Rules and Regulations

Federal Register

Vol. 57, No. 127

Wednesday, July 1, 1992

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1205

[CN-91-002]

Amendment to the Cotton Board Rules and Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Agricultural Marketing Service is amending the Cotton Board Rules and Regulations in order to implement recent amendments to the Cotton Research and Promotion Order.

These amendments to the rules and regulations will establish procedures for calculating, collecting, and remitting assessments on imported cotton and cotton-containing products. A de minimis figure based on the value of imported cotton per line item entry is established to lessen the administrative burden of collecting import assessments while providing for maximum participation of imports of cotton in the assessment provisions. Imported cotton and cotton-containing products containing an amount of cotton which in value is less than the de minimis figure will not be subject to assessment.

Procedures by which refunds of producer assessments are obtained have been removed from the regulations so that the regulations conform to the provisions of the Cotton Research and Promotion Act Amendments of 1990 which eliminated the refund provision.

Exemptions from assessment and procedures importers will follow to obtain reimbursement of assessments paid on imported cotton and textile products which are not subject to assessment are also established.

EFFECTIVE DATE: July 31, 1992.

FOR FURTHER INFORMATION CONTACT: Craig Shackelford (202) 720-2259.

SUPPLEMENTARY INFORMATION: This final rule amends the Cotton Board Rules and Regulations in order to implement the amendments to the Cotton Research and Promotion Order which were issued pursuant to the Cotton Research and Promotion Act Amendments of 1990 enacted by Congress under subtitle G of title XIX of the Food, Agriculture, Conservation and Trade Act of 1990 on November 28, 1990. A proposed rule amending the Cotton Research and Promotion Order was published for public comment on April 10, 1991. The proposed amendment to the Order was published on July 9, 1991. The proposed amendment was approved by a majority (60 percent) of importers and producers of cotton voting in a referendum conducted July 17-26, 1991. The amendment to the Order was published on December 10, 1991 (56 FR 64470).

This final rule has been reviewed in accordance with Executive Order 12291 and Departmental Regulation 1512-1 and has been determined to be a non-major rule since it does not meet the criteria for a major regulatory action.

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

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under Section 12 of the Act, any person subject to an order may file with the Secretary a petition stating that the order, any provision of the plan, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of the order or to be exempted therefrom. Such person is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the person is an inhabitant, or has his principal place of business, has jurisdiction to review the Secretary's ruling, provided a complaint is filed within 20 days from the date of the entry or the ruling.

The Administrator, Agricultural Marketing Service (AMS), has certified that this action would not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

There are an estimated 210,000 producers and 650 collecting handlers who are presently subject to rules and regulations issued pursuant to the Cotton Research and Promotion Order. There are also an estimated 10,000 importers that would become subject to the rules and regulations. The majority of these producers, handlers and importers would be classified as small businesses under the criteria established by the Small Business Administration.

Under this rule, procedures for processing assessment refunds to producers are removed. Therefore, based on 1991 figures, $41,075,853, collected by handlers from producers would not be subject to refunds. At current refund rates of approximately 34 percent, $13,965,790 of the estimated $41,075,853 would be retained by the Research and Promotion program. The economic impact of the elimination of refunds is not expected to be significant. It is expected that assessments from imports would total $6,785,816, including reimbursements, and that the total program will generate an estimated total of $47,861,669 based on the 1991 forecast. Therefore, the economic impact of an assessment on importers is not expected to be significant. The economic impact of the other amendments to the regulations as described in the preamble are also not expected to be significant. Furthermore, the Research and Promotion program is expected to benefit producers, handlers and importers by expanding and maintaining new and existing markets for cotton.

The amended rules and regulations impose recordkeeping and reporting burdens on importers and producers. The recordkeeping burden should average approximately .25 hours per year per person. The reporting burden should be approximately 6,174 hours per year. Therefore, the economic impact of these burdens is not expected to be significant.

Accordingly, 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.

In compliance with Office of Management and Budget (OMB) regulations (5 CFR part 1320) which implement the Paperwork Reduction Act (PRA) of 1980 (44 U.S.C. 3501 *et. seq.*) the information collection and recordkeeping requirements for domestic handlers and producers contained in this subpart have been previously approved by OMB and assigned control number 0581–0093.

Implementation of the provisions of the Cotton Research and Promotion Act Amendments of 1990 require comparable information collection requirements for importers. The information collection and recordkeeping requirements for importers contained in this subpart have been previously approved by OMB and have also been assigned control number 0581–0093.

Based on comparable research and promotion programs, it will require approximately 10 minutes for an importer to complete a reporting form and approximately 10 minutes to complete a reimbursement or exemption application. There will be an estimated 1,000 importers per year subject to these information collection requirements. Importer reporting forms will be filed on a monthly basis only when the requested information is not available from the United States Customs Service. AMS intends to rely to a great extent on the Customs Service for all report information regarding importers. Reimbursement or exemption applications will be filed by importers when necessary. The combined estimated annual burden is 4,080 hours. Importers 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 regulations. Importers would be required to retain such records for at least two years beyond the marketing year of their applicability.

One respondent commented on the proposed reporting and recordkeeping requirements for importers contained in the proposed rule published in the **Federal Register** on December 17, 1991 (56 FR 65450). The comment expressed concerns that the proposed estimated burden may be incorrect.

It is the view of the agency that the estimate is appropriate. Further, the U.S. Customs Service will serve as the collecting agent for import assessments. Almost all information required under this proposal will be available from records already maintained by importers under the Customs Service requirements. The Department intends to rely to a great extent on records maintained by the Customs Service and records maintained by importers under Customs Service requirements for its administration and enforcement of the provisions of the proposed regulations. We anticipate that importers will be required to provide additional reports and records only on occasions when additional information is needed as evidence of compliance, or in cases when the importer seeks and exemption or reimbursement of assessments.

This final rule is promulgated to implement the Cotton Research and Promotion Act Amendments of 1990 and provisions of the amended Cotton Research and Promotion Order.

The Agricultural Marketing Service issued an invitation to submit comments on the proposed rule in the December 17, 1991 **Federal Register.** Twenty-five respondents, including foreign governments, importer associations, legal counsel representing importers, importers, national and state farm organizations, and cotton producers submitted comments that were received by AMS prior to the January 16, 1992 deadline. In addition, 12 comments were received after the January 16, 1992 deadline. These comments contain no new issues requiring discussion. The agency also received one written request and two telephone requests for an extension of the comment period. Such extension was not granted.

Fifteen respondents expressed general and specific points of support for the proposal. The comments can be generally summarized as urging the adoption of the proposal based on the view that it effectively meets the intent of the legislation by minimizing administrative burden, providing fair and equitable treatment to domestic and imported cotton, and maximizing participation. The provision for calculating assessments on the cotton content of imported products was viewed as resulting in the closest possible equivalency to the assessment levied on domestically produced cotton. The provisions for exempting imports from assessment in the proposal were viewed as meeting the legislative mandate to eliminate potential double assessment of U.S. produced cotton.

Ten respondents provided specific suggestions for modifications to the proposal. The substantive comments are discussed in the following paragraphs together with changes made to the proposal upon review of the comments and the proposed amendment to the Cotton Board Rules and Regulations by the agency. For the reader's convenience, the discussion is organized by the topic of the headings in the proposal. Also, other non-substantive changes have been made to the regulation for the purpose of clarity and accuracy.

Definitions

One respondent suggested that the definition of "Importer" in § 1205.500(o) should be slightly modified to clarify that customs brokers who have no financial interest in the imported cotton will not be required to maintain records for, or file reports with, the Cotton Board.

It was the intention of the agency that the definition of importer in the proposed rule have the same meaning as that in the 1990 Amendments to the Cotton Research and Promotion Act. We interpret this definition to mean that the importer is any person who enters cotton for consumption, or any person who withdraws from warehouse cotton for consumption, in the United States. The person liable for assessments, recordkeeping and reporting would be any person who meets the requirements of this definition.

This view is not inconsistent with regulations of the U.S. Customs Service, the agency that would collect the assessments on imports of cotton. Under that agency's regulations the importer is the person primarily liable for payment of any duties, and may be importer of record or the consignee.

Assessments

Several respondents, including foreign governments expressed concerns that implementing the assessment on imported Cotton would conflict with U.S. international trade obligations because it represents a new trade barrier. One foreign government suggested the assessment may not discriminate against imported cotton products because an equivalent assessment is levied on U.S. produced cotton. However, this respondent stated that the assessment is inconsistent with U.S. intentions to open markets.

Cotton's share of the U.S. fiber market has increased substantially over the past fifteen years from approximately 34 percent to 53 percent. The Cotton Research and Promotion Program under the Act has been in effect during this period. The importation of cotton products into the U.S. market is substantial and increasing. Over the past 15 years, there has been a sharp increase in imports of cotton compared to domestic mill use. In fact, the rate of growth of imported cotton products has substantially exceeded that of domestically produced cotton products. Thus importers have benefitted from the expansion of markets for cotton products, and have done so to an even greater extent than domestic producers.

The expansion of the legislative authority to assess imported cotton and cotton-containing products, recognizes that all who benefit from U.S. domestic markets for cotton should share in the cost of building and maintaining such markets. Foreign textile manufacturers, importers, and domestic cotton producers all have an interest in maintaining and expanding the market for their products. The agency therefore believes that importers have had and will continue to have the opportunity equal to domestic producers to benefit from the results of this program.

