Dated: August 2, 1995.

#### Ellen Haas.

Under Secretary for Food, Nutrition, and Consumer Services.

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## **Agricultural Marketing Service**

#### 7 CFR Part 1280

[No. LS-95-008]

Sheep Promotion, Research, and Information Program: Procedures for the Conduct of Referendum

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** The Sheep Promotion, Research, and Information Act of 1994 (Act) authorizes a program of promotion, research, and information to be developed through the promulgation of the Sheep and Wool Promotion, Research, Education, and Information Order (Order). The Act requires that after the issuance of the final Order, the Secretary shall conduct an initial referendum among sheep producers, sheep feeders, and importers of sheep and sheep products to determine whether the Order will go into effect. For the program to become operational, the final Order must be approved by sheep producers, sheep feeders, and importers of sheep and sheep products voting in the initial referendum. Importers who only import raw wool are not eligible to participate in the referendum. This proposed rule sets forth the procedures for conducting the initial referendum to determine if producers, feeders, and importers approve the final Order. These rules would also apply to any additional referendum conducted pursuant to the

**DATES:** Written comments must be received by September 7, 1995. ADDRESSES: Send two copies of comments to Ralph L. Tapp, Chief; Marketing Programs Branch; Livestock and Seed Division; Agricultural Marketing Service (AMS), USDA, Room 2606-S; P.O. Box 96456; Washington, D.C. 20090-6456. Comments hours at the above address in room 2606 South Agriculture Building, 14th and Independence Avenue SW., Washington, D.C. Comments on the information collection requirements contained in the proposed rule may also be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503. Attention: Desk Officer for

the Agricultural Marketing Service, USDA.

FOR FURTHER INFORMATION CONTACT: Ralph L. Tapp, Chief, Marketing Programs Branch, 202/720–1115. SUPPLEMENTARY INFORMATION: This proposed rule is authorized under the Act (7 U.S.C. 7101–7111).

### **Regulatory Impact Analysis**

Executive Orders 12866 and 12778 and the Regulatory Flexibility Act

This proposal has been determined to be not significant for purposes of Executive Order 12866 and therefore has not been reviewed by OMB.

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. It is not intended to have a 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 any person subject to the Order may file with the Secretary a petition stating that the Order, any provision of the Order, or any obligation imposed in connection with the Order is not in accordance with the law, and requesting a modification of the Order or an exemption from certain provisions or obligations of the Order. The petitioner will have the opportunity for a hearing on the petition. Thereafter the Secretary will issue a decision on the petition. The Act provides that the district court of the United States in any district in which the petitioner resides or carries on business has jurisdiction to review a ruling on the petition, if the petitioner files a complaint for that purpose not later than 20 days after the date of the entry of the Secretary's decision. The petitioner must exhaust his or her administrative remedies before he or she can initiate any such proceedings in the district court.

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

According to the January 27, 1995, issue of "Sheep and Goats," published by the U.S. Department of Agriculture's (Department) National Agricultural Statistics Service, there are approximately 87,350 operations with sheep in the United States that may be eligible to vote in the referendum. To obtain the estimated number of importers of sheep and sheep products who would be subject to an assessment and who may be eligible to vote in the referendum, the Department consulted

with major importer organizations whose members import sheep and sheep products into the United States. Based on its consultations with these organizations, the Department estimates that the number of sheep and sheep product importers in the United States who would be subject to these rules and regulations is approximately 9,000. Nearly all of the sheep operations in the United States and nearly all of the importers of sheep and sheep products would be classified as small entities by the Small Business Administration (13 CFR 121.601).

This action has also been reviewed under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). This proposed rule would establish procedures for the conduct of a referendum to determine whether an Order promulgated under the Act becomes operational. Such procedures would permit all eligible sheep producers, sheep feeders, and importers of sheep and sheep products, excluding importers who import only raw wool, who have been engaged in sheep production, sheep feeding, or the importation of sheep and sheep products to vote in the referendum. Participation in the referendum is voluntary. Votes may be cast either by mail ballots or in-person at polling places. Casting votes by mail or inperson would not impose a significant economic burden on participants. Accordingly, the Administrator of AMS has determined that this rule will not have a significant economic impact on a substantial number of small business entities.

# Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), we have submitted the information collection requirements contained in this proposed rule to OMB for approval. OMB has assigned OMB control number 0581–0093. The information collection requirements in this proposed rule include the following:

(a) For in-person voting:

(1) Each sheep producer, sheep feeder, or importer of sheep and sheep products, except an importer who imports only raw wool, who vote in person in the referendum, must sign the Voter Registration List (Form LS–61–3) and complete a Ballot (Form LS–61) at the county Cooperative Extension Service (CES) office of the Department. The voter must complete the ballot and insert the ballot into the SHEEP BALLOT envelope (Form LS–61–1).

(2) Each producer, feeder, and importer must complete the Certification and Registration Form that