

Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 17

Regulations Governing the Financing of Commercial Sales of Agricultural Commodities

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Foreign Agricultural Service (FAS) proposes to amend the regulations applicable to the financing of the sale and exportation of agricultural commodities pursuant to title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (Pub. L. 480). The proposed amendments would delete one document from the list of those documents currently required to be submitted by the commodity supplier to the banking institution to support a request for payment; and would delete the contracting and documentary requirements for commodities which have not been shipped under the program for a number of years.

The purpose of these changes is to reduce the paperwork burden on commodity suppliers and to simplify and shorten the regulations.

DATES: Written comments should be submitted on or before September 21, 1995.

ADDRESSES: Comments should be sent to Mary T. Chambliss, Deputy Administrator, Foreign Agricultural Service, U.S. Department of Agriculture, room 4077 South Building, 14th and Independence SW., Washington, DC 20250-1031.

FOR FURTHER INFORMATION CONTACT: Connie B. Delaplane, Director, P.L. 480 Operations Division, Export Credits, Foreign Agricultural Service, U.S. Department of Agriculture, Room 4549 South Building, 14th and Independence, SW., Washington, DC 20250-1033. Telephone: (202) 720-3664.

SUPPLEMENTARY INFORMATION: The proposed rule is issued in conformance with Executive Order 12866. It has been determined to be significant for the purposes of E.O. 12866 and, therefore, has been reviewed by the Office of Management and Budget (OMB).

Regulatory Flexibility Act

This proposed rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act. The General Sales Manager has certified that this rule will not have a significant economic impact on a substantial number of small entities because it simply removes from the regulations information regarding a number of inactive commodities and eliminates one document currently required to be submitted by commodity suppliers seeking payment. There will be no significant economic impact from this proposal on small or large entities. A copy of this proposed rule has been submitted to the General Counsel, Small Business Administration.

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 the Notice related to 7 CFR part 3015, subpart, V, published at 48 FR 29115 (June 24, 1983).

Executive Order 12778

The proposed rule has been reviewed under the Executive Order 12778, Civil Justice Reform. The proposed rule would have preemptive effect with respect to any state or local laws, regulations, or policies which conflict with such provisions or which otherwise impede their full implementation. The proposed rule would not have retroactive effect. The rule does not require that administrative remedies be exhausted before suit may be filed.

Background

Under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (Pub. L. 480), the Commodity Credit Corporation (CCC) is authorized to finance the sale and exportation of agricultural commodities purchased by foreign countries. The Pub. L. 480, title I Financing Regulations ("the regulations") specify the documents which the commodity

supplier must present to support a request for payment.

Appendix A ("Contracting Requirements") and Appendix B ("Documentary Requirements") of the regulations specify the basic contracting and documentary requirements for a number of commodities which have been shipped under the program since its inception. Many of these commodities have not been programmed for a number of years, and the contracting and documentary requirements are out-of-date.

Form CCC-106-1 and 106-3 (Commodity Supplier)

CCC issues Form CC-106, "Advice of Vessel Approval," to provide written approval for each commodity shipment. The form includes the name of the vessel and its flag; the ocean freight rate; and the amount of the ocean transportation which will be financed by CCC. Suppliers of commodities must submit a completed Form CCC-106 to support all claims for payment while suppliers of ocean transportation must do so only when CCC finances any part of the ocean transportation and when shipments are contracted basis delivery f.a.s. ("fee alongside") or f.o.b. ("free on board") vessel. CCC uses the form to insure compliance with the requirements of the Cargo Preference Act regarding the tonnage to be shipped on U.S.-flag vessels and to specify the amount of the ocean transportation which CCC will finance.

FAS proposes to remove the requirement that Form CCC-106 be submitted as a payment document by the commodity supplier for sales made on an f.a.s. or f.o.b. basis. Under these contract terms, commodity and freight contracts are separate, and the commodity supplier has no control over the vessel to be used.

If commodity sales are made on a "cost and freight" (c. & f.) or "cost, insurance and freight" (c.i.f.) basis, however, the commodity supplier would still be required to submit a completed Form CCC-106 since the commodity supplier would also control the ocean freight.

The proposed amendments also delete references to the colors of the various forms because the forms are now computer-generated and colored carbon-set forms are no longer used.

Appendices A and B

A number of the commodities referred to in these appendices have not been used in the program for more than five years, and some for more than 20 years. To simplify and shorten the regulations and reduce printing and distribution costs, FAS proposes to delete the sections of these appendices for the following commodities: Corn meal; cracked corn; unmanufactured tobacco and tobacco products; dry edible beans; dry edible peas; lard; poultry; canned milk; nonfat dry milk, dry whole milk; butter, anhydrous milk fat, anhydrous butter fat and butteroil; cheese; ghee; and stabilized dried whole eggs.

