7. Insurable Acreage

Paragraph 9.(a)(3) of the Basic Provisions (§ 457.8) is not applicable to the Sugarcane Crop Provisions.

8. Insurance Period

(a) In addition to the provisions of section 11 (Insurance Period) of the Basic Provisions (§ 457.8), insurance attaches:

(1) At the time of planting for plant cane unless we agree in writing to a later date;

(2) On the first day following harvest of the previous crop for stubble cane except as set out in paragraph 8.(a)(3);

(3) On the later of April 15 or 30 days following harvest of the previous crop for stubble cane:

(i) Damaged during the previous crop year in all states; and

(ii) In Louisiana, after the second crop year.

(b) In accordance with the provisions of section 11 (Insurance Period) of the Basic Provisions (§ 457.8) the calendar date for the end of the insurance period is:

(1) January 31 in Louisiana; and

(2) April 30 in all other states.

9. Causes of Loss

In accordance with the provisions of section 12 (Causes of Loss) of the Basic Provisions (§ 457.8), insurance is provided only against the following causes of loss which occur within the insurance period:

(a) Adverse weather conditions;

(b) Fire;

(c) Insects, but not damage due to insufficient or improper application of pest control measures;

(d) Plant disease, but not damage due to insufficient or improper application of disease control measures;

(e) Wildlife;

(f) Earthquake;

(g) Volcanic eruption; or

(h) If applicable, failure of the irrigation water supply due to an unavoidable cause of loss occurring within the insurance period.

10. Duties in the Event of Damage or Loss or Cutting the Sugarcane for Seed

(a) In addition to your duties under section 14 (Duties in the Event of Damage or Loss) of the Basic Provisions (§ 457.8), in the event of damage or loss:

(1) All sugarcane stubble must remain intact for our inspection; and

(2) You must give us notice at least 15 days before you begin cutting any sugarcane for seed. Your notice must include the unit number and the number of acres you intend to harvest as seed. After we receive such notice we will appraise the sugarcane for its sugar potential. If you do not give us notice, the production to count will be the per acre production guarantee for such acreage.

(b) In accordance with the requirements of section 14 (Duties in the Event of Damage or Loss) of the Basic Provisions (§ 457.8), if you initially discover damage to any insured crop within 15 days of, or during harvest, you must leave representative samples of the unharvested crop for our inspection. The representative samples of the unharvested crop must be at least 10 feet wide and extend the entire length of each field in the unit. The stubble must not be destroyed and the required samples must not be harvested until the earlier of our inspection or 15 days after harvest of the balance of the unit is completed.

11. Settlement of Claim

(a) We will determine your loss on a unit basis. In the event you are unable to provide records of production:

(1) For any optional unit, we will combine all optional units for which acceptable records of production were not provided; or

(2) For any basic unit, we will allocate any commingled production to such units in proportion to our liability on the harvested acreage for each unit.

(b) In the event of loss or damage covered by this policy, we will settle your claim on any unit by:

(1) Multiplying the insured acreage by the production guarantee;

(2) Subtracting from this the total production to count;

(3) Multiplying the remainder by your price election; and

(4) Multiplying this result by your share.

(c) The total production (pounds of sugar) to count from all insurable acreage on the unit will include:

(1) All appraised production as follows:

(i) Not less than the production guarantee for acreage:

(A) That is abandoned;

(B) Put to another use without our consent;

(C) Damaged solely by uninsured causes;

(D) For which you fail to provide records of production that are acceptable to us; or

(E) On which the sugarcane stubble is destroyed within 15 days after harvest without our consent;

(ii) Production lost due to uninsured causes;

(iii) Unharvested production;

(iv) The difference between the production guarantee and the appraised production for acreage which has an inadequate stand. An appraisal for an inadequate stand will be made if the product of the number of stalks per acre multiplied by 2 and further multiplied by the percentage of sugar contained in the Special Provisions for this purpose does not equal the per-acre production guarantee; and

(v) Potential production on insured acreage you want to put to another use or you wish to abandon and no longer care for, if you and we agree on the appraised amount of production. Upon such agreement, the insurance period for that acreage will end if you put the acreage to another use or abandon the crop. If agreement on the appraised amount of production is not reached:

