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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Reg. 674]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 674 establishes the quantity of California-Arizona navel oranges that may be shipped to market during the period February 26 through March 3, 1988. Such action is needed to balance the supply of fresh navel oranges with the demand for such oranges during the period specified due to the marketing situation confronting the orange industry.

DATES: Regulation 674 (§ 907.974) is effective for the period February 26 through March 3, 1988.

FOR FURTHER INFORMATION CONTACT: Raymond C. Martin, Section Head, Volume Control Programs, Marketing Order Administration Branch, F&V, AMS, USDA, Room 2528-S, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 447-5120.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Order 907 (7 CFR Part 907), as amended, regulating the handling of navel oranges grown in Arizona and designated part of California. This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended, hereinafter referred to as the Act.

This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512-1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of the use of volume regulations on small entities as well as larger ones.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 123 handlers of California-Arizona navel oranges subject to regulation under the navel orange marketing order, and approximately 4,065 producers in California and Arizona. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual gross revenues for the last three years of less than $500,000, and small agricultural service firms are defined as those whose gross annual receipts are less than $3,500,000. The majority of handlers and producers of California-Arizona navel oranges may be classified as small entities.

This action is consistent with the marketing policy for 1987-88 adopted by the Navel Orange Administrative Committee (Committee). The Committee met publicly on February 23, 1988, in Visalia, California, to consider the current and prospective conditions of supply and demand and, by a 7 to 3 vote, recommended a quantity of navel oranges deemed advisable to be handled during the specified week. The Committee reports that the demand for navel oranges is stable.

Based on consideration of supply and market conditions, and the evaluation of alternatives to the implementation of prorate regulations, the Administrator of the AMS has determined that this final rule will not have a significant economic impact on a substantial number of small entities.

Pursuant to 5 U.S.C. 553, it is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in further public procedure with respect to this action and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. To effectuate the declared purposes of the Act, it is necessary to make this regulatory provision effective as specified, and handlers have been apprised of such provision and the effective time.

List of Subjects in 7 CFR Part 907

Marketing agreements and orders, California, Arizona, Oranges (navel).

For the reasons set forth in the preamble, 7 CFR Part 907 is amended as follows:

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

1. The authority citation for 7 CFR Part 907 continues to read as follows:

Authority: Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

2. Section 907.974 is added to read as follows: [*This section will not appear in the Code of Federal Regulations.*]

§ 907.974 Navel Orange Regulation 674.

The quantity of navel oranges grown in California and Arizona which may be handled during the period February 26, 1988, through March 3, 1988, are established as follows:

(a) District 1: 1,615,000 cartons;

(b) District 2: 285,000 cartons;

(c) District 3: Unlimited cartons;

(d) District 4: Unlimited cartons.

Dated: February 24, 1988.

Charles R. Brader,

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 88-4247 Filed 2-25-88; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 910

[Lemon Reg. 602]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 602 establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 335,000 cartons during the period February 28 through March 5, 1988. Such action is needed to balance the supply of fresh lemons with market demand for the period specified, due to the marketing situation confronting the lemon industry.

DATES: Regulation 602 (§ 910.902) is effective for the period February 28 through March 5, 1988.

FOR FURTHER INFORMATION CONTACT: Raymond C. Martin, Section Head, Volume Control Programs, Marketing Order Administration Branch, F&V, AMS, USDA, Room 2523, South Building, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 447-5697.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512-1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

The purpose of the RFA is to fit regulatory action to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Agricultural Marketing Agreement Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

This regulation is issued under Marketing Order No. 910, as amended (7 CFR Part 910) regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act (the "Act," 7 U.S.C. 601-674), as amended. This action is based upon the recommendation and information submitted by the Lemon Administrative Committee and upon other available information. It is found that this action will tend to effectuate the declared policy of the Act.

This regulation is consistent with the marketing policy for 1987-88. The committee met publicly on February 23, 1988, in Los Angeles, California, to consider the current and prospective conditions of supply and demand and unanimously recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports that the market for lemons is strong.

Pursuant to 5 U.S.C. 553, it is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in further public procedure with respect to this action and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary, in order to effectuate the declared purposes of the Act, to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

For the reasons set forth in the preamble, 7 CFR Part 910 is amended as follows:

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

1. The authority citation for 7 CFR Part 910 continues to read as follows:

Authority: Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

2. Section 910.902 is revised to read as follows:

[This section will not appear in the Code of Federal Regulations.]

