

* Rates shown as a percent of Federal income tax liability must be converted to a percent of income as provided in § 302-11.8(e)(2)(iii).
 * The income tax rate for Vermont (for other than single status) is 31 percent of Federal income tax liability for employees whose earned income amounts are between \$20,000-\$24,999; for all other employees the rate is 34 percent of Federal income tax liability.

APPENDIX C TO PART 302-11—FEDERAL TAX TABLES FOR RIT ALLOWANCE—YEAR 2

FEDERAL MARGINAL TAX RATES BY EARNED INCOME LEVEL AND FILING STATUS—TAX YEAR 1992

The following table is to be used to determine the Federal marginal tax rate for Year 2 for computation of the RIT allowance as prescribed in § 302-11.8(e)(1). This table is to be used for employees whose Year 1 occurred during calendar years 1985, 1986, 1987, 1988, 1989, 1990, or 1991.

Marginal tax rate (percent)	Single taxpayer		Heads of household		Married filing jointly/ qualifying widows and widowers		Married filing separately	
	Over	But not over	Over	But not over	Over	But not over	Over	But not over
15	\$6,190	\$27,963	\$10,864	\$38,611	\$14,316	\$50,219	\$7,819	\$25,629
28	27,963	58,786	38,611	83,158	50,219	101,123	25,629	50,939
31	58,786		83,158		101,123		50,939	

Dated: December 27, 1991.

Richard G. Austin,

Administrator of General Services.

[FR Doc. 92-644 Filed 1-9-92; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

45 CFR Part 400

Refugee Resettlement Program:
Refugee Cash Assistance and Refugee
Medical Assistance

AGENCY: Administration for Children and Families (ACF), HHS. Office of Refugee Resettlement.

ACTION: Final rule.

SUMMARY: This rule establishes a duration of 8 months for the special programs of refugee cash assistance and refugee medical assistance in Federal FY 1992.

EFFECTIVE DATE: January 10, 1992.

ADDRESSES: Office of Refugee Resettlement, Administration for Children and Families, Department of Health and Human Services, 370 L'Enfant Promenade, SW., Washington, DC 20447.

FOR FURTHER INFORMATION CONTACT: Toyo A. Biddle, (202) 401-9253.

SUPPLEMENTARY INFORMATION:

This final rule codifies instructions previously provided to the States to reduce the duration of the special programs of refugee cash assistance (RCA) and refugee medical assistance

(RMA) from a refugee's first 12 months in the United States to a refugee's first 8 months in the United States in Federal fiscal year 1992. The instructions to States were transmitted by letter of September 11, 1991. This rule is applicable to both current and newly arriving refugees.

The reduction is necessitated by the limited funds appropriated for this purpose for Federal FY 1992 (October 1, 1991—September 30, 1992). Refugee Assistance under Section 412 of the Immigration and Nationality Act is expressly limited by the extent of available appropriations. 8 U.S.C. 1522(a)(1)(A); 45 CFR 400.202.

This regulation is issued in response to an order by the United States District Court, Western District of Washington at Seattle, that this change should have been effected by regulation. The court indicated that emergency procedures under the Administrative Procedure Act may be employed under the good cause exception, 5 U.S.C. 553(b). *Nhan Van Nguyen, et al. v. Louis Sullivan, et al.*, No. C91-1587WD, (W.D. Wash., November 27, 1991).

The decision to reduce the period of time-eligibility for RCA and RMA is based on the Department's analysis of the anticipated assistance needs in FY 1992 of refugees who entered the United States during the latter part of FY 1991 and those who will be admitted during FY 1992 under the admissions ceiling of 132,000 publicly funded refugees established by the President.

(Memorandum from the President to the United States Coordinator for Refugee Affairs, Determination of FY 1992 Refugee Admissions Numbers and Authorization of In-Country Refugee

Status Pursuant to sections 207 and 101(a)(42), respectively, of the Immigration and Nationality Act, Presidential Determination No. 92-2, October 9, 1991.)

This analysis showed that the fixed appropriation of \$234,216,000 for FY 1992 would be insufficient to provide funding for a period longer than a refugee's first 8 months in the U.S., beginning December 1, 1991, and still ensure a sustainable level of assistance to all eligible refugees throughout the remainder of FY 1992. The analysis showed that if a time-eligibility period of 12 months were retained, then the available funds would be exhausted before the end of the fiscal year and no RCA or RMA would be available either to newly arriving refugees or to refugees already in the U.S. Refugee admissions in FY 1992 will increase by approximately 18%, while the program must operate at approximately the prior-year appropriations level.

