

**§ 178.208 Applicability of general procedures.**

When not in conflict with this subpart, the provisions of subpart A of this part relating to procedures applicable to claims generally are also applicable to the settlement of account of deceased civilian officers and employees.

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**DEPARTMENT OF AGRICULTURE**

**Farm Service Agency**

**7 CFR Part 760**

**RIN 0560-AF-30**

**Dairy Indemnity Payment Program**

**AGENCY:** Farm Service Agency, USDA.  
**ACTION:** Final rule.

**SUMMARY:** This final rule amends the authority citation for the Dairy Indemnity Payment Program (DIPP) regulations to cover the expenditure of additional funds that were recently appropriated. The DIPP indemnifies dairy farmers and manufacturers for losses suffered with respect to milk and milk products, through no fault of their own.

**EFFECTIVE DATE:** December 31, 1997.

**FOR FURTHER INFORMATION CONTACT:** Raellen Erickson, Agricultural Program Specialist, Price Support Division, FSA, USDA, STOP 0512, 1400 Independence Avenue, SW, Washington, DC 20250-0512; telephone (202) 720-7320; e-mail address is RErickso@wdc.fsa.usda.gov.

**SUPPLEMENTARY INFORMATION:**

**Executive Order 12866**

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

**Federal Assistance Program**

The title and number of the Federal Assistance Program, as found in the Catalog of Federal Domestic Assistance, to which this rule applies are Dairy Indemnity Payments, Number 10.053.

**Regulatory Flexibility Act**

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule because the Farm Service Agency is not required by 5 U.S.C. 533 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of these determinations.

**Environmental Evaluation**

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment. Therefore, neither an environmental assessment nor an Environmental Impact Statement is needed.

**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 the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

**Executive Order 12988**

This rule has been reviewed pursuant to Executive Order 12988. To the extent State and local laws are in conflict with these regulatory provisions, it is the intent of CCC that the terms of the regulations prevail. The provisions of this rule are not retroactive. Prior to any judicial action in a court of competent jurisdiction, administrative review under 7 CFR part 780 must be exhausted.

**Paperwork Reduction Act**

The information collections in 7 CFR part 760 will be published in a separate **Federal Register** Notice with request for comments. A regular submission of this information collection package will be forwarded to OMB at the end of the 60-day comment period.

**Background**

The DIPP was originally authorized by section 331 of the Economic Opportunity Act of 1964. The statutory authority for the program was extended several times. Most recently, funds were appropriated for this program by the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Act, 1998 ("the Act"), Pub. L. 105-86, 111 Stat. 2079, which authorizes the program to be carried out until the funds appropriated under the Act are expended. The objective of DIPP is to indemnify dairy farmers and manufacturers of dairy products who, through no fault of their own, suffer income losses with respect to milk or milk products removed from commercial markets because such milk or milk products contain certain harmful residues. In addition, dairy farmers can also be indemnified for income losses with respect to milk required to be removed from commercial markets due to residues of chemicals or toxic substances or

contamination by nuclear radiation or fallout.

The regulations governing the program are set forth at 7 CFR §§ 760.1-760.34. This final rule makes no changes in the provisions of the regulations. Since the only purpose of this final rule is to revise the authority citation pursuant to the Act, it has been determined that no further public rulemaking is required. Therefore, this final rule shall become effective upon the date of publication in the **Federal Register**.

**List of Subjects in 7 CFR Part 760**

Dairy products, Indemnity payments, Pesticides and pests.

Accordingly, 7 CFR Part 760 is amended as follows:

**PART 760—INDEMNITY PAYMENT PROGRAMS**

**Subpart—Dairy Indemnity Payment Program**

The authority citation for Subpart—Dairy Indemnity Payment Program is revised to read as follows:

**Authority:** Dairy Indemnity Program, Pub. L. 105-86, 111 Stat. 2079.

Signed in Washington, DC, on December 22, 1997.

**Keith Kelly,**

*Administrator, Farm Service Agency.*

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**DEPARTMENT OF AGRICULTURE**

**Agricultural Marketing Service**

**7 CFR Part 905**

[Docket No. FV97-905-1 FIR]

**Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Limiting the Volume of Small Florida Red Seedless Grapefruit**

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** The Department of Agriculture (Department) is finalizing without change the provisions of an amended interim final rule limiting the volume of small red seedless grapefruit entering the fresh market under the Florida citrus marketing order. The marketing order regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida and is administered locally by the Citrus Administrative Committee (committee). The amended interim final rule limited