Dakota 4; Tennessee 1; Texas 10; Utah 3; Vermont 1; Virginia 1; Washington 1; West Virginia 1; Wisconsin 1; and Wyoming 5.

(b) *Alternate members.* A unit represented by only one producer member may have an alternate producer member appointed to ensure representation at meetings of the Board.

(c) *Feeders.* The feeder sheep industry shall be represented by ten members.

(d) *Importers.* Importers shall be represented by 25 members.

§ 1280.410 Length of appointment to the initial Board.

When the Secretary appoints the members to the initial Board, the Secretary shall also specify the term of office for each member. To the extent practicable, one-third of the members shall serve for one year, one-third shall serve for two years, and one-third shall serve for three years. No person may serve more than two consecutive three year terms, except that elected officers shall not be subject to the term limitation while they hold office.

§ 1280.411 Acceptance of appointment.

Producers, feeders and importers nominated to the Board must confirm in writing their intention to serve if appointed, to disclose any relationship with any organization that operates a qualified State or regional program or has a contractual relationship with the Board and to withdraw from participation in deliberations, decision-making, or voting on matters that concern such disclosed relationships.

§ 1280.412 Verification.

The Secretary shall have the right to examine at any time the books, documents, papers, records, files, and facilities of nominating units as the Secretary deems necessary to verify the information submitted and to procure such other information as may be required to determine whether the unit

is eligible to nominate sheep producers, feeders, or importers for appointment to the Board.

§ 1280.413 Confidential treatment of information.

All documents submitted in accordance with this subpart shall be kept confidential by all employees of the Department. Nothing in this section shall be deemed to prohibit the disclosure of such information so furnished or acquired as the Secretary deems relevant and then only in the issuance of general statements based upon the reports of a number of persons subject to the Order or statistical data collected therefrom, when such a statement or data does not identify the information furnished by any one person.

§ 1280.414 Paperwork Reduction Act assigned number.

The control number assigned to the information collection requirements in part 1280 by OMB pursuant to the Paperwork Reduction Act of 1980 is OMB 0581-0093.

Dated: May 2, 1996.

Lon Hatamiya,
Administrator.

[FR Doc. 96-11532 Filed 5-8-96; 8:45 am]

BILLING CODE 3410-02-P

7 CFR Part 1280

[No. LS-95-010]

Sheep Promotion Research, and Information Program: Rules and Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule implements provisions of a Sheep and Wool Promotion, Research, Education, and Information Order (Order), which will establish a national, industry-funded sheep and wool promotion, research, and information program. This final 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 excluding certain imported sheep and sheep products from assessment. Because the

Sheep Promotion, Research, and Information Act of 1994 (Act) provides that imported raw wool will be exempted from the collecting provisions, imported raw wool is not subject to assessment.

EFFECTIVE DATE: This final rule will become effective July 1, 1996.

FOR FURTHER INFORMATION CONTACT: Ralph L. Tapp, Chief, Marketing Programs Branch; Livestock and Seed Division; Agricultural Marketing Service (AMS), USDA, Room 2606-S; P.O. Box 96456; Washington, DC 20090-6456, telephone number 202/720-1115.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding: Proposed Rule—Sheep Promotion and Research Program: Rules and Regulations—60 Federal Register (FR) 51737 (October 3, 1995).

Regulatory Impact Analysis

Executive Orders 12866 and 12778 and the Regulatory Flexibility Act

This final rule has been determined to be not significant for purposes of Executive Order 12866 and therefore has not been reviewed by the Office of Management and Budget (OMB).

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. It is not intended to have a retroactive effect. This rule will 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.*), AMS has considered the economic impact of this final 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.

There are an estimated 87,350 domestic sheep producers and feeders and an estimated 700 remittance persons who will be subject to the rules and regulations issued pursuant to the Order. There are also an estimated 9,000 importers who will become subject to these rules and regulations. Nearly every sheep producer, feeder, and importer will 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 will be financed by assessments on domestic and imported sheep and sheep products which includes wool and wool products. Pursuant to the Act, an Order approved in referendum was published on May 2, 1996, in the Federal Register (XX FR XXXXX). The final Order became effective on May 3, 1996, except for provisions concerning assessments. Those Order provisions become effective July 1, 1996.

This final 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 (sheep meat, wool, and wool products) subject to the assessment, establishes procedures for calculating, collecting, and remitting assessments on imported sheep, sheep meat, wool, and wool products and establishes the basis for excluding certain imported sheep and sheep products from assessment. Because the Act exempts imported raw wool from the collecting provisions, imported raw wool is not a subject to assessment.

This final rule will implement applicable Order provisions in the manner provided therein. Accordingly, the Administrator of AMS has determined that this rule will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), OMB has approved the information collection and recordkeeping requirements contained

in Part 1280 for domestic producers, feeders, handlers, and processors of sheep and wool, and assigned control number 0581-0093.

Based on comparable research and promotion programs, it should require approximately 0.5 hours per response for producers, feeders, handlers, and persons other than the person making payment to the producer, feeder, or handler, to complete a reporting form on a monthly basis.

For importers, the Department of Agriculture (Department) intends to rely to a great extent on records maintained by the U.S. Customs Service (Customs) and by importers under Customs's requirements for its administration and enforcement of the provisions of the final regulations.

Any person subject to the assessment, collection, and remittance provisions of the Act and the Order would be expected to maintain and make available to the Secretary such books and records as necessary to carry out the provisions of the Order and these regulations. Such books and records must be maintained for at least 2 years beyond the fiscal period of their applicability.

Background

The Act (7 U.S.C. 7101-7111) enacted on October 22, 1994, authorizes the Secretary to establish a national sheep and wool promotion, research, education, and information program designed to strengthen the sheep industry's position in the marketplace, to maintain and expand existing domestic and foreign markets and uses for sheep and sheep products and to develop new markets and uses for sheep and sheep products. The program will be funded by assessments on domestic sheep producers, sheep feeders, and exporters of live sheep and greasy wool of 1 cent per pound on live sheep sold and 2 cents per pound on greasy wool sold. Importers will be assessed 1 cent per pound on live sheep imported and the equivalent of 1 cent per pound of live sheep for sheep products imported as well as 2 cents per pound of degreased wool or the equivalent of degreased wool for wool and wool products imported. Imported raw wool will be exempt from assessments. Each person who processes or causes to be processed sheep or sheep products of that person's own production and markets the processed products will be assessed the equivalent of 1 cent per pound of live sheep sold or 2 cents per pound of greasy wool sold. All assessment rates may be adjusted in accordance with applicable provisions of the Act.

The Order requires that each person who makes payment to a sheep producer, feeder, or handler of sheep or sheep products be a collecting person who collects the assessment from the producer, feeder, or handler of sheep or sheep products and passes the collected assessment on to the subsequent purchaser pursuant to the Act. Any person who buys domestic live sheep or greasy wool for processing must collect the assessment from the producer, feeder, or handler and remit it to the National Sheep Promotion, Research, and Information Board (Board). Any person who processes or causes to be processed sheep or sheep products of the person's own production and markets the processed products is required to pay an assessment and to remit that assessment to the Board. Any person who exports live sheep or greasy wool is required to pay an assessment and to remit it to the Board at the time of export. Finally, each person who imports sheep and sheep products, other than imported raw wool, is required to pay an assessment. Customs will collect the assessments on imported sheep and sheep products upon importation and forward them to AMS for disbursement to the Board.