Consistent with the preceding actions, 45 CFR 400.2, 400.60(b), 400.100(b), 400.203(b), 400.204(b), and 400.209(b) are being amended to reduce the duration of RCA and RMA from a refugee's first 12 months in the U.S. to a refugee's first 8 months in the U.S.

Justification for Dispensing With Notice of Proposed Rulemaking

A period for public comment is not being provided because it would be impracticable, unnecessary, or not in the public interest for the following reasons:

Under the current statute and regulations, the duration of benefits is a function of the level of appropriations. The resulting computation is a matter which public comment would not

significantly aid. Congressional funding limitations effectively establish the eligibility period, rendering notice of proposed rulemaking and comment procedures unnecessary. Although consideration of alternatives which would not be mathematically generated may be assisted by public input, there is insufficient time to consider other options without adversely impacting the public interest in avoiding the premature exhaustion of funds and having a finite account equitably distributed throughout the fiscal year.

Because there is a continuing flow of refugees into the United States and because continuing costs for RCA and RMA are being incurred by the States, any delays in applying a reduced period of time-eligibility would result in the need for ever-greater reductions in the RCA and RMA programs in order to avoid their abrupt and complete termination and the absence of such assistance to both current and newly arriving refugees.

Accordingly, the agency finds good cause for issuance of an immediately effective final rule.

Regulatory Procedures

Regulatory Impact Analysis

Under Executive Order 12291, we must judge whether a regulation is "major" and therefore subject to the requirements of a Regulatory Impact Analysis. This regulation does not meet the definition of a "major" regulation because it does not have a \$100 million annual impact.

Regulatory Flexibility Act

Pursuant to the provisions of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Secretary certifies that this rule will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

This rule does not contain collection-of-information requirements.

Statutory Authority

Section 412(a)(9) of the Immigration and Nationality Act, 8 U.S.C. 1522(a)(9), authorizes the Secretary of HHS to issue regulations needed to carry out the program.

[Catalogue of Federal Domestic Programs: 93.026, Refugee and Entrant Assistance—State-Administered Programs]

List of Subjects in 45 CFR Part 400

Grant programs—Social programs, Health care, Public assistance programs, Refugees, Reporting and recordkeeping requirements.

Dated: December 10, 1991.

Jo Anne B. Barnhart,
Assistant Secretary for Children and Families.

Approved: December 30, 1991.

Louis W. Sullivan,
Secretary, Department of Health and Human Services.

For the reasons set forth in the preamble, 45 CFR Chapter IV is amended as follows:

O. The heading for chapter IV of 45 CFR is revised to read as follows:

CHAPTER IV—OFFICE OF REFUGEE RESETTLEMENT, ADMINISTRATION FOR CHILDREN AND FAMILIES DEPARTMENT OF HEALTH AND HUMAN SERVICES

PART 400—REFUGEE RESETTLEMENT PROGRAM

1. The authority citation for part 400 continues to read as follows:

Authority: Section 412(a)(9), Immigration and Nationality Act (8 U.S.C. 1522(a)(9)).

§ 400.2 [Amended]

2. Section 400.2 is amended by revising the definitions of "Refugee cash assistance" and "Refugee medical assistance" by inserting after the words "12-month period" the following phrase: "(except during Federal FY 1992, less than an 8-month period)".

§§ 400.60(b) and 400.100(b) [Amended]

3. Sections 400.60(b) and 400.100(b) are amended by removing the words "18-month period" and by inserting in their place the following phrase: "12-month period (except during Federal FY 1992, 8-month period)".

§§ 400.203(b) and 400.204(b) [Amended]

4. Sections 400.203(b) and 400.204(b) are amended by inserting after the words "12-month period" the following phrase: "(except during Federal FY 1992, 8-month period)".

§ 400.209(b) [Amended]

5. Section 400.209(b) is amended by inserting after the words "12 months" the following phrase: "(except during Federal FY 1992, 8 months)".

[FR Doc. 92-797 Filed 1-9-92; 8:45 am]

BILLING CODE 4150-04-M

Proposed Rules

Federal Register

Vol. 57, No. 7

Friday, January 10, 1992

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 401

[Amendment No. 46; Doc. No. 0280S]

General Crop Insurance Regulations; Corn, Grain Sorghum, and Soybean Endorsements

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) proposes to amend the General Crop Insurance Regulations (7 CFR part 401), effective for the 1993 and succeeding crop years, by adding Late Planting and Prevented Planting provisions to the Corn Endorsement (§ 401.111), Grain Sorghum Endorsement (§ 401.113) and the Soybean Endorsement (§ 401.117). The intended effect of this rule is to replace the current optional coverages for late and prevented planting with more effective provisions that are an integral part of the basic coverage.

This provision will be made available, as an option, for the 1992 crop year if the process is completed timely. The insured will be notified of the premiums required for this expanded coverage.

