

guarantees (GSM-102 and Supplier Credit Guarantee (SCGP) programs) up to three years, and medium-term credit guarantees (GSM-103 program) from three to 10 years. Origination fees for the short-term credit guarantees were also previously capped at 1 percent. Section 1542 of the Food, Agriculture, Conservation and Trade Act of 1990 required that CCC make available not less than \$1 billion in direct credit or credit guarantees to emerging markets, of which a portion should be made available for facilities and services.

The authority for the SCGP, the GSM-103 program, and the 1 percent origination fee cap were all repealed by the Food, Conservation, and Energy Act of 2008. The Food, Conservation, and Energy Act of 2008 also amended the statutory funding levels for short-term credit guarantees by requiring that CCC make credit guarantees available for each fiscal year (FY) through FY 2012 in an amount equal to, but not more than, (a) the lesser of \$5.5 billion in credit guarantees, (b) or the sum of the amount of credit guarantees that could be made available using budget authority of \$40 million, plus any unobligated budget authority for credit guarantees from prior fiscal years and required that, to the maximum extent practicable, ensure that the risk-based fees associated with the guarantees cover, but do not exceed, the operating costs and losses for the program over the long term.

#### Recent History

Beginning in FY 2005, increased global liquidity and the advent of risk-based fees resulted in a decline in program usage from an average annual value of sales registered of approximately \$3 billion for the preceding 10-year period, to \$1.36 billion in FY 2006. However, from July through September of FY 2007, CCC experienced a significant increase in participation and dollar value levels under the GSM-102 program. Part of this increase was the result of increased commodity prices. However, tightening of global credit markets also is believed to have contributed significantly to the increase in participation and program demand. These driving factors propelled GSM-102 transactions from \$1.4 billion in FY 2007, to over \$3 billion in FY 2008. Demand and usage is expected to further increase in FY 2009.

#### Comments

As a result of anticipated increase in demand, we are soliciting the responses of interested parties to the following specific questions concerning options under consideration for the GSM-102 program. Interested parties may choose

to address any or all of the questions listed or provide other comments. CCC's aim is to improve upon the GSM-102's effectiveness and efficiency, and lower costs.

Additional program information inclusive of our fee structure is available on our Web site at <http://www.fas.usda.gov/excredits/ecgp.asp>.

#### 1. Fees

- Does the current risk-based fee schedule correctly distinguish levels of risk specific to loan tenor, country of obligor and amount of coverage?
- Does the current risk-based fee structure capture sufficient variables that are responsive to the changing credit markets?
- Should CCC consider charging fees for amendments to guarantees or applications?
- How should the fee structure take into account levels of risk particular to individual obligors?

#### 2. Alternative Registration Processes

- Should CCC consider moving from the current first-come, first-serve and pro-rata methodologies for issuance of guarantees?
- Should the GSM-102 program be run on an awards basis? CCC would award GSM-102 guarantees on a competitive basis based upon exporter bids which would propose varying levels of coverage and different fee structures.
- Should CCC consider permitting exporters to submit letters of intent in which they propose how much they would like to export under a specified announcement? CCC would review all letters of intent and award shares of the announcement based on the letters of intent.
- Should CCC require copies of sales contracts and proof of financing to be submitted with the application for guarantee?
- Should CCC require that a "firm sale" include approved financing?

#### 3. Additional Questions

- Should CCC consider permitting global banking whereby any CCC approved bank could finance sales of U.S. agricultural products for shipment to any CCC approved country?
- Should CCC consider no longer permitting sales in which the exporter, intervening purchaser, or importers are affiliated organizations?
- Should CCC consider no longer permitting sales in which there is an intervening purchaser?
- Should CCC consider no longer permitting foreign bank amendments

to the application/guarantee except under extraordinary circumstances which would require documentation from the original foreign bank?

- Should CCC consider more rigid qualification criteria for exporters?
- Should CCC bring the time frame for claims payment into conformity with that contemplated under the Prompt Payment Act?

#### Consideration of Comments:

Additional comments on other program modifications to the GSM-102 program that are responsive to the principles outlined herein are encouraged. CCC will carefully consider all comments submitted by interested parties. After consideration of the comments received, CCC will consider what changes should be made to the GSM-102 program. Some of the changes described above would require solicitation and consideration of comments received from interested parties via the rulemaking process. Other changes might be adopted by changing internal policies and procedures. Comments received will help CCC to determine the extent and scope of any future rulemaking.

Signed at Washington, DC, on November 26, 2008.