One respondent objected to the imposition of importer assessments prior to the installation of importers on the Cotton Board. The Department is proceeding as expeditiously as possible to obtain importer nominees to the Board. The Department disagrees with the comment that implementation of the new research and promotion program should be postponed until after importer representatives are appointed. Nevertheless, such appointments shall be made as soon as possible.

Two respondents expressed objections to an assessment levied on textile products that contain little cotton. One of the respondents suggested that products composed primarily of fibers other than cotton would not benefit from the program. The other commenter suggested that items with cotton content less than 20% should not be assessed.

In determining which HTS classifications would be assessed under this proposal, the primary objectives were to meet the intent of the Cotton Research and Promotion Act Amendments of 1990 by maximizing participation of cotton imports in the assessment provision of the Act, while at the same time, minimizing the burden of administering those provisions. More than 2,400 HTS textile classifications contain cotton. However, out of this total, approximately 700 classifications account for approximately 97 percent of the annual volume of imported cotton textiles and apparel. The agency determined to propose limiting assessments to this lower number, thereby exempting a large number of low volume HTS classifications. By limiting the assessment to the 700 HTS classifications, the administrative burdens on all those who are involved in the assessment program will be reduced. At the same time, the vast majority of the volume of cotton textiles and apparel imported into the U.S. will be assessed.

Implementing a procedure to forgo collection of assessments on all products that contain less than 20 percent cotton would reduce collections by an unknown amount and create additional burdens for the importer, AMS, and Customs. Importers would have additional determinations to make in calculating assessments. The determination not to assess based on fiber content does not lend itself to computer automation. Consequently, Customs personnel would have to manually verify the determination of the importer. AMS would need additional reports from Customs to monitor the exemption for compliance. It is the view of the agency that exempting entire classifications of products rather than individual products due to fiber content creates a more administratively advantageous situation for all. For this reason, the comment regarding products containing less than 20 percent cotton will not be adopted.

One respondent commented that the proposed regulations improperly use only domestic industry data regarding the likely cotton content of imported cotton-containing products. The respondent further stated that USDA apparently assumed that domestically produced fabrics and foreign produced fabrics are synonymous. The comment concluded by offering that USDA should seek the input of importers and foreign manufacturers to develop conversion factors that more accurately reflect the cotton content of imported products.

The conversion factors set forth in the proposal were published for public comment. The Economic Research Service (ERS) continually reviews these factors and makes changes whenever additional information is available. No comments offering additional information regarding any specific conversion factors were received during the comment period for this proposal. The Department will continue to welcome all information regarding conversion factors with the goal of adding to our knowledge of fiber contents for all cotton products.

The respondent presented a reasonable point that one could expect textile manufacturers in foreign countries to use blends that vary from those in the U.S. It is our experience in cotton research and promotion that manufacturers produce blends that are tailored to the consumer preference of the target market. The conversion factors should than be representative for products of all manufacturers supplying the U.S. market.

A second factor influencing blend levels is the availability of technology that allows a manufacturer to produce a specific blend. Spinning efficiencies for well developed countries using the latest technology, such as the U.S., will be greater than the efficiencies obtained by less developed countries using earlier technologies. Consequently conversion factors for raw cotton fiber equivalents such as those in the assessment table that take into account spinning waste and cutting losses are lower than if based on less efficient manufacturing systems.

One respondent suggested that the supplemental assessment rate of 0.6 percent of the value of the cotton is excessive. The respondent argued that nothing in the legislative history of the authorizing act suggests that the amendments were intended to generate additional funds of the magnitude in this proposal. The respondent recommended the adoption of a supplemental assessment rate of 0.21 percent of the value of the cotton which by the respondent's analysis would generate revenues comparable to revenues generated in 1991.

While we disagree with the thrust of the above comment, AMS is currently in the process of preparing a proposal that would reduce the supplemental assessment rate from 0.6 percent of the value of the cotton to a rate of 0.5 percent. This proposal was initiated by the U.S. cotton industry which strongly supports the reduction and was recommended to the Secretary of Agriculture by the Cotton Board. The 0.1 percent reduction recommended by the Cotton Board would reduce supplemental assessment collections by approximately five million dollars annually. The Board estimates that adequate funding would be available for significant expansion of the program despite the assessment rate reduction. Comments will be solicited concerning the proposed reduction.

The value of imported cotton for the purpose of levying the supplemental assessment on imports of cotton and cotton-containing products was determined to be $1.446 in the proposal. This figure was the average price received by producers for the calendar year 1990. The $1.446 figure has been reduced to $1.384 to reflect the average price received by producers for cotton for the calendar year 1991.

Three respondents commented on the proposed de minimis value of cotton. The de minimis value of cotton is a minimum value of cotton per line item entry below which assessments are not collected. The amendments to the Act provide that the term "cotton" shall not include any entry of imported cotton having a weight or value less than any de minimis figure as established by regulations. In the final rule implementing procedures for the conduct of referenda in connection with the Cotton Research and Promotion Order, a de minimis value of $220.99 per line item entry was established. This de minimis figure reflects only the value of cotton in each line item entry of imported product shown on the Customs Service entry documentation. Eligibility of importers to vote in the referendum conducted in July 1991, which approved the amended Cotton Research and Promotion Order, was in part determined by whether an importer had entered a value of cotton equal to or greater than the de minimis amount into the U.S. during the representative period.

The agency established the $220.99 per line item entry de minimis value based on its determination that the amount of estimated assessment collected on a value of cotton which was less than $220.99 would not be sufficient to adequately cover the estimated amount that the U.S. Customs Service would charge for collecting the assessment. According to the amendments to the Act, the Customs Service is to be reimbursed for the reasonable cost of collecting the assessment. The Act further states that the de minimis figure should be such as to minimize the burden in administering the import assessment, but still provide for the maximum participation of importers of cotton in the assessment provision. On that basis, the agency viewed the $220.99 de minimis as consistent with the provisions of the Act.

Two respondents suggested that the de minimis figure is too low and that it should be raised substantially. A substantial increase in the de minimis value appears unwarranted. Using $220.99 per line item entry as the minimis value of cotton, the minimum assessment collected would be approximately $2.00, which exceeds the anticipated cost of collecting the assessment and which would satisfy the goal of providing for maximum participation of importers of cotton in the assessment program.

Two examples are provided below to show how the de minimis value might effect the payment of assessment.

Example 1

HTS 6205202065, (Men's Cotton Shirts)

Net weight		235.50	kg.
Conversion factor	x	0.9961	
Cotton content	=	234.58	kg.
Cotton value per kg.	x	$1.384	
Total cotton value.	=	$324.66	

Since the value of the cotton in the line item entry is equal to or greater than $220.99 an assessment would be paid. The multiplication of the net weight times the assessment per kilogram from the table reveals the amount of the assessment.

Net weight		235.50	kg.
Assessment per kg.	x	1.2666	cents
Assessment		$2.98	

Example 2

This example shows an entry for which no Research and Promotion assessment would be paid because the value of the cotton is less than the de minimis value of $220.99.

HTS code, 6205202065, men's cotton shirts

Net weight		137.28	kg.
Conversion factor	x	0.9961	
Cotton Content	=	136.74	kg.
Cotton value per kg.	x	$1.384	
Total cotton value.	=	$189.25	

One respondent suggested that the de minimis figure be based on the amount of fee payable to allow for a one step calculation. This cannot be done because the Act provides that the de minimis amount should represent a weight or value of cotton.

One respondent requested that an example of the assessment calculation be included in the final rule for clarity. An example of the assessment table and an explanation of the assessment formula, including a calculation of the assessment follows:

HTS classification	Conversion factor	Cents/kg
6205202065 (Mens Cotton Shirts)	0.9961	1.2666

The assessment per kilogram (not including the conversion factor) represents the sum of the assessment and the supplemental assessment. An explanation of the assessment formula and how the various figures are obtained is as follows:

One bale is equal to 500 pounds.
One kilogram equals 2.2046 pounds.
One pound equals 0.453597 kilograms.

One dollar per bale assessment converted to kilograms:

A 500 pound bale=
226.8 kg. (500×.453597)
$1 per bale assessment=
$0.002000 per pound ($1÷500)
$0.004409 per kg. ($1÷226.8)

Supplemental assessment of 6/10 of 1 percent of the value of the cotton converted to kilograms:

Average price received for cotton, or average value=
$0.628 per pound
$1.384489 per kg. (0.628×2.2046)
6/10 of one percent of the average price in kg.=
$0.008307 per kg. (1.384489×.006)

Total assessment per kilogram:

$1 per bale equivalent assessment=
$0.004409 per kg.
Supplemental assessment+
$0.008307 per kg.
Total assessment per kg. of cotton, or per kg. of cotton product containing 100 percent cotton=
$0.012716

The total assessment per kilogram in the right hand column of the table would be the product of the conversion factor for the HTS classification and the base assessment per kilogram calculated above. An example would be:

HTS code, 6205202065 (Men's Cotton Shirts)

Conversion factor		0.9961	
Assessment per kg.	×	1.2716	cents
Total assessment.	=	1.2666	cents per kg.

Therefore, referring back to example 1 (men's cotton shirts), and the table, one can readily see how an assessment would be calculated. In example 1, the net weight of the shirts is 235.50 kg. That figure multiplied by the assessment rate per kg. from the table (1.2666 cents) results in an assessment of $2.98.