§ 910.902 Lemon Regulation 602.

The quantity of lemons grown in California and Arizona which may be handled during the period February 28, 1988, through March 5, 1988, is established at 335,000 cartons.

Dated: February 24, 1988.

Charles R. Brader,

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 88-4246 Filed 2-25-88; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 1260

Beef Promotion and Research Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule adopts with some modifications an interim final rule which established regulations to implement the Beef Promotion and Research Order. This final rule (1) identifies those States in which State brand inspectors will collect assessments; (2) clarifies and simplifies the collection and remittance process; (3) establishes a form of certification for exempt transactions; (4) identifies the qualified State beef councils certified by the Cattlemen's Beef Promotion and Research Board; and (5) effectuates the reporting requirements of the Beef Promotion and Research Order.

EFFECTIVE DATE: March 28, 1988.

ADDRESS: Ralph L. Tapp, Chief, Marketing Programs and Procurement Branch, Livestock and Seed Division, Agricultural Marketing Service, USDA, Room 2610-S, P.O. Box 96456, Washington, DC 20090-6456.

FOR FURTHER INFORMATION CONTACT: Ralph L. Tapp, Chief, Marketing Programs and Procurement Branch, (202) 447-2650.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established to implement Executive Order No. 12291 and Departmental Regulation No. 1512-1, and is hereby classified as a nonmajor rule.

This action has also been reviewed under the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*). The Beef Promotion and Research Act of 1985 (Act) (7 U.S.C. 2901 *et seq.*) provides for the establishment of a coordinated program of promotion and research designed to strengthen the beef industry's position in the marketplace and to maintain and expand foreign and domestic markets and uses for beef and beef products. This program is financed by assessments on domestic and imported cattle and on imported beef and beef products. Pursuant to the Act, a Beef Promotion and Research Order was issued and assessments began on October 1, 1986 (51 FR 26132 published on July 18, 1986). The Act and the order require that persons making payments to producers for cattle shall collect assessments from those producers and remit the assessments to the Board or the qualified State beef council, unless a different means of collection and remittance is provided by regulation. The Act and order also provide that each importer of cattle, beef or beef products shall pay an assessment.

An interim final rule with a request for comments was published October 1, 1986, at 51 FR 35196. One comment was received.

This final rule (1) identifies those States in which State brand inspectors will collect assessments; (2) clarifies and simplifies the collection and remittance process; (3) establishes a form of certification for exempt transactions; (4) identifies qualified State beef councils certified by the Cattlemen's Beef Promotion and Research Board; and (5) effectuates the reporting requirements of the order. The interim rule is adopted with some modifications.

The effect of the order upon small entities was discussed in the July 18, 1986, issue of the **Federal Register** (51 FR 26132) and it was determined that the order would not have a significant effect on a substantial number of small entities. This rule merely implements the order provisions in the manner provided for 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

The Paperwork Reduction Act of 1980 (Title 44, U.S.C. Chapter 35) seeks to minimize the paperwork burden imposed by the Federal Government while maximizing the utility of the information requested. The information collection request in this Part has been approved by OMB and has been assigned Control No. 0581–0152.

Background

The Beef Promotion and Research Act of 1985 (7 U.S.C. 2901 *et seq.*), (Subtitle A, of the Food Security Act of 1985), authorizes the establishment of a national beef promotion and research program. The program is funded by an assessment of one dollar ($1) per head of cattle sold in the United States, and an equivalent assessment on imported cattle, beef, and beef products.

The final order establishing a beef promotion and research program was published in the July 18, 1986, issue of the **Federal Register.** The order requires that collecting persons remit assessments to qualified State beef councils or to the Board if the State does not have a qualified State beef council. The order further provides that producers participating in such qualified State beef promotion and research programs shall be entitled to a credit of up to 50 cent per head for participating in such a program. At its initial meeting, the Board reviewed 40 applications from State beef promotion entities and certified as qualified all 40 State beef promotion entities pursuant to § 1260.181 of the order. These qualified State beef councils are listed in § 1260.315 of these regulations. The addresses of the qualified State beef councils were published in a separate notice in the **Federal Register** on October 16, 1986, at 51 FR 36833 and will be updated from time to time as necessary. However, § 1260.315 is amended to add the name of the Vermont Beef Council to the list of qualified State beef councils. The Vermont Beef Council address is 116 State Street, Montpelier, Vermont 05602. Additionally, the addresses of qualified State beef councils may be obtained from the Board. In the 9 States which do not have qualified State beef councils, collecting persons in those States are required by the order to remit the assessments to the Board.