DATES: Written comments, data, and opinions on this proposed rule must be submitted not later than January 27, 1992, to be sure of consideration.

ADDRESSES: Send comments to: Peter Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington DC 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, DC 20250, telephone (703) 235-1168.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established by Departmental Regulation 1512-1. This action constitutes a review as to the need,

currency, clarity, and effectiveness of the Corn, Grain Sorghum, and Soybean Endorsement regulations affected by this rule under those procedures. The sunset review date established for Corn is April 1, 1996; Soybeans, October 1, 1996; and Grain Sorghum, July 1, 1996.

James E. Cason, Manager, FCIC, (1) has determined that this action is not a major rule as defined by Executive Order 12291 because it will not result in: (a) An annual effect on the economy of \$100 million or more; (b) major increases in costs or prices for consumers, individual industries, federal, State, or local governments, or a geographical region; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets; and (2) certifies that this action will not increase the federal paperwork burden for individuals, small businesses, and other persons and will not have a significant economic impact on a substantial number of small entities.

This action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Flexibility Analysis was prepared.

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

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.

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

FCIC proposes to amend the General Crop Insurance Regulations (7 CFR part 401) by adding Late Planting and Prevented Planting provisions to the Corn Endorsement (§ 401.111), Grain Sorghum Endorsement (§ 401.113), and the Soybean Endorsement (§ 401.117). The intended effect of this rule is to replace the current optional coverages for late and prevented planting with more effective provisions that are an integral part of the basic coverage.

The current optional coverage for late and prevented planting have been found to lack the desired degree of effectiveness due to both coverage deficiencies and the volume of paperwork required. The additional paperwork required includes the prevented planting application and acreage report, and an option form for late planting coverage. Adding to the administrative burden of the current coverages is tracking of the deadline dates for submission of these forms.

Therefore, to improve the coverage provided for late and prevented planting, an analysis of the weaknesses of the current program and concepts on which new policy provisions could be based, was prepared. The concepts developed are as follows:

1. The provisions of late and prevented planting coverage will be incorporated in the applicable crop policies. They will not be a separate option (except for 1992).

2. The late planting period begins the day after the final planting date and extends for 25 days thereafter. A late planting guarantee reduction will apply to the rate of 1% per day for days 1 through 10 and 2% per day for days 11 through 25.

3. Coverage for prevented planting will be for the peril of excess moisture. In cases of drought, the insured and/or company may petition FCIC to permit land to be covered by the prevented planting provisions. FCIC may elect to permit insureds to bypass planting where successful production appears improbable and still remain qualified for a prevented planting payment. Irrigated acreage will not be eligible for a prevented planting payment due to drought.

4. For the 1992 crop year (if the process is completed in a timely manner) and the 1993 and crop years, coverage for late and prevented planting will be added to the provisions of the corn, grain sorghum, and soybean policies. The 1993 crop year will serve as an evaluation period. Other crops may be considered for the 1994 crop year.

5. The liability for prevented planting will be 50% of the guarantee for timely planted acreage and applies to acreage not planted within 25 days after the latest final planting date. The current prevented planting endorsement provides for liability for 35% of the

guarantee. The increase to 50% will provide additional protection to farmers; however, it will also increase premium requirements.

6. If the unit is planted within 25 days after the latest final planting date, with any non-conserving crop maturing in the same calendar year, a prevented planting payment will not be made.

7. When the insured crop is planted more than 25 days after the final planting date for the insured crop, but not later than 55 days after the latest final planting date, the salvage value of any production will be production to count against the prevented planting guarantee. When a substitute crop is planted between 25 and 55 days after the latest final planting date, the salvage value of the substitute crop will be production to count. The amount of production to count will be the result of dividing the dollar amount received for the crop by the highest price election available for the insured crop.

8. If the insured is prevented from planting the insured crop and a substitute crop is not planted within 55 days after the latest final planting date for the current crop year, a prevented planting payment will be made.

9. When the insured is prevented from planting the insured crop by the final planting date, the insured may choose to:

(1) Plant the insured crop after the planting date and have coverage under the late planting or prevented planting provisions;

(2) Plant a substitute crop (no coverage is provided for the substitute crop unless it is insured under a separate crop endorsement to your policy); or

(3) Leave the acreage unplanted and receive a prevented planting payment.

10. For corn and grain sorghum, the maximum acreage eligible for prevented planting coverage will be equal to the greater of the previous years planted acreage or the Agricultural Stabilization and Conservation Service (ASCS) base acreage applicable to the farm less any acreage reduction necessary to comply with the current year ASCS price support program. The maximum eligible acreage for soybeans will be 100 percent of the soybean acreage planted the previous year.

