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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 455

Macadamia Nut Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Interim final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby amends the Macadamia Nut Crop Insurance Regulations by extending the insurance period for the 1997 crop year only. The intended effect of this interim final rule is to realign the macadamia nut crop insurance period to conform with the macadamia nut production period.

DATES: This rule is effective July 2, 1997.

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.

FOR FURTHER INFORMATION CONTACT: Stephen Hoy, 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 No. 12866

The Office of Management and Budget (OMB) has determined this rule to be exempt for the purposes of Executive Order No. 12866, and, therefore, this rule has not been reviewed by OMB.

Paperwork Reduction Act of 1995

Under the current Macadamia Nut Crop Insurance Regulations, a producer must submit a new application each

year for which insurance is requested. No application will be required to extend the 1997 crop year insurance coverage. Therefore, the amendments set forth in this rule do not contain additional information collections that require clearance by OMB under the provisions of 44 U.S.C. chapter 35.

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, DC 20503.

OMB is required to make a decision concerning the collections of information contained in these regulations 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 interim final rule.

Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pubic 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 the 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 the UMRA.

Executive Order No. 12612

It has been determined under section 6(a) of Executive Order No. 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 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. 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 No. 12372

This program is not subject to the provisions of Executive Order No. 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 No. 12988

The provisions of this rule will not have a retroactive effect prior to the effective date. 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 may be brought.

Environmental Evaluation

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

National Performance Review

This regulatory action is being taken as part of the National Performance Review Initiative to eliminate unnecessary or duplicative regulations and improve those that remain in force.

Background

This interim final rule amends the Macadamia Nut Crop Insurance Regulations (7 CFR part 455) to extend insurance coverage for the 1997 crop year. The extended insurance coverage period for the 1997 crop year will begin on January 1, 1998, and the calendar date for the end of the insurance period will be June 30, 1998.

The current Macadamia Nut Crop Insurance Regulations provide crop insurance coverage from January 1, 1997, through December 31, 1997, for the 1997 crop year. The 1998 macadamia nut industry production year extends from July 1, 1997, to June 30, 1998. The difference between the crop insurance period and production

year is not conducive to maintaining actual production history (APH) records or establishing effective loss adjustment procedures.

FCIC has published new macadamia nut crop insurance provisions that will attach to the Common Crop Insurance Policy Basic Provisions for the 1999 and succeeding crop years. These changes will result in the 1998 crop year being incorporated into the 1997 and 1999 policies. Insurance coverage under the new macadamia nut crop provisions will attach on January 1, 1998, and the end of the insurance period will be June 30, 1999, for the 1999 crop year.

Coverage against insured causes of loss will be provided on all macadamia nut blooms and nuts normally produced during the production year that extends from July 1 to June 30 of the next calendar year. From January 1 to June 30 of the first calendar year of each insurance period, coverage against insured causes of loss will only be provided on the macadamia nut blooms and immature macadamia nuts that normally produce mature nuts during the production year that will start July 1. Therefore, an extension of the 1997 crop year is necessary to provide macadamia nut coverage for the latter six months of the production year that began July 1, 1997. Thereafter, each crop insurance period will include a complete production year.

No additional premium or administrative fee will be due for catastrophic risk protection, limited coverage, or additional coverage insurance that is extended for the crop year. A premium and administrative fee has been paid for the 1997 crop year, and there will be no 1998 crop year. Therefore, good cause exists to make this rule effective upon publication without prior notice and the opportunity to comment before the rule is effective.

List of Subjects in 7 CFR Part 455

Crop insurance, Macadamia nuts.

Interim Final Rule

Accordingly, as set forth in the preamble, the Federal Crop Insurance Corporation hereby amends 7 CFR part 455, as follows:

PART 455—MACADAMIA NUT CROP INSURANCE REGULATIONS

1. The authority citation for 7 CFR part 455 is revised to read as follows:

Authority: 7 U.S.C. 1506(1), 1506(p).

2. In § 455.7(d), in the Macadamia Nut Crop Insurance Policy, revise 7.(e), 8.(b)(4), and 9.(2)(3) to read as follows:

§ 455.7 The application and policy.

* * * * *

Macadamia Nut—Crop Insurance Policy

7. Insurance Period

* * * * *

(e) June 30, 1998, for the 1997 crop year only.

* * * * *

8. Notice of Damage or Loss

* * * * *

(b) * * *

(1) * * *

(2) * * *

(3) * * *

(4) June 30, 1998, for the 1997 crop year only.

* * * * *

9. Claim for Indemnity

(a) * * *

(1) * * *

(2) * * *

(3) June 30, 1998, for the 1997 crop year only.

* * * * *

Signed in Washington, D.C., on June 26, 1997.

Kenneth D. Ackerman,

Manager, Federal Crop Insurance Corporation.

[FR Doc. 97-17353 Filed 7-1-97; 8:45 am]

BILLING CODE 3410-08-P

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Parts 455 and 457

Macadamia Nut Crop Insurance Regulations; and Common Crop Insurance Regulations, Macadamia Nut Crop Insurance Provisions

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) finalizes specific crop provisions for the insurance of macadamia nuts. The provisions will be used in conjunction with the Common Crop Insurance Policy Basic Provisions, which contain standard terms and conditions common to most crops. The intended effect of this action is to provide policy changes to better meet the needs of the insured, include the current macadamia nut crop insurance regulations with the Common Crop Insurance Policy for ease of use and consistency of terms, and to restrict the effect of the current macadamia nut crop insurance regulations to the 1997 and prior crop years.

EFFECTIVE DATES: July 2, 1997.

FOR FURTHER INFORMATION CONTACT: Stephen Hoy, Insurance Management

Specialist, Research and Development, 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 No. 12866

The Office of Management and Budget (OMB) has determined this rule to be exempt for the purposes of Executive Order No. 12866, and, therefore, has not been reviewed by OMB.

Paperwork Reduction Act of 1995

Following publication of the proposed rule, the public was afforded 60 days to submit written comments and opinions on information collection requirements previously approved by OMB under OMB control number 0563-0053 through September 30, 1998. No public comments were received.

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 the 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 the UMRA.

Executive Order No. 12612

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Regulatory Flexibility Act

This regulation will not have a significant impact on a substantial number of small entities. The 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 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. The producer must also annually certify to the previous