During its meeting the Board also considered and recommended the adoption of regulations to implement the collection of assessments pursuant to the order.

The order provides that the collecting person shall be the person making payment to a producer for cattle, or any other person who is made responsible for collecting and remitting assessments by regulations prescribed by the Board and approved by the Secretary. There are marketing situations in which the collection and remittance process would be facilitated by using the collection mechanism of existing State programs. Accordingly, it has been determined that the use of brand inspectors in those States and parts of States where brand inspectors are authorized by State law to collect assessments under existing State beef promotion and research programs would be an appropriate and expeditious means of collecting and remitting assessments. These regulations authorize the brand inspectors in the States listed herein to serve as the collecting person for assessments due under the order.

Another marketing situation addressed by the Board involved deliveries on futures contracts. In these transactions there are several persons who could be considered as making payment to the producer within the meaning of the order. It has been determined that the collection and remittance process would be most effective and efficient if the commission firm or market agency representing the seller in the delivery were made the collecting person. Such persons are involved in and should be familiar with the collection procedure.

The Board also recommended a clarification of § 1260.172(a)(2) of the order, which specifies that "any producer marketing cattle of that producer's own production in the form of beef or beef products to consumers, either directly or through retail or wholesale outlets, or for export purposes, shall remit to a qualified State beef council or to the Board an assessment on such cattle at the rate of one dollar ($1) per head of cattle or the equivalent thereof." Although § 1260.172(a)(2) does not specify when the assessment was due, § 1260.311(b) as adopted herein, states that the obligation to remit assessments on such cattle shall attach upon the slaughter of the cattle and that the assessment shall be remitted not later than the 15th day of the following month. Therefore, no further clarification of § 1260.172(a)(2) is necessary.

Section 1260.172 of the order provides that collecting persons shall remit assessments to the qualified State beef councils in the State where the cattle originated prior to sale, or to the Board if there is no qualified State beef council in that State, unless the Board recommends and the Secretary approves a modification of that process. The Board has recommended that collecting persons be required to remit assessments to the qualified State beef council in the State in which the collecting person resides or to the Board if the collecting person resides in a State which does not have a qualified State beef council. This method of handling assessment remittance is preferable because such qualified State beef councils are in a better position to ensure effective coordination and distribution of assessments to the appropriate qualified State beef council. Accordingly, it has been determined that collecting persons will be required to remit assessments to the council of the State within which they reside and will not be required to remit assessments separately to each State in which the cattle originated prior to sale. If there is not a qualified State beef council in the State where the collecting person resides, remittance shall be made to the Board.

The Board also recommended the form of the certification which must be used to claim that a transaction is exempt from an assessment under the order because ownership of such cattle was acquired merely to facilitate the transfer of such ownership to a third party. This certification relieves the person who would otherwise be required to collect an assessment of the responsibility for collecting the assessment and would provide documentary evidence that an assessment is not due for such a transaction.

Comments

The interim final rule provided a period of 30 days for comments. One comment was received from an association representing livestock markets.

The commentor suggested that § 1260.314 "Certification of non-producer status for certain transactions" be modified. This section provides that assessments will not be levied on sales of cattle if the owners certify (1) that their only share in the proceeds of the sale is a sales commission, handling fee or other service fee, or (2) that they acquired ownership to facilitate the transfer of ownership to a third party and that the resale occurred within 10 days. The commentor suggested that persons who sell cattle on commission should not be required to complete a certificate of exemption.

Auction markets and commission firms which sell cattle on commission without taking ownership of the cattle are not required by § 1260.314 to complete certification of non-producer status forms for such transactions. However, the section does require persons who buy cattle and resell them on a commission basis (for example, order buyers) to make the certification in order to be eligible for exemption from assessment on such transactions. This certification is necessary for the effective enforcement and administration of the Act and order because the documents which are provided to buyers in the geneal course of business may not always reveal whether the seller is receiving only a sales commission, handling fee, or other service fee. Without the certification, buyers in such transactions could not be certain whether they would be required to collect an assessment. The certification will help the Board to determine whether a buyer should have collected an assessment on a particular transaction. Accordingly, the suggested change has not been adopted.

This final rule adopts with some modifications the provisions of the interim final rule. Such changes are nonsubstantive and include changes to provide for gender neutral language and for clarity.

