

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Chapters I, IX, X and XI

[Doc. # L&amp;RR-99-01]

#### Regulatory Flexibility Act; Plan for Periodic Review of Regulations

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Schedule for review of agency regulations.

**SUMMARY:** The Agricultural Marketing Service (AMS) is publishing its plan for the review of its regulations under the criteria contained in Sec. 610 of the Regulatory Flexibility Act (RFA). AMS has included in this plan all regulations that warrant periodic review irrespective of whether specific

regulations meet the threshold requirement for mandatory review established by the RFA. The identified rules will be reviewed as indicated during the next ten years.

#### FOR FURTHER INFORMATION CONTACT:

Sandra K. Hogan, Director, Legislative and Regulatory Review Staff, AMS, USDA, P.O. Box 96456, Room 3510-South, Washington, D.C. 20090-6456; telephone: (202) 720-3203; fax: (202) 690-3767.

#### SUPPLEMENTARY INFORMATION:

##### Background

Sec. 610 of the RFA (5 U.S.C. 610) requires agencies to review all regulations on a periodic basis that have or will have a significant economic impact on a substantial number of small entities. Because many AMS regulations impact small entities, AMS has decided, as a matter of policy, to review certain regulations which although they may not meet the threshold requirement under Sec. 610 of the RFA (5 U.S.C. 610) merit review. Accordingly, AMS has prepared this ten-year plan for reviewing the listed rules. The purpose of each review will be to determine whether the rules should be continued

without change, or should be amended or rescinded (consistent with the objectives of applicable statutes) to minimize impacts on small entities.

In reviewing its rules the AMS will consider the following factors:

(1) The continued need for the rule;  
(2) The nature of complaints or comments from the public concerning the rule;

(3) The complexity of the rule;  
(4) The extent to which the rule overlaps, duplicates, or conflicts with other Federal rules and, to the extent feasible, with state and local regulations; and

(5) The length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule.

A list of the regulations will be included, in the year the regulations are scheduled for review, in AMS' regulatory agenda which is printed in the **Federal Register** as part of the Unified Agenda in April and October. At that time a contact will be identified to whom comments may be submitted for each rule scheduled for review.

#### AGRICULTURAL MARKETING SERVICE 10-YEAR REVIEW PLAN FOR REGULATIONS IDENTIFIED FOR SECTION 610 REVIEW—REGULATORY FLEXIBILITY ACT

CFR part & authority	AMS program/regulation	Year implemented	Year for review
7 Part 46; Sec. 15, 46 Stat. 537; 7 U.S.C. 499o .....	Perishable Agricultural Commodities Act, 1930 .....	1930/Regs Amended 1997	2008
7 Part 110; 7 U.S.C. 136a(d)(1)(c), 1361-1, and 450; 7 CFR 2.17, 2.50.	Pesticide Recordkeeping .....	1993	2003
7 Part 201; 7 U.S.C. 1592 .....	Federal Seed Act .....	1939	2000
7 Part 205; 7 U.S.C. 6501-6522 .....	National Organic Program .....	2000	2010
7 Part 905; 7 U.S.C. 601-674 .....	Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida.	1939	2007
7 Part 916; 7 U.S.C. 601-674 .....	Nectarines Grown in California .....	1958	2003
7 Part 917; 7 U.S.C. 601-674 .....	Fresh Pears and Peaches Grown in California .....	1939	2003
7 Part 923; 7 U.S.C. 601-674 .....	Sweet Cherries Grown in Designated Counties in Washington.	1957	2007
7 Part 925; 7 U.S.C. 601-764 .....	Grapes Grown in a Designated Area of Southeastern California.	1980	2006
7 Part 927; 7 U.S.C. 601-674 .....	Winter Pears Grown in Oregon and Washington .....	1939	2003
7 Part 929; 7 U.S.C. 601-674 .....	Cranberries Grown in States of Massachusetts, Rhode Island, etc.	1962	2003
7 Part 930; 7 U.S.C. 601-764 .....	Tart Cherries Grown in Mass., RI, etc. ....	1996	2006
7 Part 932; 7 U.S.C. 601-674 .....	Olives Grown in California .....	1965	1999
7 Part 945; 7 U.S.C. 601-674 .....	Irish Potatoes Grown in Certain Designated Counties in ID, and Malheur County, OR.	1941	2001
7 Part 948; 7 U.S.C. 601-674 .....	Irish Potatoes Grown in Colorado .....	1941	2006
7 Part 966; 7 U.S.C. 601-674 .....	Tomatoes Grown in Florida .....	1955	2002
7 Part 981; 7 U.S.C. 601-674 .....	Almonds Grown in California .....	1950	2001
7 Part 984; 7 U.S.C. 601-674 .....	Walnuts Grown in California .....	1948	2008
7 Part 989; 7 U.S.C. 601-674 .....	Raisins Produced from Grapes Grown in California .....	1949	2004