(A) If you do not elect to continue to care for the crop, we may give you consent to put the acreage to another use if you agree to leave intact, and provide sufficient care for, representative samples of the crop in locations acceptable to us. (The amount of production to count for such acreage will be based on the harvested production or appraisals from the samples at the time harvest should have occurred. If you do not leave the required samples intact, or you fail to provide sufficient care for the samples, our appraisal made prior to giving you consent to put the acreage to another use will be used to determine the amount of production to count.); or

(B) If you elect to continue to care for the crop, the amount of production to count for the acreage will be the harvested production, or our reappraisal if additional damage occurs and the crop is not harvested; and

(2) All harvested production from insurable acreage. Final records of sugar production will be used to determine the amount of production to count. Preliminary mill estimates will not be used.

(d) Harvested sugarcane may be adjusted for quality if it is damaged by freeze within the insurance period and cannot be processed for sugar by the boiling house operation. The amount of production to count for such sugarcane will be determined by dividing the dollar value of the damaged production by the local market price per pound for raw sugar. The prices used for this adjustment will be determined on the earlier of the date such quality-adjusted production is sold or the date of final inspection for the unit.

Done in Washington, D.C., on February 10, 1995.

Kenneth D. Ackerman,

Manager, Federal Crop Insurance Corporation.

[FR Doc. 95–4092 Filed 2–17–95; 8:45 am]

BILLING CODE 3410–08–P

Animal and Plant Health Inspection Service

9 CFR Parts 50, 77, and 92

[Docket No. 93–014–3]

Cattle From Mexico

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule; withdrawal.

SUMMARY: We are withdrawing a proposed rule that would have required certain steers and spayed heifers imported into the United States from Mexico to be sent to a quarantined pasture or feedlot for finish feeding, or to a holding facility for quarantine and a 60-day post-entry tuberculin test. The proposed rule would also have denied claims for indemnity for Mexican-origin steers or spayed heifers that were positive to the 60-day post-entry tuberculin test, and would have denied claims for indemnity for cattle that were exposed to such animals. We are taking this action after considering the comments we received following the publication of the proposed rule.

DATES: The proposed rule is withdrawn February 21, 1995.

FOR FURTHER INFORMATION CONTACT: Dr. Joseph S. VanTiem, Senior Staff Veterinarian, Animal and Plant Health Inspection Service, Veterinary Services,

Cattle Diseases and Surveillance Staff, 4700 River Road Unit 36, Riverdale, MD 20737–1231; (301) 734–8715.

SUPPLEMENTARY INFORMATION:

Background

On May 9, 1994, we published in the **Federal Register** (59 FR 23810–23817, Docket No. 93–014–1) a proposed rule to amend the regulations in 9 CFR parts 50, 77, and 92 to require certain steers and spayed heifers imported into the United States from Mexico to be sent to a quarantined pasture or feedlot for finish feeding, or to holding facility for quarantine and a 60-day postentry tuberculin test. The proposed rule also contained provisions to deny claims for indemnity for Mexican-origin steers or spayed heifers that tested positive to the 60-day post entry tuberculin test, and to deny claims for indemnity for cattle that were exposed to such animals.

We initially solicited comments on the proposed rule for 60 days ending on July 8, 1994. We received several requests for an extension of the comment period to allow interested parties additional time to prepare comments on the proposal. In response to those requests, we published a notice in the **Federal Register** on July 18, 1994 (59 FR 36374, Docket No. 93–014–2) that reopened and extended the comment period for the proposed rule until September 16, 1994.

By the close of the extended comment period, we had received a total of 165 comments. The comments were submitted by representatives of the Mexican Government, animal rights organizations, private citizens, dairies and dairy associations, U.S. and Mexican tuberculosis eradication committees, cattle industry associations, a bank, cattle companies, feedlot operators, veterinary and animal health associations, State agriculture agencies and livestock boards, cattle importers and exporters, a farm bureau federation, government and private veterinarians, ranchers, and universities. None of the commenters supported the proposed rule as written; some offered general suggestions, while others submitted detailed recommendations for changes.

