

planted and fails, or is planted and harvested, hayed or grazed on the same acreage in the same crop year, (other than a cover crop as specified in section 14(d)(2)(iii)(A), or a substitute crop allowed in section 14 (d)(2)(iii)(B), unless you provide adequate records of acreage and production showing that the acreage was double-cropped in each of the last 4 years;

(F) When coverage is provided under the Catastrophic Risk Protection Endorsement if you plant another crop for harvest on any acreage you were prevented from planting in the same crop year, even if you have a history of double-cropping. If you have a Catastrophic Risk Protection Endorsement and receive a prevented planting indemnity, guarantee, or amount of insurance for a crop and are prevented from planting another crop on the same acreage, you may only receive the prevented planting indemnity, guarantee, or amount of insurance for the crop on which the prevented planting indemnity, guarantee, or amount of insurance is received; or

(G) For which planting history or conservation plans indicate that the acreage would have remained fallow for crop rotation purposes.

(iv) For the purpose of determining eligible acreage for prevented planting coverage, acreage for all units will be combined and be reduced by the number of sugar beet acres timely planted and late planted. For example, assume you have 100 acres eligible for prevented planting coverage in which you have a 100 percent (100%) share. The acreage is located in a single FSA Farm Serial Number which you insure as two separate optional units consisting of 50 acres each. If you planted 60 acres of sugar beets on one optional unit and 40 acres of sugar beets on the second optional unit, your prevented planting eligible acreage would be reduced to zero (*i.e.*, 100 acres eligible for prevented planting coverage minus 100 acres planted equals zero).

(6) In accordance with the provisions of section 6 (Report of Acreage) of the Basic Provisions (§ 457.8), you must report by unit any insurable acreage that you were prevented from planting. This report must be submitted on or before the acreage reporting date. For the purpose of determining acreage eligible for a prevented planting production guarantee, the total amount of prevented planting and planted acres cannot exceed the maximum number of acres eligible for prevented planting coverage. Any acreage you report in excess of the number of acres eligible for prevented planting coverage, or that exceeds the number of eligible acres physically located in a unit, will be deleted from your acreage report.

15. Written Agreements

Designated terms of this policy may be altered by written agreement. The following conditions will apply:

(a) You must apply in writing for each written agreement no later than the sales closing date, except as provided in section 15(e).

(b) The application for a written agreement must contain all variable terms of the contract between you and us that will be in effect if the written agreement is not approved;

(c) If approved, the written agreement will include all variable terms of the contract, including, but not limited to, crop type or variety, the guarantee, premium rate, and price election.

(d) Each written agreement will only be valid for one year. If the written agreement is not specifically renewed the following year, insurance coverage for subsequent crop years will be in accordance with the printed policy.

(e) An application for a written agreement submitted after the sales closing date may be approved if, after a physical inspection of the acreage, it is determined that no loss has occurred and the crop is insurable in accordance with the policy and written agreement provisions.

Signed in Washington, DC, on November 13, 1996.

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

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Commodity Credit Corporation

7 CFR Part 1485

RIN 0551-AA24

Agreements for the Development of Foreign Markets for Agricultural Commodities

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This rule revises regulations governing the Market Promotion Program to conform to section 244(b) of the Federal Agriculture Improvement and Reform Act of 1996. This rule changes the name of the program to the Market Access Program and amends the eligibility criteria for participation in the program.

EFFECTIVE DATE: November 19, 1996.

FOR FURTHER INFORMATION CONTACT: Sharon L. McClure or Denise Feters at (202) 720-5521.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This final rule is issued in conformance with Executive Order 12866. Based on information compiled by the Department, it has been determined that this rule is "significant".

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule since CCC is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of rulemaking with respect to the subject matter of this rule.

Paperwork Reduction Act

This final rule does not impose any new reporting or record keeping requirements. The information collection requirements for participating in the MAP were previously approved for use by the Office of Management and Budget under OMB control number 0551-0027.

Executive Order 12372

This final rule 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 46 FR 29115 (June 24, 1983).

Executive Order 12988

This final rule has been reviewed under the Executive Order 12988, Civil Justice Reform. The rule would have pre-emptive effect with respect to any state or local laws, regulations, or policies which conflict with such provisions or which otherwise impede their full implementation. The rule would not have retroactive effect. Administrative proceedings are not required before parties may seek judicial review.

Background

Section 244 of the Federal Agricultural Improvement and Reform Act of 1996 ("1996 Act") amended the Market Promotion Program authorized by section 203 of the Agricultural Trade Act of 1978, 7 U.S.C. 5623. The Market Promotion Program is a Commodity Credit Corporation ("CCC") program to encourage the development, maintenance and expansion of foreign markets for agricultural commodities. Section 244(a) of the 1996 Act changed the name of the program to the Market Access Program ("MAP") and this rule revises the existing regulations to reflect that name change.

Section 244(b) of the 1996 Act changed the statutory eligibility criteria for new participants in the Market Access Program. MAP funds may not be used to provide direct assistance to any foreign for-profit firm for its use in promoting foreign-produced products. Secondly, MAP funds may not be used to provide direct assistance to any for-profit firm that is not recognized as a small business concern described in section 3(a) of the Small Business Act, 15 U.S.C. 632(a), other than cooperatives, associations authorized under 7 U.S.C. 291, *i.e.*, Capper-Volstead associations, and nonprofit trade associations. Finally, section 244(b) of the 1996 Act requires that beneficiaries of branded promotion

activities at least match the amount of assistance provided under the MAP. Since current regulations do not permit direct assistance to foreign firms and require that participants at least match the amount of CCC funds received for brand promotion activities, CCC need not change the regulations to implement these statutory changes. It is, however, necessary to change the regulations to reflect the new requirement regarding small business concerns.