11. To be eligible for a prevented planting indemnity, the acreage that was prevented from being planted must exceed the lesser of 20 acres or 20 percent of the unit.

12. Prevented planting coverage will not be provided for:

(1) High risk land unless we agree in writing;

(2) Land used for acreage conservation (ASCS's Acreage Reduction Program (ARP)); or

(3) Land where any crop has been harvested in the same calendar year.

13. Land entered into any program administered by the United States Department of Agriculture that provides a payment for not planting the acreage, eg. the 0/92 or Conservation Reserve programs, will not be eligible for prevented planting coverage.

14. When the insured is prevented from planting or is prevented from planting timely and plants a crop subject to salvage provisions, the per acre premium for the acreage will be the same as for timely planted acreage. When the farmer paid premium for late or prevented planting exceeds the liability, coverage will not be provided.

15. The insured may decline late and prevented planting coverage if written notification is provided to the agent by the sales closing date.

16. This coverage will require an appropriate premium charge commensurate with the risks assumed. For 1992, a premium charge will be quoted for the option which may be accepted or rejected by the insured. For 1993, the provision would be incorporated in the policy. The insured would have the option of removing the coverage, in writing, with a pre-determined reduction in premium considered appropriate for the reduced risk to the insurer.

FCIC is soliciting written comments on this rule for 15 days following publication in the *Federal Register*.

Written comments should be sent to Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, DC 20250.

Written comments received pursuant to this rule will be available for public inspection and copying in the Office of the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, DC 20250, during regular business hours, Monday through Friday.

List of Subjects in 7 CFR Part 401

Crop insurance; Corn, Grain sorghum, and Soybeans.

Proposed Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby proposes to amend the General Crop Insurance Regulations (7 CFR part 401), effective for the 1993 and succeeding crop years, in the following instances:

PART 401—[AMENDED]

1. The authority citation for 7 CFR part 401 continues to read as follows:

Authority: 7 U.S.C. 1506, 1516.

2. 7 CFR § 401.111 is amended by revising and reissuing paragraph 10 and adding new paragraphs 11 and 12, to read as follows:

§ 401.111 Corn endorsement.

* * * * *

10. Meaning of Terms

a. *Days*—means calendar days.

b. *Drought*—means a lack of precipitation which is general in the county; occurs prior to and during the planting period; and makes production of a crop improbable.

c. *Final planting date*—means the date contained in the actuarial table by which the insured crop must initially be planted in order to be insured for the full production guarantee.

d. *Harvest*—(of corn on the unit) means completion of combining or picking the corn for grain or the chopping of corn for silage as applicable.

e. *High risk land*—means land on which crop damage occurs more frequently than is normal in the county and may be characterized by frequent flooding, excess moisture, or soil types that may be highly drought prone. This land is not classified in an "R" classification on the actuarial table.

f. *Irrigated practice*—means applying adequate water at the proper time to produce at least the yield used to establish the guarantee on the irrigated corn.

g. *Latest final planting date*—means the latest final planting date, as established by the actuarial table, for any insurable crop in the county to be planted for harvest in the same crop year as the prevented planting crop, except tobacco, fresh market sweet corn, fresh market peppers, and fresh market tomatoes.

h. *Non-conserving crop*—means any crop planted for harvest as food, feed, or fiber.

i. *Replanting*—means performing the cultural practice necessary to place the corn seed in the insured acreage with the expectation of growing a normal crop.

j. *Section*—is a unit of measure under the rectangular survey system describing a tract of land generally one mile square, usually containing approximately 640 acres.

k. *Silage*—means corn harvested by severing the stalk from the land and chopping the stalk and the ear for the purpose of livestock feed.

11. Late Planting

a. When you elect to plant corn after the final planting date, your production guarantee will be reduced by:

(1) One percent (1%) for each of the first ten days after the final planting date; and

(2) Two percent (2%) each day for the eleventh through the twenty-fifth day after the final planting date.

Corn planted later than the twenty-fifth day after the final planting date will be subject to section 12 which contains

provisions for coverage for acreage you are prevented from planting.

b. Subsection 2.e.(4) of the General Crop Insurance Policy will not apply to corn.

c. When the farmer paid premium (gross premium less our subsidy) for late planted acreage exceeds our liability on the acreage, coverage will not be provided (no premium will be due and no indemnity will be paid).

d. You are automatically covered under the late and prevented planting provisions of this policy. However, you may decline these coverages if you notify us, in writing, by the sales closing date. If you decline the coverage for any crop year and determine that you wish coverage in subsequent crop years, you must notify us, in writing, by the sales closing date to reinstate these coverages for any succeeding crop year.

