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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 Parts 414 and 457

General Crop Insurance Regulations; Forage Seeding Crop Insurance Regulations and Common Crop Insurance Regulations; Forage Seeding 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 forage seeding. 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 forage seeding 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 forage seeding crop regulations to the 1997 and prior crop years.

DATES: Effective: March 20, 1997.

FOR FURTHER INFORMATION CONTACT: Richard Brayton, 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, this rule 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, data, and opinions on information collection requirements previously approved by OMB under OMB control number 0563-0003 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), P.L. 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. The effect of this regulation on small entities will be no greater than on larger 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 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. 12778

The Office of the General Counsel has determined that these regulations meet the applicable standards provided in sections 2(a) and 2(b)(2) of Executive Order No. 12778. 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

On Wednesday, January 15, 1997, FCIC published a notice of proposed rule making, in the Federal Register at 62 FR 2055-2059 to add to the Common Crop Insurance Regulations (7 CFR part 457), a new section, 7 CFR 457.151, Forage Seeding Crop Insurance Provisions. The new provisions will be effective for the 1998 and succeeding crop years. These provisions will replace and supersede the current provisions for insuring forage seeding

found at 7 CFR part 414 (Forage Seeding Crop Insurance Regulations). FCIC also amends 7 CFR part 414 to limit its effect to the 1997 and prior crop years. FCIC will later publish a regulation to remove and reserve part 414.

Following publication of the proposed rule, the public was afforded 30 days to submit written comments, data, and opinions. A total of 17 comments were received from the crop insurance industry and FCIC. The comments received, and FCIC's response, are as follows:

Comment: The crop insurance industry questioned the definition of "FSA." They stated that with the passage of the Freedom to Farm Act, references to FSA or FSA Farm Serial Numbers or reliance on either in the crop insurance policies becomes questionable. They suggested that any reliance on FSA information, structure or data be eliminated from the policy given the farm bill provisions.

Response: FSA is still a viable agency and acreage can still be divided by Farm Serial Number. Those producers who elect to maintain their Farm Serial Number units will still be able to obtain optional units by Farm Serial Numbers. FCIC sees no reason to change that unit structure. Therefore, no change has been made.

Comment: A representative of FCIC recommended changing the definition of "Forage" to allow insurance coverage for non-grass forage species other than alfalfa and red clover (e.g., birdsfoot trefoil).

Response: FCIC agrees with the comment and has amended the definition to allow insurance coverage for other species listed in the Actuarial Table.

Comment: The crop insurance industry recommended adding the words "and quality" after the word "quantity" in the definition of "Irrigated practice" in section 1.

Response: Water quality is an important issue. However, since no standards or procedures have been developed to measure water quality for insurance purposes, quality cannot be included in the definition. Therefore, no change has been made.

Comment: The crop insurance industry recommended changing the definition of "Replanting" in section 1. The commenter indicated that the wording " * * * replace the forage seed and then replacing the forage seed * * *" is duplicative.

Response: FCIC disagrees that the language is duplicative. The provision is amended to clarify that both preparation of the land necessary to replace the seed and replacement of the seed must be

accomplished to be considered replanted.

Comment: The crop insurance industry recommended changing the wording in section 2(a) to read, "A separate (basic) unit, as defined in section 1 (Definitions) of the Basic Provisions, will be established for spring and fall planted acreage."

Response: FCIC agrees with the comment and has amended the provisions accordingly.

Comment: The crop insurance industry recommended that the states in section 5 "Cancellation and Termination Dates" be in alphabetical order.

Response: FCIC agrees with the comment and has amended the provisions accordingly.

Comment: The crop insurance industry recommended that the spring seeded forage acreage reporting date, premium billing date, and termination dates should be changed to allow the crop insurance industry more time to process their documents within compliance of their contract.

