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DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Parts 401, 443, and 457

RIN 0563-AB28

General Crop Insurance Regulations, Various Endorsements; Hybrid Seed Crop Insurance Regulations; and Common Crop Insurance Regulations, Sunflower Seed Crop Insurance Provisions

AGENCY: Federal Crop Insurance Corporation.

ACTION: Interim rule.

SUMMARY: The Federal Crop Insurance Corporation ("FCIC") hereby amends the General Crop Insurance Regulations, Hybrid Sorghum Seed and Rice Endorsements; the Hybrid Seed Crop Insurance Regulations; and the Common Crop Insurance Regulations, Sunflower Seed Crop Insurance Provisions; applicable for the 1995 crop year only, by revising the prevented planting coverage. The intended effect of this regulation is to allow an insured to collect both a guaranteed deficiency payment under the so-called 50/92 and 0/92 provisions of the wheat, feed grains, cotton, and rice programs administered by the United States Department of Agriculture ("USDA") under the authority of the Agricultural Act of 1949, as amended, and a prevented planting indemnity under the crop insurance program.

DATES: This rule is effective January 1, 1995. Written comments, data, and opinions on this rule will be accepted until close of business August 7, 1995 and will be considered when the rule is to be made final.

ADDRESSES: Written comments, data, and opinion on this interim rule should be sent to Diana Moslak, Regulatory and Procedural Development Staff, Federal Crop Insurance Corporation, USDA,

Washington, D.C. 20250. Hand or messenger delivery may be made to 2101 L Street, N.W., Suite 500, Washington D.C. Written comments will be available for public inspection and copying in the Office of the Manager, 2101 L Street, N.W., 5th Floor, Washington, D.C., during regular business hours, Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

Diana Moslak, Regulatory and Procedural Development Staff, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250. Telephone (202) 254-8314.

SUPPLEMENTARY INFORMATION: This action has been reviewed under United States Department of Agriculture ("USDA") procedures established by Executive Order 12866 and Departmental Regulation 1512-1. This action constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under those procedures. The sunset review date established for hybrid sorghum seed is May 1, 2000; rice is August 29, 1998; hybrid seed is October 1, 1997; and sunflower seed is March 1, 1999.

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").

The information collection requirements contained in these regulations (7 CFR parts 401, 443, and 457) were previously approved by OMB pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), under OMB control numbers 0563-0001, 0563-0003, 0563-0014, 0563-0023, 0563-0025, 0563-0029, 0563-0032, and 0563-0036. The amendments set forth in this rule do not revise the content or alter the frequency of reporting for any of the forms cleared under the above-referenced dockets. Public reporting burden for the collection of information is estimated to range from 15 to 90 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

It has been determined under section 6(a) of Executive Order 12612, Federalism, that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism

Assessment. The provisions and procedures contained in this rule will not have a substantial direct effect on states or their political subdivisions, or on the distribution of power and responsibilities among the various levels of government.

This regulation will not have a significant impact on a substantial number of small entities. The amount of work required of the insurance companies delivering these policies and the procedures therein will not increase from the amount of work currently required to deliver previous policies to which this regulation applies. This rule does not have any greater or lesser impact on the insured farmer. Therefore, this action is determined to be exempt from the provisions of the Regulatory Flexibility Act (5 U.S.C. 605), 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 provisions of this rule are retroactive to January 1, 1995, so as to make the benefits hereunder available to all insureds for the applicable 1995 crop year. The implementation of the provision is not adverse to any insured. The administrative appeal provisions located at 7 CFR part 400, subpart J, or promulgated by the National Appeals Division, whichever is applicable, 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.

Background

The Omnibus Budget Reconciliation Act of 1993 (OBRA) made the 50/92 and the 0/92 provisions available to producers who were prevented from planting or had failed acreage for crop years 1994 through 1997. Currently, the prevented planting crop insurance provisions prohibit prevented planting coverage for any acreage considered to have been left unplanted under any other United States Department of Agriculture program. By this rule, an insured may collect both a guaranteed deficiency payment under the "0/85" and "0/92" provisions of the various commodity programs administered by United States Department of Agriculture under the Agricultural Act of 1949, as amended, and a prevented planting indemnity under the crop insurance program. Because the weather conditions in various parts of the midwest have not been conducive to timely planting of various 1995 program crops, an emergency situation exists for many producers which requires that this rule be made effective retroactive to January 1, 1995, without prior notice and comment. Comments are solicited for 60 days after the date of publication in the **Federal Register** and will be considered by FCIC before this rule is made final.

