

change, but they may number in the hundreds.

Costs for most users of granular tefluthrin would be reduced because of the increased period of certification. Under the current regulations, a dose rate of 15 ppm is required for a certification period up to 12 months and a dose rate of 25 ppm is required for a certification period greater than 12 months. Thus, a cost savings of from 33 to 60 percent would be realized by purchasers of granular tefluthrin who ship their products out of the restricted areas between 12 and 18 months after treatment. The current retail price of granular tefluthrin is about \$4.00 per pound, but prices can vary considerably depending upon whether or not it is purchased in bulk. A 33 to 60 percent cost savings realized by applying tefluthrin at a 10 ppm dose rate rather than a 15 or 25 ppm dose rate could mean a savings of about \$1.33 to \$2.40 in the application of one pound of granular tefluthrin.

We do not anticipate that there would be a significant economic impact on small entities that distribute agricultural chemicals. Distributors of agricultural chemicals are diversified businesses that sell a wide variety of chemicals, fertilizers, and other farm and nursery supplies. We also do not expect any significant economic impact on any other small entities.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This proposed rule contains no information collection or recordkeeping requirements under the Paperwork

Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, 7 CFR part 301 would be amended as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

1. The authority citation for part 301 would continue to read as follows:

Authority: 7 U.S.C. 150bb, 150dd, 150ee, 150ff, 161, 162, and 164–167; 7 CFR 2.22, 2.80, and 371.2(c).

2. In part 301, Subpart—Imported Fire Ant, in the appendix to the subpart, paragraph III.C.3.c. would be amended by revising the dosage table to read as follows:

Subpart—Imported Fire Ant

* * * * *

Appendix to Subpart “Imported Fire Ant”—Portion of “Imported Fire Ant Program Manual”⁸

III. Regulatory Procedures

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C. Approved Treatments.

* * * * *

3. Plants—Balled or in Containers

* * * * *

c. Tefluthrin: Granular Formulation.

* * * * *

Dosage: * * *

Granular tefluthrin dosage (parts per million)	Certification period (months after treatment)
10 ppm	0–18 months.
25 ppm	Continuous.

* * * * *

Done in Washington, DC, this 27th day of January 1997.

Terry L. Medley,

Administrator, Animal and Plant Health Inspection Service.

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⁸ A copy of the entire “Imported Fire Ant Program Manual” may be obtained from the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Domestic and Emergency Operations, 4700 River Road Unit 134, Riverdale, MD 20737–1236.

Agricultural Marketing Service

7 CFR Part 1205

[CN–96–007]

Amendment to Cotton Board Rules and Regulations Regarding Import Assessment Exemptions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Agricultural Marketing Service is proposing to amend the regulations regarding import assessment exemptions by adjusting the provisions for automatic assessment exemptions on certain imports of textile and apparel products. The purpose of the proposed automatic exemption is to avoid multiple assessment of U.S. produced cotton that has been exported and then imported back into the U.S. in the form of textile and apparel products. Also, this proposed rule would lengthen the amount of time a person has to request an import reimbursement from 90 days from the date the assessment was paid to 180 days from the date the assessment was paid. This proposal would be consistent with the business practices of importers and would make it easier for importers to comply with the regulations.

DATES: Comments must be submitted on or before March 3, 1997.

ADDRESSES: Comments may be mailed to USDA, AMS, Cotton Division, STOP 0224, 1400 Independence Avenue S.W., Washington D.C., 20250–0224. Comments will be made available for public inspection during the hours 8:00 a.m. to 4:00 p.m. Monday through Friday at this address.

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

SUPPLEMENTARY INFORMATION:

Regulatory Impact Analysis

Executive Orders 12866 and 12988; the Regulatory Flexibility Act and the Paperwork Reduction Act

This rule has been determined to be “not significant” for purposes of Executive Order 12866, and, therefore, has not been reviewed by the Office of Management and Budget.

This rule has been reviewed under Executive Order 12988, 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 Cotton Research and Promotion Act, 7 U.S.C. 2101–2118

(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 of the ruling.

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

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

There are an estimated 10,000 importers who are presently subject to rules and regulations issued pursuant to the Cotton Research and Promotion Order. This rule will affect importers of cotton and cotton-containing products. The majority of these importers are small businesses under the criteria established by the Small Business Administration (13 CFR 121.601).

This rule will neither raise nor lower assessments paid by importers subject to the Cotton Research and Promotion Order and therefore presents minimal economic impact. This action will improve the agency's ability to prevent double assessment of U.S. produced cotton reentering the U.S. in the form of textile and apparel products.

Under these circumstances AMS 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) (44 U.S.C. 3501 *et seq.*) the information collection requirements contained in the regulation to be amended have been previously approved by OMB and were assigned control number 0581-0093.

Background

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, contained two provisions that authorized changes in the funding procedures for the Cotton Research and Promotion Program.

These provisions are: (1) The assessment of imported cotton and cotton products; and (2) termination of the right of cotton producers to demand a refund of assessments.

An amended Cotton Research and Promotion Order was approved by producers and importers voting in a referendum held July 17-26, 1991. Proposed rules implementing the amended Order were published in the Federal Register on December 17, 1991, (56 FR 65450). The final implementing rules were published on July 1 and 2, 1992, (57 FR 29181 and 57 FR 29431), respectively.

Section 1205.335 (c)(1) of the Cotton Research and Promotion Order provides for exemptions from assessments for certain imported goods when they contain U.S. produced cotton in order to minimize the occurrence of double assessments on U.S. cotton. All U.S. produced cotton is assessed at the time it is first sold. A significant amount of U.S. produced cotton is converted into fabric in the U.S. and then exported. This U.S. cotton containing fabric often returns to the U.S. in the form of apparel products.

Section 1205.510 (b)(5) of the Cotton Board Rules and Regulations identifies the specific Harmonized Tariff Schedule (HTS) numbers that are exempted to avoid a second unnecessary assessment of this U.S. produced cotton. The numbers currently identified in this section have become out dated because of changes in the HTS. The proposed revision of this section would update the exempted HTS numbers to 9802.00.8015, and 9802.00.9000 which are currently in HTS.

AMS is also proposing to lengthen the period of time a person has to request an import assessment reimbursement from 90 to 180 days from the date the assessment was paid. In the past the Cotton Board has received requests for reimbursements beyond the 90 day limit. In responding to these request, importers have informed the Cotton Board that the 90 day period is too restrictive. The Cotton Board has recognized that importer concern over

the time period has merit. Therefore, the Cotton Board has requested that the Department extend the period to 180 days. The Cotton Board believes that this proposal would be consistent with the business practices of importers, and make it easier for importers to comply with the regulations.

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 proposed to be 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. In § 1205.510, paragraph (b)(5) is proposed to be revised to read as follows:

§ 1205.510 Levy of assessments.

* * * * *

(b) * * *

(5) Imported textile and apparel articles assembled of components formed from cotton produced in the United States and identified by HTS numbers 9802.00.8015 or 9802.00.9000 shall be exempt from assessments under this subpart.

* * * * *

3. In § 1205.520, paragraph (b) introductory text is proposed to be revised to read as follows:

§ 1205.520 Procedure for obtaining reimbursement.

* * * * *

(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 180 days from the date the assessments were paid on the cotton by such importer. The reimbursement application shall show:

* * * * *

Dated: January 27, 1997.

Lon Hatamiya,

Administrator.

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