DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 457

Common Crop Insurance Regulations; Grape Crop Insurance Provisions

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) proposes to amend the Grape Crop Insurance Provisions to: (1) allow grape producers in Idaho, Oregon, and Washington to select one price election and one coverage level for each varietal group specified in the Special Provisions; and (2) provide year-round coverage in California, Idaho, Mississippi, Oregon, Texas, and Washington for insureds with no break in coverage from the prior crop year. The intended effect of this action is to provide policy changes to better meet the needs of the insured.

DATES: Written comments and opinions on this proposed rule will be accepted until close of business October 2, 1998 and will be considered when the rule is to be made final. The comment period for information collections under the Paperwork Reduction Act of 1995 continues through November 2, 1998.

ADDRESSES: Interested persons are invited to submit written comments to the Director, Product Development Division, Federal Crop Insurance Corporation, United States Department of Agriculture, 9435 Holmes Road, Kansas City, MO 64131. 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: Stephen Hoy, Insurance Management Specialist, Product Development Division, Federal Crop Insurance Corporation, United States Department of Agriculture, 9435 Holmes Road, Kansas City, MO, 64131, 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

This rule proposes to amend the information collection requirements previously approved by OMB under OMB control number 0563–0053 through October 31, 2000. This rule proposes to: (1) allow grape producers in Idaho, Oregon, and Washington to select one price election and one coverage level for each varietal group specified in the Special Provisions, and (2) provide year-round crop insurance coverage for grapes in California, Idaho, Mississippi, Oregon, Texas, and Washington. All of the forms cleared under OMB control number 0563–0053 represent the minimum information necessary to determine eligibility and losses qualifying for a payment due to grape coverage.

Revised reporting estimates and requirements for usage of OMB control number 0563–0053 will be submitted to OMB for approval under the provisions of 44 U.S.C. chapter 35. The comment period for information collections under the Paperwork Reduction Act of 1995 continues through November 2, 1998.

The FCIC is seeking comments on the following information collection request (ICR).

Title: Multiple Peril Crop Insurance.

Respondents/Affected Entities: Parties affected by the information collection requirements included in this rule are grape producers.

Abstract: This rule improves the existing grape policy by: (1) allowing grape producers in Idaho, Oregon, and Washington to select one price election and one coverage level for each varietal group specified in the Special Provisions, and (2) providing crop insurance coverage in California, Idaho, Mississippi, Oregon, Texas, and Washington during the period when no coverage currently exists. FCIC believes the proposed policy will provide better crop insurance coverage to grape producers.

Estimate of Burden: Public reporting burden for the collection of information on all forms for the insurance of grapes is estimated at 51.1 minutes per participant because of the high degree of automation associated with the data collection.

Respondents: Grape producers.

Estimated Number of Respondents: 11,201.

Estimated Number of Responses Per Respondent: 2.5.

Estimated Total Annual Burden on Respondents: 3,842 hours.

FCIC is requesting comments on the following: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information gathering technology.

Comments regarding paperwork reduction should be submitted to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503.

The Office of Management and Budget (OMB) is required to make a decision concerning the collections of information contained in this rule between 30 and 60 days after submission to OMB. Therefore, a comment to OMB is best assured of having full effect if OMB receives it within 30 days of publication. This does not affect the deadline for the public to comment on the rule.

Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, 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. Thus, this rule is not subject to the requirements of sections 202 and 205 of UMRA.

Executive Order 12612

It has been determined under section 6(a) of Executive Order 12612, Federalism, that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. The provisions 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.