The Order further defines a collecting person as any person who is responsible for collecting an assessment pursuant to the Act, the Order, and these regulations, including processors and any other persons who are required to remit assessments to the Board, except that a collecting person who is a market agency, i.e., commission merchant, auction market, or livestock market in the business of receiving such sheep or sheep products for sale on commission for or on behalf of a producer or feeder, shall pass the collected assessment on to the subsequent purchaser pursuant to the Act, the Order and these regulations.

For the purposes of the collection of assessments on imported sheep and

sheep products by Customs, the Harmonized Tariff Schedule (HTS) classification numbers published by the United States International Trade Commission (USITC) will be used to identify imported sheep and sheep products that are subject to the assessment. The HTS classification system identifies each category of imported sheep, sheep meat, wool, and products that contain wool fiber by a 10-digit classification number and provides a brief description of the imported product that corresponds to the various classification numbers. Additionally, the HTS classification number may be further divided into multiple fiber categories for products that contain a blend of fibers.

In determining which HTS classification numbers are assessed under this final rule, the Department's primary objectives were to meet the intent of the Act by maximizing participation of imported sheep, sheep meat, wool, and wool products in the assessment collection provisions of the Act and to minimize the burden of administering those provisions. To make certain these objectives would be met, the Department reviewed 5 years, 1989-1993, of historical import data for sheep, sheep meat, wool and products containing wool fibers from the Bureau of Census of the U.S. Department of Commerce. These data are available on CD-ROM, entitled "International Harmonized System Commodity Classification by Country by Customs District." The Department analyzed the total volume of imported sheep, sheep meat, wool, and wool products subject to the assessment by identifying the HTS classification numbers and corresponding conversion factors.

The Department identified over 700 HTS classification numbers during a review of the import library published by the Department's Economic Research Service (ERS). The Department has

determined that of the approximately 700 HTS classification numbers, slightly more than 600 are considered active or potentially subject to assessment. These numbers are continually updated, deleted, or expanded, thereby eliminating existing HTS categories or creating new ones. Based on the projected revenue for imported sheep and sheep products, from the slightly more than 600 active HTS classification numbers for sheep and sheep products, the Department identified in the October 3, 1995, Federal Register (60 FR 51737) 340 HTS classification numbers that account for over 99 percent of the total projected import revenues. Accordingly, the Department has limited the collection of assessments to this lower level, thereby not including a significant number of low-volume HTS categories.

Limiting the number of imported sheep and sheep products that would be subject to assessments would reduce the administrative cost and burden on Customs and importers, and would reduce administrative costs to the Board, while allowing the Board to collect the vast majority of potential import assessments consistent with the Act.

The USITC recently published an updated list of all of the HTS classification numbers. Some HTS classification numbers published in the October 3, 1995, proposed rule have been changed and one has been divided into two numbers. In light of the recent update, the Department has expanded the HTS classification numbers that will be subject to the assessment from 340, as initially proposed, to 341. Therefore, the following revisions to Table I, Imported Sheep and Sheep Products Assessment Table, used in the sheep and wool promotion, research and information program were necessary:

Old number	New number	Comment
5703100000	5703100020	Use same conversion factor.
	5703100080	Do.
5705002010	5705002005	Do.
6104591000	6104591005	Do.
6115199020	6115198020	Do.
6115932910	6115939010	Do.
6204693020	6204696020	Do.

Because import assessments are based on a live-weight equivalent for imported sheep meat and degreased wool, or its equivalent for wool and wool products, the Department has decided to use conversion factors developed and published by ERS to convert imported

sheep products to the required live-weight equivalents, degreased wool, or degreased wool equivalents, to determine the amount of assessment due on each HTS category upon importation. These conversion factors are available for the over 700 HTS

classification numbers and are updated and maintained as an import library. For sheep meat, these conversion factors take into account removal of bone, weight lost in processing or cooking, and the nonsheep components of the sheep products. For wool and products

containing wool fibers, these conversion factors take into account fiber loss during processing, fabric trim loss, and cutting loss for wool, and other non-sheep components of wool and wool products. The Department has decided to use these conversion factors for calculating the assessment because calculating carcass equivalents and wool content for each individual product before entry would be both costly and impractical.

The factors for calculating the assessment on imported sheep, sheep meat, wool, and products containing wool fiber include the (1) HTS classification number, (2) conversion factor, (3) assessment rate as established under the Act, and (4) dressing percentage. Based on a 9-year average, 1980-1989, the average dressing percentage for sheep in the United States is 50.2 percent, as published by ERS in the 1992 edition of Conversion Factors, Weights and Measures of Agricultural Commodities and Their Products.

Imported live sheep require no conversion because each animal will be assessed based on its live weight.

Examples of calculating the assessment on sheep, sheep meat, wool, and products containing wool fibers are as follows:

Example I

Live Sheep

To calculate the assessment for live sheep, an importer would multiply the total weight of imported live sheep by 1 cent per pound. The following example illustrates a typical calculation for imported live sheep:

HTS 0104100000, Live sheep:	
Live Weight	125 lbs
Assessment rate	× \$0.01/lb
Assessment	\$1.25

Examples II and III

Sheep Meat

To calculate the assessment for imported sheep meat, an importer would (1) multiply the total weight of imported sheep meat by the conversion to determine the total carcass weight equivalent, then (2) divide the total carcass weight equivalent by 50.2 percent to calculate the live animal equivalent, and (3) multiply the live animal equivalent by 1 cent per pound. The following examples illustrate two typical sheep meat calculations:

1. Sheep Meat (Bone-in)	
HTS 0204100000, Carcasses and half carcasses of lamb, fresh or chilled:	
Net Weight	1,000 lbs
Conversion factor	× 1.00
Carcass weight equivalent.	= 1,000 lbs
Average dressing percent.	÷ 50.2
Live weight equivalent.	= 1,992.03 lbs
Assessment rate	× \$0.01 lb
Assessment	\$19.92
2. Sheep Meat (Boneless)	
HTS 0204232000, Boneless lamb:	
Net Weight	1,000 lbs
Conversion factor	× 1.52
Carcass weight equivalent.	= 1,520 lbs
Average dressing percent.	÷ 50.2
Live weight equivalent.	= 3,027.89 lbs
Assessment rate	× \$0.01/lb.
Assessment	\$30.28

Example IV

Wool Products

To calculate the assessment for imported wool and wool products, an importer would (1) multiply the total weight of wool or wool products imported under each HTS number by the corresponding conversion factor, and (2) multiply the raw clean wool content by the assessment rate. The following example illustrates a typical calculation:

HTS 6201110010, Mens' or boys' overcoats of wool or fine animal hair:	
Net Weight	2,000 lbs
Conversion factor	× 1.0199
Clean wool content	= 2,039.8 lbs
Assessment rate	× \$0.02/lb
Assessment	\$40.80

A table in this regulation lists the applicable HTS classification numbers representing imported sheep, sheep meat, wool, and products containing wool fibers subject to assessment, the corresponding conversion factors and the assessment rate per pound and per kilogram for each product, except in the case of imported raw wool, which is exempt from assessment.

