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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 47

[Docket No. FV00-363]

Amendments to Rules of Practice Under the Perishable Agricultural Commodities Act (PACA); Correction

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule; correction.

SUMMARY: The Department of Agriculture (USDA) published in the *Federal Register* on July 15, 1999, a final rule that amended the Rules of Practice under the Perishable Agricultural Commodities Act. This document corrects the amount of time allowed for filing a petition to reopen after default.

EFFECTIVE DATE: August 16, 1999.

FOR FURTHER INFORMATION CONTACT: Charles W. Parrott, Acting Chief, PACA Branch, Room 2095-So. Bldg., Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, Phone (202) 720-4180, Email—charles.parrott@usda.gov.

SUPPLEMENTARY INFORMATION:

Background

The Department of Agriculture (Department) published a final rule in the *Federal Register* on July 15, 1999 (64 FR 38103), that amended several sections of the Rules of Practice to comply with the PACA Amendments of 1995, and made numerous other changes to enhance customer service.

Need for Correction

As published, the final regulations contain an error that may prove to be misleading and need to be clarified. The 30-day time period for filing a petition to reopen after default is in conflict with

the statute and is being corrected to show a 20-day time period in order to remain consistent with the 20-day time period for filing a petition for reconsideration of an order.

List of Subjects in 7 CFR Part 47

Administrative practice and procedure, Agricultural commodities, Brokers

Accordingly, 7 CFR part 47 is corrected by making the following correcting amendment:

PART 47—[CORRECTED]

1. The authority citation for part 47 continues to read as follows:

Authority: 7 U.S.C. 499o; 7 C.F.R. 2.22(a)(1)(viii)(L), 2.79(a)(8)(xiii).

2. Revise paragraph (d) of § 47.24 to read as follows:

§ 47.24 Rehearing, reargument, reconsideration of orders, reopening of hearings, reopening after default.

* * * * *

(d) *Reopening after default.* The party in default in the filing of an answer or reply required or authorized under this part may petition to reopen the proceeding at any time prior to the expiration of 20 days from the date of service of the default order. If, in the judgment of the examiner, after notice to and consideration of the views of the other party(ies), there is good reason for granting such relief, the party in default will be allowed 20 days from the date of the order reopening the proceeding to file an answer.

Dated: May 4, 2000.

Robert C. Keeney,

Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 00-11641 Filed 5-9-00; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 400

General Administrative Regulations; Food Security Act of 1985, Implementation; Denial of Benefits; Correcting Amendment

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Correcting Amendment.

SUMMARY: This document contains a technical correction to subpart F of the General Administrative Regulations, concerning the denial of crop insurance when a person is ineligible due to a conviction of a controlled substance violation.

EFFECTIVE DATE: May 9, 2000.

FOR FURTHER INFORMATION CONTACT: Bill Smith, Supervisory Insurance Management Specialist, Research and Development, Product Development Division, FCIC, at 9435 Holmes Road, Kansas City, MO 64131, telephone (816) 926-7743 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

The provision contained in 7 CFR part 400.47(a)(2) states that the application and policy of insurance will be canceled when a person becomes ineligible for crop insurance as a result of a conviction for planting, cultivating, growing, producing, harvesting or storing a controlled substance and that a person may submit a new application to obtain crop insurance coverage following the period of ineligibility. As published, the final regulation was not clear regarding the requirement to submit a new application.

Need for Correction

As published, the regulation is not clear and has proven to be misleading. Clarification of the requirement to submit a new application for crop insurance coverage following ineligibility is needed.

List of Subjects in 7 CFR Part 400

Crop insurance.

Accordingly, 7 CFR part 400 is corrected by making the following correcting amendment:

PART 400—GENERAL ADMINISTRATIVE REGULATIONS

Subpart F—Food Security Act of 1985, Implementation; Denial of Benefits

1. The authority citation for subpart F continues to read as follows:

Authority: Secs. 1506, 1516, Pub.L. 75-430, 52 Stat. 73,77, as amended (7 U.S.C. 1501 *et seq.*); sec. 1244, Pub.L. 99-198.

2. In § 400.47, paragraph (a)(2), is revised to read as follows: