

rule were invited from interested persons until February 3, 1995. No comments were received.

#### List of Subjects in 7 CFR Part 75

Administrative practice and procedure, Agricultural commodities, Reporting and recordkeeping requirements, Seeds, Vegetables.

For reasons set forth in the preamble, it is proposed that 7 CFR part 75 be amended as follows:

#### PART 75—REGULATIONS FOR INSPECTION AND CERTIFICATION OF QUALITY OF AGRICULTURAL AND VEGETABLE SEEDS.

1. The authority citation for part 75 is revised to read as follows:

**Authority:** 7 U.S.C. 1622 and 1624.

##### § 75.41 [Amended]

2. Section 75.41 is amended by removing "\$35.40" and adding in its place "\$40.40."

##### § 75.47 [Amended]

3. Section 75.47 is amended by removing "\$8.85" and adding in its place "\$10.10."

Dated: April 25, 1995.

**Lon Hatamiya,**  
*Administrator.*

[FR Doc. 95-10603 Filed 4-28-95; 8:45 am]

BILLING CODE 3410-02-P

#### Federal Crop Insurance Corporation

#### 7 CFR Part 400

#### General Administrative Regulations; Reinsurance Agreement—Standards for Approval

**AGENCY:** Federal Crop Insurance Corporation, USDA.

**ACTION:** Interim rule.

**SUMMARY:** The Federal Crop Insurance Corporation ("FCIC") hereby amends its General Administrative Regulations, 7 CFR part 400, by revising the Disputes clause, located at section 400.169. The intended effect of this rule is to provide reinsured companies with an informal reconsideration process through an administrative officer of FCIC and the right to appeal the administrative officer's administrative determination to the Board of Contract Appeals.

**DATES:** This rule is effective May 1, 1995. Written comments, data, and opinions on this rule will be accepted until close of business June 30, 1995 and will be considered when the rule is to be made final.

**ADDRESSES:** Written comments, data, and opinion on this interim rule should be sent to Diana Moslak, Regulatory and Procedural Development Staff, Federal Crop Insurance Corporation, USDA, Washington, D.C. 20250. Hand or messenger delivery should be made to Suite 500, 2101 L Street, N.W., Washington, D.C. Written comments will be available for public inspection and copying in the Office of the Manager, 2101 L Street, N.W., 5th Floor, Washington, D.C., during regular business hours, Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250. Telephone (202) 254-8314.

**SUPPLEMENTARY INFORMATION:** As a result of the Departmental reorganization mandated by the Department of Agriculture Reorganization Act of 1994, FCIC must amend its dispute provisions to provide reinsured companies with a mechanism to request reconsideration or appeal of adverse decisions determined by FCIC.

This action has been reviewed under United States Department of Agriculture ("USDA") procedures established by Executive Order 12866 and Departmental Regulation 1512-1. This action constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under those procedures. The sunset review date established for these regulations is March 31, 1999.

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

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.).

It has been determined under section 6(a) of Executive Order 12612, Federalism, that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. The policies and procedures contained in this rule will not have a substantial direct effect on states or their political subdivisions, or on the distribution of power and responsibilities among the various levels of government.

Under the Regulatory Flexibility Act (5 U.S.C. 605), this regulation will not have a significant impact on a substantial number of small entities. This action does not increase the paperwork burden on the reinsured company because this action only

changes the mechanism in which to submit disputed reinsurance issues. Therefore, this action is determined to be exempt from the provisions of the Regulatory Flexibility Act and no Regulatory Flexibility Analysis was prepared.

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

This program is not subject to the provisions of Executive Order 12372 which require intergovernmental consultation with state and local officials. See the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115, June 24, 1983.

The Office of the General Counsel has determined that these regulations meet the applicable standards provided in subsections (2)(a) and 2(b)(2) of Executive Order 12778. The provisions of this rule will preempt state and local laws to the extent such state and local laws are inconsistent herewith. The administrative appeal provisions located at 7 CFR part 400, subpart J and the appeal provisions promulgated by the Board of Contract Appeals, 7 CFR part 24, subtitle A, must be exhausted before judicial action may be brought.

This action is not expected to have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

This interim rule provides a new avenue of appeal for reinsured companies now that FCIC no longer has hearing officers to conduct these appeals. At present, there is no body authorized to hear these appeals. Therefore, it is impractical and contrary to the public interest to publish this rule for notice and comment prior to making the rule effective. However, comments are solicited for 60 days after the date of publication in the **Federal Register** and will be considered by FCIC before this rule is made final.

#### Background

Prior to enactment of the Department of Agriculture Reorganization Act of 1994, reinsured companies were afforded the opportunity for an informal hearing to appeal final determinations made by FCIC. The authority to hear these appeals was delegated to FCIC hearing officers. If the reinsured company was dissatisfied with the determination of the hearing officer, its only recourse was to the courts. Since the Standard Reinsurance Agreement is not a program agreement but instead an agreement for delivery of the program, it is an action to be handled by the

Agency Board of Contract Appeals rather than a program matter within the jurisdiction of the National Appeals Division. If the reinsured company is now dissatisfied with a determination under a reinsurance agreement with FCIC it may now request the Director of Insurance Services to render a final administrative determination on the dispute. If the reinsured company is dissatisfied with a determination as a result of a compliance review finding, it may request the Director of Compliance to render a final administrative determination on the dispute. Such final administrative determination by the Director of Insurance Services or Director of Compliance will be appealable to the United States Department of Agriculture Board of Contract Appeals.

