

approximately 21,225 farms in all, qualify as small businesses. While this rule provides an additional supply of citrus fruit in the United States, domestic citrus fruit producers, including small entities, can expect a very insignificant decline in the price of citrus fruits. Due to the seasonal difference in availability, U.S. and Australian producers will not be in direct competition for the domestic citrus market. Both exporters and importers are expected to benefit from the rule. The projected benefit to exporters may accrue from the expanded export opportunities that may result from a favorable reciprocal trade treatment given by Australia. Importers may also benefit from the increased availability of citrus fruit, especially navel oranges, during the time of year when U.S. production is lowest. However, the economic benefits to importers and exporters are not expected to be significant.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12778

This rule allows oranges, lemons, limes, mandarins, and grapefruit to be imported into the United States from the Riverina and Sunraysia districts of Australia. State and local laws and regulations regarding citrus fruit imported under this rule will be preempted while the fruit is in foreign commerce. Fresh citrus fruits are generally imported for immediate distribution and sale to the consuming public, and will remain in foreign commerce until sold to the ultimate consumer. The question of when foreign commerce ceases in other cases must be addressed on a case-by-case basis. No retroactive effect will be given to this rule, and this rule will not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 319

Bees, Coffee, Cotton, Fruits, Honey, Imports, Incorporation by reference, Nursery stock, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Rice, Vegetables.

Accordingly, 7 CFR part 319 is amended as follows:

PART 319—FOREIGN QUARANTINE NOTICES

1. The authority citation for part 319 continues to read as follows:

Authority: 7 U.S.C. 150dd, 150ee, 150ff, 151–167, 450, 2803, and 2809; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.2(c).

2. Section 319.56–2v is revised to read as follows:

§ 319.56–2v Conditions governing the entry of citrus from Australia.

(a) The Administrator has determined that the irrigated horticultural areas within the following districts of Australia meet the criteria of § 319.56–2 (e) and (f) with regard to the Mediterranean fruit fly (*Ceratitis capitata* [Wiedemann]), the Queensland fruit fly (*Dacus tryoni* [Frogg]), and other fruit flies destructive of citrus:

(1) The Riverland district of South Australia, defined as the county of Hamley and the geographical subdivisions, called “hundreds,” of Bookpurnong, Cadell, Gordon, Holder, Katarapko, Loveday, Markaranka, Morook, Murtho, Parcoola, Paringa, Pooginook, Pyap, Stuart, and Waikerie;

(2) The Riverina district of New South Wales, defined as:

(i) The shire of Carrathool; and
(ii) The Murrumbidgee Irrigation Area, which is within the administrative boundaries of the city of Griffith and the shires of Leeton, Narrendera, and Murrumbidgee; and

(3) The Sunraysia district, defined as the shires of Wentworth and Balranald in New South Wales and the shires of Mildura, Swan Hill, Wakool, and Kerang, the cities of Mildura and Swan Hill, and the borough of Kerang in Victoria.

(b) Oranges (*Citrus sinensis* [Osbeck]); lemons (*C. limonia* [Osbeck] and *meyeri* [Tanaka]); limes (*C. aurantiifolia* [Swingle] and *latifolia* [Tanaka]); mandarins, including satsumas, tangerines, tangors, and other fruits grown from this species or its hybrids (*C. reticulata* [Blanco]); and grapefruit (*C. paradisi* [MacFad.]) may be imported from the Riverland, Riverina, and Sunraysia districts without treatment for fruit flies, subject to paragraph (c) of this section and all other applicable requirements of this subpart.

(c) If surveys conducted in accordance with § 319.56–2d(f) detect, in a district listed in paragraph (a) of this section, the Mediterranean fruit fly (*Ceratitis capitata* [Wiedemann]), the Queensland fruit fly (*Dacus tryoni* [Frogg]), or other fruit flies that attack citrus and for

which a treatment is listed in the Plant Protection and Quarantine (PPQ) Treatment Manual, citrus fruit from that district will remain eligible for importation into the United States in accordance with § 319.56–2(e)(2), provided the fruit undergoes cold treatment in accordance with the PPQ Treatment Manual, which is incorporated by reference at § 300.1 of this chapter, and provided the fruit meets all other applicable requirements of this subpart. Entry is limited to ports listed in § 319.56–2d(b)(1) of this subpart if the treatment is to be completed in the United States. Entry may be through any port if the treatment has been completed in Australia or in transit to the United States. If no approved treatment for the detected fruit fly appears in the PPQ Treatment Manual, importation of citrus from the affected district or districts is prohibited.

Done in Washington, DC, this 28th day of February 1996.