Regulatory Flexibility Act

This regulation will not have a significant economic impact on a substantial number of small entities. New provisions included in this rule will not impact small entities to a greater extent than large entities. Under the current regulations, a producer is required to complete an application and an acreage report. If the crop is damaged or destroyed, the insured is required to give notice of loss and provide the necessary information to complete a claim for indemnity. This regulation

does not alter those requirements. The amount of work required of the insurance companies delivering and servicing these policies will not increase significantly from the amount of work currently required. This rule does not have any greater or lesser impact on the producer. 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

FCIC proposes to amend the Common Crop Insurance Regulations (7 CFR part 457) by revising 7 CFR 457.138 effective for the 2000 and succeeding crop years. The principal changes to the provisions for insuring grapes are as follows:

1. Section 3—Add provisions to allow grape producers in Idaho, Oregon, and Washington to select one coverage level and one price election for each varietal group designated in the Special Provisions. Previously, the Special Provisions for these states did not always allow different price elections or coverage levels by varietal group, in which case the coverage level and price election designated by the insured applied to all grapes in the county. In addition, a provision is added to specify that, in California, Idaho, Mississippi, Oregon, Texas, and Washington, the insured's elected or assigned coverage level or the ratio of the insured's price election to the maximum price election offered may not be increased after coverage begins if a cause of loss that could or will reduce the yield of the insured crop is evident prior to the time that the change in coverage is requested. This limitation will preclude insureds with continuous coverage from increasing the liability on their insured acreage following a cause of loss that could or will reduce the yield of the crop.

2. Section 9—Specify that, in California, Idaho, Mississippi, Oregon, Texas, and Washington, for each subsequent crop year this policy remains continuously in force (policy cancellation that results solely from transferring to a different insurance provider for a subsequent crop year will not be considered a break in continuous coverage), coverage begins on the day immediately following the end of the insurance period for the prior crop year. According to the Common Crop Insurance Policy, the insurance period ends on the earliest of: (1) total destruction of the insured crop on the unit; (2) harvest of the unit; (3) the calendar date contained in the Crop Provisions for the end of the insurance period; (4) abandonment of the crop on the unit; or (5) as otherwise specified in the crop provisions. The current Grape Crop Provisions specify calendar dates for the beginning and end of the insurance period, thereby establishing a minimum time period during which no insurance coverage exists between crop years in California, Idaho, Mississippi, Oregon, Texas, and Washington. This rule proposes to eliminate any lapse in insurance coverage between crop years regardless of when insurance coverage ends for the crop year.

List of Subjects in 7 CFR Part 457

Crop insurance, Grape.

Proposed Rule

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

PART 457—COMMON CROP INSURANCE REGULATIONS; REGULATIONS FOR THE 1998 AND SUBSEQUENT CONTRACT YEARS

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

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

2. Section 457.138 is revised by amending the introductory text to read as follows:

§ 457.138 Grape Crop Insurance Provisions.

The grape crop insurance provisions for the 2000 and succeeding crop years are as follows:

* * * * *

3. In § 457.138, sections 3(b) and 3(c) are amended and a new section 3(f) is added to read as follows:

3. Insurance Guarantees, Coverage Levels, and Prices for Determining Indemnities.

* * * * *

(b) In Idaho, Oregon, and Washington, you may select only one price election and only one coverage level for each varietal group specified in the Special Provisions.

(c) In all states except California, Idaho, Oregon, and Washington, you may select only one price election and only one coverage level for all the grapes in the county insured under this policy unless the Special Provisions provide different price elections by varietal group, in which case you may select one price election for each varietal group designated in the Special Provisions. The price elections you choose for each varietal group must have the same percentage relationship to the maximum price offered by us for each varietal group. For example, if you choose 100 percent of the maximum price election for one varietal group, you must also choose 100 percent of the maximum price election for all other varietal groups.

(d) * * *

(e) * * *

(f) In California, Idaho, Mississippi, Oregon, Texas, and Washington, you may not increase your elected or assigned coverage level or the ratio of your price election to the maximum price election we offer after coverage begins if a cause of loss that could or will reduce the yield of the insured crop is evident prior to the time that you request a change in coverage.