**AGRICULTURAL MARKETING SERVICE 10-YEAR REVIEW PLAN FOR REGULATIONS IDENTIFIED FOR SECTION 610 REVIEW—  
REGULATORY FLEXIBILITY ACT—Continued**

CFR part & authority	AMS program/regulation	Year implemented	Year for review
7 Part 993; 7 U.S.C. 601–674 .....	Dried Prunes Produced in California .....	1949	2002
7 Part 998; Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.	Marketing Agreement Regulating the Quality of Domestically Produced Peanuts.	1965	2005
7 Parts 1000–1139; Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.	Federal Milk Marketing Orders .....	1999	2009
7 Part 1150; 7 U.S.C. 4501–4513 .....	Dairy Promotion Program .....	1984	2001
7 Part 1160; 7 U.S.C. 6401–6417 .....	Fluid Milk Promotion Program .....	1993	2003
7 Part 1205; 7 U.S.C. 2101–2118 .....	Cotton Research and Promotion .....	1996	2002
7 Part 1207; 7 U.S.C. 2611–2627 .....	Potato Research and Promotion .....	1972	2001
7 Part 1209; 7 U.S.C. 6101–6112 .....	Mushroom Promotion, Research, and Consumer Information Order.	1993	2004
7 Part 1210; 7 U.S.C. 4901–4916 .....	Watermelon Research and Promotion Plan .....	1990	1999
7 Part 1215; 7 U.S.C. 7481–7491 .....	Popcorn Promotion, Research, and Consumer Information.	1997	2007
7 Part 1220; 7 U.S.C. 6301–6311 .....	Soybean Promotion, Research, and Consumer Information.	1991	2003
7 Part 1230; 7 U.S.C. 4801–4819 .....	Pork Promotion, Research, and Consumer Information ..	1986	2001
7 Part 1240; 7 U.S.C. 4601–4612 .....	Honey Research, Promotion, and Consumer Information Order.	1987	2002
7 Part 1250; 7 U.S.C. 2701–2718 .....	Egg Research and Promotion .....	1976	2001
7 Part 1260; 7 U.S.C. 2901–2911 .....	Beef Promotion and Research .....	1986	2003

Dated: February 11, 1999.

**Enrique E. Figueroa,**  
*Administrator, Agricultural Marketing Service.*

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## DEPARTMENT OF AGRICULTURE

### Federal Crop Insurance Corporation

#### 7 CFR Part 457

#### Common Crop Insurance Regulations; Onion Crop Insurance Provisions

**AGENCY:** Federal Crop Insurance Corporation, USDA.

**ACTION:** Proposed rule with request for comments.

**SUMMARY:** The Federal Crop Insurance Corporation (FCIC) proposes to amend the Onion Crop Insurance Provisions to: Modify stage guarantee percentages, to have a separate guarantee for transplanted and direct seeded onions, and to provide for modification of stage guarantee percentages in the Special Provisions; allow optional units by section or section equivalent or FSA farm serial number, unless otherwise provided in the Special Provisions; clarify the replant payment provisions; clarify the amount of production to count when damaged production is sold after a previous determination that the crop was 100 percent damaged; limit prevented planting coverage to 45 percent of the production guarantee for timely planted acreage; and change the

termination date for one county in Oregon and one county in Washington. The intended effect of this action is to modify the existing policy so that it is actuarially sound and better meets the needs of insureds.

**DATES:** Written comments and opinions on this proposed rule will be accepted until close of business April 5, 1999, and will be considered when the rule is to be made final. Comments on the information collection requirements must be received on or before April 19, 1999.

**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 8 a.m. to 4:30 p.m., CDT, Monday through Friday, except holidays, at the above address.

**FOR FURTHER INFORMATION CONTACT:** William Klein, 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 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

In accordance with section 3507(j) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501), the information collection or recordkeeping requirements included in the proposed rule have been submitted for approval to the Office of Management and Budget (OMB). Please send your written comments to Clearance Officer, OCIO, USDA, room 404–W, 14th Street and Independence Avenue SW., Washington, DC 20250. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this proposed rule.

We are soliciting comments from the public comment concerning our proposed information collection and recordkeeping requirements. We need this outside input to help us:

(1) Evaluate 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;

(2) Evaluate the accuracy of our estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond (such as through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of