12. Prevented Planting

a. Coverage is provided only for acreage which you are unavoidably prevented from planting due to:

(1) Excess moisture; or
(2) Drought, if drought is general in the area and we agree in writing that drought will be an insurable cause of loss. Drought will not be considered an insurable cause of loss for the irrigated practice.

b. The acreage covered will be limited to the greater of the number of acres planted to corn for the previous crop year on the Agricultural Stabilization and Conservation Service (ASCS) farm serial number, or the ASCS base acreage for corn reduced by any acreage reduction applicable to the farm under any program administered by the United States Department of Agriculture. Acreage insurable for prevented planting must meet all applicable policy requirements for insurability. A minimum of 20 acres or 20 percent of the acres in the unit, whichever is smaller, must be prevented from being planted to be eligible for a prevented planting indemnity. If acreage intended for corn cannot be planted by the final planting date due to an insured prevented planting cause of loss, you may:

(1) Plant the insured crop after the final planting date and have coverage under the late planting or prevented planting provisions, whichever is applicable;

(2) Plant a substitute crop and have coverage under the prevented planting provisions. Coverage is not provided for prevented planting if the substitute crop is planted within 25 days after the latest planting date. (Insurance for any substitute crop is not provided unless insured under a separate endorsement to your policy); or

(3) Leave the acreage unplanted and receive a prevented planting indemnity under the terms of this endorsement.

c. Prevented planting coverage will not be provided for:

(1) High risk land unless we agree to provide prevented planting coverage, in writing, prior to the acreage reporting date for the insured crop;

(2) Land used for acreage conservation under any acreage reduction program administered by the United States Department of Agriculture;

(3) Land that is entered into any program administered by the United States Department of Agriculture that provides a payment for not planting the acreage (such as the Conservation Reserve Program); or

(4) Land where any crop has been harvested in the same calendar year.

d. You must report the number of acres eligible for prevented planting coverage no later than 60 days after the latest final planting date. This report will be your notice of loss for the purpose of prevented planting coverage. No more than 100 percent of the number of acres planted for corn production and irrigated during the previous crop year will be eligible for a prevented planting indemnity using an irrigated practice guarantee. Prevented planting for irrigated coverage will only be approved if the acreage prevented from planting is prepared for irrigation, and if sufficient irrigation equipment is available to carry out an irrigated practice on the acreage claimed prevented from planting.

e. When acreage that may qualify for a prevented planting indemnity is reported, the premium for the acreage will be the same as for timely planted acreage. If the farmer paid premium amount for this acreage exceeds the prevented planting liability, coverage will not be provided (no premium will be due and no indemnity will be paid).

f. The prevented planting indemnity will be calculated as follows:

(1) Multiply the number of acres eligible for a prevented planting indemnity by the production guarantee;

(2) Divide this result by two (2);

(3) Subtract the result obtained by dividing the value of any production from a substitute crop by the highest price election available for corn as contained in the actuarial table;

(4) Multiply this result by your price election; and

(5) Multiply this result by your share. (i.e.)

$$\frac{\text{acres} \times \text{guarantee}}{2} - \left(\frac{\text{salvage}}{\text{high price}} \right)$$

$\times$ your price election $\times$ share = indemnity

g. Acreage will be considered for a prevented planting indemnity only if the acreage is not planted:

(1) To corn within 25 days after the final planting date for corn; and

(2) To any crop other than corn, that normally matures in the same crop year, within 25 days after the latest final planting date.

h. When corn is planted 26, or more, days after the corn final planting date and 55, or fewer, days after the latest final planting date, or when any non-conserving crop normally maturing in the same calendar year is planted 26 or more and 55 or less days after the latest final planting date, any production on the acreage will be counted against the prevented planting guarantee as shown in subsection 12.f.(3), above. Such production will count against the prevented planting guarantee on a per acre basis (the production will not count against the

guarantee for acreage left unplanted). The value of the substitute crop will be the actual value received if the crop has been marketed, or the value which could be received if the crop has not been marketed. The value for such production will be established on the day we determine the loss.

i. If any crop is planted 56 or more days after the latest final planting date, there will be no value to count against the prevented planting amount of insurance.

3. 7 CFR 401.113 is amended by revising and reissuing paragraph 10 and adding new paragraphs 11 and 12, to read as follows:

§ 401.113 Grain sorghum endorsement.