This final rule sets forth 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 that basis for excluding certain imported sheep and sheep products from assessment.

The proposed rule was published in the October 3, 1995, Federal Register (60 FR 51737) with a request for comments to be submitted by November 2, 1995. The Department received five written comments concerning the proposed rules and regulations from individual sheep producers and feeders, and producer and importer organizations. All comments were filed on time. The commenters generally supported the proposed rule with certain qualifications.

The substantive changes suggested by commenters are discussed below, together with a description of further changes made by the Department. Also, the Department has made other minor changes of a non-substantive nature for purposes of clarity and accuracy. For the reader's convenience, the discussion is organized by topic heading of the proposed rule.

§ 1280.312 Assessments on imported sheep and sheep products.

One commenter suggested that the term "raw wool" is too generalized and questioned why imported raw wool is exempt from assessment. The Act defines "raw wool" as greasy wool, pulled wool, degreased wool, or carbonized wool. Thus, the definition of raw wool in this final rule is consistent with the definition in the Act. Additionally, the Act specifically exempts imported raw wool from assessment.

One commenter questioned the proposed rule's exemption from assessment of over 300 HTS classification numbers that account for less than 1 percent of total imports. The commenter believes that all imports should be assessed and that the low volume of imports and the high cost of administering the collecting program are not sufficient reasons to exempt HTS classification numbers from assessment. This final rule identifies 341 HTS classification numbers for sheep and sheep products subject to assessments collected by Customs. The Act provides that the Secretary may issue regulations

that exclude certain *de minimis* content levels of sheep and sheep products and waive assessments. Consistent with this provision, the Department has determined that the annual volume of sheep and sheep products represented by each of the 360 HTS classification numbers that are not subject to assessment are likely to be insufficient to fully cover the collection, compliance, and administrative costs associated with these HTS classification numbers. However, the Department plans to review periodically the volume of sheep and sheep products imported under all HTS classification numbers, including those not subject to assessment, to determine which HTS classification numbers should be subject to assessment as identified in Table I in § 1280.312. Accordingly, we have not adopted this suggestion.

Two commenters suggested that § 1280.312(d) of this section be deleted because the language in the Act does not authorize an exemption from assessments for imported sheep or sheep products that are not subject to an import duty. Furthermore, the commenters believe that the Act does not provide for reimbursement of assessments collected on imports that are not subject to an import duty. Additionally, the commenters feel that Customs is directed by the Congress to collect the assessment whether or not there is an import duty. The intent of the language proposed by the Department in § 1280.312(d) was to provide for reimbursement of assessments on imported sheep and sheep products because of collection errors and in cases where assessments were collected on imported sheep and sheep products that were denied entry or were determined to be a pass-through because the imported products did not enter the stream of commerce of the United States. Upon further review of this matter, including the comments received and review of similar research and promotion programs, the Department now believes that reimbursement in such cases should be determined by the Board on a case-by-case basis. Accordingly, the Department has deleted that portion of § 1280.312(d) in this final rule, which provided for reimbursement of a assessments for duty-free products.

During the comment period on the proposed Order (60 FR 28747), some commenters expressed concern about the collection of multiple assessments on wool or wool products imported into the United States that had been previously exported to other countries for further processing (i.e., weaving, cutting and/or assembly). The

commenters suggested that a drawback or refund of the assessment should be authorized if multiple assessments are collected. The Department noted in the proposed Order that it would address these concerns in this action. As previously explained, the Act requires that Customs collect an assessment on all imported sheep and sheep products. The only provisions in the Act for the exclusion of imported sheep and sheep products from assessments are (1) the provision for waiving assessments on imported sheep and sheep products that contain *de minimis* amounts of sheep and sheep products, and (2) the provision exempting imported raw wool. Accordingly, this suggestion is not adopted.

One commenter identified nine sets of HTS classification numbers and corresponding conversion factors that should be reviewed by the agency for accuracy and correction:

1. The conversion factor corresponding to HTS classification number 5703100000 was incorrect and should read 0.7933. We agree and we have determined that conversion factor 0.7993 should read 0.7933. Accordingly, we have adopted this change and it is reflected in Table I under § 1280.312.

2. The HTS classification number 5810991000 was incorrect and should read 5810990010. We reviewed the ERS import library and USITC 1995 HTS publication and determined that the HTS classification number 5810991000 was correct as published in the proposed rule. Accordingly, we have not adopted this suggestion.

3. The HTS classification number 6104591000 was incorrect and should read 6104591005. We agree and we have determined that HTS classification number 6104591000 should read 6104591005. Accordingly, we have adopted this change and it is reflected in Table I under § 1280.312.

4. The conversion factor corresponding to HTS classification number 6110909028 was incorrect and should read 0.6433. We agree and we have determined that conversion factor 0.5790 should read 0.6433. Accordingly, we have adopted this change and it is reflected in Table I under § 1280.312.

5. The HTS classification number 6115199020 was incorrect and should read 6115190020. We reviewed the ERS import library and USITC 1995 HTS publication and determined HTS classification number 6115199020 was correct as published in the proposed rule. Accordingly, we have not adopted this suggestion.

6. The conversion factor corresponding to HTS classification number 6203331050 was incorrect and

should read 0.5672. We agree and we have determined that conversion factor 0.4767 should read 0.5672. Accordingly, we have adopted this change and it is reflected in Table I under § 1280.312.

7. The conversion factor corresponding to HTS classification number 6203410510 was incorrect and should read 1.0083. We agree and we have determined that conversion factor 0.9859 should read 1.0083. Accordingly, we have adopted this change and it is reflected in Table I under § 1280.312.

8. The conversion factor corresponding to HTS classification number 6203410520 was incorrect and should read 1.0083. We agree and we have determined that conversion factor 0.9859 should read 1.0083. Accordingly, we have adopted this change and it is reflected in Table I under § 1280.312.

9. The conversion factor corresponding to HTS classification number 6204693020 was incorrect and should read 0.5425. We agree and we have determined that conversion factor 0.6029 should read 0.5425. Accordingly, we have adopted this change and it is reflected in Table I under § 1280.312.

In addition, the Department found a typographical error in the dollar-per-pound assessment rate for HTS classification number 0204434000 under the heading Sheep Meat. The correct assessment rate should read 0.030279 dollars per pound, not 30.030279 dollars per pound. Accordingly, we have amended Table I under § 1280.312.

