

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: Advance Notice of Proposed Rulemaking.

SUMMARY: This document requests comments, prior to the publication of a proposed rule, concerning how to streamline and simplify the procedures used to arrange the purchase and shipment of commodities under the Public Law 480, title I program.

DATES: Comments in response to this document should be received by November 13, 1995.

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

All comments will be available for public inspection during regular business hours in room 4549, South Building, U.S. Department of Agriculture, 14th and Independence Avenue, SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Connie B. Delaplane, Director, P.L. 480 Operations Division, Foreign Agriculture Service, United States Department of Agriculture, 14th and Independence Avenue, SW, Washington, D.C. 20250-1033; telephone (202) 720-3664.

SUPPLEMENTARY INFORMATION: Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended, (Pub. L. 480) authorizes the Commodity Credit Corporation (CCC) to finance the sale and exportation of agricultural commodities on concessional credit terms. 7 U.S.C. 1701 *et seq.*

CCC seeks comments and recommendations from the public on any ways in which the Pub. L. 480, title I program could be simplified or streamlined. Comments could include suggestions about program regulations, purchase authorizations, commodity and freight invitations for bids, letters of credit, letters of commitment, the sales approval process (including Form FAS-359, "Declaration of Sale"), ocean transportation (including Form CCC-106, "Advice of Vessel Approval") and any aspect of the program which could be improved.

Background

After CCC and the recipient country have signed a title I agreement, CCC issues a purchase authorization ("PA") which establishes general specifications for the commodity to be purchased, sets the contracting and delivery periods, and establishes conditions for CCC's financing of the commodity and any authorized ocean transportation costs. The recipient country issues, upon CCC approval, public Invitations for Bids (IFB's) for commodities and ocean transportation. These IFB's contain the country's requirements including precise commodity specifications, delivery dates, and payment documents. Subsequently the importer and suppliers of commodities and ocean transportation enter into contracts based on these public IFB's.

After the contracts have been entered into, the importer causes a letter of credit to be opened through a U.S. bank in favor of the commodity supplier; and a separate letter of credit in favor of the supplier of ocean transportation when CCC is financing any part of the ocean transportation. CCC also issues to that bank a Letter of Commitment pursuant to which CCC will reimburse the bank for payments made, or drafts accepted, under the letter of credit. See 7 CFR 17.15. In this manner, the supplier receives payment from the bank upon presentation of required documentation. The bank sends the documents to a specified Federal Reserve Bank, which debits CCC's account and sends the documents to CCC for post-audit.

In addition to soliciting comments generally on the Pub. L. 480, title I program, CCC is interested in receiving specific comments on three questions. First, could the PA be eliminated and the relevant portions of the PA be

incorporated into the financing regulations or the IFB's, as appropriate?

Second, because opening letters of credit can be time-consuming and costly for the importing country, should CCC simply pay the supplier directly for the commodity and ocean freight costs which are financed by CCC?

Finally, should CCC finance commodity contracts on a cost and freight basis, or a cost, insurance and freight basis, instead of requiring separate contracts for the commodity and the ocean transportation? Under these contracts the commodity supplier would be responsible for securing ocean transportation on U.S.-flag vessels as needed to meet the requirements of the Cargo Preference Act. In particular, comments are requested regarding the effect of such a change on small businesses, and on how CCC could identify the portion of the total offer price attributable to the commodity and that attributable to the ocean transportation. This is necessary to permit USDA to continue to perform price review on the commodity cost and provide the information necessary for the Maritime Administration to determine whether the U.S.-flag freight rate is "fair and reasonable."

CCC emphasizes that comments on any and all parts of the program are encouraged and that all comments will be carefully considered.

Signed at Washington, D.C. on July 17, 1995.

Christopher E. Goldthwait,

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

[FR Doc. 95-22664 Filed 9-12-95; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 1005, 1006, 1007, 1011, 1012, 1013, and 1046

[Docket No. AO-388-A9, et al.; DA-95-22]

Milk in the Carolina and Certain Other Marketing Areas; Supplemental Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of public hearing on proposed rulemaking.

7 CFR part	Marketing area	Docket No.
1005	Carolina	AO-388-A9
1006	Upper Florida	AO-356-A32
1007	Southeast	AO-366-A37
1011	Tennessee Valley	AO-251-A40
1012	Tampa Bay	AO-347-A35
1013	Southeastern Florida	AO-286-A42
1046	Louisville-Lexington-Evansville	AO-123-A67

SUMMARY: On August 17, 1995, a notice of hearing was published in the **Federal Register** (60 FR 42815) advising the public of a hearing to be held on September 19, 1995, in Atlanta, Georgia, to consider proposed amendments to the Southeast Federal milk order. Since that time, two other proposals have been received to provide a transportation credit and a 20-cent Class I price increase in 7 southern Federal milk orders during the period of October 1995 through February 1996. The proposal is intended to assure these markets of an adequate supply of milk during a period of declining milk production in the southeastern United States. Proponents have indicated that they will ask for emergency consideration of these issues at the hearing.

