

CATTLE AND CALVES ¹—Continued

State/unit	(1,000 head)	Directors
15. Michigan	1,133	1
16. Minnesota	2,767	3
17. Mississippi	1,343	1
18. Missouri	4,450	4
19. Montana	2,683	3
20. Nebraska	6,517	7
21. Nevada	510	1
22. New Mexico	1,480	1
23. New York	1,527	2
24. North Carolina	1,160	1
25. North Dakota	1,857	2
26. Ohio	1,483	1
27. Oklahoma	5,467	5
28. Oregon	1,440	1
29. Pennsylvania	1,770	2
30. South Carolina	517	1
31. South Dakota	3,733	4
32. Tennessee	2,460	2
33. Texas	14,467	14
34. Utah	903	1
35. Virginia	1,797	2
36. Wisconsin	3,700	4
37. Wyoming	1,477	1
38. Northwest .....	.....	1
Alaska	11	.....
Hawaii	167	.....
Washington	1,230	.....
Total	1,408	.....
39. Northeast .....	.....	1
Connecticut	70	.....
Delaware	29	.....
Maine	113	.....
Massachusetts	63	.....
New Hampshire	41	.....
New Jersey	68	.....
Rhode Island	7	.....
Vermont	302	.....
Total	693	.....
40. Mid-Atlantic .....	.....	1
District of Columbia	0	.....
Maryland	275	.....
West Virginia	447	.....
Total	722	.....
41. Importer ²	6535	7

¹ 1996, 1997, and 1998 average of January 1 cattle inventory data.² 1995, 1996, and 1997 average of annual import data.

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Dated: August 24, 1998.

Barry L. Carpenter,*Deputy Administrator, Livestock and Seed Program.*

[FR Doc. 98-23227 Filed 8-27-98; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF AGRICULTURE**Agricultural Marketing Service****7 CFR Part 1260****[No. LS-98-005]****Amendment to the Beef Promotion and Research Rules and Regulations****AGENCY:** Agricultural Marketing Service, USDA.**ACTION:** Proposed rule.**SUMMARY:** This proposed rule would amend the Beef Promotion and Research Rules and Regulations (Rules and Regulations) established under the Beef Promotion and Research Act of 1985

(Act) to clarify requirements for documenting cattle sales transactions for which no assessments are due. This amendment would specifically require the timely filing of Statement of Certification of Non-Producer Status forms to obtain exemption from assessment.

DATES: Written comments must be received by October 27, 1998.**ADDRESSES:** Send two copies of comments to Ralph L. Tapp, Chief; Marketing Programs Branch, STOP 0251; Livestock and Seed Program; Agricultural Marketing Service (AMS), USDA, Room 2606-S; P.O. Box 96456; Washington, D.C. 20090-6456. Comments received may be inspected at

this location between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays. State that your comments refer to Docket No. LS-98-005.

FOR FURTHER INFORMATION CONTACT:
Ralph L. Tapp, 202/720-1115.

SUPPLEMENTARY INFORMATION:

Executive Order 12866 and 12988 and Regulatory Flexibility Act and the Paperwork Reduction Act

The Department of Agriculture is issuing this rule in conformance with Executive Order 12866.

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have a retroactive effect. Section 11 of the Act provides that nothing in the Act may be construed to preempt or supersede any other program relating to beef promotion organized and operated under the laws of the United States or any State. There are no administrative proceedings that must be exhausted prior to any judicial challenge to the provisions of this rule.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 United States Code (U.S.C.) 601 *et seq.*). The Administrator of AMS has considered the economic effect of this action on small entities and has determined that this proposed rule will not have a significant economic impact on a substantial number of small business entities. The purpose of RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly burdened.

In the January 30, 1998, issue of "Cattle," the Department of Agriculture's (USDA) National Agricultural Statistics Service estimates that in 1997 the number of cattle operations in the United States totaled about 1.17 million. The majority of these operations subject to the Order are considered small businesses under the criteria established by the Small Business Administration.

The proposed rule imposes no new burden on the industry as it merely clarifies the timing for filing of the Statement of Certification of Non-Producer Status forms when no assessment is due on cattle sales transactions. The regulations currently provide for certification of non-producer status for certain transactions. This action would merely specify the time of filing of the Statement of Certification of Non-Producer Status forms in order to obtain an exemption from assessments.