10. Meaning of Terms

a. *Days*—means calendar days.

b. *Drought*—means a lack of precipitation which is general in the country; occurs prior to and during the planting period; and makes production of a crop improbable.

c. *Final planting date*—means the date contained in the actuarial table by which the insured crop must initially be planted in order to be insured for the full production guarantee.

d. *Harvest*—(of grain sorghum on the unit) means completion of combining or threshing of grain sorghum for grain or the chopping of grain sorghum for silage as applicable.

e. *High risk land*—means land on which crop damage occurs more frequently than is normal in the county and may be characterized by frequent flooding, excess moisture, or soil types that may be highly drought prone. This land is not classified in an "R" classification on the actuarial table.

f. *Irrigated practice*—means applying adequate water at the proper time to produce at least the yield used to establish the guarantee on the irrigated grain sorghum.

g. *Latest final planting date*—means the latest final planting date, as established by the actuarial table, for any insurable crop in the county to be planted for harvest in the same crop year as the prevented planting crop, except tobacco, fresh market sweet corn, fresh market peppers, and fresh market tomatoes.

h. *Non-conserving crop*—means any crop planted for harvest as food, feed, or fiber.

i. *Replanting*—means performing the cultural practice necessary to place the grain sorghum seed in the insured acreage with the expectation of growing a normal crop.

j. *Section*—is a unit of measure under the rectangular survey system describing a tract of land generally one mile square, usually containing approximately 640 acres.

k. *Silage*—means grain sorghum harvested by severing the stalk from the land and chopping the stalk for the purpose of livestock feed.

11. Late Planting

a. When you elect to plant grain sorghum after the final planting date, your production guarantee will be reduced by:

(1) One percent (1%) for each of the first ten days after the final planting date; and

(2) Two percent (2%) each day for the eleventh through the twenty-fifth day after the final planting date.

Grain sorghum planted later than the twenty-fifth day after the final planting date will be subject to section 12 which contains provisions for coverage for acreage you are prevented from planting.

b. Subsection 2.e.(4) of the General Crop Insurance Policy will not apply to grain sorghum.

c. When the farmer paid premium (gross premium less our subsidy) for late planted acreage exceeds our liability on the acreage, coverage will not be provided (no premium will be due and no indemnity will be paid).

d. You are automatically covered under the late and prevented planting provisions of this policy. However, you may decline these coverages if you notify us, in writing, by the sales closing date. If you decline these coverages for any crop year and determine that you wish coverage in subsequent crop years, you must notify us, in writing, by the sales closing date to reinstate these coverages for any succeeding crop year.

12. Prevented Planting

a. Coverage is provided only for acreage which you are unavoidably prevented from planting due to:

(1) Excess moisture; or
(2) Drought, if drought is general in the area and we agree in writing that drought will be an insurable cause of loss. Drought will not be considered an insurable cause of loss for the irrigated practice.

b. The acreage covered will be limited to the greater of the number of acres planted to grain sorghum for the previous crop year on the Agricultural Stabilization and Conservation Service (ASCS) farm serial number, or the ASCS base acreage for grain sorghum reduced by any acreage reduction applicable to the farm under any program administered by the United States Department of Agriculture.

Acreage insurable for prevented planting must meet all applicable policy requirements for insurability. A minimum of 20 acres or 20 percent of the acres in the unit, whichever is smaller, must be prevented from being planted to be eligible for a prevented planting indemnity. If acreage intended for grain sorghum cannot be planted by the final planting date, due to an insured prevented planting cause of loss, you may:

(1) Plant the insured crop after the final planting date and have coverage under the late planting or prevented planting provisions;

(2) Plant a substitute crop and have coverage under the prevented planting provisions. Coverage is not provided for prevented planting if the substitute crop is planted within 25 days after the latest planting date. (Insurance for any substitute crop is not provided unless insured under a separate endorsement to your policy); or

(3) Leave the acreage unplanted and receive a prevented planting indemnity under the terms of this endorsement.

c. Prevented planting coverage will not be provided for:

(1) High risk land unless we agree to prevented planting coverage, in writing, prior

to the acreage reporting date for the insured crop;

(2) Land used for acreage conservation under any acreage reduction program administered by the United States Department of Agriculture;

(3) Land that is entered into any program administered by the United States Department of Agriculture that provides a payment for not planting the acreage (such as the Conservation Reserve Program); or

(4) Land where any crop has been harvested in the same calendar year.

d. You must report the number of acres eligible for prevented planting coverage no later than 60 days after the latest final planting date. This report will be your notice of loss for the purpose of prevented planting coverage. No more than 100 percent of the number of acres planted for grain sorghum production and irrigated during the previous crop year will be eligible for a prevented planting indemnity using an irrigated practice. Prevented planting for irrigated coverage will only be approved if the acreage prevented from planting is prepared for irrigation, and if sufficient irrigation equipment is available to carry out an irrigated practice on the acreage claimed prevented from planting.

e. When acreage that may qualify for a prevented planting indemnity is reported, the premium for the acreage will be the same as for timely planted acreage. If the farmer paid premium amount for this acreage exceeds the prevented planting liability, coverage will not be provided (no premium will be due and no indemnity will be paid).