One commenter suggested that the layout of the chart is confusing and could lead to misinterpretation by those responsible for collection of the imported wool assessment. The commenter contends that the inclusion of "converted" "assessment rates" or "amounts" on the net weight of each HTS classification number implies that there is a rate of assessment other than the flat 2 cents per pound of clean weight. Additionally, the commenter suggests that the "converted" assessments be either deleted entirely from the chart or changed so as to clarify that the corresponding assessment amounts are based on net weight and are not intended as substitutes for the 2 cents per pound assessment on clean weight equivalent (degreased wool). The Act provides that importers importing sheep and wool products into the United States pay an assessment in the manner prescribed by the Order and that such assessment shall be collected by Customs. The information in Table I is based on 1 cent per pound for sheep meat and 2 cents per pound for wool and wool products. The explanation of the method of

calculation for the per-pound or per-kilogram assessment amounts are described in the Supplementary Information section, which explains that the assessment rates listed in Table I for each HTS classification number for sheep meat are based on the equivalent of 1 cent per pound of live sheep and 2 cents per pound of degreased wool, or the equivalent of degreased wool for wool and wool products. Additionally, the assessment amounts listed for each HTS classification number subject to assessment will assist customs in developing its data processing program that automatically collects and records the total assessment due on imported sheep products subject to assessment. Customs has had over 10 years of experience collecting such assessments for a variety of similar commodity promotion and research programs, and is prepared to use the information contained in Table I of this final rule. Accordingly, no change is made to Table I.

One commenter suggested that the first fourteen wool and wool products HTS classification numbers and corresponding conversion factors be reviewed for accuracy. Each HTS classification number and corresponding conversion factor corresponds with a stage of processing prior to weaving. The commenter believes that the conversion factors do not accurately reflect the losses that occur at each stage of processing. Further, the commenter believes that (1) stage one, carding, has a loss of about 2 percent, (2) stage two, top production, has a loss of about 6 percent, and (3) stage three, spinning wool into yarn, has a loss of about 8 percent. Additionally, the commenter believes that the conversion factors indicate that yarn spinning losses at stage three are less than top-making losses at stage two. The same commenter also suggested that the conversion factors be reduced by 4.3 percent because the conversion factors that appear in these proposed rules and regulations (60 FR 51737) are 4.3 percent higher than those published in conjunction with the proposed referendum rule (60 FR 40313). The commenter recognizes that some of the conversion factors may have needed adjustments. However, the commenter believes that a 4.3 percent adjustment for all wool and wool products cannot be justified. Furthermore, the commenter states that there has not been an increase in the amount of wool needed to produce wool products, and even if there had been it would not be exactly 4.3 percent.

The conversion factors listed in Table I are based on information provided to

ERS by the largest wool top makers in the United States. ERS used that data to make adjustments to the 1994 conversion factors for HTS numbers listed in Table I. ERS has again reviewed the 14 HTS classification numbers and corresponding conversion factors that the commenter questioned. The Department has concluded that because these 14 conversion factors reflect data obtained from the largest wool top makers in the United States, no changes will be made to them at this time. In response to the commenter's question concerning the 4.3 percent increase from the conversion factors published in the proposed referendum rules (60 FR 40313) to the conversion factors published in the proposed rules and regulations (60 FR 51737), the conversion factors in the proposed referendum rules were based on data obtained by ERS as of 1994. The representative period to determine voter eligibility and volume of production was 1994.

§ 1280.314 Remittance persons for the purposes of remitting assessments.

One commenter believes that the language in § 1280.314(b), which says that "each person processing sheep of that person's own production will also pay an assessment," means that each "person" will be a "remittance person." The commenter also questions the language on page 51737 of the proposed rule that says "there are an estimated 87,350 sheep operations and an estimated 700 remittance persons who would be subject to the rules and regulations issued pursuant to the Order.

The Act provides that any person who processes or causes to be processed sheep or sheep products of that person's own production and who markets such products must pay an assessment on the sheep and sheep products at the time of sale at a rate equivalent to the rate provided for in the Act, and must remit such assessment to the Board in a manner prescribed by the Order. Although the number of producers and remitting persons is estimated based on data available to the Department, the Department estimates that the number of producers who process and market their own products is relatively small. Several similar commodity research and promotion programs have similar provisions for persons who process and market products of their own production and, based on the Department's experience with these other programs, such persons represent only a small percentage of the total number of remitting persons. Therefore, the Department has determined that of

an estimated 87,350 domestic producers and feeders, very few will be remitting persons.

One commenter suggested that we clarify that packers and exporters of lambs and/or sheep would be the only entities that would ever be required to remit the assessment to the Board on sheep and lambs sold. The Act provides that each processor who makes payment to a producer, feeder, handler, or collecting person of domestic sheep and greasy wool would collect the assessment and remit the assessment to the Board. The Act also provides that each person who processes sheep or sheep products of that person's own production and markets such processed products would be required to remit an assessment to the Board. Finally, the Act requires each person who exports live sheep or greasy wool to remit the assessment at the time of export. Accordingly, persons other than packers and exporters are remitting persons as defined by the Act. Therefore, we have not adopted this suggestion.

§ 1280.315 Remittance of assessments and submission of reports to the National Sheep Promotion, Research, and Information Board.

Two commenters suggested that the Department clarify this section so that only those persons who are responsible for remitting the assessments to the Board are also responsible for filing reports on a monthly basis. The commenters further suggest that we clarify that the collecting person is responsible for collecting the assessment to another collecting person or remitting it and either paying it to the Board. Finally, the commenter believes that producers who have paid the assessment and have evidence of payment pursuant to § 1260.316 would not be subject to further assessments even if the assessment were not finally remitted to the Board.

The Department has reviewed the Act's definitions of collecting and remitting person and the language in sections 1280.315 and 1280.316 of the proposal, and has concluded that the definitions of collecting person and remitting person are consistent with the Act and correctly identify those persons in this paragraph. However, § 1280.315(a) Reports has been changed to clarify that each person remitting the assessment is to file a report of assessments to the Board. Additionally, the Department believes that producers or feeders who present evidence of payment described in § 1280.316 should be considered as having paid any assessment required absent evidence to the contrary.

Additional Comments

One commenter believes that the assessment rate as identified under the Background section of the proposed rule is too high. The Act establishes the initial assessment rate and provides the requirements for changing the assessment rate. Thus, we have made no change in this final rule as a result of this comment.

List of Subjects in 7 CFR Part 1280

Administrative practice and procedure, Advertising, Agricultural research, Marketing agreements, Sheep and sheep products, Reporting and recordkeeping requirements.

For the reason set forth in the preamble, 7 CFR Part 1280 is amended as follows:

PART 1280—SHEEP PROMOTION, RESEARCH, AND INFORMATION

1. The authority citation for 7 CFR Part 1280 continues to read as follows:

Authority: 7 U.S.C. 7101–7111.

2. In Part 1280, Subpart B is added to read as follows:

Subpart B—Rules and Regulations

Definitions

Sec.

1280.301 Terms defined.

Assessments

1280.310 Assessments on domestic sheep and sheep products.

1280.311 Late payment charges.

1280.312 Assessments on imported sheep and sheep products.

1280.313 Collecting persons for purposes of collection of assessments.

1280.314 Remittance persons for purposes of remitting assessments.

1280.315 Remittance of assessments and submission of reports to the National Sheep Promotion, Research, and Information Board.