**W. Kirk Miller,**

*Executive Vice President, Commodity Credit Corporation, and Administrator, Foreign Agricultural Service.*

[FR Doc. E8-29831 Filed 12-16-08; 8:45 am]

**BILLING CODE 3410-10-P**

## DEPARTMENT OF ENERGY

### 10 CFR Part 431

[Docket No. EERE-2008-BT-TP-0017]

RIN 1904-AB87

#### Energy Conservation Program for Certain Commercial and Industrial Equipment: Test Procedures for Metal Halide Lamp Ballasts

**AGENCY:** Office of Energy Efficiency and Renewable Energy, Department of Energy.

**ACTION:** Notice of public meeting.

**SUMMARY:** The U.S. Department of Energy (DOE) will hold a public meeting to discuss and receive comment concerning its proposal to establish metal halide lamp ballast test procedures that manufacturers would use to demonstrate compliance with the metal halide ballast energy conservation standards mandated by the statute.

**DATES:** DOE will hold a public meeting in Washington, DC, on Friday, December 19, 2008, beginning at 9 a.m.

**ADDRESSES:** The public meeting will be held at the U.S. Department of Energy, Forrestal Building, Room 8E-089, 1000 Independence Avenue, SW., Washington, DC 20585. To attend the public meeting, please notify Ms. Brenda Edwards at (202) 586-2945. (Please note that foreign nationals visiting DOE headquarters are subject to advance security screening procedures. Any foreign national wishing to participate in the meeting should advise DOE immediately by contacting Ms. Edwards to initiate the necessary procedures.)

- *Postal Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, Mailstop EE-2J, 1000 Independence Avenue, SW., Washington, DC 20585-0121. Please submit one signed paper original.

- *Hand Delivery/Courier:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, 6th Floor, 950 L'Enfant Plaza, SW., Washington, DC 20024. Telephone: (202) 586-2945. Please submit one signed paper original.

*Docket:* For access to the docket to read background documents or comments received, visit the U.S. Department of Energy, Resource Room of the Building Technologies Program, 6th Floor, 950 L'Enfant Plaza, SW., Washington, DC 20024, (202) 586-2945, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays. Please contact Ms. Brenda Edwards at the above phone number for additional information regarding visiting the Resource Room.

**FOR FURTHER INFORMATION CONTACT:** Ms. Linda Graves, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Program, Mailstop EE-2J, 1000 Independence Avenue, SW., Washington, DC 20585-0121. Telephone: (202) 586-1851. E-mail: [Linda.Graves@ee.doe.gov](mailto:Linda.Graves@ee.doe.gov). Or you may contact Mr. Eric Stas, U.S. Department of Energy, Office of the General Counsel, GC-72, 1000 Independence Avenue, SW., Washington, DC 20585-0121. Telephone: (202) 586-9507. E-mail: [Eric.Stas@hq.doe.gov](mailto:Eric.Stas@hq.doe.gov).

For additional information on how to participate in the public meeting, contact Ms. Brenda Edwards, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Program, Mailstop EE-2J, 1000 Independence Avenue, SW., Washington, DC 20585-0121. Telephone: (202) 586-2945. E-mail: [Brenda.Edwards@ee.doe.gov](mailto:Brenda.Edwards@ee.doe.gov).

**SUPPLEMENTARY INFORMATION:**

## I. Background

In accordance with the Energy Policy and Conservation Act, as amended (EPCA), the proposed metal halide test procedures are based on American National Standards Institute (ANSI) Standard C82.6-2005, "Ballasts for High-Intensity Discharge Lamps—Method of Measurement." Also in accordance with EPCA, DOE proposes a test method for measuring standby mode power consumption and discusses the fact that off mode power consumption does not apply to metal halide lamp ballasts. The proposed test procedures are contained in a Notice of Proposed Rulemaking that was issued by DOE on December 4, 2008, and may be viewed and downloaded from the DOE Web page at: [http://www1.eere.energy.gov/buildings/appliance\\_standards/commercial/metal\\_halide\\_lamp\\_ballasts\\_tp\\_nopr.html](http://www1.eere.energy.gov/buildings/appliance_standards/commercial/metal_halide_lamp_ballasts_tp_nopr.html). The Notice of proposed rulemaking will be published in the **Federal Register** in the near future, and at that time the 75-day public comment period will begin.

## II. Public Participation

### A. Attendance at Public Meeting

The time/date and location of the public meeting are listed in the **DATES** and **ADDRESSES** sections, respectively at the beginning of this notice. To attend the public meeting, please notify Ms. Brenda Edwards at (202) 586-2945. As explained in the **ADDRESSES** section, foreign nationals visiting DOE Headquarters are subject to advance security screening procedures.

