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

Federal Crop Insurance Corporation

7 CFR Part 457

Common Crop Insurance Regulations; Forage Production Crop Provisions; and Forage Seeding Crop 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 Forage Production Crop Insurance Provisions and Forage Seeding Crop Insurance Provisions, and delete Forage Production Winter Coverage Endorsement. The intended effect of this action is to provide policy changes to better meet the needs of the insureds, and to restrict the effect of the current Forage Production and Forage Seeding Crop Insurance Regulations to the 2000 and prior crop years.

DATES: Written comments and opinions on this proposed rule will be accepted until close of business September 27, 1999 and will be considered when the rule is to be made final. The comment period for information collection under the Paperwork Reduction Act of 1995 continues through October 25, 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. (Comments may be sent via Internet to pddirector@rm.fcic.usda.gov). A copy of each response will be available for public inspection and copying from 7 a.m. to 4:30 p.m., CDT, Monday through Friday except holidays, at the above address.

FOR FURTHER INFORMATION CONTACT: Richard Brayton, 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 purpose 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 and 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 the 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 concerning our proposed information collection and record keeping 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 information technology, *e.g.* permitting electronic submission responses.)

The collections of information for this rule revise the Multiple Peril Crop Insurance Collections of Information 0563–0053 which expires April 30, 2001.

Title: Multiple Peril Crop Insurance (Forage Production and Forage Seeding).

Abstract: This rule improves the existing forage production and forage seeding policies. Forage production is revised by: allowing optional units; changing the cancellation and termination dates in California, Nevada and Utah; requiring the insured to report all forage acreage on or before each date specified in the Special Provisions; changing dates when insurance attaches and when insurance ends; extending dates in some counties in California to allow year round coverage; clarifying that insurance is not available for damage or loss of production that occurs after removal from windrow; allowing forage to be direct marketed; and including optional unit procedures in the event of a loss.

Forage seeding is revised by: adding cancellation and termination dates for California and South Dakota; requiring the insured to report all insurable forage seeding acreage on or before each acreage reporting date specified in the Special Provisions; specifying in all states and in California, unless otherwise specified in the Special Provisions, forage damaged before the final planting date must be replanted to the extent that the forage has less than a 75 percent stand; allowing a replant payment in California, unless otherwise specified in the Special Provisions, on any acreage planted to the insured crop that is damaged by an insurable cause of loss occurring within the insurance period to the extent that less than 75 percent of normal stand remains; allowing increased replanting payments if specified in the Special Provisions; and removed the 10 percent planted acreage requirements. The revisions are effective for the 2001 and succeeding crop years.

Purpose: The purposes of this proposed rule are to clarify existing crop provisions and methodology for calculating losses and provide additional coverage benefits and an improved risk management tool for forage producers in all regions of the country.

Burden statement: The information that FCIC collects on the specified forms will be used in offering crop insurance coverage, determining program eligibility, establishing a production guarantee or amount of insurance, calculating losses qualifying for a payment, etc. The burden hours have decreased because many forage producers have canceled their forage coverage.

Estimate of Burden: We estimate that it will take insured producers, a loss adjuster, and an insurance agent an average of .6 of an hour to provide the information required by the forage provisions.

Respondents: Insureds, insurance agents, and loss adjusters.

Estimated annual number of respondents: 9,276.

Estimated annual number of responses per respondent: 2.1.

Estimated annual number of responses: 19,250.

Estimated total annual burden of respondents: The total public burden for this proposed rule is estimated at 5,941 hours.

Recordkeeping requirements: FCIC requires records to be kept for three years, and all records required by FCIC are retained as part of the normal business practice. Therefore, FCIC is not estimating additional burden related to recordkeeping.

Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) 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. Therefore, this rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Executive Order 12612

It has been determined under section 6(a) of the Executive Order 12612, Federalism, that this rule does not have sufficient 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, every 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. 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. 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 requires 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 proposed 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 against FCIC for judicial review 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 amending 7 CFR 457.117 Forage Production Crop Insurance Provisions effective for the 2001 and succeeding crop years. The changes to the provisions for insuring forage production are as follows:

1. Add definitions for ''direct-marketing'' and ''windrow'' for clarification. Revise the definition of ''cutting'' to eliminate reference to livestock feed. This change allows forage production coverage on forage grown for any use. For example, in some areas of the country, forage processing plants will process the leaves for high value animal feed and use the stems as fuel to generate electricity. Revise the definition of ''crop year'' for simplification. Delete the definitions for fall planted and spring planted as unnecessary because forage is insurable after the year of establishment not after planting and is designated by the calendar year is which the forage is normally harvested.

