

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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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

which requires intergovernmental consultation with State and local officials. See the notice related to 7 CFR part 3015, subpart V published at 48 FR 2915 (June 24, 1983).

Executive Order 12778

This interim rule has been reviewed in accordance with Executive Order 12778. The provisions of this interim rule are not retroactive and preempt State laws to the extent that such laws are inconsistent with the provisions of this interim rule. Before any legal action is brought regarding determinations made under provisions of 7 CFR part 1464, the administrative appeal provisions set forth at 7 CFR part 780 must be exhausted.

Paperwork Reduction Act

This interim rule does not change the CFSA information collection requirements that have been approved by OMB and assigned control number 0560-0058. The FCIC information collection requirements for 0563-0003 have been modified and approved by OMB to reflect the program requirements imposed by the Federal Crop Insurance Reform Act of 1994.

A. The Federal Crop Insurance Act of 1994

The 1994 Act was enacted on October 13, 1994, and amended the Federal Crop Insurance Act. The 1994 Act requires FCIC to implement a catastrophic risk protection plan of insurance which is the basic level of coverage required to be purchased by a producer to be eligible for price support and other U.S. Department of Agriculture farm program benefits. FCIC issued an interim rule published in the **Federal Register** on Friday, January 6, 1995 (Vol. 60, No. 4, pages 1996 through 2005) implementing this and other 1994 Act provisions.

B. Tobacco Loan Program

This rule amends 7 CFR part 1464 for the tobacco program to reflect the 1994 Act's insurance provisions. Under the rule, as under the act, beginning with the 1995 crops, tobacco producers will be ineligible for price support unless they purchase catastrophic risk protection crop insurance in accordance with FCIC rules in an amount which equals or exceeds the minimal amount set by FCIC. This requirement is statutory. For that reason, because this rule mirrors the previously published FCIC rules, and because of the onset of the growing season, it has been determined that there would be no purpose in delaying the effectiveness of this rule and that such delay would be contrary to the public interest.

Therefore, it has been determined that this rule should be published as an interim rule without prior comment.

List of Subjects in 7 CFR Part 1464

Assessments, Loan program, Agriculture, Price support program, Tobacco, Warehouses.

For the reasons set out in the preamble, 7 CFR part 1464 is amended as follows:

PART 1464—TOBACCO

1. The authority citation for part 1464 continues to read as follows:

Authority: 7 U.S.C. 1421, 1423, 1441, 1445, 1445-1, and 1445-2; 15 U.S.C. 714b, 714c.

2. Section 1464.7 is amended by adding a new paragraph (f) to read as follows:

§ 1464.7 Eligible producer.

* * * * *

(f) Must be in compliance with the provisions of parts 400 and 402 of this title by purchasing an amount of catastrophic insurance coverage which equals or exceeds the minimal required under those parts.

Signed at Washington, DC on April 21, 1995.

Bruce R. Weber,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 95-10601 Filed 4-28-95; 8:45 am]

BILLING CODE 3410-05-M

7 CFR Part 1494

Export Bonus Programs

AGENCY: Commodity Credit Corporation (CCC), USDA.

ACTION: Final rule.

SUMMARY: CCC is issuing this final rule to amend its regulations to: (1) Delete the export experience requirement for qualification to participate in the Export Enhancement Program (EEP) and the Dairy Export Incentive Program (DEIP) and (2) establish the time at which new program participants would be eligible to receive bonus payments. These amendments are intended to provide the opportunity for a greater number of U.S. exporters to participate in the EEP and the DEIP. The final rule also amends several provisions of the regulations to make them clearer, easier to read, and more consistent with the regulations that apply to some of the other CCC export programs.

EFFECTIVE DATE: May 31, 1995.

FOR FURTHER INFORMATION CONTACT: L.T. McElvain, Director, CCC Operations Division, Foreign Agricultural Service,

U.S. Department of Agriculture, AG Box 1035, Washington D.C., 20250-1035; Fax (202) 720-2949; Telephone (202) 720-6211. The U.S. Department of Agriculture (USDA) prohibits discrimination in its programs on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, and marital or familial status. Persons with disabilities who require alternative means for communication of program information (braille, large print, audiotape, etc.) should contact the USDA Office of Communications at (202) 720-5881 (voice) or (202) 720-7808 (TDD).

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This final rule is issued in conformance with Executive Order 12866. It has been determined to be neither significant nor economically significant for the purposes of E.O. 12866 and, therefore, has not been reviewed by the Office of Management and Budget (OMB).

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule since CCC is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of rulemaking with respect to the subject matter of this rule.

Executive Order 12372

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

Environmental Evaluation

It has been determined by an environmental evaluation that this action will not have a significant impact on the quality of the human environment. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

Paperwork Reduction Act

The information collection requirements contained in this rule have previously been submitted to OMB for review under the Paperwork Reduction Act and were assigned OMB control numbers 0551-0028 and 0551-0029.

Executive Order 12778

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This final rule will have preemptive effect with respect to any