f. The prevented planting indemnity will be calculated as follows:

(1) Multiply the number of acres eligible for a prevented planting indemnity by the production guarantee;

(2) Divide this result by two (2);

(3) Subtract the result obtained by dividing the value of any production from a substitute crop by the highest price election available for grain sorghum as contained in the actuarial table;

(4) Multiplying this result by your price election; and

(5) Multiplying this result by your share. (i.e.)

$$\frac{\text{acres} \times \text{guarantee}}{2} - \left(\frac{\text{salvage}}{\text{high price}} \right)$$

$\times$ your price election $\times$ share = indemnity

g. Acreage will be considered for a prevented planting indemnity only if the acreage is not planted:

(1) To grain sorghum within 25 days after the final planting date for grain sorghum; and

(2) To any crop other than grain sorghum, that normally matures in the same crop year, within 25 days after the latest final planting date.

h. When grain sorghum is planted 26, or more, days after the grain sorghum final planting date and 55, or fewer, days after the latest final planting date, or when any non-conserving crop normally maturing in the same calendar year is planted 26 or more and 55 or less days after the latest final planting date, any production on the acreage will be

counted against the prevented planting guarantee as shown in subsection 12.f.(3), above. Such production will count against the prevented planting guarantee on a per acre basis (the production will not count against the guarantee for acreage left unplanted). The value of the substitute crop will be the actual value received if the crop has been marketed, or the value which could be received if the crop has not been marketed. The value for such production will be established on the day we determine the loss.

i. If any crop is planted 56 or more days after the latest final planting date, there will be no value to count against the prevented planting amount of insurance.

4. 7 CFR § 401.117 is amended by revising and reissuing paragraph 10 and adding new paragraphs 11 and 12, to read as follows:

§ 401.117 Soybean endorsement.

* * * * *

10. Meaning of Terms

a. *Days*—means calendar days.

b. *Drought*—means a lack of precipitation which is general in the county; occurs prior to and during the planting period; and makes production of a crop improbable.

c. *Final planting date*—means the date contained in the actuarial table by which the insured crop must initially be planted in order to be insured for the full production guarantee.

d. *Harvest*—(of soybeans on the unit) means completion of combining or threshing of soybeans on the unit.

e. *High risk land*—means land on which crop damage occurs more frequently than is normal in the county and may be characterized by frequent flooding, excess moisture, or soil types that may be highly drought prone. This land is not classified in an "R" classification on the actuarial table.

f. *Irrigated practice*—means applying adequate water at the proper time to produce at least the yield used to establish the guarantee on the irrigated soybeans.

g. *Latest final planting date*—means the latest final planting date, as established by the actuarial table, for any insurable crop in the county to be planted for harvest in the same crop year as the prevented planting crop, except tobacco, fresh market sweet corn, fresh market peppers, and fresh market tomatoes.

h. *Non-conserving crop*—means any crop planted for harvest as food, feed, or fiber.

i. *Replanting*—means performing the cultural practice necessary to place the soybean seed in the insured acreage with the expectation of growing a normal crop.

j. *Section*—is a unit of measure under the rectangular survey system describing a tract of land generally one mile square, usually containing approximately 640 acres.

11. Late Planting

a. When you elect to plant soybeans after the final planting date, your production guarantee will be reduced by:

(1) One percent (1%) for each of the first ten days after the final planting date; and

(2) Two percent (2%) each day for the eleventh through the twenty-fifth day after the final planting date.

Soybeans planted later than the twenty-fifth day after the final planting date will be subject to section 12 which contains provisions for coverage for acreage you are prevented from planting.

b. Subsection 2.e.(4) of the General Crop Insurance Policy will not apply to soybeans.

c. When the farmer paid premium (gross premium less our subsidy) for late planted acreage exceeds our liability on the acreage, coverage will not be provided (no premium will be due and no indemnity will be paid).

d. You are automatically covered under the late and prevented planting provisions of this policy. However, you may decline these coverages if you notify us, in writing, by the sales closing date. If you decline these coverages for any crop year and determine that you wish coverage in subsequent crop years, you must notify us, in writing, by the sales closing date to reinstate these coverages for any succeeding crop year.

12. Prevented Planting

a. Coverage is provided only for acreage which you are unavoidably prevented from planting due to:

(1) Excess moisture; or

(2) Drought, if drought is general in the area and we agree in writing that drought will be an insurable cause of loss. Drought will not be considered an insurable cause of loss for the irrigated practice.

b. The acreage covered will be limited to 100 percent of the number of acres planted to soybeans for the previous crop year on the Agricultural Stabilization and Conservation Service (ASCS) farm serial number. Acreage insurable for prevented planting must meet all applicable policy requirements for insurability.