2. Remove provisions which state that optional units are not applicable and redesignated the following sections. This change will allow optional units in accordance with the provisions in the Basic Provisions. This change is being made to increase participation in the insurance program.

3. Redesignated section 4—Revise the cancellation and termination dates from September 30 to October 31 in California, Nevada, and Utah. This change was made to be consistent with actuarial filing and contract change dates that are similar to other crop policies in the region.

4. Redesignated section 5—Require the insured to report all forage acreage on or before each date specified in the Special Provisions. Currently, insureds with multiple crops can report forage production acreage on the last acreage reporting date in accordance with 6(a) of the Basic Provisions. In some cases, this is after the billing date for forage production insurance coverage.

5. Redesignated section 6—Deleted the provisions that required that forage crop be grown for livestock feed only. Currently, only forage grown for livestock feed is insurable but there are other commercial uses for forage.

6. Redesignated section 7—Revise the dates insurance attaches and ends because the Forage Production Winter Coverage Endorsement is eliminated and winterkill is now allowed as an insurable cause of loss. Extended dates in California counties except for Lassen, Modoc, Mono, Shasta, and Siskiyou to allow year round coverage. Forage is planted year round in these California counties, and the current policy does not reflect standard farming practices in these areas.

7. Redesignated section 8(b)—Clarify that insurance is not available for damage or loss of production that occurs after the removal from windrow.

8. Redesignated section 9—Added provisions that require the producer to give notification if the crop is going to be direct marketed so production to count can be established. These notices are consistent with other crop policies that permit direct marketing.

9. Redesignated section 10—Revise provisions to include optional unit procedures in the event of a loss. These

changes are consistent with other crop policies that allow optional units. Added examples of settlement of claim to section (b).

10. FCIC also proposes to eliminate the Forage Production Winter Coverage Endorsement (7 CFR 457.127) effective for the 2001 and succeeding crop years. Winterkill will be an insurable cause of loss under the proposed Forage Production Crop Insurance Provisions.

FCIC also proposes to amend the Common Crop Insurance Regulations (7 CFR part 457) by amending 7 CFR 457.151 Forage Seeding Crop Insurance Provisions effective for the 2001 and succeeding crop years. The changes to provisions for insuring forage seeding are as follows:

1. Section 1—Revise the definition of ''harvest'' to eliminate the reference ''with the intention of using it for livestock feed.'' This change allows forage seeding coverage on forage seeded for any use. For example, in some areas of the country, forage processing plants will process the leaves for high value animal feed and use the stems as fuel to generate electricity.

2. Section 5—Add cancellation and termination dates for California and South Dakota in response to producer requests to make insurance available in these states. Currently, forage seeding insurance is not offered in these states.

3. Add a new section 6 to require the insured to report all insurable forage seeding acreage on or before each date specified in the Special Provisions and redesignated the following sections. Currently, insureds with multiple crops can report forage seeding acreage on the last acreage reporting date, which, in some cases, is after the spring billing date for forage seeding.

4. Redesignated section 7(b)—Delete the reference to ''intended for harvest as livestock feed.'' Currently, only forage that was intended for harvest as livestock feed was insurable but there are other commercial uses for forage. This change makes coverage available for forage regardless of its intended use.

5. Redesignated section 8—In California, unless otherwise specified in the Special Provisions, add provisions to specify any acreage damaged anytime during the crop year to the extent that acreage has less than 75 percent of a normal stand must be replanted unless it cannot be replanted and reach a normal stand within the insurance period. Forage is planted year round and replanting provisions as stated in the current policy do not reflect standard farming practices. Therefore, any acreage damaged anytime must be replanted to the extent it has less than 75 percent of a normal stand, unless it can not be replanted and reaching a normal stand within the insurance period.

6. Redesignated section 11(a)—For California, unless otherwise specified in the Special Provisions, add provisions to allow a replanting payment on acreage planted to the insured crop that is damaged by an insurable cause of loss occurring within the insurance period to the extent that less than 75 percent of a normal stand remains. This change makes replanting payments available anytime during the insurance period due to year round planting. Currently, a replanting payment is allowed only if the Special Provisions for the county designate both fall and spring final planting dates.