In compliance with OMB regulations [5 CFR Part 1320] which implements the Paperwork Reduction Act(PRA) [44

U.S.C. 3501 *et seq.*], the information collection requirements contained in this proposed rule have been previously approved by OMB and were assigned OMB control number 0581-0093.

This proposed rule would amend the rules and regulations published in the **Federal Register** on February 26, 1988 (53 FR 5749). These regulations further define the requirements of the Beef Promotion and Research Order (Order) under the Act.

Background and Proposed Change

The Act approved December 23, 1985, authorizes the establishment of a national beef promotion and research program. The final Order establishing a beef promotion and research program was published in the **Federal Register** on July 18, 1986, (51 FR 21632) and assessments began on October 1, 1986. The program is administered by the Cattlemen's Beef Promotion and Research Board (Board) which is composed of 111 cattle producers and importers. The program is funded by a \$1-per-head assessment on producer marketings of cattle in the United States and an equivalent amount on imported cattle, beef, and beef products. In 45 States, Qualified State Beef Councils (QSBC) receive assessments remitted under the program. They retain up to half for State-directed programs, and remit the remainder to the Board. The Board receives all import assessments and all producer assessments in five States with relatively small cattle numbers which do not have QSBCs.

The domestic assessment, due each time cattle are sold by a producer, is collected by the buyer or "collecting person" for remittance to the Board or QSBC. The term "producer" is defined as follows: "means any person who owns or acquires ownership of cattle; provided, however, that a person shall not be considered a producer within the meaning of this subpart if (a) the person's only share in the proceeds of a sale of cattle or beef is a sales commission, handling fee, or other service fee; or (b) the person (1) acquired ownership of cattle to facilitate the transfer of ownership of such cattle from the seller to a third party, (2) resold such cattle no later than ten (10) days from the date on which the person acquired ownership, and (3) certified, as required by regulations prescribed by the Board and approved by the Secretary, that the requirements of this provision have been satisfied."

When cattle are sold within 10 days of purchase by a person who is not a producer under the above definition, the collecting person is not required to collect the \$1 assessment from the

person (seller), if the seller provides the collecting person with a Statement of Certification of Non-Producer Status on a form approved by the Board and the Secretary. The person claiming non-producer status must submit to the collecting person a Statement of Certification of Non-Producer Status "at the time of sale" in lieu of paying the assessment. Although, the majority of non-producers provide collecting persons with a Statement of Certification of Non-Producer Status "at the time of sale," the Rules and Regulations do not specify when the Statement of Certification of Non-Producer Status form is due. Board audits of accounting records of collecting persons have revealed transactions in which neither the \$1 assessment, nor the Statement of Certification of Non-Producer Status required in lieu of the assessment, was obtained "at the time of sale" by the collecting person.

To make it clear that the Statement of Certification of Non-Producer Status form must be filed with the collecting person in a timely manner, this proposed rule would amend § 1260.314(b) of the Rules and Regulations to read as follows: "(b) Each person seeking non-producer status pursuant to § 1260.116 of this part shall provide the collecting person on a form approved by the Board and the Secretary with a "Statement of Certification of Non-Producer Status" at the time the collecting person makes payment to the seller of cattle, in lieu of the assessment that would otherwise be due. If the collecting person is a brand inspector, as provided for in § 1260.311, the seller of cattle must provide to the brand inspector a "Statement of Certification of Non-Producer Status" at the time the physical brand inspection is completed in lieu of the assessment that would otherwise be due." This proposed change would facilitate enforcement of assessment collection in the Beef Promotion and Research Program.

List of Subjects in 7 CFR Part 1220

Advertising, Agricultural research, Imports, Marketing agreements, Meat and meat products, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, it is proposed that 7 CFR part 1260 be amended as follows:

PART 1260—BEEF PROMOTION AND RESEARCH

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

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

2. Paragraph (b) of § 1260.314 would be revised to read as follows:

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

* * * * *

(b) Each person seeking non-producer status pursuant to § 1260.116 of this part shall provide the collecting person on a form approved by the Board and the Secretary with a "Statement of Certification of Non-Producer Status" at the time the collecting person makes payment to the seller of cattle, in lieu of the assessment that would otherwise be due. If the collecting person is a brand inspector, as provided for in § 1260.311, the seller of cattle must provide to the brand inspector a "Statement of Certification of Non-Producer Status" at the time the physical brand inspection is completed in lieu of the assessment that would otherwise be due.