1280.316 Evidence of payment of assessments.

1280.317 Books and records.

1280.318 OMB control numbers.

Subpart B—Rules and Regulations

Definitions

§ 1280.301 Terms defined.

As used throughout this subpart, unless the context otherwise requires, terms shall have the same meaning as the definition of such terms in subpart A of this part.

Assessments

§ 1280.310 Assessments on domestic sheep and sheep products.

(a) Domestic sheep producers, sheep feeders, and exporters of live sheep and greasy wool will be assessed 1 cent per pound on live sheep sold and 2 cents per pound on greasy wool sold.

(b) Each person who processes or causes to be processed sheep or sheep products of that person's own production and markets the processed products will be assessed the equivalent of 1 cent per pound of live sheep sold or 2 cents per pound of greasy wool sold.

(c) If more than one producer, feeder, handler, or exporter shares the proceeds received for the sheep or sheep products sold, each such producer, feeder, handler, or exporter is obligated to pay that portion of the assessments that is equivalent to that producer's, feeder's, handler's, or exporter's proportionate share of the proceeds.

(d) Failure of the purchaser or collecting person to collect the assessment and pass along the assessment to the next purchaser, if necessary, and finally to the processor, as required in § 1280.313, shall not relieve the producer, feeder, or the collecting person of his or her obligation to pay the assessment to the feeder, collecting person, or processor and to remit the assessment to Board.

§ 1280.311 Late payment charges.

(a) Assessments shall be remitted to the address designated by the Board by the 15th day of the month following the month in which domestic sheep or wool was purchased for processing.

(b) Any unpaid assessments due to the Board from any person responsible for remitting the assessment shall be increased by 2 percent the day following the date such assessments were due. Any remaining amount due, which shall include any unpaid assessments and late payment charges previously owed pursuant to this paragraph, shall be increased at the same rate on the corresponding day of each month thereafter until paid. For the purposes of this paragraph, any assessment calculated after the date prescribed by this subpart because of a person's failure to submit a timely report to the Board shall be considered to have been payable by the date it would have been due if the report had been timely filed. The date of payment is determined by the postmark date on the envelope or the date of receipt by the Board, whichever is earlier. If the 15th day falls on a Sunday or a holiday, then the

assessment will be due the following day.

§ 1280.312 Assessments on imported sheep and sheep products.

(a) Importers will be assessed 1 cent per pound on live sheep imported, the equivalent of 1 cent per pound of live sheep for imported sheep products, and 2 cents per pound of imported degreased wool or the equivalent of imported degreased wool for wool and wool products. Imported raw wool will be exempt from assessments.

(b) Table I, Imported Sheep and Sheep Products Assessment Table, contains the applicable HTS classification numbers of sheep, sheep meat, wool, and wool products, conversion factors and assessment rates, which is identified based on the net weight of the individual sheep product, in dollars per pound and dollars per kilograms for imported sheep, sheep products, wool, and wool products subject to the assessment. Because raw wool is exempt from the assessment collection provisions, HTS classification numbers for imported raw wool are not included in the table.

(c) In the event that any HTS classification number is changed, replaced by another number and has no impact on the physical properties or description of sheep meat, or wool and wool products, assessments will continue to be collected based on the original HTS classification number.

(d) Assessments will be collected by Customs on all imported sheep and sheep products identified by the HTS classification numbers listed in Table I upon importation.

TABLE I.—IMPORTED SHEEP AND SHEEP PRODUCTS ASSESSMENT TABLE
[Live sheep assessment]

HTS	\$/lb	\$/kg
0104100000	0.010000	0.022046

[Sheep meat assessment]

HTS	CF	\$/lb	\$/kg
0204100000	1.00	0.019920	0.043916
0204210000	1.00	0.019920	0.043916
0204222000	1.00	0.019920	0.043916
0204224000	1.00	0.019920	0.043916
0204232000	1.52	0.030279	0.066753
0204234000	1.52	0.030279	0.066753
0204300000	1.00	0.019920	0.043916
0204410000	1.00	0.019920	0.043916
0204422000	1.00	0.019920	0.043916
0204424000	1.00	0.019920	0.043916
0204432000	1.52	0.030279	0.066753
0204434000	1.52	0.030279	0.066753

[Wool and Products containing Wool Fibers]

HTS	CF	Assessment	
		\$/lb	\$/kg
5007106030	0.5546	0.011092	0.024454
5007906030	0.5546	0.011092	0.024454
5103100000	1.0870	0.021740	0.047929
5103200000	1.0870	0.021740	0.047929
5104000000	1.0000	0.020000	0.044092
5105100000	1.0309	0.020618	0.045454
5105210000	1.1111	0.022220	0.048991
5105290000	1.1111	0.022220	0.048991
5106100010	1.0870	0.021740	0.047929
5106100090	1.0870	0.021740	0.047929
5106200000	0.5435	0.010869	0.023962
5107100000	1.0870	0.021740	0.047929
5107200000	0.5435	0.010869	0.023962
5109102000	1.0870	0.021740	0.047929
5111113000	1.1091	0.022183	0.048904
5111117030	1.1091	0.022183	0.048904
5111117060	1.1091	0.022183	0.048904
5111191000	1.1091	0.022183	0.048904
5111192000	1.1091	0.022183	0.048904
5111196020	0.5546	0.011092	0.024454
5111196040	0.5546	0.011092	0.024454
5111196060	1.1091	0.022183	0.048904
5111196080	1.1091	0.022183	0.048904
5111200500	0.5546	0.011092	0.024454
5111209000	0.5546	0.011092	0.024454
5111300500	0.5546	0.011092	0.024454
5111309000	0.5546	0.011092	0.022454
5111903000	0.5546	0.011092	0.024454
5111909000	0.8319	0.016638	0.036679
5112111000	0.9982	0.019964	0.044013
5112112030	1.1091	0.022183	0.048904
5112112060	0.9982	0.019964	0.044013
5112192000	1.1091	0.022183	0.048904
5112199010	1.1091	0.022183	0.048904
5112199020	1.1091	0.022183	0.048904
5112199030	1.1091	0.022183	0.048904
5112199040	1.1091	0.022183	0.048904
5112199050	1.1091	0.022183	0.048904
5112199060	1.1091	0.022183	0.048904
5112201000	0.5546	0.011092	0.024454
5112203000	0.5546	0.011092	0.024454
5112301000	0.5546	0.011092	0.024454
5112303000	0.5546	0.011092	0.024454
5112903000	0.6655	0.013311	0.029345
5112904000	0.8319	0.016638	0.036679
5112909010	0.5546	0.011092	0.024454
5112909090	0.5546	0.011092	0.024454
5212231020	0.4991	0.009982	0.022007
5309292000	0.5546	0.011092	0.024454
5407920520	0.4991	0.009982	0.022007
5407921010	0.2218	0.004437	0.009782
5407921020	0.2218	0.004437	0.009782
5407931000	0.2218	0.004437	0.009782
5408310520	0.4991	0.009982	0.022007
5408321000	0.2218	0.004437	0.009782
5408341000	0.2218	0.004437	0.009782
5509520000	0.3804	0.007608	0.016773
5509610000	0.1630	0.003260	0.007187
5509910000	0.3804	0.007608	0.016773
5510200000	0.3804	0.007608	0.016773
5515130510	0.4991	0.009982	0.022007
5515130520	0.4991	0.009982	0.022007
5515131010	0.2218	0.004437	0.009782
5515131020	0.2218	0.004437	0.009782
5515220510	0.4991	0.009982	0.022007
5515221000	0.2218	0.004437	0.009782
5515920510	0.4991	0.009982	0.022007
5515920520	0.4991	0.009982	0.022007
5515921010	0.2218	0.004437	0.009782
5515921020	0.2218	0.004437	0.009782
5516311000	0.2218	0.004437	0.009782