Two respondents suggest that the proposal should be revised to reduce the total import assessment by the percentage of total imports likely to contain U.S. produced cotton. Another respondent offered a contrasting position and suggested that an across-the-board reduction based on historical percentages of U.S. produced export cotton returning in imported cotton products would clearly violate GATT because products from countries which import no U.S. raw cotton would receive the same assessment reduction as those countries which import large amounts of U.S. cotton. It is the view of the agency that an across-the-board reduction in the assessment rate would not impact all program participants equally and thus has not been adopted in the final rule.

Upon review of the list of HTS classifications subject to assessment the agency became aware that a number of the classification numbers have been modified in the most recent Harmonized Tariff Schedule. Therefore, the assessment table has been modified to reflect the current HTS classification numbers.

Exemptions and Reimbursements

One respondent commented that the proposed exemption and reimbursement procedure does not ensure that U.S. produced cotton will not be double assessed. The Cotton Research and Promotion Act Amendments of 1990 state that the Secretary shall establish procedures to ensure that the cotton content of imported products is not subject to more than one assessment. It is the agency's view that the exemption and reimbursement procedures in the regulation are consistent with the language of the Act amendments.

Three respondents expressed the view that any imported product subject to assessment which can be shown to contain no cotton should be automatically exempted from assessment at the time of entry. There are a number of HTS classifications listed in the assessment table in which the principal fiber by weight is not cotton. Products imported under these classifications could contain cotton contents of 0 to 50 percent. These HTS classifications were included in the assessment table because of the substantial amount of cotton imported on an annual basis in products classified by these numbers.

This comment has merit and the agency has modified the final rule in two ways to minimize the possibility of assessing products containing no cotton. A new paragraph § 1205.510(b)(7) is added to provide a specific exemption for imported products that are classified by HTS numbers subject to assessment but yet contain no cotton. For such entries the importer need not apply to the Cotton Board in advance for an exemption number. Instead the importer shall enter in the appropriate place on the Customs entry documentation the number "999999999". This number will be used by all importers for each such entry. AMS will monitor the use of this exemption number through Customs generated reports.

The second approach to minimizing the possibility of assessing non cotton-containing products involves the elimination of certain HTS classifications from the assessment table. The agency has reviewed the list of HTS numbers subject to assessment and eliminated a number of HTS classifications where the potential to assess non-cotton containing products exists. The volume of cotton imported and hence the potential amount of assessments were the primary considerations in eliminating HTS classification numbers from the assessment list.

One respondent suggested that products imported under bond and known as "sales samples" should be exempt from the assessment. It has been the intention of the agency to exempt products that are imported and subsequently exported without entering into the commerce of the U.S. A new Section 1205.510(b)(8) is added to specifically exempt from assessment any cotton containing product imported and assigned a HTS classification beginning with "9813" when such HTS classification is entered on the Customs entry documentation.

One respondent suggested that the 90 day validity period for exemption numbers discussed in the proposed rule Board could be a burden to importers who would be required to indicate the 90 day period in which merchandise from a given purchase order will be imported.

Section 1205.510(b)(6)(i) in the final rule provides for a lengthened validity period based on this comment. An importer will be able to obtain an exemption from assessment for cotton and cotton-containing products composed of in part or in whole of U.S. produced cotton or cotton which is other than Upland cotton. Exemptions will specify a given weight and be valid for 120 days from date of issue. The Cotton Board will assign the importer a nine digit number which will be entered on the Customs entry documentation in a location to be determined by the U.S. Customs Service.

One respondent suggested that goods are routinely exported from the United States to a foreign country for the purpose of being repaired or altered. When these goods are returned to the U.S. they are classified under subheadings 9802.00.40 and 9802.00.50 of the HTS schedule in addition to their normal classification. Any entry of such goods that are classified by one of the 700 HTS numbers subject to assessment would attract the assessment even if the assessment had been paid previously. Based on this comment and our concern to eliminate possibilities of double assessment the agency has added a new paragraph § 1205.510(b)(9) which provides an automatic exemption for products classified under 9802.00.40 and 9802.00.50 subheadings.

Four respondents expressed concerns regarding the burden to importers in obtaining exemptions and reimbursements. They stated that the cost to the importer for obtaining exemptions and reimbursements would be greater than the assessments paid. The respondents were concerned over their perceived inability to obtain evidence of the origin of cotton fiber.

The agency is aware of the need to reduce burden to importers as a result of implementation of the cotton research and promotion assessment. Several exemption opportunities are available to importers under this regulation that impose no burden on the importers, the major one being the exemption for "9802" entries. This will eliminate assessment of a substantial number of entries of U.S. produced cotton. Various alternatives for eliminating exemption and reimbursement procedures are discussed in this rule and the proposal. The agency has discussed the need to eliminate the occurrences of assessment of U.S. produced cotton with the public and other government agencies. It is the view of the agency that the procedures for exemptions and reimbursements provided for in this regulation allow for effective administration and minimal burden to persons subject to the regulation.

Several non-substantive, miscellaneous changes have been made in these regulations for the purpose of clarity.

List of Subjects in 7 CFR Part 1205

Advertising, Agricultural research, Cotton, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 1205 is amended as follows:

PART 1205—COTTON RESEARCH AND PROMOTION

1. The authority citation for part 1205 continues to read as follows:

Authority: 7 U.S.C. 2101–2118.

2.–3. Section 1205.500 "Terms defined" is amended by adding paragraphs (o), (p), (q), and (r) to read as follows:

Definitions

§ 1205.500 Terms defined.

* * * * *

(o) *Importer* means any person who enters, or withdraws from warehouse, cotton for consumption in the customs territory of the United States and "import" means any such entry.

(p) *Customs Service* means the United States Customs Service of the United States Department of Treasury.

(q) *Cotton* means: (1) All Upland cotton harvested in the United States, and, except as used in section 7(e) of the Act, includes cottonseed of such cotton and the products derived from such cotton and its seed, and

(2) imports of Upland cotton, including the Upland cotton content of the products derived thereof. The term "cotton" shall not, however, include:

(i) Any entry of imported cotton by an importer which has a value or weight less than a de minimis amount established in regulations issued by the Secretary and

(ii) Industrial products as that term is defined by regulation.

(r) *Industrial products* means cotton-containing products which are classified in the Harmonized Tariff Schedule of the United States under classifications other than textile classifications. Certain cotton-containing textile products under textile classifications shall also be considered to be industrial products, and are therefore not included in the table appearing in these regulations as products subject to assessment. Such products include, but are not limited to textile fabrics coated, impregnated, covered, or laminated, with other materials, textile piping and tubing, and belting materials.

General

4. Section 1205.505 "Communication" is revised to read as follows:

§ 1205.505 Communication.

All reports, requests, applications for reimbursements, and communications in connection with the Cotton Research and Promotion Order shall be addressed as follows: Cotton Board, Post Office Box 2121, Memphis, Tennessee, 38101–2121.

Assessments

5. Section 1205.510 "Levy of assessments" is revised to read as follows:

§ 1205.510 Levy of assessments.

(a) *Producer assessments.* An assessment of $1 per bale for cotton research and promotion is hereby levied on each bale of Upland cotton that is produced from cotton harvested and ginned except cotton consumed by any governmental agency from its own production. Such assessment shall be payable and collected only once on each bale.

(1) A supplemental assessment for cotton research and promotion in addition to the $1 per bale assessment provided for in paragraph (a) of this section, is hereby levied on each bale of Upland cotton harvested and ginned except cotton consumed by any governmental agency from its own production. The supplemental assessment rate shall be levied at the rate of six-tenths of one percent of:

(i) The current value of the cotton multiplied by the number of pounds of lint cotton or;

(ii) The current value of the cotton converted to a fixed amount per bale as reflected in the following assessment chart:

ASSESSMENT CHART [1]

Current Value (cents per pound)	Supplemental assessment, dollars per bale
.00 to 9.99	.15
10.00 to 19.99	.45
20.00 to 29.99	.75
30.00 to 39.99	1.05
40.00 to 49.99	1.35
50.00 to 59.99	1.65
60.00 to 69.99	1.95
70.00 to 79.99	2.25
80.00 to 89.99	2.55
90.00 to 99.99	2.85
100.00 to 109.99	3.15
110.00 to 119.99	3.45

[1] Assessment is calculated on 6/10 of 1 percent of the midpoint of each 10¢ increment, based on a 500 lb. bale and converted to a fixed amount per bale.

(2) Each marketing year the collecting handler must select one of the two options for collecting the supplemental assessment as provided in paragraph (a)(1) of this section. The handler shall notify the Cotton Board as to the method selected at the time the handler files the first handler report each marketing year.

(b) *Importer assessment.* An assessment for cotton research and promotion of $1 per bale is hereby levied on each bale of cotton, or the bale equivalent thereof for cotton in cotton-containing products identified in the HTS conversion factor table in paragraph (b)(3) of this section and imported into the United States on or after July 31, 1992. The $1 per bale assessment shall be converted to a fixed amount per kilogram to facilitate the U.S. Customs Service in collecting this assessment.