* * * * *

4. In § 457.138, section 9(a)(2) is redesignated as 9(a)(3) and a new section 9(a)(2) is added to read as follows:

9. Insurance Period.

(a) * * *

(1) * * *

(2) In California, Idaho, Mississippi, Oregon, Texas, and Washington, for each subsequent crop year that the policy remains continuously in force, coverage begins on the day immediately following the end of the insurance

period for the prior crop year. Policy cancellation that results solely from transferring to a different insurance provider for a subsequent crop year will not be considered a break in continuous coverage.

* * * * *

Signed in Washington, D.C., on July 16, 1998.

Kenneth D. Ackerman,

Manager, Federal Crop Insurance Corporation.

[FR Doc. 98–23522 Filed 9–1–98; 8:45 am]

BILLING CODE 3410–08–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 905

[Docket No. FV98–905–5 PR]

Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Regulation of Fallglo Variety Tangerines

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rule invites comments on the addition of Fallglo tangerines to the varieties of citrus fruit regulated under the marketing order covering oranges, grapefruit, tangerines, and tangelos grown in Florida. The marketing order is administered locally by the Citrus Administrative Committee (committee). This rule would add Fallglo tangerines to the varieties covered under the order. It would also establish minimum grade and size requirements for the Fallglo variety. This rule is intended to assure that the Fallglo tangerines entering fresh market channels are of a size and quality acceptable to consumers. This proposed rule is in the interest of producers, shippers, and consumers.

DATES: Comments must be received by September 22, 1998.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent to the Docket Clerk, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; Fax: (202) 205–6632; or E-mail: moabdocketclerk@usda.gov. All comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: William G. Pimental, Marketing Specialist, Southeast Marketing Field Office, Marketing Order Administration Branch, F&V, AMS, USDA, P.O. Box 2276, Winter Haven, Florida 33883–2276; telephone: (941) 299–4770, Fax: (941) 299–5169; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, F&V, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 205–6632. Small businesses may request information on compliance with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone (202) 720–2491, Fax: (202) 205–6632.

SUPPLEMENTARY INFORMATION: This proposal is issued under Marketing Agreement No. 84 and Marketing Order No. 905, both as amended (7 CFR part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, hereinafter referred to as the ''order.'' The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This proposal has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect. This proposal will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

The order provides for the establishment of grade and size requirements for Florida citrus, with the concurrence of the Secretary. These grade and size requirements are designed to provide fresh markets with citrus fruit of acceptable quality and size. This helps create buyer confidence and contributes to stable marketing conditions. This is in the interest of growers, handlers, and consumers, and is designed to increase returns to Florida citrus growers.

This proposed rule would add Fallglo tangerines to the citrus varieties covered under the order. It would also establish minimum grade and size requirements for the Fallglo variety. This rule is designed to help assure that the size and quality of Fallglo tangerines entering fresh market channels are acceptable to consumers. This action was unanimously recommended by the committee at its meeting on May 22, 1998.

Section 905.5 of the order defines the varieties of fruit regulated under the order and authorizes the addition of other varieties as specified in § 905.4, as recommended by the committee and approved by the Secretary. Section 905.105 contains the changes in varieties that have been made using this authority. This proposal would add Fallglo tangerines to the varieties of citrus fruit regulated under the order by modifying § 905.105.

Fallglo tangerines are a relatively new variety coming into significant commercial production. The committee has been following the production statistics for Fallglo tangerines. During the last four years this variety has experienced rapid production growth. The committee uses a level of a million cartons of production as a measure in considering a variety's commercial significance. In the 1997–98 season, total utilization of Fallglo tangerines approximated 1,157,624 cartons (4/5 bushel). This compares to 465,876 (4/5 bushel) cartons utilized during the 1994–95 season.

Another indicator of commercial significance is the market share held by the variety. For the 1997–98 season, Fallglo tangerines shipped fresh totaled approximately 874,000 cartons (4/5 bushel), or approximately 23 percent of the early tangerine market. As the trees of this variety reach full bearing age and additional plantings begin to bear fruit, the committee expects shipments of Fallglo tangerines to continue to increase and comprise a larger share of the early tangerine market.

The committee believes that the current level of production and shipments is significant enough to