

Rules and Regulations

Federal Register

Vol. 66, No. 158

Wednesday, August 15, 2001

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.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 457

Common Crop Insurance Regulations; Forage Seeding Crop Provisions

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) finalizes crop provisions for the insurance of Forage Seeding. The intended effect of this action is to provide policy changes to better meet the needs of the insured. The changes will be effective for the 2003 and subsequent crop years.

EFFECTIVE DATE: This rule is effective September 14, 2001.

FOR FURTHER INFORMATION CONTACT: Arden Routh, Insurance Management Specialist, Product Development Division, Federal Crop Insurance Corporation, United States Department of Agriculture, 6501 Beacon Drive, Kansas City, MO, 64133, telephone (816) 926-7730.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

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

Paperwork Reduction Act of 1995

Pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the collections of information in this rule have been approved by the OMB under control number 0563-0053 through July 31, 2001.

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 the 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 the UMRA.

Executive Order 13132

The policy contained in this rule does not have any substantial direct effect on states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Nor does this rule impose substantial direct compliance costs on state and local governments. 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. Additionally, the regulation does not require any more action on the part of small entities than is required on the part of large entities. The amount of work required by insurance companies will not increase because the information must already be collected under the present policy. No additional work is required as a result of this action on the part of either the insured or the insurance companies. 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 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 in accordance with Executive Order 12988 on civil justice reform. The provisions of this rule will not have 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

On Monday, September 25, 2000, FCIC published a notice of proposed rulemaking in the **Federal Register** at 65 FR 57562-57564 to revise 7 CFR § 457.151, Forage seeding crop insurance provisions, effective for the 2002 and succeeding crop years.

Following publication of the proposed rule on September 25, 2000, the public was afforded 30 days to submit written comments and opinions. No comments were received.

FCIC has made the following changes to the Forage Seeding Crop Provisions:

1. Section 1—Added a definition for “Sales closing date.” This definition was published in a previous final rule, dated December 10, 1997, but was not included in the Forage Seeding Crop Provisions when they were published for the 1999 crop year.

2. Section 13 corrected section references from section 12 to section 13 and changed the placement of the settlement of claim example within section 13 of the crop provisions.

List of Subjects in 7 CFR Part 457

Crop insurance, Forage seeding, Reporting and recordkeeping requirements.

Final Rule

Accordingly, as set forth in the preamble, the Federal Crop Insurance

Corporation amends the Common Crop Insurance Regulations as contained in (7 CFR 457.8) by amending 7 CFR 457.151, for the 2003 and succeeding crop years, to read 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(1), 1506(p).

2. Amend § 457.151 as follows:

- a. Revise the heading and introductory text;
- b. Add definition for “Sales closing date” to section 1 of the crop provisions.
- c. Revise section 4 of the crop provisions.
- d. Revise section 5 of the crop provisions.
- e. Revise section 9(g) of the crop provisions.
- f. Revise section 13 of the crop provisions.

§ 457.151 Forage seeding crop insurance provisions.

The Forage Seeding Crop Insurance Provisions for 2003 and succeeding crop years are as follows:

* * * * *
 1. Definitions
 * * * * *

Sales closing date—In lieu of the definition contained in the Basic Provisions, a date contained in the Special Provisions by which an application must be filed and by which you may change your crop insurance coverage for a crop year. If the Special Provisions provide a sales closing date for both fall seeded and spring seeded practices for the insured crop and you plant any insurable fall seeded acreage, you may not change your crop insurance coverage after the fall sales closing date for the fall seeded practice.

* * * * *
 4. Contract Changes.

In accordance with section 4 of the Basic Provisions, the contract change date is June 30 preceding the cancellation date for counties with a September 30 cancellation date; November 30 preceding the cancellation date for counties with a March 15 cancellation date; and April 30 preceding the cancellation date for all other counties.