List of Subjects in 7 CFR Part 1260

Administrative practice and procedure, Marketing agreements, Meat and meat products, Beef and beef products.

Accordingly, the interim final rule amending 7 CFR Part 1260 which was published at 51 FR 35197 on October 1, 1986, is adopted as a final rule with the following changes:

PART 1260—BEEF PROMOTION AND RESEARCH

1. The authority citation for Part 1260 continues to read as follows:

Authority: 7 U.S.C. 2901 *et seq.*

2. Subpart B is revised to read as follows:

Subpart B—Rules and Regulations

Sec.

Subpart B—Rules and Regulations

§ 1260.301 Terms defined.

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

§ 1260.310 Domestic assessments.

(a) A $1.00 per head assessment on cattle sold shall be paid by the producer of the cattle in the manner designated in § 1260.311.

(b) If more than one producer shares the proceeds received for the cattle sold, each such producer is obligated to pay that portion of the assessments which are equivalent to the producer's proportionate share of the proceeds.

(c) Failure of the collecting person to collect the assessment on each head of cattle sold as designated in § 1260.311 shall not relieve the producer of his obligation to pay the assessment to the appropriate qualified State beef council or the Cattlemen's Board as required in § 1260.312.

§ 1260.311 Collecting persons for purposes of collection of assessments.

Collecting persons for purposes of collecting and remitting the $1.00 per head assessment shall be:

(a) Except as provided in paragraph (b) and (c) of this section, each person making payment to a producer for cattle purchased in the United States shall collect from the producer an assessment at the rate of $1.00 per head of cattle purchased and shall be responsible for remitting assessments to the qualified State beef council or the Cattlemen's Board as provided in § 1260.312. The collecting person shall collect the assessment at the time the collecting person makes payment or any credit to the producer's account for the cattle purchased. The person paying the producer shall give the producer a receipt indicating payment of the assessment.

(b) Any producer marketing cattle of that producer's own production in the form of beef or beef products to consumers, either directly or through retail or wholesale outlets, shall be responsible for remitting to the qualified State beef council or the Cattlemen's Board pursuant to § 1260.312, an assessment on such cattle at the rate of $1.00 per head of cattle or the equivalent thereof. The obligation to remit the assessment shall attach upon slaughter of the cattle, and the producer responsible for remitting the assessment shall remit the assessment in the manner provided in § 1260.312. For the purposes of this subpart, a producer marketing cattle of the producer's own production in the form of beef or beef products shall be considered a collecting person.

(c) In the States listed below there exists a requirement that cattle be brand inspected by State authorized inspectors prior to sale. In addition, when cattle are sold in the sales transactions listed below in those States, these State authorized inspectors are authorized to, and shall, collect assessments due as a result of the sale of cattle. In those transactions in which inspectors are responsible for collecting assessments, the person paying the producer shall not be responsible for the collection and remittance of such assessments. The following chart identifies the party responsible for collecting and remitting assessments in these States:

State	Sales through auction market	Sales to a slaughter/packet	Sales to a feedlot	Sales to an order buyer/dealer	Country sales[1]
Arizona	CP	CP	CP	B	B
California	CP	CP	B	B-CP	B
Colorado	CP	B	B	B	B
Idaho	CP	CP	B	B	B
Montana	CP	B	B	B	B
Nebraska	CP	CP	B-CP	B-CP	B-CP
Oregon	CP	B-CP	B	B	B
New Mexico	CP	B-CP	B-CP	B-CP	B-CP
Utah	CP	B-CP	B	B	B
Washington	CP	CP	B	B-CP	B
Wyoming	CP	B	B	B	B

Key:
B—Brand inspector has responsibility to collect and remit assessments due.
CP—The person paying the producer shall be the collecting person and has responsibility to collect and remit the assessments due.
B-CP—Brand inspector has responsibility to collect; however, when there has not been a physical brand inspection the person paying the producer shall be the collecting person and has the responsibility to collect and remit assessments due.
[1] For the purpose of this subpart, the tgerm "country sales" shall include any sales not conducted at an auction or livestock market and which is not a sale to a slaughter/packer, feedlot or an order buyer or dealer.

(d) For cattle delivered on futures contracts, the commission firm or the market agency representing the seller in the delivery of cattle shall be the collecting person.

(e) In a case where a producer sells cattle as part of a custom slaughter operation, the producer shall be the collecting person in the same manner as if the cattle were slaughtered for sale.

§ 1260.312 Remittance to the Cattlemen's Board or Qualified State Beef Council.