[Wool and Products containing Wool Fibers]

HTS	CF	Assessment	
		\$/lb	\$/kg
5516320520	0.4991	0.009982	0.022007
5516321000	0.2218	0.004437	0.009782
5516330510	0.4991	0.009982	0.022007
5516330520	0.4991	0.009982	0.022007
5516331000	0.2218	0.004437	0.009782
5516341000	0.2218	0.004437	0.009782
5601290020	0.9428	0.018856	0.041570
5602109010	1.1091	0.022183	0.048904
5602109090	0.5546	0.011092	0.024454
5602210000	1.1091	0.022183	0.048904
5701101300	0.9783	0.019566	0.043135
5701101600	0.9783	0.019566	0.043135
5701104000	0.9783	0.019566	0.043135
5701109000	0.9783	0.019566	0.043135
5702101000	0.8315	0.016630	0.036662
5702109010	0.8315	0.016630	0.036662
5702311000	0.7853	0.015706	0.034625
5702312000	0.6467	0.012934	0.028514
5702411000	0.7853	0.015706	0.034625
5702412000	0.6929	0.013859	0.030551
5702512000	0.7853	0.015706	0.034625
5702514000	0.7853	0.015706	0.034625
5702913000	0.8315	0.016630	0.036662
5702914000	0.7853	0.015706	0.034625
5703100020	0.7933	0.015886	0.035022
5703100080	0.7933	0.015886	0.035022
5704100010	0.7466	0.014932	0.032919
5704900010	0.9332	0.018664	0.041147
5705002005	0.7466	0.014932	0.032919
5801100000	1.1091	0.022183	0.048904
5801902090	1.1091	0.022183	0.048904
5805002000	1.1091	0.022183	0.048904
5805002500	1.1091	0.022183	0.048904
5810991000	1.1091	0.022183	0.048904
5903903010	0.5546	0.011092	0.024454
6001290000	1.1322	0.022644	0.049921
6002410000	1.1322	0.022644	0.049921
6002490000	1.1322	0.022644	0.049921
6002910000	1.1322	0.022644	0.049921
6101100000	1.0533	0.021066	0.046442
6102100000	1.0533	0.021066	0.046442
6102301000	0.5266	0.010532	0.023219
6103110000	0.8806	0.017612	0.038828
6103122000	0.1887	0.003773	0.008319
6103310000	1.0293	0.020586	0.045384
6103411010	0.8615	0.017230	0.037986
6103412000	0.8615	0.017230	0.037986
6103431020	0.4923	0.009846	0.021708
6104110000	0.9007	0.018014	0.039714
6104310000	0.9007	0.018014	0.039714
6104331000	0.5147	0.010293	0.022692
6104332000	0.1287	0.002573	0.005673
6104391000	0.1287	0.002573	0.005673
6104410010	1.0064	0.020128	0.044374
6104431010	0.5032	0.010064	0.022187
6104432010	0.1258	0.002517	0.005549
6104432020	0.1258	0.002517	0.005549
6104441000	0.5032	0.010064	0.022187
6104442010	0.1258	0.002517	0.005549
6104442020	0.1258	0.002517	0.005549
6104510000	1.0411	0.020822	0.045904
6104531000	0.5206	0.010412	0.022954
6104532010	0.1301	0.002602	0.005737
6104532020	0.1301	0.002602	0.005737
6104591005	0.5206	0.010412	0.022954
6104591030	0.1301	0.002602	0.005737
6104610010	0.8256	0.016512	0.036402
6104631510	0.4718	0.009436	0.020803
6105201000	0.4617	0.009234	0.020357
6105901000	0.8080	0.016160	0.035626
6105908020	0.5420	0.010840	0.023898

[Wool and Products containing Wool Fibers]

HTS	CF	Assessment	
		\$/lb	\$/kg
6106201010	0.4818	0.009636	0.021243
6106201020	0.4818	0.009636	0.021243
6106901010	0.8432	0.016864	0.037178
6107992000	0.8256	0.016512	0.036402
6108992000	0.8167	0.016334	0.036010
6109901530	0.8432	0.016864	0.037178
6110101010	1.2866	0.025733	0.056730
6110101020	1.2866	0.025733	0.056730
6110101030	1.2866	0.025733	0.056730
6110101040	1.2866	0.025733	0.056730
6110101050	1.2866	0.025733	0.056730
6110101060	1.2866	0.025733	0.056730
6110102010	0.9007	0.018014	0.039714
6110102020	0.9007	0.018014	0.039714
6110102030	0.9007	0.018014	0.039714
6110102040	0.9007	0.018014	0.039714
6110102050	0.9007	0.018014	0.039714
6110102060	0.9007	0.018014	0.039714
6110102070	0.9007	0.018014	0.039714
6110102080	0.9007	0.018014	0.039714
6110301510	0.5147	0.010293	0.022692
6110301520	0.5147	0.010293	0.022692
6110301530	0.5147	0.010293	0.022692
6110301540	0.5147	0.010293	0.022692
6110301550	0.5147	0.010293	0.022692
6110301560	0.5147	0.010293	0.022692
6110303010	0.1930	0.003861	0.008512
6110303015	0.1930	0.003861	0.008512
6110303020	0.1930	0.003861	0.008512
6110303025	0.1930	0.003861	0.008512
6110303030	0.1930	0.003861	0.008512
6110303035	0.1930	0.003861	0.008512
6110303040	0.1930	0.003861	0.008512
6110303045	0.1930	0.003861	0.008512
6110303050	0.1930	0.003861	0.008512
6110303055	0.1930	0.003861	0.008512
6110909012	0.5790	0.011581	0.025531
6110909028	0.6433	0.012866	0.028364
6110909074	0.5790	0.011581	0.025531
6111100010	1.1076	0.022152	0.048836
6111100030	1.1076	0.022152	0.048836
6114100040	0.8806	0.017612	0.038828
6114100050	0.8806	0.017612	0.038828
6114100070	0.8806	0.017612	0.038828
6115198020	1.1322	0.022644	0.049921
6115910000	0.9058	0.018116	0.039939
6115939010	0.4529	0.009058	0.019968
6116109500	0.0834	0.001668	0.003677
6116910000	0.9535	0.019070	0.042042
6116936400	0.4767	0.009534	0.021019
6116937400	0.4767	0.009534	0.021019
6116938800	0.1788	0.003575	0.007882
6116939400	0.1788	0.003575	0.007882
6116999530	0.3576	0.007152	0.015768
6117101000	1.0727	0.021454	0.047298
6117102010	0.4767	0.009534	0.021019
6117809020	0.9635	0.019270	0.042483
6117809030	0.5959	0.011919	0.026276
6201110010	1.0199	0.020398	0.044970
6201110020	1.0199	0.020398	0.044970
6201122010	0.0637	0.001274	0.002809
6201133010	0.4590	0.009180	0.020238
6201134015	0.0510	0.001021	0.002250
6201134030	0.1020	0.002039	0.004495
6201134040	0.1020	0.002039	0.004495
6201199020	0.6374	0.012748	0.028104
6201911000	0.9970	0.019939	0.043958
6201912011	0.9970	0.019939	0.043958
6201912021	0.9970	0.019939	0.043958
6201932511	0.4985	0.009970	0.021980
6202110010	0.8823	0.017646	0.038901