### B. Procedure for Submitting Requests to Speak

Any person who has an interest in the topics addressed in this notice or who represents a group or class of persons with an interest in these issues may request an opportunity to make an oral presentation at the public meeting. Such persons may hand-deliver requests to speak to the address shown in the **ADDRESSES** section at the beginning of this notice between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays. Send requests by mail or e-mail to Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, Mailstop EE-2J, 1000 Independence Avenue, SW., Washington, DC 20585-0121, or [Brenda.Edwards@ee.doe.gov](mailto:Brenda.Edwards@ee.doe.gov). Persons who wish to speak should include a computer diskette or CD in WordPerfect, Microsoft Word, PDF, or text (ASCII) file format that briefly describes the nature of their interest in this rulemaking and the topics that they wish to discuss, and

provide a telephone number for contact. DOE requests that those persons scheduled to speak submit an advance copy of their statements before the public meeting. DOE may permit any person who cannot supply an advance copy to participate if that person has made alternative arrangements with the Building Technologies Program in advance. The request to make an oral presentation should ask for such alternative arrangements.

### C. Conduct of Public Meeting

DOE will designate a DOE official to preside at the public meeting and also may use a professional facilitator to aid discussion. The meeting will be conducted in an informal, conference style. The meeting will not be a judicial or evidentiary-type public hearing, but DOE will conduct it in accordance with 5 U.S.C. 553 and section 336 of EPCA (42 U.S.C. 6306). DOE reserves the right to schedule the order of presentations and to establish the procedures governing the conduct of the public meeting. A court reporter will record the proceedings and prepare a transcript.

At the public meeting, DOE will present summaries of comments received before the public meeting, allow time for presentations by participants, and encourage all interested parties to share their views on issues affecting the proposed test procedures. Each participant may present a prepared general statement (within time limits determined by DOE) before the discussion of specific topics. Other participants may comment briefly on any general statements. At the end of all prepared statements, participants may clarify their statements briefly and comment on statements made by others. Participants should be prepared to answer questions from DOE and other participants. Department representatives may also ask questions about other matters relevant to the proposed test procedures. The official conducting the public meeting will accept additional comment or questions from those attending, as time permits. The presiding official will announce any further procedural rules or modification of procedures needed for the proper conduct of the public meeting.

DOE will make the transcript from the public meeting available for inspection at the U.S. Department of Energy, Resource Room of the Building Technologies Program, 6th Floor, 950 L'Enfant Plaza, SW., Washington, DC 20024, (202) 586-2945, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The official transcript will also be posted on the DOE Web site at: <http://>

[www.eere.energy.gov/buildings/appliance\\_standards](http://www.eere.energy.gov/buildings/appliance_standards). Anyone may purchase a copy of the transcript from the transcribing reporter.

Issued in Washington, DC, on December 11, 2008.

**John F. Mizroch,**

*Acting Assistant Secretary, Energy Efficiency and Renewable Energy.*

[FR Doc. E8-29944 Filed 12-16-08; 8:45 am]

BILLING CODE 6450-01-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### 15 CFR Part 301

[Docket No. 080102004-8005-01]

RIN 0625-AA75

#### Changes in Procedures for Florence Agreement Program

**AGENCY:** Import Administration, International Trade Administration (“ITA”), Department of Commerce.

**ACTION:** Proposed rule.

**SUMMARY:** This action invites public comment on a proposal to amend the regulations that govern the duty-free entry of scientific instruments and apparatus into the United States by educational and nonprofit institutions. The amendments are being proposed for the purpose of making technical changes required by the passage of the Miscellaneous Trade and Technical Corrections Act of 2004, updating the regulations to comport with current Customs and Border Protection (“CBP”) practices and changes made in the Harmonized Tariff Schedule of the United States (“HTSUS”) and adding a Web site address for Statutory Import Programs Staff (“SIPS”). We also propose amending the regulations to reflect the new nomenclature changes made necessary by the transfer of the legacy Customs Service of the Department of the Treasury to the Department of Homeland Security (“DHS”).

**DATES:** Written comments must be received on or before January 16, 2009.

**ADDRESSES:** Address written comments to Jesse Cortes, Import Policy Analyst, Subsidies Enforcement Office, Room 3713, U.S. Department of Commerce, 14th and Constitution Ave., NW., Washington, DC 20230, or electronically via the Federal Government e.rulmaking portal, <http://www.regulations.gov>.