Each person responsible for the collection and remittance of assessments shall transmit assessments and a report of assessments to the qualified State beef council of the State in which such person resides or if there is no qualified State beef council in such State, then to the Cattlemen's Board as follows:

(a) *Reports.* Each collecting person shall make reports on forms made available or approved by the Cattlemen's Board. Each collecting person shall prepare a separate report for each reporting period. Each report shall be mailed to the qualified State beef council of the State in which the collecting person resides, or its designee, or if there exists no qualified State beef council in such State, to the Cattlemen's Board. Each report shall contain the following information:

(1) The number of cattle purchased, initially transferred or which, in any other manner, is subject to the collection of assessment, and the dates of such transactions;

(2) The amount of assessment remitted;

(3) The basis, if necessary, to show why the remittance is less than the number of head of cattle multiplied by one dollar; and

(4) The date any assessment was paid.

(b) *Reporting periods.* Each calendar month shall be a reporting period and the period shall end at the close of business on the last business day of the month.

(c) *Remittances.* The remitting person shall remit all assessments to the qualified State beef council or its designee, or, if there is no qualified State beef council, to the Cattlemen's Board at P.O. Box 27–275; Kansas City, Missouri 64180–0001, with the report required in paragraph (a) of this section not later than the 15th day of the following month. All remittances sent to a qualified State beef council or the Cattlemen's Board by the remitting persons shall be by check or money order payable to the order of the qualified State beef council or the Cattlemen's Board. All remittances shall be received subject to collection and payment at par.

§ 1260.313 Document evidencing payment of assessments.

Each collecting person responsible for remitting an assessment to a qualified State beef council or the Board, other than a producer slaughtering cattle of the producer's own production for sale, is required to give the producer from whom the collecting person collected an assessment written evidence of payment of the Beef Promotion and Research Assessments. Such written evidence serving as a receipt shall contain the following information:

(a) Name and address of the collecting person.

(b) Name of producer who paid assessment.

(c) Number of head of cattle sold.

(d) Total assessments paid by the producer.

(e) Date.

§ 1260.314 Certification of non-producer status for certain transactions.

(a) The assessment levied on each head of cattle sold shall not apply to cattle owned by a person:

(1) If the person certifies that the person's only share in the proceeds of a sale of cattle, beef, or beef products is a sales commission, handling fee or other service fee; or

(2) If the person:

(i) Certifies that the person acquired ownership of cattle to facilitate the transfer of ownership of such cattle from the seller to a third party,

(ii) Establishes that such cattle were resold not later than 10 days from the date on which the person acquired ownership; and

(iii) Certifies that the assessment levied upon the person from whom the person purchased the cattle, if an assessment was due, has been collected and has been remitted, or will be remitted in a timely fashion.

(b) Each person seeking non-producer status pursuant to § 1260.116 of this part shall provide the collecting person with a Statement of Certification of Non-Producer Status on a form approved by the Board and the Secretary.

(c) A copy of the Statement of Certification of Non-Producer Status shall be forwarded, upon request, by the collecting person to the qualified State beef council or the Cattlemen's Board.

§ 1260.315 Qualified State Beef Councils.

The following State beef promotion entities have been certified by the Board as qualified State beef councils:

Alabama Cattlemen's Association
Arizona Beef Council
Arkansas Beef Council
California Beef Council
Colorado Beef Council
Florida Beef Council, Inc.
Georgia Beef Board, Inc.
Idaho Beef Council
Illinois Beef Council
Indiana Beef Council
Iowa Beef Cattle Producers Association
Kansas Beef Council

Kentucky Beef Cattle Association
Lousiana Beef Industry Council
Maryland Beef Council
Michigan Beef Industry Commission
Minnesota Beef Council
Mississippi Cattle Industry Board
Missouri Beef Industry Council
Montana Beef Council
Nebraska Beef Industry Development Board
Nevada Beef Council
New Mexico Beef Council
New York Beef Industry Council
North Carolina Cattlemen's Association
North Dakota Beef Commission
Ohio Beef Council
Oklahoma Beef Commission
Oregon Beef Council
Pennsylvania Beef Council, Inc.
South Carolina Cattle and Beef Board
South Dakota Beef Industry Council
Tennessee Beef Industry Council
Texas Beef Industry Council
Utah Beef Council
Vermont Beef Council
Virginia Cattle Industry Board
Washington State Beef Commission
West Virginia Beef Industry
Wisconsin Beef Council
Wyoming Beef Council

§ 1260.316 Paperwork Reduction Act assigned number.

The information collection and recordkeeping requirements contained in this Part have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB control number 0851-0152.

Done at Washington, DC, on February 22, 1988.

James P. Boyle,

Administrator, Agricultural Marketing Service.

[FR Doc. 88-4069 Filed 2-25-88; 8:45 am]
BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 286

[INS No. 1028-88]

Immigration User Fee

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rule adds a new Part 286 to implement the provisions of section 205 of the Department of Justice Appropriation Act, 1987 (Pub. L. 99-591; enacted October 30, 1986) establishing an immigration user fee.

EFFECTIVE DATE: March 28, 1988.

FOR FURTHER INFORMATION CONTACT: Charles S. Thomason, Jr., Systems Accountant, Finance Branch, Immigration and Naturalization Service, 425 I Street NW., Washington, DC 20536; (202) 633-4705.

SUPPLEMENTARY INFORMATION: The Immigration and Naturalization Service (Service) published a proposed rule on August 12, 1987, at 52 FR 29863, to add a new Part 286 in order to implement the provisions of section 205 of the Department of Justice Appropriation Act, 1987, which authorizes the charging and collection of an immigration user fee to be paid by passengers (with certain exceptions) arriving in the United States by commercial aircraft or commercial vessel. The comment period ended on October 13, 1987. A total of 12 comments were received during the comment period and considered before preparing this final rule. The following summary addresses the substantive comments.

1. Certain commenters raised concerns about the inclusion of Guam and the U.S. Virgin Islands in the definition of "port of entry" and urged that those locations be deleted to be consistent with the collection of a user fee by the U.S. Customs Service. Both locations are part of the United States as defined in section 101(a)(38) of the Immigration and Nationality Act of 1952, as amended, (Act). The definition section has been revised to clarify the geographical applicability of the immigration user fee.

2. Commenters, also, raised concerns about the definition of "originated", especially with regard to cruise itineraries that commence in excepted locations but include one or more non-excepted locations before returning to the excepted location. The final rule has been revised to indicate that any travel which includes a non-excepted location requires collection of the immigration user fee. The intent of the statute is that a passenger who travels from a non-excepted location shall pay the immigration user fee.

3. Some commenters assert that the exceptions set forth in § 286.3 are unclear. That section has been revised to clarify the exceptions, and the definitions in § 286.1 have been revised, as indicated above, to clarify the geographical applicability of the immigration user fee.

4. Numerous commenters expressed concern about the responsibility for collection of the immigration user fee upon departure of a passenger, especially in the case of refusal by a passenger to pay or when a tour wholesaler is involved. The statute and proposed rule indicate that it is the responsibility of the departing carrier to collect any immigration user fee which was not collected at the time of issuance of a ticket or document for transportation. Any refusal to pay should immediately be brought to the attention of the Service.

5. One commenter requested that the regulations include guidance on the method of indicating collection of the immigration user fee on the tickets or documents for transportation. Such guidance has been included in a revised § 286.4. Section 286.4 in the proposed rule has been deleted.

6. Some commenters expressed concern that § 286.6 does not reflect the elimination of certain expense responsibilities of carriers nor the extent of the provision of inspection services. Section 286.6 has been deleted. This rule addresses the assessment, collection, and remittance of the immigration user fee, not inspection services or other expenses addressed in the statute. The provision of inspection services and other expenses are the subject of other sections of the regulations, which will be amended, if necessary.

7. Numerous commenters expressed concern about the reporting and audit requirements regarding: (a) Numbers of tickets or documents for transportation issued without collection of the immigration user fee; (b) submission of certified assurance statements; (c) independent audits by the Attorney General; and (d) information on contracts with foreign-based tour wholesalers. The reporting of ticket or document for transportation issuance without collection of the immigration user fee and § 286.8 of the proposed rule regarding information on contracts with foreign-based tour wholesalers have been deleted. The provisions regarding the submission of certified assurance statements have been revised. The intent of these provisions is to satisfy the need for independent review of compliance without imposing an undue burden upon the collectors and remitters of the immigration user fee. Independent audits by the Service of collectors and remitters would be based on failures to submit required certified statements or reports or other information indicating non-compliance with the applicable statutes or regulations.

8. Various commenters raised concerns about § 286.11 of the proposed rule which provided for the transfer to the General Fund of the U.S. Treasury of any balance remaining in the Immigration User Fee Account at the