7. Redesignated section 11(b)—Change the words ''liability'' to ''indemnity.'' This change is consistent with other crop policies. Added provisions to allow a different calculation for replanting payments if specified in the Special Provisions. This change will allow FCIC to address higher costs of forage seed and replanting expenses in certain areas of the country.

8. Redesignated section 13—Add an example of a claim for indemnity. Removed as unnecessary from paragraph (a)(3) the addition of 10 percent of the planted acres for the insured acreage to the total acres with an established stand.

List of Subjects in 7 CFR part 457

Crop insurance, Forage production, Forage seeding, Reporting and recordkeeping requirements.

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

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

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

2. Amend § 457.117 as follows:

a. Revise the heading.

b. Revise the introductory text.

c. Delete the definitions in Section 1 of ''Fall planted'' and ''Spring planted,'' add definitions of ''Direct marketing'' and ''Windrow,'' revise the definitions of ''Cutting'' and ''Crop year'' to read as follows.

d. Delete Section 2 and redesignate sections 3 through 12 as 2 through 11.

e. Revise newly designated Section 4.

f. Revise newly designated Section 5.

g. Revise paragraph (a) of newly designated section 6.

h. Revise newly designated Section 7 introductory text, paragraph (a), paragraph (b) introductory text, and paragraph (b)(6).

i. Revise newly designated Section 8 paragraph (b).

j. Revise newly designated Section 9.

k. Revise newly designated Section 10 paragraph (a) and add ''Example 1'' and ''Example 2'' following paragraph (b)(7).

The revisions and additions to section 457.117 read as follows:

§ 457.117 Forage production crop insurance provisions.

The Forage Production Crop Insurance Provisions for the 2001 and succeeding crop years are as follows:

* * * * *

1. *Definitions.*

* * * * *

Crop year—The period within which the forage production is normally grown, which is designated by the calendar year in which the forage is normally harvested.

Cutting—The severance of the forage plant from its roots.

Direct marketing—Sale of the forage crop directly to consumers without the intervention of an intermediary such as a wholesaler, shipper, buyer, or broker. An example of direct marketing is selling directly to other producers.

* * * * *

Windrow—Forage that is cut and placed in a row.

* * * * *

4. *Cancellation and Termination Dates.*

In accordance with section 2 of the Basic Provisions, the cancellation and termination dates are:

State and county	Cancellation/ termination date
California, Nevada and Utah	October 31.
All other states	September 30.

5. *Report of Acreage.*

In lieu of the provisions of section 6(a) of the Basic Provisions, a report of all insured acreage of forage production must be submitted on or before each forage production acreage reporting date specified in the Special Provisions.

6. *Insured Crop.*

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

(1) In which you have a share; and

(2) That is grown during one or more years after the year of establishment.

* * * * *

7. *Insurance Period.*

In lieu of the provisions of section 11 of the Basic Provisions:

(a) Insurance attaches on acreage with an adequate stand for the calendar year following the year of establishment for:

(1) All California counties except Lassen, Modoc, Mono, Shasta and Siskiyou ....December 1;
(2) Lassen, Modoc, Mono, Shasta and Siskiyou Counties California, Colorado, Idaho, Nebraska, Nevada, Oregon, Utah and Washington ....April 15;
(3) Iowa, Minnesota, Montana, New Hampshire, New York, North Dakota, Pennsylvania, Wisconsin, Wyoming, and all other states ....May 22;
(4) Lassen, Modoc, Mono, Shasta and Siskiyou Counties California, and all other states ....October 16;
(5) All California counties except Lassen. Modoc, Mono, Shasta and Siskiyou..............................December 1.

(b) Insurance ends at the earliest of:

* * * * *

(6) The following dates of the crop year:

(i) California counties of Lassen, Modoc, Mono, Shasta and Siskiyou, and all other states ....October 15;
(ii) The last day of the 12th month after the insured crop initially planted in all California counties except Lassen, Modoc, Mono, Shasta and Siskiyou.

* * * * *

8. *Causes of Loss.*

* * * * *

(b) In addition to the causes of loss specifically excluded in section 12 of the Basic Provisions, we will not insure against damage of loss of production that occurs after removal from the windrow.