A minimum of 20 acres or 20 percent of the acres in the unit, whichever is smaller, must be prevented from being planted to be eligible for a prevented planting indemnity. If acreage intended for soybeans cannot be planted by the final planting date, due to an insured prevented planting cause of loss, you may:

(1) Plant the insured crop after the final planting date and have coverage under the late planting or prevented planting provisions, whichever is applicable;

(2) Plant a substitute crop and have coverage under the prevented planting provisions. Coverage is not provided for prevented planting if the substitute crop is planted within 25 days after the latest planting date. (Insurance for any substitute crop is not provided unless insured under a separate endorsement to your policy); or

(3) Leave the acreage unplanted and receive a prevented planting indemnity under the terms of this endorsement.

c. Prevented planting coverage will not be provided for:

(1) High risk land unless we agree to prevented planting coverage, in writing, prior to the acreage reporting date for the insured crop;

(2) Land used for acreage conservation under any acreage reduction program administered by the United States Department of Agriculture;

(3) Land that is entered into any program administered by the United States Department of Agriculture that provides a payment for not planting the acreage (such as the Conservation Reserve Program); or

(4) Land where any crop has been harvested in the same calendar year.

d. You must report the number of acres eligible for prevented planting coverage no later than 60 days after the latest final planting date. This report will be considered as your notice of loss for the purpose of prevented planting coverage. No more than 100 percent of the number of acres planted for soybean production and irrigated during the previous crop year will be eligible for a prevented planting indemnity using an irrigated practice guarantee. Prevented planting for irrigated coverage will only be approved if the acreage prevented from planting is prepared for irrigation, and if sufficient irrigation equipment is available to carry out an irrigated practice on the acreage claimed prevented from planting.

e. When acreage that may qualify for a prevented planting indemnity is reported, the premium for the acreage will be the same as for timely planted acreage. If the farmer paid premium amount for this acreage exceeds the prevented planting liability, coverage will not be provided (No premium will be due and no indemnity will be paid).

f. The prevented planting indemnity will be calculated as follows:

(1) Multiply the number of acres eligible for a prevented planting indemnity by the production guarantee;

(2) Divide this result by two (2);

(3) Subtract the result obtained by dividing the value of any production from a substitute crop by the highest price election available for soybeans as contained on the actuarial table;

(4) Multiply this result by your price election; and

(5) Multiply this result by your share. (i.e.)

$$\frac{\text{acres} \times \text{guarantee}}{2} - \left(\frac{\text{salvage}}{\text{high price}} \right)$$

$\times$ your price election $\times$ share = indemnity

g. Acreage will be considered for a prevented planting indemnity only if the acreage is not planted:

(1) To soybeans within 25 days after the final planting date for soybeans; and

(2) To any crop other than soybeans, that normally matures in the same crop year, within 25 days after the latest final planting date.

h. When soybeans are planted 25, or more, days after the soybean final planting date and 55, or fewer, days after the latest final planting date, or when any non-conserving crop normally maturing in the same calendar year is planted 26 or more and 55 or less days after the latest final planting date, any production on the acreage will be counted against the prevented planting guarantee as shown in subsection 12.f.(3), above. Such production will count against the prevented planting guarantee on a per acre basis (the production will not count against the guarantee for acreage left unplanted). The value of the substitute crop will be the actual

value received if the crop has been marketed, or the value which could be received if the crop has not been marketed. The value for such production will be established on the day we determine the loss.

i. If any crop is planted 56 or more days after the latest final planting date, there will be no value to count against the prevented amount of insurance.

Done in Washington DC on December 17, 1991.

James E. Cason,

Manager, Federal Crop Insurance Corporation.

[FR Doc. 92-678 Filed 1-9-92; 8:45 am]

BILLING CODE 3410-08-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 91-NM-251-AD]

Airworthiness Directives; Airbus Industrie Model A320 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes the adoption of a new airworthiness directive (AD), applicable to certain Model A320 series airplanes, which would require inspection to detect chafing of the wire looms in the wing and the horizontal stabilizer and repair or replacement, protection, and realignment, if necessary. This proposal is prompted by an incident in which a wire loom short circuit caused fire extinguishant to discharge and pop the circuit breaker for a brake fan. The actions specified by the proposed AD are intended to prevent electrical short circuiting due to chafing of the wire loom in the wing and the horizontal stabilizer.

DATES: Comments must be received by February 28, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 91-NM-251-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

The service information referenced in the proposed rule may be obtained from Airbus Industrie, Airbus Support Division, Avenue Didier, Daurat 31700 Blagnac, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington. Comments