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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

### **Commodity Credit Corporation**

# 7 CFR Part 1494

# Export Bonus Programs

**AGENCY:** Commodity Credit Corporation (CCC), USDA.

# ACTION: Proposed rule.

SUMMARY: The Commodity Credit Corporation is proposing 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 proposed rule would also amend 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. DATES: Comments must be submitted on

or before March 20, 1995. ADDRESSES: All comments concerning these proposed regulations should be addressed to L.T. McElvain, Director, CCC Operations Division, Foreign Agricultural Service, U.S. Department of Agriculture, AG Box 1035, Washington, DČ 20250-1035; FAX (202) 720-2949. All comments received will be available for public inspection at the above address during regular business hours. FOR FURTHER INFORMATION CONTACT: L.T. McElvain, Director, CCC Operations Division, at the address stated above. 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 proposed 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 proposed 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 amendment to 7 CFR part 1494 set forth in this proposed 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 proposed rule has been reviewed under 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 rule would not have retroactive effect. The regulations currently require that certain Federal Register Vol. 60, No. 11 Wednesday, January 18, 1995

administrative remedies be exhausted before suit may be filed, and the proposed rule does not change this requirement.

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.

## **Request for Public Comment**

Comments are requested with respect to this proposed rule and such comments shall be considered in developing the final rule.

#### Background

The current EEP regulations require an exporter that seeks to participate in the program to qualify in accordance with the procedures set forth in 7 CFR 1494.301. These qualification procedures also apply to the DEIP pursuant to 7 CFR 1494.1200. One provision, the current  $\S1494.301(a)(1)$ , requires a person seeking to qualify to submit evidence of its experience, within the preceding three calendar years, in selling for export a particular eligible commodity or an agricultural commodity which CCC determines to be similar to the eligible commodity. Under the current regulations, an exporter must qualify separately for each eligible commodity that it intends to export.

These requirements have limited exporter participation in the EEP and the DEIP. As a result, CCC is proposing to delete the current § 1494.301(a)(1) and dispense with the prior export experience requirement. If the proposed amendment is adopted, an exporter would simply qualify one time to be eligible to participate in a program and could thereafter export any eligible commodity under that program. Accordingly, the proposed rule revises the definition of "eligible exporter" in §1494.201(q) and deletes the current §1494.301(b), which sets forth the procedure to qualify for additional eligible commodities.