Response: This rule moves the termination dates from April 15 to March 15 for all states except Nevada, New Hampshire, New York, Pennsylvania and Vermont to coincide with the March 15 sales closing date that has been set in accordance with section 508(f)(2) of the Federal Crop Insurance Act. The acreage reporting and premium billing dates are not contained in this rule. However, FCIC has determined that the insurance provider has sufficient time to process the documents and comply with all provisions of the reinsurance agreement. Therefore, no change has been made.

Comment: The crop insurance industry stated that the provisions specify that the crop insured is "forage seeding", but the term is not included in the definitions. Either "forage seeding" should be defined, or the provisions should refer to "all the forage seeded in the county".

Response: FCIC agrees that use of the term "forage seeding" is confusing. The provisions have been amended to remove the word "seeding" since the provisions require the forage to be planted during the current crop year.

Comment: The crop insurance industry recommended that section 6(b) "Insured Crop" should clarify that insurance coverage is provided for forage "that is initially planted this crop year, or replanted the calendar year following planting" to distinguish between forage seeding (first year) and forage production (subsequent years).

Response: FCIC has clarified that the forage must be planted during the current crop year.

Comment: The crop insurance industry stated that the language contained in section 8(b), "Harvest of the unit, unless a late harvest date is listed in the Special Provisions, or late harvest on the unit if a late harvest date is listed in the Special Provisions" is confusing and should be clarified.

Response: FCIC agrees with the comment and has amended the provisions for clarification.

Comment: A representative of FCIC questioned why in section 10 "Replanting payment" that replant payments are only allowed for fall seeded forage in counties that have both fall and spring final planting dates. The commenter stated that the policy should be changed to allow replant payments for damage that also occurs in the spring.

Response: When FCIC started the forage seeding program, the policy was written for fall forage producers. It was determined that spring forage seeding producers would not replant the forage until the following spring. However, FCIC agrees that, with the expansion of spring planted forage in the country, a spring replanting payment should be studied for future implementation. However, no change has been made in this rule.

Comment: The crop insurance industry recommended changing the wording in section 12(a)(3) that provides for a 10 percent deductible. The commenter questioned if it would be better to provide for a minimum qualifier rather than a deductible.

Response: FCIC disagrees with comment. The 10 percent deductible recognizes that when forage is seeded, it is expected 10 percent of the new seed will not mature and produce a crop. Therefore, no change has been made.

Comment: The crop insurance industry recommended that the requirement contained in section 13(d) for a written agreement to be renewed each year be removed. The commenters said that terms of the agreement should be stated in the agreement to fit the particular situation for the policy, or if no substantive changes occur from one year to the next, allow written agreement to be continuous.

Response: FCIC disagrees with the comments. Written agreements by design are temporary and intended to address unusual situations. If the conditions for which a written agreement is needed continue year to year, they should be incorporated into the policy or Special Provisions. Therefore, no change has been made.

Good cause is shown to make this rule effective upon publication in the Federal Register. This rule improves the forage seeding insurance coverage and brings it under the Common Crop Insurance Policy Basic Provisions for consistency among policies. The earliest contract change date for the 1998 crop year for forage seeding is April 30, 1997. It is therefore imperative that these provisions be made final before that date so that the reinsured companies and insureds may have sufficient time to implement these changes. Therefore, public interest requires the agency to act immediately to make these provisions available for the 1998 crop year.

List of Subjects 7 CFR Parts 414 and 457

Crop insurance, Forage seeding, Forage seeding crop insurance regulations.

Final Rule

Accordingly, for the reasons set forth in the preamble, the Federal Crop Insurance Corporation hereby amends 7 CFR parts 414 and 457 effective for the 1998 and succeeding crop years, as follows:

PART 414—FORAGE SEEDING CROP INSURANCE REGULATIONS

1. The authority citation for 7 CFR part 414 is revised to read as follows:

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

2. The subpart heading preceding § 414.1 is revised to read as follows:

Subpart—Regulations for the 1981 Through 1997 Crop Years

3. Section 414.7 is amended by revising the introductory text of paragraph (d) to read as follows:

§ 414.7 The application and policy.