Lonnie J. King,

Administrator, Animal and Plant Health Inspection Service.

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Commodity Credit Corporation

7 CFR Parts 1487, 1491, 1492 and 1495

Regulatory Reform Initiative

AGENCY: Commodity Credit Corporation (CCC), USDA.

ACTION: Final rule.

SUMMARY: In response to the President's Regulatory Reform Initiative, the Commodity Credit Corporation is issuing this final rule to amend its regulations to eliminate the following programs: Noncommercial Risk Assurance Program (GSM–101); CCC Intermediate Credit Export Sales Program for Breeding Animals (GSM–201); CCC Intermediate Credit Export Sales Program for Foreign Market Development Facilities (GSM–301); and Disposition of Agricultural Commodities under the CCC Barter Program (Barter Program). These programs are inactive or obsolete and have not been used in 15 years or more.

EFFECTIVE DATE: April 3, 1996.

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

These programs are 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 amendment to 7 CFR parts 1487, 1491, 1492 and 1495 set forth in this final rule does not contain information collections that require clearance by the OMB under the provisions of 44 U.S.C. 35.

Executive Order 12778

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. The final rule would not 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 rule would not have retroactive effect.

The Department of Agriculture is committed to carrying out its statutory and regulatory mandates in a manner that best serves the public interest. Therefore, where legal discretion permits, the Department actively seeks to promulgate regulations that promote economic growth, create jobs, are minimally burdensome, and are easy for the public to understand, use or comply with. In short, the Department is committed to issuing regulations that maximize net benefits to society and minimize costs imposed by those regulations.

Background

CCC published a proposed rule in the Federal Register on December 13, 1995, in response to the President's Regulatory Reform Initiative, that would amend Title 7 of the Code of Federal Regulations to remove the following parts:

- Part 1487—Noncommercial Risk Assurance Program (GSM-101);
- Part 1491—CCC Intermediate Credit Export Sales Program for Breeding Animals (GSM-201);
- Part 1492—CCC Intermediate Credit Export Sales Program for Foreign Market Development Facilities (GSM-301); and
- Part 1495—Disposition of Agricultural Commodities under the CCC Barter Program (Barter Program).

Reasons for Removal

CCC proposed to remove these parts for the following reasons:

- GSM-101—This risk assurance program, implemented in 1979, covered only non-commercial or political risk and became obsolete when the CCC Export Credit Guarantee Program (GSM-102) was introduced in 1980 to cover political and commercial risk. The GSM-101 program was last used in 1981.
- GSM-201—This direct credit program has been used only once (a transaction for livestock exports to Spain in 1979). The terms available under the program—3 to 10 year direct credits—could be made available under a modified GSM-5 Program (7 CFR Part 1488) Financing of Sales of Agricultural Commodities Program.
- GSM-301—This direct credit program was intended to facilitate commodity exports which would be sold to generate funds to finance the construction of a market development project. The program was used only once (in connection with a bulk grain discharge and storage facility developed at Ashdod, Israel). That project began in 1978 and was completed in the early 1980's. For a number of years, funding

has not been made available for this program.

- Barter Program—From 1950 through 1973, CCC exchanged CCC-owned agricultural commodities for strategic and critical materials for the National Defense Stockpile. The program could also be used to obtain foreign-produced supplies and services used in Department of Defense construction projects and Agency for International Development projects. The program was terminated in 1973 when CCC stocks were depleted. The National Defense Stockpile is now liquidating many strategic materials. Also, CCC has authority, which it has at times used, to enter into direct barter arrangements under the CCC Charter Act in order to obtain strategic materials for defense stock piles.

Comments

The deadline for submitting comments on the proposed rule was January 12, 1996. CCC did not receive any comments on this proposed rule. CCC has determined to make the changes to 7 CFR Part 1487, Part 1491, Part 1492, and Part 1495 as proposed.

List of Subjects

7 CFR Part 1487

Agricultural commodities, Exports, Insurance, Reporting and recordkeeping requirements.

7 CFR Part 1491 and 1492

Exports, Livestock, Loan programs—agriculture, Reporting and recordkeeping requirements.

7 CFR Part 1495

Agricultural commodities, Exports, Government procurement, Strategic and critical materials.

PARTS 1487, 1491, 1492, 1495— [REMOVED]

For the reasons set out in the preamble under the authority at 5 U.S.C. Section 552(a)(1)(E), 7 CFR Chapter XIV is amended by removing and reserving parts 1487, 1491, 1492 and 1495.

Signed at Washington, DC, on February 27, 1996.

Christopher E. Goldthwait,
*General Sales Manager and Vice President,
Commodity Credit Corporation.*

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