DATES: The hearing will convene at 9:00 a.m. on September 19, 1995.

ADDRESSES: The hearing will be held at the Granada Suite Hotel, 1302 West Peachtree Street, Atlanta, Georgia 30309 (Tel: 800/548-5631).

FOR FURTHER INFORMATION CONTACT: Nicholas Memoli, Marketing Specialist, Order Formulation Branch, USDA/AMS/Dairy Division, Room 2971, South Building, P.O. Box 96456, Washington, DC 20090-6456, (202) 690-1932.

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12866.

Notice is hereby given of a public hearing to be held at the Granada Suite Hotel, 1302 West Peachtree Street, Atlanta, Georgia, beginning at 9:00 a.m., on September 19, 1995, with respect to proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the aforementioned marketing areas.

The hearing is called pursuant to the provisions of the Agricultural Marketing

Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders. The proposed "transportation credit" falls into the category of services of marketwide benefit as described in § 8c(5)(J)(iii) of the Act. Accordingly, a hearing must be held on this issue no later than 90 days after receipt of the proposal.

Evidence also will be taken to determine whether emergency marketing conditions exist that would warrant omission of a recommended decision under the rules of practice and procedure (7 CFR 900.12(d)) with respect to Proposals 4 and 5.

Actions under the Federal milk order program are subject to the Regulatory Flexibility Act (Pub. L. 96-354). This Act seeks to ensure that, within the statutory authority of a program, the regulatory and informational requirements are tailored to the size and nature of small businesses. For the purpose of the Act, a dairy farm is a "small business" if it has an annual gross revenue of less than \$500,000, and a dairy products manufacturer is a "small business" if it has fewer than 500 employees. Most parties subject to a milk order are considered as a small business. Accordingly, interested parties are invited to present evidence on the probable regulatory and informational impact of the hearing proposals on small businesses. Also, parties may suggest modifications of these proposals for the purpose of tailoring their applicability to small businesses.

The amendments to the rules proposed herein have been reviewed under Executive Order 12778, Civil Justice Reform. They are not intended to have a retroactive effect. If adopted, the proposed amendments would not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Agricultural Marketing Agreement Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 8c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in

connection with the order is not in accordance with the law and requesting a modification of an order or to be exempted from the order. A handler is afforded the opportunity for a hearing on the petition. After a hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has its principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

Interested parties who wish to introduce exhibits should provide the Presiding Officer at the hearing with 4 copies of such exhibits for the Official Record. Also, it would be helpful if additional copies are available for the use of other participants at the hearing.

List of Subjects in 7 CFR Parts 1005, 1006, 1007, 1011, 1012, 1013, and 1046

Milk marketing orders.

The authority citation for 7 CFR Parts 1005, 1006, 1007, 1011, 1012, 1013, and 1046 continues to read as follows:

Authority: 7 U.S.C. 601-674.

The proposed amendments, as set forth below, have not received the approval of the Secretary of Agriculture. Proposed by Arkansas Dairy Cooperative, Associated Milk Producers, Inc., Carolina-Virginia Milk Producers Association, Inc., Cooperative Milk Producers, Inc., Florida Dairy Farmers Association, Inc., Mid-America Dairymen, Inc., and Tampa Independent Dairy Farmers Association, Inc:

Proposal No. 4: Amend 7 CFR Parts 1005, 1006, 1007, 1011, 1012, 1013, and 1046 for the months of October 1995 through February 1996 by adding a paragraph to Section 60 of each order that would read as follows:

§ 10XX.60 Handler's value of milk for computing uniform price.

* * * * *

(j) With respect to milk marketed on and after the effective date hereof through February 1996, subtract the amount obtained by multiplying the pounds of bulk fluid milk products that were transferred to the handler's pool plant from an other order plant and allocated to Class I milk, by a rate equal to 3.9 cents per hundredweight for each 10 miles or fraction thereof, less any positive difference between the Class I differential applicable at the transferee plant less the Class I differential applicable at the transferor plant.

Proposal No. 5: Amend 7 CFR Parts 1005, 1006, 1007, 1011, 1012, 1013, and

1046 for the months of October 1995 through February 1996 by adding 20 cents per hundredweight to the Class I price.