* * * *

(d) The application for the 1984 and succeeding crop years is found at Subpart D of part 400, General Administrative Regulations (7 CFR 400.37, 400.38). The provisions of the Forage Seeding Insurance Policy for the 1984 through 1997 crop years are as follows:

* * * *

PART 457—COMMON CROP INSURANCE REGULATIONS; REGULATIONS FOR THE 1994 AND SUBSEQUENT CONTRACT YEARS

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

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

5. Section 457.151 is added to read as follows:

§ 457.151 Forage seeding crop insurance provisions.

The Forage Seeding Crop Insurance Provisions for the 1998 and succeeding crop years are as follows:

FCIC policies:

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

Reinsured policies:

(Appropriate title for insurance provider)

Both FCIC and reinsured policies:

Forage seeding crop provisions

If a conflict exists among the Basic Provisions (§ 457.8), these Crop Provisions, and the Special Provisions; the Special Provisions will control these Crop Provisions and the Basic Provisions; and these Crop Provisions will control the Basic Provisions.

1. Definitions

Crop year—The period within which the planting is or normally would become established and shall be designated by the calendar year in which the planting is made for spring planted acreage and the next succeeding calendar year for fall planted acreage.

Days—Calendar days.

FSA—The Farm Service Agency, an agency of the United States Department of Agriculture, or a successor agency.

Fall planted—A forage crop seeded after June 30.

Final planting date—The date contained in the Special Provisions for the insured crop by which the crop must initially be planted in order to be insured for the full amount of insurance.

Forage—Planted perennial alfalfa, perennial red clover, perennial grasses, or a mixture thereof, or other species, as shown in the actuarial table.

Good farming practices—The cultural practices generally in use in the county for the crop to make normal progress toward maturity and produce a normal stand, and are those recognized by the Cooperative State Research, Education, and Extension Service as compatible with agronomic and weather conditions in the county.

Harvest—Severance of the forage plant from the land with the intention of using it as livestock feed. Grazing will not be considered harvested.

Interplanted—Acreage on which two or more crops are planted in a manner that does not permit separate agronomic maintenance or harvest of the insured crop.

Irrigated practice—A method of producing a crop by which water is artificially applied during the growing season by appropriate systems and at the proper times, with the intention of providing the quantity of water needed to produce at least the yield used to establish the irrigated amount of insurance on the irrigated acreage planted to the insured crop.

Normal stand—A population of live plants per square foot that meets the minimum required number of plants as shown in the Special Provisions.

Nurse Crop (companion crop)—A crop seeded into the same acreage as another crop, that is intended to be harvested separately, and that is planted to improve growing

conditions for the crop with which it is grown.

Planted acreage—Land in which seed has been placed by a machine appropriate for the insured crop and planting method, at the correct depth, into a seedbed that has been properly prepared for the planting method and production practice. Land on which seed is initially spread onto the soil surface by any method and subsequently is mechanically incorporated into the soil in a timely manner and at the proper depth. Acreage seeded in any other manner will not be insurable unless otherwise provided by the Special Provisions or by written agreement.

Practical to replant—In lieu of the definition of "Practical to replant" contained in section 1 of the Basic Provisions (§ 457.8), practical to replant is defined as our determination, after loss or damage to the insured crop, based on factors, including but not limited to moisture availability, marketing window, condition of the field, and time to crop maturity, that replanting the insured crop will allow the crop to attain maturity prior to the calendar date for the end of the insurance period. It will not be considered practical to replant after the final planting date, unless replanting is generally occurring in the area.

Replanting—Performing the cultural practices necessary to prepare the land for replacing of the forage seed and then replacing the forage seed in the insured acreage with the expectation of producing a normal stand. Replacing new seed into an existing damaged stand, which results in a reduced seeding rate from the original seeding rate, will not be considered replanting.

Spring planted—A forage crop seeded before July 1.

Written agreement—A written document that alters designated terms of this policy in accordance with section 13.

2. Unit Division

(a) In addition to the provisions of section 1 (Definitions) of the Basic Provisions (§ 457.8) (basic unit), a separate basic unit will be established for spring and fall planted acreage.