This rule revises § 1485.12(b), referring to the eligibility for EIP/MAP agreements, to add a requirement that any for-profit firm seeking to participate must be a small-sized entity. For-profit firms only participate directly in the EIP/MAP and a revision of § 1485.12(a) regarding MAP agreements is, therefore, not necessary. Currently, the regulations require that an entity participating in the EIP/MAP must be a "U.S. commercial entity" which is defined as an agricultural cooperative or for-profit firm. This rule revises that definition to specifically include "producer associations authorized by 7 U.S.C. 291" in addition to cooperatives and for-profit firms. This is not a substantive change and is only intended to eliminate any doubts concerning the characterization of these producer associations under the EIP/MAP. Section 1485.12(b) is revised to specify that "for-profit firms, other than cooperatives and producer associations authorized by 7 U.S.C. 291" must be small-sized entities. It is not necessary to specifically exempt nonprofit trade associations from the size limitations, because the size limitation is only applicable to for-profit firms. The regulations continue to use the term "small-sized entity" which is defined as "a U.S. commercial entity which meets the small business size standard published at 13 CFR part 121" and is compatible with the new legislation.

Effective Date

The 1996 Act's changes to the MPP were effective on the date of enactment of that act, April 4, 1996. This rule is published as a final rule and effective on the date of publication because the program name change is matter of agency management and the regulatory change regarding eligibility requirements merely incorporates the new statutory requirements. Therefore, public comments regarding these changes are unnecessary.

List of Subjects in 7 CFR Part 1485

Agricultural commodities, Exports.

Accordingly, 7 CFR part 1485 is amended as follows:

PART 1485—AGREEMENTS FOR THE DEVELOPMENT OF FOREIGN MARKETS FOR AGRICULTURAL COMMODITIES

1. The authority citation for Part 1485 continues to read as follows:

Authority: 7 U.S.C. 5623, 5662–5664 and sec. 1302, Pub. L. 103–66, 107 Stat. 330.

2. In part 1485, all references to "Market Promotion Program" are revised to read "Market Access Program."

3. In part 1485, all references to "MPP" are revised to read "MAP."

4. In part 1485, all references to "EIP/MPP" are revised to read "EIP/MAP".

5. Section 1485.11(ff) is revised to read as follows:

§ 1485.11 Definitions

* * * * *

(ff) *U.S. commercial entity*—an agricultural cooperative, producer association authorized by 7 U.S.C. 291, or for-profit firm located and doing business in the United States, and engaged in the export or sale of an agricultural commodity.

* * * * *

6. Section 1485.12(b) is revised to read as follows:

§ 1485.12 Participation Eligibility

* * * * *

(b) To participate in the EIP/MAP, an entity:

(1) Shall be a U.S. commercial entity that either owns the brand(s) of the agricultural commodity to be promoted or has the exclusive rights to use such brand(s);

(2) Shall contribute at least 50 percent of the total cost of the brand promotion; and

(3) That is a for-profit firm, other than a cooperative or producer association authorized by 7 U.S.C. 291, shall be a small sized entity.

* * * * *

Signed at Washington, DC, on this 11th day of November 1996.

August Schumacher, Jr.,

Administrator, Foreign Agricultural Service and Vice President, Commodity Credit Corporation.

[FR Doc. 96–29419 Filed 11–18–96; 8:45 am]

BILLING CODE 3410–10–M

Food Safety and Inspection Service

9 CFR Part 318

[Docket No. 96–009DF]

RIN 0583–AC10

Use of Corn Syrup, Corn Syrup Solids, and Glucose Syrup as Flavoring Agents in Meat Products

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Direct final rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) is amending the Federal meat inspection regulations to permit the use of corn syrup, corn syrup solids, and glucose syrup as flavoring agents in meat products at an amount sufficient for that purpose. Corn syrup is listed in the Food and Drug Administration's (FDA) regulations as a substance generally recognized as safe with no limitation on its use other than good manufacturing practice. This direct final rule is in response to a petition.

DATES: This rule will be effective on January 21, 1997 unless the Agency receives written adverse comments within the scope of the rulemaking or written notice of intent to submit adverse comments within the scope of the rulemaking on or before December 19, 1996. If adverse comments within the scope of this rulemaking are received, FSIS will publish timely notification of withdrawal of this rule in the Federal Register.

ADDRESSES: Adverse comments within the scope of the rulemaking or notice of intent to submit such adverse comments should be sent to: FSIS Docket Clerk, DOCKET #96–009DF, Room 3806, USDA, 1400 Independence Avenue, SW, Washington, DC 20250–3700. Comments will be available for public inspection in the FSIS Docket Room from 8:30 a.m. to 1:00 p.m. and from 2:00 p.m. to 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Charles R. Edwards, Director, Facilities, Equipment, Labeling & Compounds Review Division, Office of Policy, Program Development, and Evaluation, (202) 418–8900.

SUPPLEMENTARY INFORMATION:

Background

FSIS was petitioned to amend the Federal meat inspection regulations to permit the use of corn syrup, corn syrup solids, and glucose syrup as flavoring agents in red meat sausage products in an amount sufficient for that purpose.