Copies of this notice of hearing and the order regulating the aforesaid marketing areas may be procured from the Market Administrator, P.O. Box 1208, Norcross, GA 30091-1208 (Tel: 404/448-1194), the Market Administrator, P.O. Box 18030, Louisville, KY 40261-0030 (Tel: 502/499-0040) or from the Hearing Clerk, Room 1083, South Building, United States Department of Agriculture, Washington, DC 20250, or may be inspected there.

Copies of the transcript of testimony taken at the hearing will not be available for distribution through the Hearing Clerk's Office. If you wish to purchase a copy, arrangements may be made with the reporter at the hearing.

From the time that a hearing notice is issued and until the issuance of a final decision in a proceeding, Department employees involved in the decision-making process are prohibited from discussing the merits of the hearing issues on an ex parte basis with any person having an interest in the proceeding. For this particular proceeding, the prohibition applies to employees in the Office of the Secretary of Agriculture; Office of the Administrator, Agricultural Marketing Service; Office of the General Counsel; Dairy Division, Agricultural Marketing Service (Washington office); and the Offices of the Market Administrators for the orders involved in this proceeding. Procedural matters are not subject to the above prohibition and may be discussed at any time.

Dated: September 8, 1995.

Lon Hatamiya,

Administrator.

[FR Doc. 95-22829 Filed 9-12-95; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

10 CFR Part 430

[Docket No. EE-RM-93-801]

Energy Conservation Program for Consumer Products: Proposed Rulemaking Regarding Energy Conservation Standards for Refrigerators, Refrigerators-Freezers, and Freezers

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy (DOE).

ACTION: Extension of comment period for proposed rulemaking and rescheduling of public hearing.

SUMMARY: In response to a request from the Association of Home Appliance Manufacturers (AHAM), the Department of Energy is rescheduling the public hearing and extending for thirty (30) days the comment period for the Proposed Rulemaking Regarding Energy Conservation Standards for Refrigerators, Refrigerator-Freezers, and Freezers. This notice announces that the public hearing scheduled for September 12 and 13, 1995 has been rescheduled to October 26, 1995.

DATES: Written comments on the Proposed Rulemaking must be received by November 2, 1995. The Department requests ten (10) copies of the written comments, and, if possible, a computer disk. The Department is currently using WordPerfect® 5.1.

Oral views, data, and arguments may be presented at the public hearing to be held in Washington, DC, on October 26, 1995. Requests to speak at the hearing must be received by the Department no later than 4 p.m., Thursday, October 5, 1995. Ten copies of statements to be given at the public hearing must be received by the Department no later than 4 p.m., Thursday, October 12, 1995.

The hearing will begin at 8:30 a.m. on October 26, 1995, and will be held at the U.S. Department of Energy, Forrestal Building, Room 6E-069, 1000 Independence Avenue, SW., Washington, DC 20585. The length of each presentation is limited to twenty (20) minutes.

ADDRESSES: Written comments, oral statements, requests to speak at the hearing and requests for speaker lists are to be submitted to: Voluntary Home Energy Rating System Guidelines (Docket No. EE-RM-93-801), U.S. Department of Energy, Office of Codes and Standards, Buildings Division, EE-

431, 1000 Independence Avenue, SW., Rm 1J-018, Washington, DC 20585, (202) 586-7574.

Copies of the *Technical Support Document: Energy Efficiency Standards for Consumer Products: Refrigerators, Refrigerator-Freezers, and Freezers* (TSD) may be obtained from: U.S. Department of Energy, Office of Codes and Standards, Appliance Division, EE-431, 1000 Independence Avenue, SW., Rm 1J-018, Washington, DC 20585, (202) 586-9127.

Copies of the TSD, transcript of the public hearing and public comments received may be read at the DOE Freedom of Information Reading Room, U.S. Department of Energy, Forrestal Building, Room 1E-190, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-6020 between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Edward O. Pollock, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Mail Station EE-431, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-5778

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station GC-72, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9507

SUPPLEMENTARY INFORMATION: The Department published a Notice of Proposed Rulemaking (NOPR) on July 25, 1995, entitled "Energy Conservation Standards for Refrigerators, Refrigerator-Freezers, and Freezers" (60 FR 37388). In a letter dated August 11, 1995, AHAM requested a postponement of the hearings and written comment deadline because of legislative proposals before Congress that may affect the scope of energy standards activities. The legislative situation should be clarified by or in October.

In the NOPR, the Department listed a number of issues where comments were specifically requested. To this list, the Department is adding the following:

- The effect of the proposed standards on competition in the marketplace. This includes, but is not limited to, the effect on small manufacturers, niche-market manufacturers, and manufacturers who may struggle financially.
- The effect of the proposed standards on manufacturer's product lines. Comments are not limited to these issues and the issues listed in the NOPR. Comments may address any issue related to the proposed rule.