(b) Unless limited by the Special Provisions, these basic units may be further divided into optional units if, for each optional unit you meet all the conditions of this section or a written agreement to such division exists.

(c) Basic units may not be divided into optional units on any basis including, but not limited to, production practice, type, variety, and planting period, other than as described in this section.

(d) If you do not comply fully with these provisions, we will combine all optional units that are not in compliance with these provisions into the basic unit from which they were formed. We will combine the optional units at any time we discover that you have failed to comply with these provisions. If failure to comply with these provisions is determined to be inadvertent, and the optional units are combined into a basic unit, that portion of the additional premium paid for the optional units that have been combined be refunded to you.

(e) All optional units you selected for the crop year must be identified on the acreage report for that crop year.

(f) The following requirements must be met for each optional unit:

(1) You must have plant the crop in a manner that results in a clear and discernable break in the planting pattern at the boundaries of each optional unit; and

(2) Each optional unit must meet one or more of the following criteria as applicable:

(i) *Optional Units by Section, Section Equivalent, or FSA Farm Serial Number:* Optional units may be established if each optional unit is located in a separate legally identified section. In the absence of sections, we may consider parcels of land legally identified by other methods of measure including, but not limited to Spanish grants, railroad surveys, leagues, labors, or Virginia Military Lands, as the equivalent of sections for unit purposes. In areas that have not been surveyed using the systems identified above, or another system approved by us, or in areas where such systems exist but boundaries are not readily discernable, each optional unit must be located in a separate farm identified by a single FSA Farm Serial Number.

(ii) *Optional Units on Acreage Including Both Irrigated and Non-irrigated Practices:* In addition to, or instead of, establishing optional units by section, section equivalent, or FSA Farm Serial Number, optional units may be based on irrigated acreage or non-irrigated acreage if both are located in the same section, section equivalent, or FSA Farm Serial Number. To qualify as separate irrigated and non-irrigated optional units, the non-irrigated acreage may not continue into the irrigated acreage in the same rows or planting pattern. The irrigated acreage may not extend beyond the point at which the irrigated system can deliver the quantity of water needed to produce a normal stand.

3. Amounts of Insurance

(a) In addition to the requirements of section 3 (Insurance Guarantees, Coverage Levels, and Prices for Determining Indemnities) of the Basic Provisions (§ 457.8), you may only select one coverage level and the corresponding amount of insurance designated in the Actuarial Table for the applicable type and practice for all the forage seeding in the county that is insured under this policy. The amount of insurance you choose for each type and practice must have the same percentage relationship to the maximum amount of insurance offered by us for each type and practice. For example, if you choose 100 percent of the maximum amount of insurance for a specific type and practice, you must also choose 100 percent of the maximum amount of insurance for all other types and practices.

(b) The production reporting requirements contained in section 3 (Insurance Guarantees, Coverage Levels, and Prices for Determining Indemnities) of the Basic Provisions (§ 457.8), do not apply to forage seeding.

4. Contract Changes

In accordance with section 4 (Contract Changes) of the Basic Provisions (§ 457.8), the contract change date is 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 (Life of Policy, Cancellation, and Termination) of the Basic Provisions (§ 457.8), the cancellation and termination dates are:

State and County	Cancellation and termination dates
Nevada, New Hampshire, New York, Pennsylvania, Vermont.	July 31.
All other states	March 15.

6. Insured Crop

In accordance with section 8 (Insured Crop) of the Basic Provisions (§ 457.8), the crop insured will be all the forage in the county for which a premium rate is provided by the actuarial table:

- (a) In which you have a share;
- (b) That is planted during the current crop year, or replanted the calendar year following planting, to establish a normal stand of forage intended for harvest as livestock feed;
- (c) That is not grown with the intent to be grazed, or not grazed at any time during the insurance period; and
- (d) That is not interplanted with another crop, except nurse crops, unless allowed by the Special Provisions or by written agreement.

