

# Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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## DEPARTMENT OF AGRICULTURE

### Federal Crop Insurance Corporation

#### 7 CFR Part 457

#### Common Crop Insurance Regulations; Rice Crop Insurance Provisions

**AGENCY:** Federal Crop Insurance Corporation, USDA.

**ACTION:** Interim rule.

**SUMMARY:** The Federal Crop Insurance Corporation (FCIC) amends the Rice Crop Insurance Provisions to provide coverage for losses resulting from failure of irrigation water supplies due to drought and intrusion of saline water as mandated by section 508(a)(8) of the Federal Crop Insurance Act (Act).

**EFFECTIVE DATE:** This rule is effective September 19, 2000. Written comments and opinions on this rule will be accepted until the close of business November 20, 2000, and will be considered when the rule is to be made final.

**ADDRESSES:** Interested persons are invited to submit written comments to the Director, Product Development Division, Federal Crop Insurance Corporation, United States Department of Agriculture, 6501 Beacon Drive, Stop 0812, Room 421, Kansas City, MO 64133-4676. Comments titled "Rice Legislation" may be sent via the Internet to DirectorPDD@rm.fcic.usda.gov. A copy of each response will be available for public inspection and copying from 7:00 a.m. to 4:30 p.m., CDT, Monday through Friday, except holidays, at the above address.

**FOR FURTHER INFORMATION CONTACT:** For further information contact Linda Williams, Insurance Management Specialist, Research and Development, Product Development Division, Federal Crop Insurance Corporation, at the Kansas City, MO, address listed above, telephone (816) 926-7730.

#### SUPPLEMENTARY INFORMATION:

##### Executive Order 12866

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

##### Paperwork Reduction Act of 1995

Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the collections of information for this rule have been previously approved by OMB under control number 0563-0053 through April 30, 2001. The amendments set forth in this rule do not revise the content or alter the frequency of reporting for any of the forms or information collections cleared under the above-referenced docket.

##### Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. This rule contains no Federal mandates (under the regulatory provisions of title II of UMRA) for State, local, and tribal governments or the private sector. Therefore, this rule is not subject to the requirements of sections 202 and 205 of UMRA.

##### Executive Order 13132

The provisions contained in this rule will not have a substantial direct effect on States, the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, consultation with the States is not required.

##### Regulatory Flexibility Act

This regulation will not have a significant economic impact on a substantial number of small entities. The regulation does not require any more action on the part of the small entities than is required on the part of large entities. The amount of work required by the insurance companies will not increase significantly as a result of this rule. 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.

##### Federal Assistance Program

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

##### Executive Order 12372

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.

##### Executive Order 12988

This rule has been reviewed in accordance with Executive Order 12988 on civil justice reform. The provisions of this rule will not have a retroactive effect. 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 published at 7 CFR part 11 must be exhausted before any action for judicial review of any determination made by FCIC may be brought.

##### Environmental Evaluation

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

##### Background

This interim rule implements the changes to the rice crop insurance policy mandated by section 508(a)(8) of the Act. Section 508(a)(8) of the Act requires the provisions to be implemented for the 2001 and subsequent crop years. Since the changes to the policy made by this rule are required by statute, and the changes must be made by the November 30, 2000, contract change date to be fully implemented for the 2001 crop year, it is contrary to the public interest to publish this rule for notice and comment prior to making the rule effective. However, 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.

FCIC amends the Common Crop Insurance Regulations (7 CFR part 457) by amending 7 CFR 457.141, Rice Crop Insurance Provisions effective for the 2001 and succeeding crop years. The principal changes for insuring rice are:

1. Section 9(a)—Clarify that failure of the irrigation water supply is an insured cause of loss, if during the insurance period an insured cause of loss, drought or intrusion of saline water causes the failure. This will expand coverage for failure of the irrigation water supply.

2. Section 9(b)—Clarify that any loss of production due to the application of saline water is not an insured cause of loss, except when intrusion of saline water occurs due to an insured peril.

#### List of Subjects in 7 CFR Part 457

Crop insurance, Rice.

#### Interim Rule

Accordingly, as set forth in the preamble, the Federal Crop Insurance Corporation amends 7 CFR part 457 as follows:

#### PART 457—COMMON CROP INSURANCE REGULATIONS

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

**Authority:** 7 U.S.C. 1506(l), 1506(p).

2. Amend 457.141 as follows:

- a. Revise the introductory text;
- b. Revise section 9(a)(8) of the crop provisions; and
- c. Revise section 9(b) of the crop provisions.

