receiving such sheep or sheep products for sale on commission for or on behalf of a producer or feeder, shall pass the collected assessments on to the subsequent purchaser pursuant to the Act and the Order.

(b) Customs will collect the assessment at the time of importation from the importer or from any person acting as the principal agent, broker, or consignee for sheep, sheep products, wool, and products containing wool fiber identified by the HTS classification numbers in § 1280.312, except as provided in § 1280.312(d).

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

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

§ 1280.314 Remittance persons for purposes of remitting assessments.

Remittance persons for the purposes of remitting assessments shall be:

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

(b) Each person who processes or causes to be processed sheep or sheep products of that person's own production, and markets such sheep or sheep products, shall pay an assessment on such sheep or sheep products at the time of sale at a rate equivalent to the rate established pursuant to § 1280.224(d) under the Order for live sheep or § 1280.225(d) for greasy wool under the Order, and shall remit such assessment the Board.

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

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

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

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

(1) Live sheep sold.

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

(ii) The number of sheep exported, or the equivalent thereof of sheep products imported;

(iii) The amount of assessment remitted;

(iv) An explanation for the remittance of any assessment that is less than the pounds of sheep multiplied by the assessment rate; and

(v) The date an assessment was paid.(2) Greasy wool sold.

(i) The amount of wool purchased, initially transferred or which, in an other manner, is subject to the collection of assessment, and the dates of such transaction;

(ii) The amount of wool exported or the equivalent thereof of wool products;(iii) The amount of assessment remitted;

(iv) An explanation for the remittance of an assessment that is less than the pounds of wool multiplied by the assessment rate; and

(v) The date an assessment was paid.

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

(c) If the Board is not established by the date the first assessments are due, remitters shall remit assessments to the address specified by the Secretary pursuant to § 1280.230(d) of the Order. The Secretary shall have the authority to receive assessments and invest them on behalf of the Board, and shall transfer such assessments and any interest earned to the Board when it is formed.

§1280.316 Evidence of payment of assessments.

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

(a) Name and address of the collecting person;

(b) Name of producer or feeder who paid the assessment;

(c) Number of head of sheep sold;

(d) Total pounds of sheep or greasy wool sold;

(e) Total assessments paid by the producer or feeder; and

(f) Date an assessment was paid.

§1280.317 Books and records.

Any person subject to the collection and remittance provisions of the Act and the Order shall maintain and make available to the Secretary for at least 2 years beyond the fiscal period of their applicability such books and records as necessary to carry out the provision of the Order and these regulations. Reporting forms shall be submitted monthly. Domestic producers and feeders as well as importers will be required to maintain and make available to the Secretary such books and records as necessary to carry out the provisions of the proposed Order and this proposed rule.

§1280.318 OMB control numbers.

The control number assigned to the information collection requirements by OMB pursuant to the Paperwork Reduction Act of 1980, Public Law 96– 511 is OMB number 0581–0093.

Dated: September 28, 1995.

Lon Hatamiya,

Administrator.

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