

# Rules and Regulations

Federal Register

Vol. 60, No. 142

Tuesday, July 25, 1995

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## DEPARTMENT OF AGRICULTURE

### Federal Crop Insurance Corporation

7 CFR Part 401

RIN 0563-AA80

#### General Crop Insurance Regulations; Late and Prevented Planting for Various Crop Endorsements

**AGENCY:** Federal Crop Insurance Corporation.

**ACTION:** Final rule.

**SUMMARY:** The Federal Crop Insurance Corporation (FCIC) hereby adopts regulations to insure late and prevented planting for specific crop provisions contained in the General Crop Insurance Regulations, effective for the 1994 and succeeding crop years. The intended effect of this action is to revise the late planting and prevented planting provisions of the corn, grain sorghum, and soybean endorsements. Additionally, this rule serves to incorporate the late and prevented planting coverage into the hybrid sorghum seed, rice, cotton, barley, oats, and wheat crop endorsements and to incorporate the prevented planting coverage into the ELS cotton endorsement.

**EFFECTIVE DATE:** November 30, 1993.

**FOR FURTHER INFORMATION CONTACT:** Diana Moslak, Federal Crop Insurance Corporation, Regulatory and Procedural Development Staff, Suite 500, 2101 L Street NW., Washington, DC 20037. 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 does not constitute a review as to the need, currency, clarity, and effectiveness of the corn, grain sorghum, hybrid sorghum seed, rice, cotton, ELS

cotton, barley, oats, wheat, and soybean endorsement regulations affected by this rule under those procedures. The sunset review dates established for these regulations are as follows: corn, grain sorghum, hybrid sorghum seed, soybeans, cotton, ELS cotton, and rice, March 1, 1999; and barley, oats, and wheat, July 1, 1998.

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 provisions set forth in this rule do not impose burdensome information collection requirements that require clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

It has been determined under section 6(a) of Executive Order 12612, Federalism, that this rule does not have sufficient federalism implication to warrant the preparation of a Federalism Assessment. The policies 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 required to deliver previous policies. In fact, this action reduces the paperwork burden on the insured farmer and insurance providers. 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 are retroactively effective as of November 30, 1993, and will preempt state and local laws to the extent such state and local laws are inconsistent herewith. 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.

On Wednesday, December 22, 1993, FCIC published an interim rule in the **Federal Register** at 58 FR 67630 to amend the General Crop Insurance Regulations (7 CFR part 401) by revising the late and prevented planting provisions of the corn endorsement (§ 401.111), grain sorghum endorsement (§ 401.113), and the soybean endorsement (§ 401.117), effective for the 1994 and succeeding crop years, as well as incorporating late and prevented planting provisions into the hybrid sorghum seed (§ 401.109), rice (§ 401.120), cotton (§ 401.119), barley (§ 401.103), oats (§ 401.105), and wheat (§ 401.101) endorsements. In addition, the ELS cotton (§ 401.121) endorsement was revised by incorporating the prevented planting provisions into that policy. Since this rule benefited the insured by improving coverage for policyholders, good cause was found to make the interim rule retroactively effective as of November 30, 1993.

The changes were effective for the 1994 and succeeding crop years in all counties for corn, cotton, ELS cotton, grain sorghum, hybrid sorghum seed, rice, and soybeans; and for barley, oats, and wheat only in counties with a December 31 contract change. The changes will be effective for all barley, oat, and wheat counties for the 1995 and succeeding crop years.

Following publication of the interim rule, the public was afforded 60 days to submit written comments, data and opinions, but none were received. Therefore, the interim rule as published on December 22, 1993, at 58 FR 67630 is hereby adopted as a final rule.