Removing these sections from the regulations does not affect the potential for future programming of these commodities under the title I program. If any of the commodities removed from the appendices were to be programmed under title I in the future, the relevant purchase authorization would contain the updated contracting and documentary requirements.

Paperwork Reduction Act

The reporting and recordkeeping requirements contained in this proposed rule have been assigned OMB control number 0551-0005. This proposed rule does not impose a public reporting burden. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for further reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, AGBOX 7630, Washington, DC 20250-7630; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project (OMB #0551-0005), Washington, DC 20503.

List of Subjects in 7 CFR Part 17

Agricultural commodities; exports; finance; maritime carriers.

Accordingly, 7 CFR part 17, subpart A, is amended as follows:

1. The authority citation for part 17 continues to read as follows:

Authority: 7 U.S.C. 1701-1705, 1736a, 1736c, 5676; E.O. 12220, 45 FR 44245.

§ 17.2 [Amended]

2. In § 17.2(b), the definition of "Form CCC-106" is amended by removing the last sentence.

3. In § 17.14, the word "(white)" is removed from the first sentence of paragraph (d)(1); the last sentence of paragraph (d)(1) and all of paragraph (d)(2)(i) are revised to read as follows; and the word "(yellow)" is removed from paragraph (d)(2)(ii), as follows:

§ 17.14 Ocean transportation.

* * * * *

(d) *Advice of vessel approval.* * * *

(1) *For cotton.* * * * If CCC finances any part of the ocean freight when cotton is shipped on an f.a.s. basis, a signed original copy of this form will be issued to the ocean carrier.

(2) *For commodities other than cotton.* * * *

(i) For shipments to be made on an f.o.b. or f.a.s. basis, when CCC finances any part of the cost of ocean freight, the original of Form CCC-106-2 will be issued to the ocean carrier.

* * * * *

§ 17.18 [Amended]

4. In § 17.18, the phrase "for c. & f. or c.i.f. sales" is added at the end of paragraph (c)(8)(ii).

Appendices A and B [Amended]

5. In Appendix A and Appendix B, existing sections (D), (E), (G), (I), (J), (L), (M), (N), (O), (P), (Q), (R), (S), (T), and (U) are removed; existing section (K) is redesignated as (G); existing section (V) is redesignated as (D); and existing section (W) is redesignated as (E).

6. In Appendix B, "Documentary Requirements," the phrase "for c. & f. or c.i.f. sales" is added at the end of the following paragraphs: (A) (1)(d) and (2)(d); (B)(4); (C) (1)(d) and (2)(d); newly redesignated (D)(4) and (E)(4); (F) (1)(d) and (2)(d); newly redesignated (G) (1)(d) and (2)(d); and (H) (1)(d) and (2)(d).

Signed at Washington, D.C. on June 12, 1995.

Christopher E. Goldthwait,

General Sales Manager, Foreign Agricultural Service; and Vice President, Commodity Credit Corporation.

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Animal and Plant Health Inspection Service**7 CFR Part 340**

[Docket No. 95-040-1]

RIN 0579-AA73

Genetically Engineered Organisms and Products; Simplification of Requirements and Procedures for Genetically Engineered Organisms

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the regulations pertaining to genetically engineered plants

introduced under notification and to the petition process for the determination of nonregulated status. The proposed notification amendments would allow most genetically engineered plants that are considered regulated articles to be introduced under the notification procedure, provided that the introduction meets certain eligibility criteria and performance standards. We are also proposing to reduce the field test reporting requirements for trials conducted under notification for which no unexpected or adverse effects are observed. The proposed petition amendments would enable APHIS to extend an existing determination of nonregulated status to certain additional regulated articles that are closely related to an organism for which a determination of nonregulated status has already been made. APHIS also announces its intention to use guidelines when appropriate to provide additional information to developers of regulated articles and other interested persons regarding procedures, methods, scientific principles, and other factors that could be considered in support of actions under the regulations pertaining to genetically engineered plants introduced under notification.

The effect of the proposed amendments would be to simplify procedures for the introduction of certain genetically engineered organisms, requirements for certain determinations of nonregulated status, and procedures for the reporting of field tests conducted under notification.

DATES: Consideration will be given only to comments received on or before October 23, 1995.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 95-040-1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comments refer to Docket No. 95-040-1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue, SW., Washington, DC, between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690-2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Dr. Michael G. Schechtman, Domestic Programs Leader, Biotechnology Coordination and Technical Assistance, BBEP, APHIS, 4700 River Road Unit 146, Riverdale, MD 20737-1237, (301) 734-7601.