(1) A supplemental assessment for cotton research and promotion in addition to the $1 per bale assessment provided for in paragraph (b) of this section is hereby levied on each bale of cotton or bale equivalent of cotton in cotton-containing products, identified in this subpart, imported into the United States on or after July 31, 1992. The supplemental assessment shall be levied at the rate of 6/10 of 1 percent of the historical value of cotton as determined by the Secretary, and expressed in paragraph (b)(2) of this section. The rate of the supplemental assessment on imported cotton will be the same as that levied on cotton produced within the United States. The supplemental assessment will be calculated as a fixed amount per kilogram and added to the $1 per bale or bale equivalent assessment to facilitate the Customs Service in collecting assessments.

(2) The average of monthly average prices received by U.S. farmers will be calculated annually. Such average will be used as the value of imported cotton for the purpose of levying the supplemental assessment on imported cotton and will be expressed in kilograms. The value of imported cotton for the purpose of levying this supplemental assessment for the period January 1, 1992 through December 31, 1992 is $1.384 per kilogram.

(3) The following table contains the Harmonized Tariff Schedule classification numbers and corresponding conversion factors and assessments. The left column of the table indicates the HTS classifications of imported cotton and cotton-containing products subject to assessment. The center column indicates the conversion factor for determining the raw fiber content for each kilogram of the HTS. HTS numbers for raw cotton have no conversion factor in the table. The right column indicates the total assessment per kilogram of the article assessed. Any line item entry of cotton appearing on Customs entry documentation in which the value of the cotton contained therein is less than $220.99 will not be subject to assessments as described in this section.

IMPORT ASSESSMENT TABLE

[Raw cotton fiber]

HTS classification	Conversation factor	Cents/kg.
5201001000	1.0000	1.2716
5201002000	1.0000	1.2716
5201002010	1.0000	1.2716
5201002020	1.0000	1.2716
5201002050	1.0000	1.2716
5204110000	1.1111	1.4129
5204200000	1.1111	1.4129
5205111000	1.1111	1.4129
5205121000	1.1111	1.4129
5205122000	1.1111	1.4129
5205131000	1.1111	1.4129
5201410000	1.1111	1.4129
5205210000	1.1111	1.4129
5205220000	1.1111	1.4129
5205230000	1.1111	1.4129
5205240000	1.1111	1.4129
5205250000	1.1111	1.4129
5205310000	1.1111	1.4129
5205320000	1.1111	1.4129
5205330000	1.1111	1.4129

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS classification	Conversation factor	Cents/kg.
5205340000	1.1111	1.4129
5205410000	1.1111	1.4129
5205440000	1.1111	1.4129
5206120000	0.5556	0.7065
5206130000	.5556	.7065
5206140000	.5556	.7065
5206230000	.5556	.7065
5206240000	.5556	.7065
5206310000	.5556	.7065
5207100000	1.1111	1.4129
5208112020	1.1455	1.4566
5208112040	1.1455	1.4566
5208112090	1.1455	1.4566
5208114020	1.1455	1.4566
5208114060	1.1455	1.4566
5208114090	1.1455	1.4566
5208118090	1.1455	1.4566
5208124020	1.1455	1.4566
5208124040	1.1455	1.4566
5208124090	1.1455	1.4566
5208126020	1.1455	1.4566
5208126040	1.1455	1.4566
5208126060	1.1455	1.4566
5208126090	1.1455	1.4566
5208128020	1.1455	1.4566
5208128090	1.1455	1.4566
5208130000	1.1455	1.4566
5208192020	1.1455	1.4566
5208192090	1.1455	1.4566
5208194020	1.1455	1.4566
5208194090	1.1455	1.4566
5208196090	1.1455	1.4566
5208224040	1.1455	1.4566
5208224090	1.1455	1.4566
5208226020	1.1455	1.4566
5208226060	1.1455	1.4566
5208228020	1.1455	1.4566
5208230000	1.1455	1.4566
5208292020	1.1455	1.4566
5208292090	1.1455	1.4566
5208294090	1.1455	1.4566
5208296090	1.1455	1.4566
5208298020	1.1455	1.4566
5208312000	1.1455	1.4566
5208321000	1.1455	1.4566
5208323020	1.1455	1.4566
5208323040	1.1455	1.4566
5208323090	1.1455	1.4566
5208324020	1.1455	1.4566
5208324040	1.1455	1.4566
5208325020	1.1455	1.4566
5208330000	1.1455	1.4566
5208392020	1.1455	1.4566
5208392090	1.1455	1.4566
5208394090	1.1455	1.4566
5208306090	1.1455	1.4566
5208398020	1.1455	1.4566
5208412000	1.1455	1.4566
5208416000	1.1455	1.4566
5208418000	1.1455	1.4566
5208421000	1.1455	1.4566
5208423000	1.1455	1.4566
5208424000	1.1455	1.4566
5208425000	1.1455	1.4566
5208430000	1.1455	1.4566
5208492000	1.1455	1.4566
5208494020	1.1455	1.4566
5208494090	1.1455	1.4566
5208496010	1.1455	1.4566
5208496090	1.1455	1.4566
5208498090	1.1455	1.4566
5208516060	1.1455	1.4566
5208518090	1.1455	1.4566
5208523020	1.1455	1.4566
5208523040	1.1455	1.4566
5208523090	1.1455	1.4566
5208524020	1.1455	1.4566

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS classification	Conversation factor	Cents/kg.
5208524040	1.1455	1.4566
5208524060	1.1455	1.4566
5208525020	1.1455	1.4566
5208530000	1.1455	1.4566
5208592020	1.1455	1.4566
5208592090	1.1455	1.4566
5208594090	1.1455	1.4566
5208596090	1.1455	1.4566
5209110020	1.1455	1.4566
5209110030	1.1455	1.4566
5209110050	1.1455	1.4566
5209110090	1.1455	1.4566
5209120020	1.1455	1.4566
5209120040	1.1455	1.4566
5209190020	1.1455	1.4566
5209190040	1.1455	1.4566
5209190060	1.1455	1.4566
5209190090	1.1455	1.4566
5209210090	1.1455	1.4566
5209220020	1.1455	1.4566
5209290040	1.1455	1.4566
5209290090	1.1455	1.4566
5209313000	1.1455	1.4566
5209316030	1.1455	1.4566
5209316050	1.1455	1.4566
5209316090	1.1455	1.4566
5209320020	1.1455	1.4566
5209320040	1.1455	1.4566
5209390020	1.1455	1.4566
5209390040	1.1455	1.4566
5209390060	1.1455	1.4566
5209390080	1.1455	1.4566
5209390090	1.1455	1.4566
5209413000	1.1455	1.4566
5209416020	1.1455	1.4566
5209420020	1.0309	1.3109
5209420040	1.0309	1.3109
5209430020	1.1455	1.4566
5209430040	1.1455	1.4566
5209490020	1.1455	1.4566
5209490090	1.1455	1.4566
5209516030	1.1455	1.4566
5209516050	1.1455	1.4566
5209520020	1.1455	1.4566
5209590020	1.1455	1.4566
5209590040	1.1455	1.4566
5209590090	1.1455	1.4566
5210114020	.6873	.8740
5210114040	.6873	.8740
5210114090	.6873	.8740
5210116020	.6873	.8740
5210116040	.6873	.8740
5210116060	.6873	.8740
5210120000	.6873	.8740
5210192090	.6873	.8740
5210214040	.6873	.8740
5210216020	.6873	.8740
5210216060	.6873	.8740
5210314020	.6873	.8740
5210314040	.6873	.8740
5210316020	.6873	.8740
5210318020	.6873	.8740
5210414000	.6873	.8740
5210416000	.6873	.8740
5210418000	.6873	.8740
5210498090	.6873	.8740
5210514040	.6873	.8740
5210516020	.6873	.8740
5210516040	.6873	.8740
5210516060	.6873	.8740
5211120020	.6873	.8740
5211190020	.6873	.8740
5211190060	.6873	.8740
5211210030	.4165	.5296
5211290090	.6873	.8740
5211320020	.6873	.8740
5211390040	.6873	.8740

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS classification	Conversation factor	Cents/kg.
5211390060	.6873	.8740
5211490020	.6873	.8740
5211490090	.6873	.8740
5211590020	.6873	.8740
5212116040	.9164	1.1653
5212146090	.9164	1.1653
5212216090	.9164	1.1653
5212236060	.9164	1.1653
5601101000	1.1455	1.4566
5601210010	1.1455	1.4566
5601210090	1.1455	1.4566
5601220090	1.0413	1.3241
5601300000	1.1455	1.4566
5602109090	.5727	.7282
5602290000	1.1455	1.4566
5602906000	.5260	.6689
5603009030	.3124	.3972
5603009070	.3124	.3972
5603009090	.3124	.3972
5604900000	.5556	.7065
5607100000	.8791	1.1179
5607210000	.8791	1.1179
5607290000	.8791	1.1179
5607301000	.8791	1.1179
5607302000	.8791	1.1179
5607491000	.8081	1.0276
5607902000	.8889	1.1303
5608901000	1.1111	1.4129
5608902000	1.1111	1.4129
5609004000	.5556	.7065
5701102010	.0556	.0707
5701102090	1.1111	1.3139
5701901010	1.0444	1.3281
5701902010	.9333	1.1868
5702109020	1.1000	1.3988
5702312000	.0778	.0989
5702411000	.0722	.0918
5702412000	.0778	.0989
5702421000	.0778	.0989
5702422090	.0778	.0989
5702491010	1.0333	1.3139
5702913000	0.0889	.1130
5702991010	1.1111	1.4129
5702991090	1.1111	1.4129
5703100000	.6313	.8028
5703202010	.0337	.0429
5703900000	.4489	.5708
5705002020	.7071	.8991
5705002030	.0337	.0429
5801220000	1.1455	1.4566
5801230000	1.1455	1.4566
5801250010	1.1455	1.4566
5801250020	1.1455	1.4566
5801260020	1.1455	1.4566
5802110000	1.1455	1.4566
5802190000	1.1455	1.4566
5802300030	.5727	.7282
5804290020	1.1455	1.4566
5806200000	.3534.	.4494
5806310000	1.1455	1.4566
5806400000	.4296	.5463
5808103010	.5727	.7282
5808900010	.5727	.7282
5810100000	1.1455	1.4566
5810910020	1.1455	1.4566
5811002000	1.1455	1.4566
6001210000	.8591	1.0924
6001220000	.2864	.3642
6001910010	.8591	1.0924
6001910020	.8591	1.0924
6001920020	.2864	.3642
6001920030	.2864	.3642
6001920040	.2864	.3642
6002203000	.8681	1.1039
6002206000	.2894	.3680
6002302000	.9996	1.2711
6002420000	.8681	1.1039