#### § 457.141 Rice crop insurance provisions.

The Rice Crop Insurance Provisions for the 2001 and succeeding crop years are as follows:

\* \* \* \* \*

9. Causes of Loss.

(a) \* \* \*

(8) Failure of the irrigation water supply if caused by an insured cause of loss specified in sections 9(a)(1) through (7), drought, or the intrusion of saline water.

(b) In addition to the causes of loss not insured against in section 12 of the Basic Provisions, we will not insure against any loss of production due to the application of saline water, except as specified in section 9(a)(8) of these crop provisions.

\* \* \* \* \*

Signed in Washington, D.C., on September 14, 2000.

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

[FR Doc. 00-24087 Filed 9-19-00; 8:45 am]

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#### DEPARTMENT OF AGRICULTURE

#### Animal and Plant Health Inspection Service

#### 9 CFR Part 94

[Docket No. 00-080-1]

#### Change in Disease Status of East Anglia Because of Hog Cholera

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Interim rule and request for comments.

**SUMMARY:** We are amending the regulations governing the importation of swine and pork and pork products by removing East Anglia, a region of England that includes the counties of Essex, Norfolk, and Suffolk, from the list of regions considered to be free from hog cholera. We are taking this action based on reports we have received from Great Britain's Ministry of Agriculture, Fisheries and Food that an outbreak of hog cholera has occurred in East Anglia. As a result of this action, there will be additional restrictions on the importation of pork and pork products into the United States from East Anglia, and the importation of swine from East Anglia will be prohibited.

**DATES:** This interim rule was effective August 4, 2000. We invite you to comment on this docket. We will consider all comments that we receive by November 20, 2000.

**ADDRESSES:** Please send your comment and three copies to: Docket No. 00-080-1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737-1238.

Please state that your comment refers to Docket No. 00-080-1.

You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690-2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS dockets, are available on the Internet at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>.

**FOR FURTHER INFORMATION CONTACT:** Dr. Gary Colgrove, Chief Staff Veterinarian,

National Center for Import and Export, VS, APHIS, 4700 River Road Unit 38, Riverdale, MD 20737-1231, (301) 734-3276.

#### SUPPLEMENTARY INFORMATION:

#### Background

The regulations in 9 CFR part 94 (referred to below as the regulations) govern the importation into the United States of specified animals and animal products in order to prevent the introduction of various animal diseases, including rinderpest, foot-and-mouth disease, African swine fever, hog cholera, and swine vesicular disease. These are dangerous and destructive communicable diseases of ruminants and swine. Section 94.9 of the regulations restricts the importation into the United States of pork and pork products from regions where hog cholera is known to exist. Section 94.10 of the regulations, with certain exceptions, prohibits the importation of swine that originate in or are shipped from or transit any region in which hog cholera is known to exist. Sections 94.9(a) and 94.10(a) of the regulations provide that hog cholera exists in all regions of the world except for certain regions listed in those sections.

Prior to the effective date of this interim rule, Great Britain (England, Scotland, Wales, and Isle of Man) was included in the lists in §§ 94.9(a) and 94.10(a) of regions in which hog cholera is not known to exist. On August 8, 2000, Great Britain's Ministry of Agriculture, Fisheries and Food (MAFF) reported that an outbreak of hog cholera had occurred in East Anglia, a region of England that includes the counties of Essex, Norfolk, and Suffolk. After reviewing the reports submitted by MAFF, the Animal and Plant Health Inspection Service has determined that it is necessary to remove East Anglia from the list of regions considered to be free of hog cholera.

Therefore, we are amending §§ 94.9(a) and 94.10(a) by removing East Anglia from the list of regions in which hog cholera is not known to exist. We are making this amendment effective retroactively to August 4, 2000, because that is the day that hog cholera was initially suspected in East Anglia. On August 8, 2000, MAFF confirmed East Anglia's outbreak of hog cholera. As a result of this action, the importation of swine from East Anglia is prohibited, and pork and pork products from East Anglia will not be eligible for entry into the United States unless the pork or pork products are cooked or cured and dried in accordance with the regulations. Other regions of England, as well as Scotland, Wales, and Isle of