7. Insurable Acreage

In addition to the provisions of section 9 (Insurable Acreage) of the Basic Provisions (§ 457.8), any acreage of the insured crop damaged before the final planting date, to the extent that such acreage has less than a normal stand, must be replanted unless we agree that it is not practical to replant.

8. Insurance Period

In lieu of the provisions of section 11 (Insurance Period) of the Basic Provisions (§ 457.8) regarding when insurance ends, forage seeding insurance will end at the earliest of:

- (a) Total destruction of the insured crop on the unit;
- (b) The initial harvest of the unit, if a late harvest date is not listed in the Special Provisions;
- (c) The first harvest after the late harvest date, if a late harvest date is specified in the Special Provisions. You may harvest the crop as often as practical in accordance with good farming practices on or before the late harvest date.
- (d) Final adjustment of a loss on a unit;
- (e) Abandonment of the insured crop;
- (f) The date grazing commences on the insured crop; or
- (g) May 21 of the calendar year following seeding for spring-planted forage; or October 15 of the calendar year following seeding for fall-planted forage.

9. Causes of Loss

In accordance with the provisions of section 12 (Causes of Loss) of the Basic Provisions (§ 457.8), insurance is provided only against the following causes that result in loss of, or failure to establish, a stand of

forage that occur during the insurance period:

- (a) Adverse weather conditions;
- (b) Fire;
- (c) Insects, but not damage due to insufficient or improper application of pest control measures;
- (d) Plant disease, but not damage due to insufficient or improper application of disease control measures;
- (e) Wildlife;
- (f) Earthquake;
- (g) Volcanic eruption; or
- (h) Failure of the irrigation water supply, if caused by an insured peril that occurs during the insurance period.

10. Replanting Payment.

In lieu of the provisions contained in section 13 (Replanting Payment) of the Basic Provisions (§ 457.8):

(a) A replanting payment is allowed only in counties for which the Special Provisions designate both fall and spring final planting dates if:

- (1) The insured fall planted acreage is damaged by an insurable cause of loss to the extent that less than 75 percent of a normal stand remains;
 - (2) It is practical to replant;
 - (3) We give written consent to replant; and
 - (4) Such acreage is replanted the following spring by the spring final planting date.
- (b) The amount of the replanting payment will be equal to 50 percent of the amount of the liability determined in accordance with section 12(a).

(c) No replanting payment will be made on acreage for which one replanting payment has been allowed.

(d) If the information reported by you on the acreage report results in a lower premium than the actual premium determined to be due based on the acreage, share, practice, or type determined actually to have existed, the replanting payment will be reduced proportionately.

11. Duties in the Event of Damage or Loss

(a) In accordance with the requirements of section 14 (Duties in the Event of Damage or Loss) of the Basic Provisions (§ 457.8), the representative samples of the crop must be at least 10 feet wide and extend the entire length of each field in the unit. The samples must not be harvested or destroyed until the earlier of our inspection or 15 days after tilling of the balance of the unit is completed.

(b) In addition to the requirements of section 14 (Duties in the Event of Damage or Loss) of the Basic Provisions (§ 457.8), you must give us written notice if, during the period before destroying the crop on any fall planted acreage that is damaged, you decide to replant the acreage by the spring final planting date.

12. 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 12(a)(1);
- (3) Multiplying the total of the acres with an established stand plus 10 percent of the planted acres 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 12(a)(3);
- (5) Subtracting the result in section 12(a)(4) from the result in section 12(a)(2); and
- (6) Multiplying the result in section 12(a)(5) by your share.

(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
- (4) Acreage that is harvested and not reseeded.

(c) The amount of indemnity on any spring planted acreage determined in accordance with section 12(a) will be reduced 50 percent if the stand is less than 75 percent but more than 55 percent of a normal stand.

13. Written Agreements

Designated terms of this policy may be altered by written agreement in accordance with the following:

- (a) You must agree in writing for each written agreement no later than the sales closing date, except as provided in section 13(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, practice, premium rate, and amount of insurance;
- (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); and
- (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, D.C., on March 14, 1997.