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS classification	Conversation factor	Cents/kg.
6002430010	.2894	.3680
6002430080	.2894	.3680
6002920000	1.1574	1.4717
6002930040	.1157	.1471
6002930080	.1157	.1471
6101200010	1.0094	1.2836
6101302010	1.2235	1.5558
6102200010	1.0094	1.2836
6102200020	1.0094	1.2836
6102302010	1.2235	1.5558
6103421020	.8806	1.1198
6103421040	.8806	1.1198
6103421050	.8806	1.1198
6103421070	.8806	1.1198
6103431520	.2516	.3199
6103431540	.2516	.3199
6103431550	.2516	.3199
6104220040	.9002	1.1447
6104220060	.9002	1.1447
6104320000	.9202	1.1708
6104420010	.9002	1.1447
6104420020	.9002	1.1447
6104520010	.9312	1.1841
6104520020	.9312	1.1841
6104622010	.8806	1.1198
6104622015	.8806	1.1198
6104622025	.8806	1.1198
6104622030	.8806	1.1198
6104622060	.8806	1.1198
6104632010	.3774	.4799
6104632025	.3774	.4799
6104632030	.3774	.4799
6104632060	.3774	.4799
6105100010	.9850	1.2525
6105100020	.9850	1.2525
6105100030	.9850	1.2525
6105202010	.3078	.3914
6105202030	.3078	.3914
6106100010	.9850	1.2525
6106100020	.9850	1.2525
6106100030	.9850	1.2525
6106202010	.3078	.3914
6106202030	.3078	.3914
6107110010	1.1322	1.4397
6107110020	1.1322	1.4397
6107120010	.5032	.6399
6107210010	.8806	1.1198
6107220025	.3774	.4799
6107910010	1.2581	1.5998
6107910040	1.2581	1.5998
6108210010	1.2445	1.5825
6108210020	1.2445	1.5825
6108220020	1.1314	1.4387
6108310010	1.1201	1.4243
6108320010	.2489	.3165
6108320015	.2489	.3165
6108320025	.2489	.3165
6108910015	1.2445	1.5825
6108910025	1.2445	1.5825
6108910030	1.2445	1.5825
6108920030	.2489	.3165
6109100005	.9956	1.2660
6109100007	.9956	1.2660
6109100009	.9956	1.2660
6109100012	.9956	1.2660
6109100014	.9956	1.2660
6109100018	.9956	1.2660
6109100023	.9956	1.2660
6109100027	.9956	1.2660
6109100037	.9956	1.2660
6109100040	.9956	1.2660
6109100045	.9956	1.2660
6109100060	.9956	1.2660
6109100065	.9956	1.2660
6109100070	.9956	1.2660
6109901007	.3111	.3956
6109901009	.3111	.3956
6109901025	.3111	.3956
6109901049	.3111	.3956
6109901050	.3111	.3956
6109901060	.3111	.3956
6109901065	.3111	.3956
6109901090	.3111	.3956
6110102010	.8631	1.0975
6110102030	.8631	1.0975
6110202005	1.1837	1.5052
6110202010	1.1837	1.5052
6110202015	1.1837	1.5052
6110202020	1.1837	1.5052
6110202025	1.1837	1.5052
6110202030	1.1837	1.5052
6110202035	1.1837	1.5052
6110202040	1.1574	1.4717
6110202045	1.1574	1.4717
6110202065	1.1574	1.4717
6110202075	1.1574	1.4717
6110303010	.1850	.2352
6110303020	.1850	.2352
6110303040	.1850	.2352
6110303050	.1850	.2352
6110303055	.1850	.2352
6110900022	.2630	.3344
6110900024	.2630	.3344
6110900040	.2630	.3344
6110900042	.2630	.3344
6110900090	.2630	.3344
6111201000	1.2581	1.5998
6111202000	1.2581	1.5998
6111203000	1.0064	1.2797
6111205000	1.0064	1.2797
6111206010	1.0064	1.2797
6111206020	1.0064	1.2797
6111206030	1.0064	1.2797
6111206040	1.0064	1.2797
6111304000	.2516	.3199
6111305010	.2516	.3199
6111305015	.2516	.3199
6111305020	.2516	.3199
6111305030	.2516	.3199
6111305040	.2516	.3199
6112110050	.7548	.9598
6112120010	.2516	.3199
6112120030	.2516	.3199
6112120040	.2516	.3199
6112120050	.2516	.3199
6112120060	.2516	.3199
6112390010	1.1322	1.4397
6112410010	.1258	.1600
6112490010	.9435	1.1998
6114200005	.9002	1.1447
6114200010	.9002	1.1447
6114200015	.9002	1.1447
6114200020	1.2860	1.6353
6114200040	.9002	1.1447
6114200052	.9002	1.1447
6114200060	.9002	1.1447
6114301010	.2572	.3271
6114301020	.2572	.3271
6114303030	.2572	.3271
6114303050	.2572	.3271
6115110020	1.0522	1.3380
6115190010	1.0417	1.3246
6115922000	1.0417	1.3246
6115932000	.2315	.2944
6116101510	.3655	.4648
6116101520	8528	1.0844
6116103510	8528	1.0844
6116922010	1.0965	1.3943
6116922020	1.0965	1.3943
6116922030	1.2183	1.5492
6116922040	1.0965	1.3943
6116922060	1.2183	1.5492
6116922070	1.0965	1.3943
6116923000	1.0965	1.3943
6116926020	1.0965	1.3943
6116926030	1.2183	1.5492
6116926040	1.0965	1.3943
6116929000	1.0965	1.3943
6116932010	.1218	.1549
6116932011	.1218	.1549
6116932020	.1218	.1549
6117800010	.9747	1.2394
6117800035	.3655	.4648
6201121000	.9480	1.2055
6201122010	.8953	1.1385
6201122050	.6847	.8707
6201122060	.6847	.8707
6201134015	.2107	.2679
6201134030	.2633	.3348
6201921000	.9267	1.1784
6201921500	1.1583	1.4729
6201922010	1.0296	1.3092
6201922020	1.2871	1.6367
6201922030	1.2871	1.6367
6201922040	1.2871	1.6367
6201922050	1.0296	1.3092
6201922060	1.0296	1.3092
6201931000	.3089	.3928
6201932020	.2574	.3273
6201933000	1.1700	1,4878
6201933510	.2574	.3273
6201933520	.2574	.3273
6202121000	.9372	1.1917
6202122010	1.1064	1.4069
6202122025	1.3017	1.6552
6202122050	.8461	1.0759
6202122060	.8461	1.0759
6202134005	.2664	.3388
6202134020	.3330	.4234
6202134030	.3330	.4234
6202921000	1.0413	1.3241
6202921500	1.0413	1.3241
6202922025	1.3017	1.6552
6202922060	1.0413	1.3241
6202922070	1.0413	1.3241
6202931000	.3124	.3972
6202934500	1.1833	1.5047
6202935010	.2603	.3310
6202935020	.2603	.3310
6202990060	.2603	.3310
6203122010	.1302	.1656
6203191010	1.0413	1.3241
6203221000	1.3017	1.6552
6203322010	1.2366	1.5725
6203322040	1.2366	1.5725
6203332010	.1302	.1656
6203392010	1 1715	1.4897
6203394060	.2603	.3310
6203422010	.9961	1.2666
6203422025	.9961	1.2666
6203422050	.9961	1.2666
6203422090	.9961	1.2666
6203424005	1.2451	1.5833
6203424010	1.2451	1.5833
6203424015	.9961	1.2666
6203424020	1.2451	1.5833
6203424025	1.2451	1.5833
6203424030	1.2451	1.5833
6203424035	1.2451	1.5833
6203424040	.9961	1.2666
6203424045	.9961	1.2666
6203424050	.9238	1.1747
6203424055	.9238	1.1747
6203424060	.9238	1.1747
6203431500	.1245	.1583
6203434010	.1232	.1567
6203434020	.1232	.1567
6203434030	.1232	.1567
6203434040	.1232	.1567
6203492010	.1245	.1583
6203492030	.1245	.1583