9. *Duties in the event of Damage or Loss.*

In addition to the requirements of section 14 of the Basic Provisions, the following will apply:

(a) You must notify us within 3 days of the date harvest should have started if the insured crop will not be harvested;

(b) You must notify us at least 15 days before any production from any unit will be sold by direct marketing unless you have records verifying that the forage was direct marketed. Failure to give timely notice that production will be sold by direct marketing will result in an appraised amount of production to count of not less than the production guarantee per acre if such failure results in our inability to make the required appraisal;

(c) If you intend to claim an indemnity on any unit, you must notify us at least 15 days prior to the beginning of harvest if you previously gave notice in accordance with section 14 of the Basic Provisions so that we may inspect the damaged production. You must not destroy the damaged crop until after we have given you written consent to do so. If you fail to meet the requirements of this section, and such failure results in our inability to inspect the damaged production, all such production will be considered undamaged and will be included as production to count; and

(d) You must notify us at least 5 days before grazing of insured forage begins so we can conduct an appraisal to determine production to count. Failure to give timely notice that the acreage will be grazed will result in an appraised amount of production to count of not less than the production guarantee per acre.

10. *Settlement of Claim.*

(a) We will determine your loss on a unit basis. In the event you are unable to provide separate acceptable production records:

(1) For any optional units, we will combine all optional units for which such production records were not provided; or

(2) For any basic units, we will allocate any commingled production to such units in proportion to our liability on the harvested acreage for the units.

(b) * * *

(7) * * *

Example 1:

Assume you have a 100 percent share in 100 acres of type A forage in the unit, with a guarantee of 3.0 tons per acre and a price election of $65.00 per ton. Due to adverse weather you were only able to harvest 50.0 tons. Your indemnity would be calculated as follows:

1. 100 acres type A × 3 tons = 300 ton guarantee;
2 and 3. 300 tons × $65 price election = $19,500 total value guarantee;
4 and 5. 50 tons production to count × $65 price election = $3,250 total value of production to count;
6. $19,500 value guarantee − $3,250 = $16,250 loss; and
7. $16,250 × 100 percent share = $16,250 indemnity payment.

Example 2:

Assume you also have a 100 percent share in 100 acres of type B forage in the same unit, with a guarantee of 1.0 ton per acre and a price election of $50.00 per ton. Due to adverse weather you were only able to harvest 5.0 tons. Your total indemnity for forage production for both types A and B in the same unit would be calculated as follows:

1. 100 acres × 3 tons = 300 ton guarantee for type A; and
100 acres × 1 ton = 100 ton guarantee for type B;
2. 300 ton guarantee × $65 price election = $19,500 total value of the guarantee for type A; and
100 ton guarantee × $50 price election = $5,000 total value of the guarantee for type B;
3. $19,500 + $5,000 = $24,500 total value of the guarantee;
4. 50 tons × $65 price election = $3,250 total value of production to count for type A; and
5 tons × $50 price election = $250 total value of production to count for type B;
5. $3,250 + $250 = $3,500 total value of production to count for types A and B;
6. $24,500 − $3,500 = $21,000 loss; and
7. $21,000 loss × 100 percent share = $21,000 indemnity payment.

* * * * *

§ 457.127 [Removed]

3. Section 457.127 is removed and reserved.

4. Amend 457.151 as follows:

a. Revise the introductory text.

b. Revise the definition in Section 1 of ‘‘harvest’’.

c. Revise Section 5.

d. Redesignate section 6 through 13 as 7 through 14.

e. Add a new Section 6 Report of Acreage.

f. Revise newly redesignated Section 7 paragraph (b).

g. Revise newly redesignated Section 8.

h. Revise newly designated Section 11 introductory text, paragraph (a), and paragraph (b).

i. Revise newly designated Section 13 paragraph (a)(3) and add an example following paragraph (a)(6).

The revisions and additions to section 457.151 read as follows:

§ 457.151 Forage seeding crop insurance provisions.

The Forage Seeding Crop Insurance Provisions for the 2001 and succeeding crop years are as follows:

* * * * *

1. *Definitions.*

* * * * *

Harvest—Severance of the forage plant from its roots. However, acreage that is grazed will not be considered harvested.

* * * * *

5. *Cancellation and Termination Dates.*

In accordance with section 2 of the Basic Provisions, the cancellation and termination dates are:

State & county	Cancellation/termination dates
California, Nevada, New Hampshire, New York, Pennsylvania and Vermont.	July 31;
Montana, Minnesota, North Dakota, South Dakota and Wyoming.	March 15.