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

[FR Doc. 97-7012 Filed 3-19-97; 8:45 am]

BILLING CODE 3410-FA-P

Animal and Plant Health Inspection Service

9 CFR Part 77

[Docket No. 96-092-2]

Tuberculosis in Cattle and Bison; State Designation

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: We are adopting as a final rule, without change, an interim rule that amended the tuberculosis regulations concerning the interstate movement of cattle and bison by raising the designation of Oklahoma from a modified accredited State to an accredited-free State. We have determined that Oklahoma meets the criteria for designation as an accredited-free state.

EFFECTIVE DATE: The interim rule was effective on December 26, 1996.

FOR FURTHER INFORMATION CONTACT: Dr. Mitchell A. Essey, Senior Staff Veterinarian, National Animal Health Programs, VS, APHIS, 4700 River Road Unit 36, Riverdale, MD 20737-1231, (301) 734-7727.

SUPPLEMENTARY INFORMATION:

Background

In an interim rule effective and published in the Federal Register on December 26, 1996 (61 FR 67928-67929, Docket No. 96-092-1), we amended the tuberculosis regulations in 9 CFR part 77 by removing Oklahoma from the list of modified accredited States in § 77.1 and adding it to the list of accredited-free States in that section.

Comments on the interim rule were required to be received on or before February 24, 1997. We did not receive any comments. The facts presented in the interim rule still provide a basis for the rule.

This action also affirms the information contained in the interim rule concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Orders 12372 and 12988, and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived the review process required by Executive Order 12866.

List of Subjects in 9 CFR Part 77

Animal diseases, Bison, Cattle, Reporting and recordkeeping requirements, Transportation, Tuberculosis.

PART 77—TUBERCULOSIS

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 9 CFR part 77 and that was published at 61 FR 67928-67929 on December 26, 1996.

Authority: 21 U.S.C. 111, 114, 114a, 115-117, 120, 121, 134b, and 134f; 7 CFR 2.22, 2.80, and 371.2(d).

Done in Washington, DC, this 14th day of March 1997.

Terry L. Medley,
Administrator, Animal and Plant Health
Inspection Service.

[FR Doc. 97-7014 Filed 3-19-97; 8:45 am]

BILLING CODE 3410-34-P

9 CFR Parts 102 and 104

[Docket No. 96-055-2]

Viruses, Serums, Toxins, and Analogous Products; Biologics Establishment Licenses and Biological Product Licenses and Permits

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations regarding veterinary biological products to remove the examples of the Animal and Plant Health Inspection Service (APHIS) forms for U.S. Veterinary Biologics Establishment Licenses and U.S. Veterinary Biological Product Licenses and Permits. This action resulted from a review of APHIS regulations in response to the President's Regulatory Reform Initiative. The amendments have the effect of removing unnecessary material from the regulations. The APHIS forms for product licenses and permits will still be used and provided by the agency—only the examples are removed from the regulations.

EFFECTIVE DATE: April 21, 1997.

FOR FURTHER INFORMATION CONTACT: Dr. David Espeseth, Director, Licensing and Policy Development, Center for Veterinary Biologics, VS, APHIS, 4700 River Road Unit 148, Riverdale, MD 20737-1237, (301) 734-8245.

SUPPLEMENTARY INFORMATION:

Background

The Animal and Plant Health Inspection Service (APHIS) conducted a review of the regulations under 9 CFR 101-118 pertaining to veterinary biologics initiated under the President's Regulatory Reform Initiative to remove unnecessary material from the regulations. As part of this initiative, on August 22, 1996, we published in the Federal Register (61 FR 43316-43317, Docket No. 96-055-1) a proposal to amend the regulations regarding veterinary biological products by removing the examples of APHIS forms for U.S. Veterinary Biologics Establishment Licenses and U.S. Veterinary Biological Product Licenses and Permits. We stated that the APHIS forms for establishment and product