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS classification	Conversation factor	Cents/kg.
6203493045	.2490	.3166
6204132010	.1302	.1656
6204192000	.1302	.1656
6204193090	.2603	.3310
6204221000	1.3017	1.6552
6204223030	1.0413	1.3241
6204223040	1.0413	1.3241
6204223050	1.0413	1.3241
6204223060	1.0413	1.3241
6204223065	1.0413	1.3241
6204292015	.3254	.4138
6204292020	.3254	.4138
6204292040	.3254	.4138
6204322010	1.2366	1.5725
6204322030	1.0413	1.3241
6204322040	1.0413	1.3241
6204394060	.2603	.3310
6204423010	1.2728	1.6185
6204423030	.9546	1.2139
6204423040	.9546	1.2139
6204423050	.9546	1.2139
6204423060	.9546	1.2139
6204444010	.4831	.6143
6204490060	.2603	.3310
6204510010	.0666	.0847
6204522010	1.2654	1.6091
6204522030	1.2654	1.6091
6204522040	1.2654	1.6091
6204522070	1.0656	1.3550
6204522080	1.0656	1.3550
6204533010	.2664	.3388
6204594060	.2664	.3388
6204610010	.0623	.0792
6204622010	.9961	1.2666
6204622025	.9961	1.2666
6204622050	.9961	1.2666
6204624005	1.2451	1.5833
6204624010	1.2451	1.5833
6204624020	.9961	1.2666
6204624025	1.2451	1.5833
6204624030	1.2451	1.5833
6204624035	1.2451	1.5833
6204624040	1.2451	1.5833
6204624045	.9961	1.2666
6204624050	.9961	1.2666
6204624055	.9854	1.2530
6204624060	.9854	1.2530
6204624065	.9854	1.2530
6204631200	.1245	.1583
6204633510	.2546	.3237
6204633530	.2546	.3237
6204633532	.2437	.3099
6204633540	.2437	.3099
6204692510	.2490	.3166
6204692530	.2490	.3166
6204692540	.2437	.3099
6204699040	.2490	.3166
6205202015	.9961	1.2666
6205202020	.9961	1.2666
6205202025	.9961	1.2666
6205202030	.9961	1.2666
6205202035	1.1206	1.4250
6205202046	.9961	1.2666
6205202050	.9961	1.2666
6205202060	.9961	1.2666
6205202065	.9961	1.2666
6205202070	.9961	1.2666
6205202075	.9961	1.2666
6205302010	.3113	.3958
6205302030	.3113	.3958
6205302040	.3113	.3958
6205302050	.3113	.3958
6205302070	.3113	.3958
6205302080	.3113	.3958
6205902040	.1245	.1583
6206100040	.1245	.1583
6206303010	.9961	1.2666

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS classification	Conversation factor	Cents/kg.
6206303020	.9961	1.2666
6206303030	.9961	1.2666
6206303040	.9961	1.2666
6206303050	.9961	1.2666
6206303060	.9961	1.2666
6206403010	.3113	.3958
6206403030	.3113	.3958
6206403050	.3113	.3958
6206900040	.2490	.3166
6207110000	1.0852	1.3799
6207190010	.3617	.4599
6207210010	1.1085	1.4096
6207210030	1.1085	1.4096
6207220000	.3695	.4699
6207911000	1.1455	1.4566
6207913000	1.1455	1.4566
6208210010	1.0583	1.3457
6208210020	1.0583	1.3457
6208220000	.1245	.1583
6208911010	1.1455	1.4566
6208913010	1.1455	1.4566
6208920010	.1273	.1619
6208920030	.1273	.1619
6209201000	1.1577	1.4721
6209203000	.9749	1.2397
6209205030	.9749	1.2397
6209205035	.9749	1.2397
6209205040	1.2186	1.5496
6209205045	.9749	1.2397
6209205050	.9749	1.2397
6209303010	.2463	.3132
6209303020	.2463	.3132
6209303030	.2463	.3132
6209303040	.2463	.3132
6210104015	.2291	.2913
6210301020	.0891	.1133
6210401010	.0391	.0497
6210401020	.4556	.5793
6210401030	.4556	.5793
6210401050	.4556	.5793
6210501020	.0911	.1158
6211111010	.1273	.1619
6211111020	.1273	.1619
6211112010	1.1455	1.4566
6211112020	1.1455	1.4566
6211201535	.2473	.3145
6211201565	.2473	.3145
6211320003	.6769	.8607
6211320005	.8461	1.0759
6211320007	.8461	1.0759
6211320010	1.0413	1.3241
6211320015	1.0413	1.3241
6211320030	.9763	1.2415
6211320060	.9763	1.2415
6211320070	.9763	1.2415
6211320080	.9763	1.2415
6211330010	.3254	.4138
6211330030	.3905	.4966
6211330035	.3905	.4966
6211330040	.3905	.4966
6211330050	.3905	4966
6211330060	.3905	.4966
6211420010	1.0413	1.3241
6211420020	1.0413	1.3241
6211420025	1.1715	1.4897
6211420050	1.1715	1.4897
6211420060	1.0413	1.3241
6211420070	1.1715	1.4897
6211420080	1.1715	1.4897
6211430010	.2603	.3310
6211430030	.2603	.3310
6211430050	.2603	.3310
6211430060	.2603	.3310
6211430070	.2603	.3310
6211430090	.2603	.3310
6211490020	.2603	.3310
6212101020	.2412	.3067

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS classification	Conversation factor	Cents/kg.
6212102010	.9646	1.2266
6212102020	.2412	.3067
6212200020	.3014	.3833
6212900010	.7717	.9813
6212900030	.1929	.2453
6213201000	1.1809	1.5016
6213202000	1.0628	1.3515
6213901000	1.0628	1.3515
6213901000	.4724	.6007
6214300000	.1206	.1534
6214400000	.1206	.1534
6214900010	.9043	1.1499
6216001000	.3617	.4599
6216001510	.3617	.4599
6216002540	.1743	.2216
6216003810	1.2451	1.5833
6216003811	1.2451	1.5833
6216003820	1.2451	1.5833
6216003821	1.2451	1.5833
6216003910	1.2058	1.5333
6216003920	1.2058	1.5333
6217100010	1.0182	1.2947
6217100030	.2546	.3237
6217900075	1.0182	1.2947
6301300010	.8766	1.1147
6301300020	.8766	1.1147
6301400010	1.0626	1.3512
6302100010	1.1689	1.4864
6302211020	.8182	1.0404
6302211040	.8182	1.0404
6302212010	1.1689	1.4864
6302212020	.8182	1.0404
6302212030	1.1689	1.4864
6302212040	.8182	1.0404
6302212060	.8182	1.0404
6302212090	.8182	1.0404
6302222010	.4091	.5202
6302222020	.4091	.5202
6302311060	.8182	1.0404
6302311090	.8182	1.0404
6302312010	1.1689	1.4864
6302312020	.8182	1.0404
6302312030	1.1689	1.4864
6302312040	.8182	1.0404
6302312050	.8182	1.0404
6302312055	.8182	1.0404
6302312060	.8182	1.0404
6302312090	.8182	1.0404
6302322020	.4091	.5202
6302322030	.5844	.7431
6302322040	.4091	.5202
6302402010	.9935	1.2633
6302511000	.5844	.7431
6302512000	.8766	1.1147
6302513000	.5844	.7431
6302514000	.8182	1.0404
6302600010	1.1689	1.4864
6302600020	1.0520	1.3377
6302600030	1.0520	1.3377
6302910005	1.0520	1.3377
6302910015	1.1689	1.4864
6302910025	1.0520	1.3377
6302910035	1.0520	1.3377
6302910045	1.0520	1.3377
6302910050	1.0520	1.3377
6302910060	1.0520	1.3377
6303110000	.9448	1.2014
6303910000	.6429	.8175
6303920000	.2922	.3716
6304111000	1.0629	1.3516
6304190500	1.0520	1.3377
6304191000	1.1689	1.4864
6304191500	.4091	.5202
6304192000	.4091	.5202
6304910020	.9351	1.1891
6304920000	.9351	1.1891
6304930000	1.0626	1.3512

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS classification	Conversation factor	Cents/kg.
6115932020	.2315	.2944
6204699044	.2490	.3166
6207913020	1.1455	1.4566

(4) Any entry of cotton that qualifies for informal entry according to regulations issued by the Customs Service will not be subject to the assessment.

(5) Imported textile articles assembled abroad in whole or in part of fabricated components, produced in the United States which:

(i) were exported from the U.S. in condition ready for assembly without further fabrication,

(ii) have not lost their physical identity in such articles by change in form, shape or otherwise, and

(iii) have not been advanced in value or improved in condition abroad except by being assembled and except by operations incidental to the assembly process shall not be subject to assessments under this subpart. The specific HTS classifications affected under this paragraph are 9802.00.8010, 9802.00.8040, and 9802.00.8060.

(6) Imported cotton and products may be exempted by the Cotton Board from assessment under this paragraph. Such imported cotton and products may include, but are not limited to cotton and the cotton content of products which is U.S. produced cotton, or cotton other than Upland cotton.

(i) A request for such exemption must be submitted to the Cotton Board by the importer, prior to the importation of the cotton or cotton product. The Cotton Broad will then issue, if deemed appropriate, a numbered exemption certificate valid for 120 days from the date of issue. The exemption number should be entered by the importer on the Customs entry documentation in the appropriate location as determined by the U.S. Customs Service.

(ii) The request for exemption should include:

(A) the name, address, and importer identification number for the importer;

(B) the HTS classification of the imported product;

(C) weight of the product for which the exemption is sought;

(D) estimated date of entry;

(E) commercial invoices or other such documentation indicating the origin of production or type of the cotton fiber used to produce the imported product;

(F) manufacturer's descriptions of the imported product.