6. *Report of Acreage.*

In lieu of the provisions of section 6(a) of the Basic Provisions, a report of all insured acreage of forage seeding must be submitted on or before each forage seeding acreage report date specified in the Special Provisions.

7. *Insured Crop.*

* * * * *

(b) That is planted during the current crop year, or replanted during the calendar year following planting, to establish a normal stand of forage;

* * * * *

8. *Insurable Acreage.*

In addition to the provisions of section 9 of the Basic Provisions:

(a) In California counties Lassen, Modoc, Mono, Shasta, Siskiyou and all other states, any acreage of the insured crop damaged before the final planting date, to the extent that such acreage has less than 75 percent of a normal stand, must be replanted unless we agree that it is not practical to replant; and

(b) In California, unless otherwise specified in the Special Provisions, any acreage of the insured crop damaged anytime during the crop year to the extent that such acreage has less than 75 percent of a normal stand must be replanted unless it cannot be replanted and reach a normal stand within the insurance period.

* * * * *

11. *Replanting Payment.*

In lieu of the provisions contained in section 13 of the Basic Provisions:

(a) A replanting payment is allowed if:

(1) In California, unless specified otherwise in the Special Provisions, acreage planted to the insured crop is damaged by an insurable cause of loss occurring within the insurance period to the extent that less than 75 percent of a normal stand remains and the crop can reach maturity before the end of the insurance period;

(2) In Lassen, Modoc, Mono, Shasta, Siskiyou Counties California, and all other states:

(i) A replanting payment is allowed only whenever the Special Provisions designate both fall and spring final planting dates;

(ii) 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;

(iii) It is practical to replant;

(iv) We give written consent to replant; and

(v) Such acreage is replanted the following spring by the spring planting date.

(b) The amount of the replanting payment will be equal to 50 percent of the amount of indemnity determined in accordance with section 13 unless otherwise specified in the Special Provisions.

* * * * *

13. *Settlement of Claim.*

(a) * * *

(1) * * *

(2) * * *

(3) Multiplying the total acres with an established stand for the insured acreage of each type and practice in the unit by the amount of insurance for the applicable type and practice;

(4) * * *

(5) * * *

(6) * * *

Example:

Assume you have 100 percent share in 30 acres of type A forage in the unit, with an amount of insurance of $100.00 per acre. At the time of loss, the following findings are established: 10 acres had a remaining stand of 75 percent or greater. You also have 20 acres of type B forage in the unit, with an amount of insurance of $90.00 per acre. 10 acres had with a remaining stand of 75 percent or greater. Your indemnity would be calculated as follows:

1. 30 acres × $100.00 = $3,000 amount of insurance for type A

20 acres × $90.00 = $1,800 amount of insurance for type B;

2. $3,000 + $1,800 = $4,800 total amount of insurance;

3. 10 acres with 75% stand or greater x $100 = $1,000 production to count for type A

10 acres with 75% stand or greater × $90 = $900 production to count for type B;

4. $1,000 + $900 = $1,900 total production to count;

5. $4,800 − $1,900 = $2,900 loss;

6. $2,900 × 100 percent share = $2,900 indemnity payment.

* * * * *

Signed in Washington, D.C., on August 11, 1999.

Kenneth D. Ackerman,

Manager, Federal Crop Insurance Corporation.

[FR Doc. 99–21991 Filed 8–25–99; 8:45 am]

BILLING CODE 3410–08–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 905

[Docket No. FV99–905–3 PR]

Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Limiting the Volume of Small Red Seedless Grapefruit

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule invites comments on limiting the volume of small red seedless grapefruit entering the fresh market 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 limit the volume of size 48 and/or size 56 red seedless grapefruit handlers could ship during the first 11 weeks of the 1999–2000 season beginning in September. This rule would establish the base percentage for these small sizes at 25 percent for the 11 week period. This proposal would provide a sufficient supply of small sized red seedless grapefruit to meet market demand, without saturating all markets with these small sizes. This rule would help stabilize the market and improve grower returns.

DATES: Comments must be received by September 10, 1999.

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) 720–5698 or E-mail: moab.docketclerk@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, Southeast Marketing Field Office, 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 2522–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 690–3919, Fax: (202) 720–5698.