#### FOR FURTHER INFORMATION CONTACT:

Jesse Cortes, (202) 482-3986, same address as above.

**SUPPLEMENTARY INFORMATION:** The Departments of Commerce and Treasury (“the Departments”) and Customs and Border Protection are proposing to amend Part 301, Chapter III, Subtitle B of Title 15 of the Code of Federal Regulations relating to their responsibilities under the Educational, Scientific, and Cultural Materials Importation Act of 1966 (the “Act”; Public Law 89-651, as amended by Public Law 106-36; 80 Stat. 897). The Act implements U.S. treaty obligations under Annex D of the Florence Agreement, relating to the import of scientific instruments and apparatus. Treaty signatories agreed to waive duties on such imports if there is no scientifically equivalent instrument being manufactured in the country of importation and the instrument is to be used by a nonprofit institution established for scientific research or educational purposes.

#### Proposed Amendments

ITA proposes to amend language in 15 CFR 301.8(a)(4) because references to liquidation being suspended for a period of 180 days from the date of entry are not accurate and the reference to “suspension” is misleading. Under 15 CFR part 301, an applicant desiring duty-free entry of an instrument may make a claim with CBP at the time of entry of an instrument that the instrument is entitled to duty-free classification under subheading 9810.00.60, HTSUS. Currently, 15 CFR 301.8(a)(4) states that liquidation of the entry shall be suspended for a period of 180 days from the date of entry and that the applicant must file a properly stamped application form on or before the end of this suspension period or the entry will be liquidated without regard to 9810.00.60, HTSUS. We are proposing to amend 15 CFR 301.8(a)(4) to delete any reference to the 180 day time period in its entirety. The current provision was promulgated in 1982 and does not reflect the subsequent amendments to 19 U.S.C. 1504. Under current law, CBP has up to one year to liquidate an entry before it is deemed liquidated by operation of law. See 19 U.S.C. 1504. After the enactment of 19 U.S.C. 1504 in 1978, CBP generally liquidated entries within 90 days of entry. The 180-day period referenced in the regulations was an exception. Moreover, the use of the term “suspension” is misleading since the governing statute (subchapter III, chapter 98, HTSUS (19 U.S.C. 1202))

does not authorize a “suspension” of liquidation. While there is no statutory authority preventing CBP from liquidating the entry at any time during the one-year period after entry of the merchandise, see *Peer Chain Co. vs. United States*, 316 F. Supp. 2d 1357 (CIT 2004) CBP normally liquidates an entry 315-days after entry is filed. Importers should file a copy of the stamped application as soon as possible because CBP may liquidate the entry at any time.

We also propose amending 15 CFR 301.8(c) to delete references to the protest period for entries as the referenced period is out-of-date due to the statutory amendments made by the Miscellaneous Trade and Technical Corrections Act of 2004, Public Law 108-429, § 2103(2)(B)(ii), (iii) (codified as amended at 19 U.S.C. 1514(c)(3)).

We further propose amending 15 CFR 301.3(b) to include the SIPS Web site address to let interested parties know that the application for duty-free entry of scientific instruments (Form ITA-338P) may be obtained from that Web site.

The proposed rule would also amend 15 CFR 301.2(j) and (o) by removing the references to spectrometers. This change is proposed because Presidential Proclamation 7011 of June 30, 1997, made spectrometers free of duty. This proposed rule would also add language to 15 CFR 301.2(j) that describes an appropriate example of ancillary equipment.

Finally, pursuant to section 403 of the Homeland Security Act of 2002 (Pub. L. 107-296) (2002), the U.S. Customs Service was transferred from the Department of the Treasury to the Department of Homeland Security (“DHS”). Under the Reorganization Plan (Nov. 25, 2002), this transfer became effective as of March 1, 2003. The former Customs Service had been redesignated as the Bureau of Customs and Border Protection and pursuant to section 872(a)(2) of the Homeland Security Act (see 6 U.S.C. 452(a)(2)), DHS notified Congress on January 18, 2007, that it was changing the name of the Bureau of Customs and Border Protection to “U.S. Customs and Border Protection (CBP)” effective March 31, 2007 (see 72 FR 20131, April 23, 2007). As a result of this reorganization, we propose amending 15 CFR 301 by replacing “U.S. Customs Service” and similar references throughout the regulations with its new designation, “Customs and Border Protection” or CBP. We note that we are retaining the “Department of the Treasury” wherever it occurs in the regulations for purposes of the Florence Agreement Program