(7) The exemption number "999999999" shall be entered on the Customs entry summary document, in the appropriate location as determined by the U.S. Customs Service, by the importer when, based on the importer'sown determination, the imported product is identified by a Harmonized Tariff Schedule classification number which is subject to assessment but the particular article contains no cotton.

(8) Articles imported into the United States temporarily and under bond which are classified by the Harmonized Tariff Schedule heading which begins with "9813" shall not be subject to assessment.

(9) Articles imported into the U.S. after being exported from the U.S. for alterations or repairs and which are classified by the Harmonized Tariff Schedule subheadings 9802.00.40 and 9802.00.50 shall not be subject to assessment.

6. Section 1205.511 "Payment and collection" is revised to read as follows:

§ 1205.511 Payment and collection.

(a) The $1 per bale assessment shall be paid by:

(1) the producer of the cotton to the collecting handler designated in § 1205.512, and

(2) the importer of cotton to the Customs Service as provided in § 1205.514.

(b) The supplemental assessment shall be paid by:

(1) the producer of the cotton to the collecting handler designated in § 1205.513, and

(2) the importer of cotton to the Customs Service as described in § 1205.515.

(c) If more than one person subject to assessment shares in the proceeds received from a bale or bale equivalent, each such person is obligated to pay that portion of the assessment that is equivalent to that person's proportionate share of the proceeds.

(d) Failure of the handler to collect the assessments on each bale shall not relieve the handler of the handler's obligation to remit the assessments to the Cotton Board as required in §§ 1205.512, 1205.513 and 1205.516.

7. In § 1205.512 "Collecting handlers and the time of collection of $1 per bale assessment" paragraph (h) is revised to read as follows:

§ 1205.512 Collecting handlers and the time of collection of the $1 per bale assessment.

* * * * *

(h) In the event of a producer's death, bankruptcy, receivership, or incapacity to act, the representative of such producer, or the producer's estate, or the person acting on behalf of creditors, shall be considered the producer for the purposes of this section.

8. In § 1205.513 "Collecting handlers and time of collection of the supplemental assessment" paragraph (k) is revised to read as follows:

§ 1205.513 Collecting handlers and the time of collection of the supplemental assessment.

* * * * *

(k) In the event of a producer's death, bankruptcy, receivership, or incapacity to act, the representative of such producer or the producer's estate, or the person acting on behalf of creditors, shall be considered the producer for the purposes of this section.

§ 1205.518 [Redesignated for § 1205.516]

9. Section 1205.516 "Receipts of payment of assessments" is designated as § 1205.518.

§ 1205.516 [Redesignated from § 1205.514 and revised]

10. Section 1205.514 "Reports and remittance to the Cotton Board" is redesignated as § 1205.516 and revised to read as follows:

§ 1205.516 Reports and remittance to the Cotton Board.

(a) *Handler Reports and Remittances*. Each collecting handler shall transmit assessments to the Cotton Board as follows:

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

(2) *Reports*. Each collecting handler shall make reports on forms made available or approved by the Cotton Board. Each report shall be mailed to the Cotton Board and postmarked within ten days after the close of the reporting period.

(i) *Collecting handler report*. Each collecting handler shall prepare a separate report form each reporting period for each gin from which such handler handles cotton on which the handler is required to collect the assessments during the reporting period. Each report shall be mailed in duplicate to the Cotton Board and shall contain the following information:

(A) Date of report;

(B) Reporting period covered by report;

(C) Gin code number;

(D) Name and address of handler;

(E) Listing of all producers from whom the handler was required to collect the assessments, their addresses, total number of bales, and total assessment collected and remitted for each producer;

(F) Date of last report remitting assessments to the Cotton Board.

(ii) *No Cotton Purchased Report.* Each collecting handler shall submit a no cotton purchased report form for each reporting period in which no cotton was handled for which the handler is required to collect assessments during the reporting period. A collecting handler who handles cotton only during certain months shall file a final no cotton purchased report at the conclusion of such handlers marketing season. If a collecting handler handles cotton during any month following submission of the final report for the handlers marketing season, such handler shall send a collecting handler report and remittance to the Cotton Board by the 10th day of the month following the month in which cotton was handled. The no cotton purchased report shall be signed and dated by the handler of the handler's agent.

(3) *Remittances.* The collecting handler shall remit all assessments to the Cotton Board with the report required in paragraph (a)(2) of this section. All remittances sent to the Cotton Board by collecting handlers shall be made by check, draft, or money order payable to the order of the "Cotton Board". All remittances shall be received subject to collection and payment at par.

(4) *Interest and Late Payment Charges.*

(i) There shall be an interest charge, at rates prescribed by the Cotton Board with the approval of the Secretary, on any handler who is sent a second certified mail notice of past-due assessments from the Cotton Board in any one marketing year (August 1–July 31).

(ii) In addition to the interest charge specified in paragraph (a)(4)(i) of this section, there shall be a late payment charge on any handler whose remittance is not received by the Cotton Board within 10 days after the close of the reporting period in which interest charges were first accrued. The late payment charge shall be 5 percent of the unpaid balance before interest charges have accrued.

(iii) The interest and late payment charges on the unremitted assessments for a particular reporting period will be applied from the first working day on or following the 20th day of the month in which the assessments were due.

(b) *Importer Reports and Remittance.* The United States Customs Service will transmit reports and assessments collected on imported cotton to the Agricultural Marketing Service according to the agreement between the Customs Service and the Agricultural Marketing Service. Upon the request of the Cotton Board, an importer shall file with the Board a report, for a period of time specified in the request, that includes the following information:

(1) The importer's name and address;

(2) The quantity of cotton and cotton products imported;

(3) The amount of the assessment paid on imported cotton and cotton products;

(4) The amount of imported cotton and cotton products on which the assessment was not paid to the Customs Service.

§ 1205.517 [Redesignated from § 1205.515 and Revised]

11. Section 1205.515 "Failure to report and remit" is redesignated as § 1205.517 and revised to read as follows.

§ 1205.517 Failure to report and remit.

(a) Any collecting handler who fails to submit reports and remittances according to reporting periods and time schedules required in § 1205.516 shall be subject to appropriate action by the Cotton Board which may include one or more of the following actions:

(1) Audits of the collecting handler's books and records to determine the amount owed the Cotton Board;

(2) Requirement that an escrow account for the deposit of assessments collected be established. Frequency and schedule of deposits and withdrawals from the escrow account shall be determined by the Cotton Board with the Approval of the Secretary;

(3) Referral to the Secretary for appropriate enforcement action;

(4) Publication of a collecting handler's name in accordance with the following provisions:

(i) The name of any collecting handler will be subject to publication if the collecting handler:

(A) is sent two certified mail notices of past due assessments and/or collecting handler reports from the Cotton Board in any one marketing year (August 1–July 31), or

(B) is required by the Cotton Board to establish an escrow account for depositing assessments, in accordance with paragraph (a)(2) of this section, and does not comply with the deposit procedures established by the Cotton Board with approval of the Secretary.

(ii) The name of any collecting handler who is subject to publication will be published by the Cotton Board with the approval of the Secretary in a monthly listing during the primary cotton marketing season (September through March) and a bi-monthly listing during the remainder of the year. The published listing will be distributed by the Cotton Board.

(iii) The Cotton Board, with approval of the Secretary, may notify individual producers that the assessments collected by such producer's collecting handler, whose name is subject to publication in accordance with the provisions of paragraph (a)(4)(i) of this section, have not been remitted to the Cotton Board as required.

(b) Any importer who fails to submit reports to the Cotton Board pursuant to request made according to § 1205.516 or assessments to the Customs Service, shall be subject to one or more of the following actions:

(1) Audits of the importer's books and records to determine the amount owed the Cotton Board.

(2) A deduction for the amount of any unpaid assessment by the Customs Service from the importers surety bond.

(3) Referral to the Secretary for appropriate enforcement action.

12. Section 1205.514 "Customs Service and the collection of the $1 per bale assessment" is added to read as follows:

§ 1205.514 Customs Service and the Collection of the $1 per bale assessment.

The Collection of the $1 per bale assessment by the Customs Service shall be as follows:

(a) The Customs Service will collect the assessment from the importer or from any person acting as principal, agent, broker or consignee for cotton or cotton-containing products produced outside the United States and imported into the United States. The Customs Service will collect the assessment on cotton and cotton-containing products identified by Harmonized Tariff Schedule heading numbers in § 1205.510(b)(2) at the time of importation and forward such assessment as per the agreement between the United States Customs Service and the U.S. Department of Agriculture.

(b) In the event of an importer's death, bankruptcy, receivership, or incapacity to act, the representative of such importer, or the importer's estate, or the person acting on behalf of creditors, shall be considered the importer for the purposes of this section.

13. Section 1205.515 "Customs Service and collection of the supplemental assessment" is added to read as follows:

§ 1205.515 Customs Service and the collection of the supplemental assessment.

The collection of the supplemental assessment by the Customs Service shall be as follows:

(a) The Customs Service will collect the supplemental assessment from any person acting as principal, agent, broker or consignee for cotton or cotton-containing products produced outside the United States and imported into the United States. Customs Service will collect the assessment on all cotton and cotton-containing products identified by Harmonized Tariff Schedule heading numbers in § 1205.510(b)(2) at the time of importation and forward such assessment as per the agreement between the United States Customs Service and the U.S. Department of Agriculture.