[Wool and Products containing Wool Fibers]

HTS	CF	Assessment	
		\$/lb	\$/kg
6202110020	0.8823	0.017646	0.038901
6202122010	0.0630	0.001261	0.002779
6202133010	0.5804	0.011608	0.025591
6202134005	0.0645	0.001290	0.002843
6202134030	0.1290	0.002584	0.005697
6202911000	1.0083	0.020167	0.044459
6202912011	1.0083	0.020167	0.044459
6202912021	1.0083	0.020167	0.044459
6202934011	0.5672	0.011344	0.025009
6203111000	0.6302	0.012603	0.027785
6203112000	0.6302	0.012603	0.027785
6203121000	0.5672	0.011344	0.025009
6203310010	1.0713	0.021426	0.047236
6203310020	1.0713	0.021426	0.047236
6203331030	0.5672	0.011344	0.025009
6203331050	0.5672	0.011344	0.025009
6203399020	0.6302	0.012604	0.027787
6203410510	1.0083	0.020166	0.044458
6203410520	1.0083	0.020166	0.044458
6203433010	0.5425	0.010850	0.023921
6203433020	0.5425	0.010850	0.023921
6204110000	0.9453	0.018906	0.041680
6204131000	0.5672	0.011344	0.025009
6204132010	0.1891	0.003782	0.008337
6204191000	0.5672	0.011344	0.025009
6204192000	0.1891	0.003782	0.008337
6204210010	0.8823	0.017646	0.038901
6204210030	0.8823	0.017646	0.038901
6204312010	1.0713	0.021426	0.047236
6204312020	1.0713	0.021426	0.047236
6204334010	0.5042	0.010084	0.022231
6204335010	0.0630	0.001261	0.002779
6204335020	0.0630	0.001261	0.002779
6204392010	0.5042	0.010084	0.022231
6204393010	0.0630	0.001261	0.002779
6204398020	0.5672	0.011344	0.025009
6204412010	1.0475	0.020950	0.046186
6204412020	1.0475	0.020950	0.046186
6204433010	0.4930	0.009860	0.021737
6204434010	0.4930	0.009860	0.021737
6204434020	0.4930	0.009860	0.021737
6204434030	0.3081	0.006163	0.013587
6204434040	0.3081	0.006163	0.013587
6204443010	0.5042	0.010084	0.022231
6204444010	0.5042	0.010084	0.022231
6204444020	0.5042	0.010084	0.022231
6204510010	1.0318	0.020636	0.045495
6204510020	1.0318	0.020636	0.045495
6204532010	0.5159	0.010318	0.022747
6204592010	0.5159	0.010318	0.022747
6204593010	0.5159	0.010318	0.022747
6204593020	0.5159	0.010318	0.022747
6204594020	0.5804	0.011608	0.025591
6204611010	0.9645	0.019290	0.042527
6204611020	0.9645	0.019290	0.042527
6204619010	0.9645	0.019290	0.042527
6204619020	0.9645	0.019290	0.042527
6204619040	0.9645	0.019290	0.042527
6204632510	0.4822	0.009644	0.021261
6204692010	0.4822	0.009644	0.021261
6204692030	0.4822	0.009644	0.021261
6204696020	0.5425	0.010850	0.023921
6204699020	0.5426	0.010850	0.023921
6204699030	0.1808	0.003617	0.007974
6204699050	0.1808	0.003617	0.007974
6205102010	0.9645	0.019290	0.042527
6205102020	0.9645	0.019290	0.042527
6205301510	0.4822	0.009644	0.021261
6205903050	0.0603	0.001206	0.002659
6205904040	0.1206	0.002412	0.005317
6206203010	0.9645	0.019290	0.042527

[Wool and Products containing Wool Fibers]

HTS	CF	Assessment	
		\$/lb	\$/kg
6206203020	0.9645	0.019290	0.042527
6206402510	0.5425	0.010850	0.023921
6207992000	0.8627	0.017253	0.038036
6208920010	0.0616	0.001232	0.002716
6208920030	0.0616	0.001232	0.002716
6209100000	0.8260	0.016520	0.036420
6211310030	0.9453	0.018906	0.041680
6211310040	0.9453	0.018906	0.041680
6211310051	0.9453	0.018906	0.041680
6211330052	0.6302	0.012603	0.027785
6211410040	0.9453	0.018906	0.041680
6211410050	1.0083	0.020167	0.044459
6211410055	1.0083	0.020167	0.044459
6211410061	1.0083	0.020167	0.044459
6211430064	0.6302	0.012603	0.027785
6211430074	0.6302	0.012603	0.027785
6212900020	0.7472	0.014944	0.032946
6214102000	0.3503	0.007006	0.015446
6214200000	0.9340	0.018681	0.041184
6214300000	0.1168	0.002335	0.005149
6214400000	0.1168	0.002335	0.005149
6214900010	0.0584	0.001168	0.002575
6215900010	1.1675	0.023350	0.051478
6216008000	1.2056	0.024112	0.053157
6217109020	0.8627	0.017253	0.038036
6217109030	0.1232	0.002465	0.005434
6217909010	0.1232	0.002465	0.005434
6217909030	0.8627	0.017253	0.038036
6217909035	0.1232	0.002465	0.005434
6217909085	0.1232	0.002465	0.005434
6301200010	0.9620	0.019240	0.042417
6301200020	0.9620	0.019240	0.042417
6301900030	0.1132	0.002264	0.004992
6302390010	0.9620	0.019240	0.042417
6304193040	0.9054	0.018109	0.039923
6304910050	0.7922	0.015845	0.034931
6304991000	1.1318	0.022636	0.049902
6304991500	1.1318	0.022636	0.049902
6304996010	1.1318	0.022636	0.049902
6501009000	1.3864	0.027728	0.061129
6503009000	1.3864	0.027728	0.061129
6505903090	0.8838	0.017677	0.038970
6505904090	0.8658	0.017316	0.038174
6505906040	0.4621	0.009242	0.020375

§ 1280.313 Collecting persons for purposes of collection of assessments.