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Dated: August 24, 1998.

Barry L. Carpenter,

Deputy Administrator, Livestock and Seed Program.

[FR Doc. 98-23229 Filed 8-27-98; 8:45 am]

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DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 56, 57, and 77

RIN 1219-AA93

Safety Standards for Surface Haulage

AGENCY: Mine Safety and Health Administration (MSHA), Labor.

ACTION: Extension of comment period.

SUMMARY: MSHA is extending the comment period on its Advance Notice of Proposed Rulemaking (ANPRM) addressing safety standards for surface haulage.

DATES: Submit all comments on or before September 28, 1998.

ADDRESSES: Comments may be transmitted by electronic mail, fax or mail. Comments by electronic mail must be clearly identified as such and sent to this e-mail address: comments@msha.gov. Comments by fax must be clearly identified as such and sent to: Mine Safety and Health Administration, Office of Standards, Regulations and Variances, 703-235-5551. Send mail comments to: Mine Safety and Health Administration, Office of Standards, Regulations, and Variances, Room 631, 4015 Wilson Boulevard, Arlington, Virginia 22203-1984. Interested persons are encouraged

to supplement written comments with computer files or disks; please contact the Agency with any questions about format.

FOR FURTHER INFORMATION CONTACT:

Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances; 703-235-1910.

SUPPLEMENTARY INFORMATION: On July 30, 1998, MSHA published a notice in the **Federal Register** (63 FR 40800) requesting comments on its ANPRM addressing safety standards for surface haulage. The comment period is scheduled to close on August 31, 1998. In response to commenters' requests, MSHA is extending the comment period until September 28, 1998. MSHA believes this extension will provide sufficient time for all interested parties to review and comment on the ANPRM.

Dated: August 24, 1998.

J. Davitt McAteer,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 98-23224 Filed 8-27-98; 8:45 am]

BILLING CODE 4510-43-P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 938

[PA-123-FOR]

Pennsylvania Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule; public comment period and opportunity for public hearing.

SUMMARY: OSM is announcing the receipt of a proposed amendment to the Pennsylvania permanent regulatory program (hereinafter referred to as the Pennsylvania program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment (Administrative Record Number PA 837.80) revises the Pennsylvania program to incorporate changes made to address required amendments to the Pennsylvania program that are identified in OSM's approval of Pennsylvania's coal refuse disposal amendment on April 22, 1998 (63 FR 19802). The amendment is intended to revise the Pennsylvania program to be consistent with SMCRA and the Federal regulations.

DATES: Written comments must be received on or before the close of

business on September 28, 1998. If requested, a public hearing on the proposed amendments will be held on September 22, 1998. Requests to present oral testimony at the hearing must be received on or before the close of business on September 14, 1998.

ADDRESSES: Written comments and requests to speak at the hearing should be mailed or hand delivered to Robert J. Biggi, Director, Harrisburg Field Office at the address shown below.

Copies of the Pennsylvania program, the proposed amendment, a listing of any scheduled public hearings, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requestor may receive one free copy of the proposed amendment by contacting OSM's Harrisburg Field Office. Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT:** Robert J. Biggi, Director, Office of Surface Mining Reclamation and Enforcement, Harrisburg Field Office, Harrisburg Transportation Center, Third Floor, Suite 3C, 4th and Market Streets, Harrisburg, Pennsylvania 17101, Telephone: (717) 782-4036.

Pennsylvania Department of Environmental Protection, Bureau of Mining and Reclamation, Room 209 Executive House, 2nd and Chestnut Streets, P.O. Box 8461, Harrisburg, Pennsylvania 17105-8461, Telephone: (717) 787-5103.

FOR FURTHER INFORMATION CONTACT: Robert J. Biggi, Director, Harrisburg Field Office, (717) 782-4036.

SUPPLEMENTARY INFORMATION:

I. Background on the Pennsylvania Program

On July 31, 1982, the Secretary of the Interior conditionally approved the Pennsylvania program. Background information on the Pennsylvania program including the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Pennsylvania program can be found in the July 30, 1982, **Federal Register** (47 FR 33050). Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 938.11, 938.12, 938.15 and 938.16.

II. Discussion of Amendment

By letter dated September 14, 1995 (Administrative Record Number PA