(b) In the event of an importer's death, bankruptcy, receivership, or incapacity to act, the representative of such importer, or the importer's estate, or the person acting on behalf of creditors, shall be considered the importer for the purposes of this section.

13a. The undesignated center heading preceding § 1205.520, "Refunds" is revised to read Reimbursements."

14. Section 1205.520 "Procedure for obtaining refund" is revised to read as follows:

§ 1205.520 Procedure for obtaining reimbursement.

Each importer against whose imports of cotton or cotton-containing products any assessments are made and collected may obtain a reimbursement on that portion of the assessment that was collected on cotton produced in the United States or cotton other than Upland cotton by following the procedures prescribed in this section.

(a) *Application Form.* An importer shall obtain a reimbursement application form from the Cotton Board. Such form may be obtained by written request to the Cotton Board and the request shall bear the importer's signature or the importer's properly-witnessed mark.

(b) *Submission of Reimbursement Application to Cotton Board.* Any importer requesting a reimbursement shall mail the application on the prescribed form to the Cotton Board. The application shall be postmarked within 90 days from the date the assessments were paid on the cotton by such importer. The reimbursement application shall show:

(1) The importer's name, address, phone number and Customs Service identification number;

(2) Weight of the cotton in each HTS category for which the reimbursement is requested;

(3) Subtotal amounts to be reimbursed for each HTS number and grand total to be reimbursed;

(4) Date or inclusive dates on which the assessments were paid;

(5) The name of the port of entry; and

(6) Certification by the importer that the cotton was grown in the U.S. or is other than Upland cotton.

(c) Where more than one importer shared in the assessment payment on cotton, joint or separate reimbursement application forms may be filed. In any such case, the reimbursement application shall show the names, addresses and proportionate shares of assessments paid by all importers. The reimbursement application shall bear the signature of each importer seeking reimbursement.

(d) *Proof of payment of the assessment on U.S. produced or other than Upland cotton.* A copy of the Customs entry form and the commercial invoice filed with the Customs Service shall accompany the importer's reimbursement application. Within 60 days from the date the properly executed application for reimbursement is received by the Cotton Board, the Cotton Board shall make reimbursement to the importer. For joint applications, the reimbursement shall be made payable to all eligible importers signing the reimbursement application. Documentation submitted with reimbursement applications shall not be returned to the importer.

Warehouse Receipts

15. Section 1205.525 "Entry of gin code number" is revised to read as follows:

§ 1205.525 Entry of gin code number.

The warehouse that first receives a bale for storage after ginning shall enter the gin code number of the gin at which the bale was ginned on the warehouse receipt issued for the bale.

Reports and Records

16. Section 1205.530 "Gin reports and reporting schedule" is amended by revising paragraph (a)(2) to read as follows:

§ 1205.530 Gin Reports and reporting schedule.

(a) * * *

(2) *Certificate in Lieu of End-of-Season Report.* If a gin is the collecting handler on every bale ginned at such gin and collecting handler reports and remittances of assessments have been made in accordance with § 1205.516, a certification to that effect may be made to the Cotton Board in lieu of an end-of-season report.

* * * * *

17. Section 1205.531 "Records" is revised to read as follows:

§ 1205.531 Records.

Each handler or importer required to make reports pursuant to this subpart shall maintain such books and records as are necessary to verify the reports.

18. Section 1205.532 "Retention period for reports and records" is revised to read as follows:

§ 1205.532 Retention period for reports and records.

Each handler and importer required to make reports pursuant to this subpart shall retain for at least 2 years beyond the marketing year of their applicability:

(a) One copy of the report made to the Cotton Board; and

(b) Such books and records as are necessary to verify such reports.

19. Section 1205. 533 "Availability of reports and records" is revised to read as follows:

§ 1205.533 Availability of reports and records.

Each handler and importer required to make reports pursuant to this subpart shall make available for inspection by the Cotton Board, including its designated employees, and the Secretary any reports, books, or records required under this subpart.

Confidential Information

20. Section 1205.540 "Confidential books, records, and reports" is revised to read as follows:

§ 1205.540 Confidential books, records, and reports.

All information obtained from the books, records, and reports of handlers and importers shall be kept confidential in the manner and to the extent provided for in § 1205.340.

21. Section 1205.541 "OMB control numbers" is added to the Subpart—Cotton Board Rules and Regulations and reads as follows:

§ 1205.541 OMB control numbers.

The control number assigned to the information collection requirements by the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1980, Public Law 96–511, is OMB number 0581–0093, except Board member nominee information sheets are assigned OMB number 0505–0001.

Dated: June 25, 1992.

Jo Ann R. Smith,

Assistant Secretary Marketing and Inspection Services.

[FR Doc. 92–15355 Filed 6–29–92; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Parts 214, 251, and 258

[INS No. 1418-92]

RIN 1115-AC42

Denial of Crewman Status in the Case of Certain Labor Disputes and Specifications of Authorized Employment

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Interim final rule; extension of effective date.

SUMMARY: On June 6, 1991, the Immigration and Naturalization Service (Service) published an interim rule at 56 FR 26016 which promulgated regulations implementing sections 202 and 203 of the Immigration Act of 1990, by placing certain restrictions on the admission and employment of alien crewmen during strikes and in their performance of longshore work. The June 6, 1991 interim rule expired on December 31, 1991, and was reinstated by a second interim rule which was published on February 21, 1992, at 57 FR 6183. The interim rule's effective date was further extended through June 30, 1992 by an interim rule published on April 1, 1992 at 57 FR 10978. This document extends the expiration date of the February 21, 1992 interim rule which would otherwise expire on June 30, 1992.

EFFECTIVE DATE: This rule is effective July 1, 1992, through October 31, 1992.

FOR FURTHER INFORMATION CONTACT: Michael T. Jaromin, Assistant Chief Inspector, Immigration and Naturalization Service, 425 I Street NW., room 7216, Washington, DC 20536, telephone number (202) 514-3275.

SUPPLEMENTARY INFORMATION: On June 6, 1991, the Immigration and Naturalization Service (the Service) published an interim rule in the **Federal Register** at 56 FR 26016, requesting comments by July 8, 1991. On July 10, 1991, at the request of interested parties, the Service published a notice in the **Federal Register** at 56 FR 31305, extending the comment period to August 9, 1991. The June 6, 1991 interim rule expired on December 31, 1991 and was later reinstated on February 21, 1992 through March 31, 1992. The interim rule was further extended through June 30, 1992.

The Service has determined that additional time is required to review and consider the information and comments presented by the public and to further coordinate with the Department of Labor. Therefore, the Service is extending the expiration date of the interim rule through October 31, 1992, before which time a final rule or a second interim rule is expected to be published.

Accordingly, FR Doc 92-3975, 57 FR 6183 (February 21, 1992) is amended by revising the first sentence in the "**DATES**" section to read: "This rule is effective February 21, 1992 through October 31, 1992."

Dated: June 26, 1992.

Gene McNary,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 92-15506 Filed 6-30-92; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 98

[Docket No. 89-108]

Importation of Certain Animal Embryos and Animal Semen

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations concerning the importation of certain animal embryos and animal semen by removing all references to "Deputy Administrator" and replacing them with references to "Administrator." We are also removing all references to "Veterinary Services" and replacing them with references to "Animal and Plant Health Inspection Service." These changes are warranted so that the regulations will accurately reflect that the Administrator of the agency holds primary authority and responsibility for various decisions under the regulations.

EFFECTIVE DATE: July 1, 1992.

FOR FURTHER INFORMATION CONTACT: Dr. Samuel Richeson, Chief Staff Veterinarian, Import-Export Animals Staff, VS, APHIS, USDA, room 764, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782; 301-436-4370.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 98 (referred to below as the regulations) concern the importation of certain animal embryos and animal semen. Prior to the effective date of this document, these regulations indicated that the Deputy Administrator, Veterinary Services, of the Animal and Plant Health Inspection Service (APHIS) was the official responsible for various decisions under these regulations. We are amending 9 CFR part 98 to indicate that the primary authority and responsibility for various decisions under these regulations belongs to the Administrator of the agency. We are making similar revisions in all other APHIS regulations. Those revisions will be published in separate **Federal Register** documents. Delegations of authority within the agency are contained in 7 CFR part 371.

We are removing all references to "Deputy Administrator" and replacing them with references to "Administrator." We are also removing all references to "Veterinary Services" and are replacing them with references to "Animal and Plant Health Inspection Service." With these changes, the terms "Deputy Administrator" and "Veterinary Services" no longer appear in the regulations. Therefore, we are deleting the definitions of those terms. We are also adding definitions of "Administrator" and "Animal and Plant Health Inspection Service." Additionally, we are revising APHIS mailing addresses to reflect the current addresses.

This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity to comment are not required, and this rule may be made effective less than 30 days after publication in the **Federal Register**. Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order 12291. Finally, this action is not a rule as defined by Public Law 96-354, the Regulatory Flexibility Act, and thus is exempt from the provisions of that Act.

Executive Order 12372

These programs/activities under 9 CFR part 98 are listed in the Catalog of Federal Domestic Assistance under No. 10.025 and are subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12778

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule:

(1) Preempts all State and local laws and regulations that are in conflict with this rule;

(2) Has no retroactive effect; and