(a) Any person who is responsible for collecting an assessment pursuant to the Act and this subpart, including processors and any other persons who are required to remit assessments to the Board pursuant to this part, shall be a collecting person, except that a collecting person who is a market agency; i.e., commission merchant, auction market, or livestock market in the business of receiving such sheep or sheep products for sale on commission for or on behalf of a producer or feeder, shall pass the collected assessment on to the subsequent purchaser pursuant to the Order.

(b) Customs will collect the assessment at the time of importation from the importer or from any person

acting as the principal agent, broker, or consignee for sheep, sheep products, wool, and products containing wool fiber identified by the HTS classification numbers in § 1280.312.

(c) In cases where a producer or feeder sells sheep as part of a custom slaughter operation, the producer or feeder shall be the collecting person in the same manner as if the sheep were sold for slaughter.

(d) For the purposes of this section, in the event of a producer's, feeder's, or importer's death, bankruptcy, receivership, or incapacity, the representative of such producer, feeder, or importer or the producer's, feeder's, or importer's estate, or the person acting on behalf of creditors, shall be considered the producer, feeder, or importer.

§ 1280.314 Remittance persons for purposes of remitting assessments.

(a) Each processor who makes payment to a producer, feeder, handler, or collecting person for sheep or wool purchased from the producer, feeder, handler, or collecting person shall be a remitting person and shall collect an assessment from the producer, feeder, handler, or other collecting person on sheep or wool sold by the producer, feeder, handler, or collecting person, and each such producer, feeder, handler, or collecting person shall pay such assessment to the processor and that processor shall remit the assessment to the Board;

(b) Each person who processes or causes to be processed sheep or sheep products of that person's own production, and markets such sheep or

sheep products, shall pay an assessment on such sheep or sheep products at the time of sale at a rate equivalent to the rate established pursuant to § 1280.224(d), Sheep Purchases, of the Order, for live sheep or § 1280.225(d), Wool Purchases, for greasy wool, and shall remit such assessment to the Board;

(c) Each person who exports live sheep or greasy wool shall remit the assessment to the Board on such sheep or greasy wool at the time of export, at the rate established pursuant to § 1280.224(d), Sheep Purchases, of the Order, for live sheep or § 1280.225(d), Wool Purchases, for greasy wool.

§ 1280.315 Remittance of assessments and submission of reports to the National Sheep Promotion, Research, and Information Board.

Each person responsible for remitting the assessment as described in § 1280.314 shall remit the assessments and a report of assessments to the Board as follows:

(a) Reports. Each person who is responsible for remitting the assessment shall make reports on forms made available or approved by the Board. Such person shall prepare a separate report for each reporting period. Each report shall be mailed together with the applicable assessment amount to the Board pursuant to § 1280.311(a). Each completed report shall contain the following information, as applicable, including, but not limited to:

- (1) Live sheep sold.
 - (i) The number of sheep purchased, initially transferred, or subject to the collection of assessment in any other manner, and the dates of such transactions;
 - (ii) The number of live sheep exported;
 - (iii) The amount of assessment remitted;
 - (iv) An explanation for the remittance of any assessment that is less than the pounds of sheep multiplied by the assessment rate; and
 - (v) The date an assessment was paid.
- (2) Greasy wool sold.
 - (i) The amount of wool that is purchased, initially transferred or subject to the collection of assessment in any other manner, and the dates of such transaction;
 - (ii) The amount of greasy wool exported;
 - (iii) The amount of assessment remitted;
 - (iv) An explanation for the remittance of an assessment that is less than the pounds of greasy wool multiplied by the assessment rate; and
 - (v) The date an assessment was paid.

(b) Customs will transmit reports and assessments collected on imported sheep and sheep products to AMS according to an agreement between Customs and AMS.

§ 1280.316 Evidence of payment of assessments.

Each collecting person, except a producer or feeder who processes sheep or sheep products of the producer's or feeder's own production for sale, is required to give to the producer, feeder, handler, or collecting person from whom the collecting person collected an assessment written evidence of payment of the assessments. Such written evidence, which shall serve as a receipt, must contain the following information:

- (a) Name and address of the collecting person;
- (b) Name of producer or feeder who paid the assessment;
- (c) Number of head of sheep sold;
- (d) Total pounds of sheep or greasy wool sold;
- (e) Total assessments paid by the producer or feeder; and
- (f) Date an assessment was paid.

§ 1280.317 Books and records.

Any person subject to the requirements in § 1280.233, Books and Records, of the Order shall maintain and make available to the Secretary for at least 2 years beyond the fiscal period of their applicability such books and records as necessary to carry out the provision of the Order and these regulations.

§ 1280.318 OMB control numbers.

The control number assigned to the information collection requirements in Part 1280 by OMB pursuant to the Paperwork Reduction Act of 1980, (44 U.S.C. Chapter 35) is OMB number 0581-0093.

Dated: May 3, 1996.
Lon Hatamiya,
Administrator.
[FR Doc. 96-11602 Filed 5-8-96; 8:45 am]
BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

8 CFR Parts 3 and 242

[EOIR 102F]

RIN 1125-AA01

Executive Office for Immigration Review; Motions and Appeals in Immigration Proceedings; Correction

AGENCY: Department of Justice.
ACTION: Correction to final regulation.

SUMMARY: This document contains corrections to the final regulation, published Monday, April 29, 1996 (61 FR 18900), relating to new motions and appeals procedures in immigration proceedings.

EFFECTIVE DATE: July 1, 1996.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:

Background

The final regulation that is the subject of these corrections streamlines the motions and appeals practice before the Board of Immigration Appeals and establishes a centralized procedure for filing notices of appeal, fees, fee waiver requests, and briefs directly with the Board. The new regulation also establishes time and number limitations on motions to reconsider and on motions to reopen and makes certain changes to appellate procedures to reflect the statutory directives of section 545 of the Immigration Act of 1990 (Pub. L. 101-649, 104 Stat. at 4978).

Need for Correction

As published, the final regulation contains errors which may prove to be misleading and are in need of clarification.

Correction of Publication

Editorial Note: An additional correction to this document appears elsewhere in the Corrections Section of this issue.

Accordingly, the publication on April 29, 1996, of the final regulation (EOIR 102F), which was the subject of FR Doc. 96-10157 is corrected as follows:

§ 3.6(b) [Corrected]

1. On page 18907, in the second column, in § 3.6 paragraph (b), line 9, the reference to “§ 3.23(b)(4)(ii)” is corrected to read “§ 3.23(b)(4)(iii).”

§ 242.22 [Corrected]

2. On page 18909, in the third column, in § 242.22, line 6, the reference to “§ 3.23(b)(4)(ii)” is corrected to read “§ 3.23(b)(4)(iii).”

Dated: May 6, 1996.
Rosemary Hart,
Federal Register Liaison Officer.
[FR Doc. 96-11614 Filed 5-8-96; 8:45 am]
BILLING CODE 4410-01-M