#### List of Subjects in 7 CFR Part 400

Crop insurance.

#### Final Rule

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby amends 7 CFR part 400, subpart L to read as follows:

#### PART 400—[AMENDED]

1. The authority citation for 7 CFR part 400, subpart L, is revised to read as follows:

**Authority:** 7 U.S.C. 1506(l).

2. Section 400.169 is revised to read as follows:

#### § 400.169 Disputes.

(a) If the company believes that the Corporation has taken an action that is not in accordance with the provisions of the Standard Reinsurance Agreement or any reinsurance agreement with FCIC, except compliance issues, it may within 45 days after receipt of such determination, request, in writing, the Director of Insurance Services to make a final administrative determination addressing the disputed issue. The Director of Insurance Services will render the final administrative determination of the Corporation with respect to the applicable issues.

(b) If the company believes that the Corporation's compliance review findings are not in accordance with the applicable laws, regulations, custom or practice of the insurance industry, or FCIC approved policy and procedure, it may within 45 days after receipt of such determination, request, in writing, the Director of Compliance to make a final administrative determination addressing the disputed issue. The Director of

Compliance will render the final administrative determination of the Corporation with respect to these issues.

(c) A company may also request reconsideration by the Director of Insurance Services of a decision of the Corporation rendered under any Corporation bulletin or directive which bulletin or directive does not affect, interpret, explain, or restrict the terms of the reinsurance agreement. The company, if it disputes the Corporation's determination, must request a reconsideration of that determination in writing, within 45 days of the receipt of the determination. The determinations of the Director will be final and binding on the company. Such determinations will not be appealable to the Board of Contract Appeals.

(d) Appealable final administrative determinations of the Corporation under § 400.169 (a) or (b) may be appealed to the Board of Contract Appeals in accordance with the provisions of part 24 of title 7, subtitle A, of the Code of Federal Regulations, 7 CFR part 24.

Done in Washington, D.C., on April 20, 1995.

**Kenneth D. Ackerman,**  
Manager, Federal Crop Insurance Corporation.

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BILLING CODE 3410-08-P

#### Commodity Credit Corporation

#### 7 CFR Part 1464

RIN 0560-AD91

#### Tobacco; Tobacco Loan Program

**AGENCY:** Commodity Credit Corporation, USDA.

**ACTION:** Interim rule with request for comments.

**SUMMARY:** The Federal Crop Insurance Reform Act of 1994 (the 1994 Act), was enacted on October 13, 1994, and amended the Federal Crop Insurance Act. The 1994 Act requires the Federal Crop Insurance Corporation (FCIC) to implement a catastrophic risk protection plan of insurance which is the basic level of coverage required to be purchased by a producer in order to be eligible for price support and other U.S. Department of Agriculture farm program benefits. The FCIC issued regulations in the form of an interim rule published in the **Federal Register** on Friday, January 6, 1995. The purpose of the immediate rule is to amend tobacco loan program regulations to reflect this new requirement. This rule amends 7 CFR part 1464. This rule requires that

producers purchase crop insurance in order to be eligible for tobacco program benefits. The insurance must be acquired in accordance with FCIC rules in an amount that equals or exceeds the minimum amount set by FCIC.

**DATES:** *Effective Date:* May 1, 1995.

*Comment Date:* Comments must be received on or before May 31, 1995 in order to be assured of consideration.

**ADDRESSES:** Interested persons are invited to submit written comments to the Director, Tobacco and Peanuts Division, Consolidated Farm Service Agency (CFSA), United States Department of Agriculture (USDA), P.O. Box 2415, Washington, DC 20013-2415, telephone 202-720-7413. All written comments will be available for public inspection in room 5750, South Building, USDA, 14th St. and Independence Avenue, SW., Washington, DC, between 8 a.m. and 5 p.m., Monday through Friday, except holidays.

**FOR FURTHER INFORMATION CONTACT:** Gary Wheeler, CFSA, at the address listed under **ADDRESSES**, telephone 202-720-7562.

#### SUPPLEMENTARY INFORMATION:

#### Executive Order 12866

This interim rule has been determined to be not significant for purposes of Executive Order 12866 and, therefore, has not been reviewed by Office of Management and Budget (OMB).

#### Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since the Commodity Credit Corporation (CCC) is not required by 5 USC 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

#### Federal Assistance Program

The title and number of the Federal Assistance Program, as found in the Catalog of Federal Domestic Assistance, to which this rule applies are: Commodity Loans and Purchases—10.051.

#### Environmental Evaluation

It has been determined by an environmental evaluation that this action will have no significant impact on quality of the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is needed.

#### Executive Order 12372

This program/activity is not subject to the provisions of Executive Order 12372