5. Cancellation and Termination Dates.

In accordance with section 2 of the Basic Provisions, the cancellation and termination dates are:

State and county	Cancellation and termination dates
California, Nevada, New Hampshire	July 31
New York, Pennsylvania and Vermont	

State and county	Cancellation and termination dates
South Dakota counties for which the Special Provisions designate both fall and spring final planting dates.	September 30
South Dakota counties for which the Special Provisions designate only a spring final planting date, and all other states.	March 15

* * * * *
 9. Insurance Period.
 * * * * *

- (g) The following calendar dates:
 - (1) During the calendar year following the year of seeding for:
 - (i) Fall planted acreage in all California counties except Lassen, Modoc, Mono, Shasta and Siskiyou—November 30;
 - (ii) Spring planted acreage in Lassen, Modoc, Mono, Shasta and Siskiyou Counties California, Colorado, Idaho, Nebraska, Nevada, Oregon, Utah and Washington—April 14;
 - (iii) Spring planted acreage in all other states—May 21;
 - (iv) Fall planted acreage in Lassen, Modoc, Mono, Shasta and Siskiyou Counties California and all other states—October 15;
 - (2) During the calendar year of seeding for spring planted acreage in all California counties except Lassen, Modoc, Mono, Shasta and Siskiyou—November 30.

* * * * *
 13. Settlement of Claim.

- (a) In the event of loss or damage covered by this policy, we will settle your claim on any unit by:
 - (1) Multiplying the insured acreage of each type and practice by the amount of insurance for the applicable type and practice;
 - (2) Totaling the results in section 13(a)(1);
 - (3) Multiplying the total acres with an established stand for the insured acreage of each type and practice in the unit by the amount of insurance for the applicable type and practice;
 - (4) Totaling the results in section 13(a)(3);
 - (5) Subtracting the result in section 13(a)(4) from the result in section 13(a)(2); and
 - (6) Multiplying the result in section 13(a)(5) by your share.

Example: Assume you have 100 percent share in 30 acres of type A forage in the unit, with an amount of insurance of \$100.00 per acre. At the time of loss, the following findings are established: 10 acres had a remaining stand of 75 percent or greater. You also have 20 acres of type B forage in the unit, with an amount of insurance of \$90.00 per acre. 10 acres had a remaining stand of 75 percent or greater. Your indemnity would be calculated as follows:

- 1. 30 acres × \$100.00 = \$3,000 amount of insurance for type A; 20 acres × \$90.00 = \$1,800 amount of insurance for type B;
- 2. \$3,000 + \$1,800 = \$4,800 total amount of insurance;
- 3. 10 acres with 75% stand or greater × \$100.00 = \$1,000 production to count for

type A: 10 acres with 75% stand or greater × \$90.00 = \$900 production to count for type B;

- 4. \$1,000 + \$900 = \$1,900 total production to count;
- 5. \$4,800 – \$1,900 = \$2,900 loss;
- 6. \$2,900 × 100 percent share = \$2,900 indemnity payment.

(b) The acres with an established stand will include:

- (1) Acreage that has at least 75 percent of a normal stand;
- (2) Acreage abandoned or put to another use without our prior written consent;
- (3) Acreage damaged solely by an uninsured cause; or
- (c) The amount of indemnity on any spring planted acreage determined in accordance with section 13(a) will be reduced 50 percent if the stand is less than 75 percent but more than 55 percent of a normal stand.

Signed in Washington, DC, on August 8, 2001.

Phyllis Honor,
Acting Manager, Federal Crop Insurance Corporation.

[FR Doc. 01–20451 Filed 8–14–01; 8:45 am]

BILLING CODE 3410–08–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 524

Ophthalmic and Topical Dosage Form New Animal Drugs; Chloramphenicol, etc.; Withdrawal of Approval of NADAs

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to remove those portions that reflect approval of two new animal drug applications (NADAs) held by EVSCO Pharmaceuticals, an Affiliate of IGI, Inc. In a notice published elsewhere in this issue of the **Federal Register**, FDA is withdrawing approval of these NADAs.

DATES: This rule is effective August 27, 2001.

FOR FURTHER INFORMATION CONTACT: Pamela K. Esposito, Center for Veterinary Medicine (HFV–210), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–5593.

SUPPLEMENTARY INFORMATION: EVSCO Pharmaceuticals, an Affiliate of IGI, Inc., Box 209, Harding Hwy., Buena, NJ 08310, has requested that FDA withdraw approval of NADA 32–984 for Cerumite (chloramphenicol, prednisolone, tetracaine, and squalane)