List of Subjects**7 CFR Part 401**

Crop insurance, hybrid sorghum seed, rice.

7 CFR Part 443

Crop insurance, hybrid seed.

7 CFR Part 457

Crop insurance, sunflower seed.

Interim Rule

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby amends the General Crop Insurance Regulations (7 CFR Part 401) by amending the Hybrid Sorghum Seed (§ 401.109) and Rice (§ 401.120) Endorsements; the Hybrid Seed Crop Insurance Regulations (7 CFR Part 443); and the Common Crop Insurance Regulations (7 CFR Part 457) by amending the Sunflower Seed Crop Insurance Provisions (§ 457.108); applicable for the 1995 crop year only, to read as follows:

**PARTS 401, 443, AND 457—
[AMENDED]**

1. The authority citation for 7 CFR part 401 is revised to read as follows:

Authority: 7 U.S.C. 1506(1).

2. Section 401.109 is amended by revising subparagraph 12.(d)(3)(iii)(C) of the Hybrid Sorghum Seed Endorsement to read as follows:

§ 401.109 Hybrid sorghum seed endorsement.

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12. Late Planting and Prevented Planting

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(d) * * *
(3) * * *
(iii) * * *

(C) Land used for conservation purposes or intended to be left unplanted under any program administered by the United States Department of Agriculture (Proof that the insured had the inputs available to plant and produce a crop with the expectation of at least producing the production guarantee may be required.);

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3. Section 401.120 is amended by revising subparagraph 10.(d)(3)(ii)(C) of the Rice Endorsement to read as follows:

§ 401.120 Rice endorsement.

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10. Late Planting and Prevented Planting

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(d) * * *
(3) * * *
(ii) * * *

(C) Land used for conservation purposes or intended to be left unplanted under any program administered by the United States Department of Agriculture (Proof that the insured had the inputs available to plant and produce a crop with the expectation of at least producing the production guarantee may be required.);

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4. The authority citation for 7 CFR part 443 is revised to read as follows:

Authority: 7 U.S.C. 1506(l).

5. Section 443.7(d) is amended by revising subparagraph 17.(d)(3)(iii)(C) of the Hybrid Seed Crop Insurance Policy to read as follows:

§ 443.7 The application and policy.

* * * * *

(d) * * *

17. Late Planting and Prevented Planting

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(d) * * *
(3) * * *
(iii) * * *

(C) Land used for conservation purposes or intended to be left unplanted under any program administered by the United States Department of Agriculture (Proof that the insured had the inputs available to plant and produce a crop with the expectation of at least producing the production guarantee may be required.);

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6. The authority citation for 7 CFR part 457 continues to read as follows:

Authority: 7 U.S.C. 1506(l).

7. Section 457.108 is amended by revising subparagraph 13.(d)(3)(iv)(C) of the Sunflower Seed Crop Provisions to read as follows:

§ 457.108 Sunflower Seed Crop Insurance Provisions.

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13. Late Planting and Prevented Planting

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(d) * * *
(3) * * *
(iv) * * *

(C) Land used for conservation purposes or intended to be left unplanted under any program administered by the United States Department of Agriculture (Proof that the insured had the inputs available to plant and produce a crop with the expectation of at least producing the production guarantee may be required.);

* * * * *

Done in Washington, D.C., on June 2, 1995.

Suzette M. Dittrich,

Acting Manager, Federal Crop Insurance Corporation.

[FR Doc. 95-14032 Filed 6-6-95; 8:45 am]

BILLING CODE 3410-08-P

Agricultural Marketing Service**7 CFR Part 1220****RIN 0581-AB18****[No. LS-94-003]****Soybean Promotion and Research: Amend the Order To Adjust Representation on the United Soybean Board and Adjust Number of Board Meetings Required**

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule adjusts the number of members for certain States on the United Soybean Board (Board) to reflect changes in production levels which have occurred since the Board was appointed in 1991 and decreases the number of required Board meetings from four a year to three a year.

EFFECTIVE DATE: June 7, 1995.

FOR FURTHER INFORMATION CONTACT: Ralph L. Tapp, Chief, Marketing Programs Branch; Livestock and Seed Division; Agricultural Marketing Service (AMS), USDA, room 2606-S; P.O. Box 96456; Washington, D.C. 20090-6456. Telephone number 202/720-1115.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding: Proposed Rule—Soybean Promotion and Research: Amend the Order to Adjust Representation on the United Soybean