The majority of the commenters believed that the proposed rule would adversely affect the cattle industry and efforts to control tuberculosis in both the United States and Mexico. Many commenters believed that the proposed rule placed the burden of controlling potentially infected Mexican cattle on individual States and failed to provide any incentive to Mexican cattle producers to develop and implement a comprehensive tuberculosis control and eradication program. Other commenters also cited the potential hardship that the proposed rule would place on U.S. and Mexican cattle producers.

After considering all the comments we received, we have concluded that it is necessary to comprehensively reexamine the issues associated with the importation into the United States of cattle from Mexico. Therefore, we are withdrawing the May 9, 1994, proposed rule referenced above. The concerns and recommendations of all the commenters will be considered during the development of any new proposed regulations regarding the importation of cattle from Mexico.

Authority: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111–113, 114, 114a, 114a–1, 115–117, 120, 121, 125, 134a, 134b, 134c, 134d, 134f, 135, 136, and 136a; 31 U.S.C. 9701; 7 CFR 2.17, 2.51, and 371.2(d).

Done in Washington, DC, this 13th day of February 1995.

Lonnie J. King,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95–4180 Filed 2–17–95; 8:45 am]

BILLING CODE 3410–34–M

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9 CFR Part 71

[Docket No. 93–084–3]

Interstate Movement of Mexican-Origin Cattle; Certification Requirements

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule; withdrawal.

SUMMARY: We are withdrawing a proposed rule that would have amended the regulations concerning the interstate transportation of animals to require that all Mexican-origin cattle moved in interstate commerce be accompanied by a certificate on which each animal is individually identified. We are taking this action after reevaluating the proposed rule in light of the comments we received following the publication of the proposed rule.

DATES: The proposed rule is withdrawn February 21, 1995.

FOR FURTHER INFORMATION CONTACT: Dr. James P. Davis, Senior Staff Veterinarian, Animal and Plant Health Inspection Service, Veterinary Services, Cattle Diseases and Surveillance Staff, 4700 River Road Unit 36, Riverdale, MD 20737–1231; (301) 734–4923.

SUPPLEMENTARY INFORMATION:

Background

On November 12, 1993, we published in the **Federal Register** (58 FR 59959–59962, Docket No. 93–084–1) a proposal to amend the regulations concerning the interstate transportation of animals in 9 CFR part 71 to require all Mexican-origin cattle moved in interstate commerce to be accompanied by a certificate on which each animal is individually identified. The certificate would have been issued by an Animal and Plant Health Inspection Service (APHIS) representative, State representative, or accredited veterinarian in the State from which the cattle were to be moved. We also proposed to make several nonsubstantive changes to the regulations in part 71 for the sake of clarity and accuracy.

We initially solicited comments concerning our proposal for 30 days ending December 13, 1993. We received several requests for an extension of the comment period to give interested parties additional time to prepare comments on the proposal. In response to those requests, we published in the **Federal Register** on December 22, 1993 (58 FR 67708–67709, Docket No. 93–084–2), a document reopening and extending the comment period until February 14, 1994.

We received a total of 41 comments by the close of the extended comment period. The comments were submitted by State departments of agriculture and animal health agencies, veterinarians, private citizens, cattle industry associations, cattle-oriented businesses, and a member of the U.S. House of Representatives. Eight commenters supported the proposed rule as written, while another five commenters offered some support but suggested changes. The remaining 28 commenters opposed the proposed rule.

Some of the commenters questioned the need for individual identification on a certificate, asserting that State veterinarians could be notified by other means of the arrival of Mexican-origin cattle in their States. Many commenters believed that the proposed rule would place a huge new burden on the cattle industry, bringing excessive paperwork requirements, increased labor costs, and expensive time delays. Many of the commenters also believed that APHIS had seriously underestimated the costs that would be associated with completing, handling, and filing the certificates on which the cattle would be individually identified.

We carefully considered all of the comments we received. In light of the issues raised by many of the commenters, we have concluded that additional research is necessary to determine if the proposed rule would likely impose greater logistical and financial burdens on those entities that