

Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 457

RIN 0563-AB22

Common Crop Insurance Regulations; Regulations for the 1995 and Subsequent Contract Years

AGENCY: Federal Crop Insurance Corporation.

ACTION: Final rule.

SUMMARY: This rule incorporates into crop insurance policy language the common law principle that Federal Government programs and contracts are subject to appropriations. This rule makes final the interim rule published in the **Federal Register** on September 6, 1994.

EFFECTIVE DATE: April 3, 1995.

FOR FURTHER INFORMATION CONTACT: Diana Moslak, Federal Crop Insurance Corporation, Regulatory and Procedural Development Staff, Suite 500, 2101 L Street NW., Washington, DC 20036. Telephone (202) 254-8314.

SUPPLEMENTARY INFORMATION: This action has been reviewed under United States Department of Agricultural ("USDA") procedures established by Executive Order 12866 and Departmental Regulation 1512-1. This action does not constitute a review as to the need, currency, clarity, and effectiveness of these regulations under those procedures. The sunset review date established for these regulations remains January 1, 1996.

This rule has been determined to be "not-significant" for the purposes of Executive Order 12866, and therefore, has not been reviewed by the Office of Management and Budget ("OMB").

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), no information or record-

keeping requirements are found in this rule.

It has been determined under section 6(a) of Executive Order 12612, *Federalism*, that this rule does not have sufficient federalism implication to warrant the preparation of a *Federalism Assessment*. The policies and procedures contained in this rule will not have a substantial direct effect on states or their subdivisions, or on the distribution of power and responsibilities among the various levels of government.

Under the *Regulatory Flexibility Act* (5 U.S.C. 605), this regulation will not have a significant impact on a substantial number of small entities. The rule would not increase the amount of work required by reinsured companies and their agents, and provides a mechanism for the uninterrupted coverage to the policyholders. Therefore, this action is determined to be exempt from the provisions of the *Regulatory Flexibility Act* and no *Regulatory Flexibility Analysis* was prepared.

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

This program is not subject to the provisions of Executive Order 12372 which require intergovernmental consultation with State and local officials. See the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115, June 24, 1983.

The Office of the General Counsel has determined that these regulations meet the applicable standards provided in subsections 2(a) and 2(b)(2) of Executive Order 12778.

The provisions of this rule will preempt state and local laws to the extent such state and local laws are inconsistent herewith. The administrative appeal provisions located at 7 CFR part 400, subpart J or promulgated by the National Appeals Division must be exhausted before judicial action may be brought.

This action is not expected to have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

On Tuesday, September 6, 1994, FCIC published an interim rule in the **Federal Register** at 59 FR 45971, to revise the

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Common Crop Insurance Regulations by adding § 457.9—*Appropriation Contingency*. Following publication of that rule, the public was afforded 60 days to submit written comments, data, and opinions. One comment was received from a private law firm. FCIC's response is as follows:

Comment: The comment recommended extending the appropriation contingency clause from the "1995 crop year only" to "future years".

Response: Since the Federal crop insurance program is subject to the availability of appropriated funds by Congress on a fiscal year basis, FCIC agrees with the comment and has made this change.

List of Subjects in 7 CFR Part 457

Crop insurance.

Accordingly, the interim rule, amending 7 CFR part 457, "Common Crop Insurance Regulations" published on September 6, 1994, at 59 FR 45971, is adopted as final without change and is applicable for the 1995 and succeeding crop years.

Done in Washington, DC, on March 27, 1995.

Kenneth D. Ackerman,
Manager, Federal Crop Insurance Corporation.

[FR Doc. 95-8047 Filed 3-31-95; 8:45 am
BILLING CODE 3410-08-M

Agricultural Marketing Service

7 CFR Part 925

[Docket No. FV94-925-1-FIR]

Grapes Grown in a Designated Area of Southeastern California; Expenses for the 1995 Fiscal Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (Department) is adopting as a final rule, without change, the provisions of the interim final rule that authorized expenses for the California Desert Grape Administrative Committee (Committee) under Marketing Order No. 925 for the 1995 fiscal year.

Authorization of this budget enables the Committee to incur expenses that are reasonable and necessary to administer its program.