

was implemented by CCC under the CCC Charter Act (15 U.S.C. 714 *et seq.*). The program made payments to producers who suffered losses on commodities produced during the 2000 crop year because of the insolvency of an agriculture cooperative in California. LCCIPP is now terminated.

#### **Executive Order 12866**

This final rule is issued in conformance with Executive Order 12866 and was determined to be significant and reviewed by the Office of Management and Budget.

#### **Regulatory Flexibility Act**

The Regulatory Flexibility Act is not applicable to this rule because USDA is not required by 5 U.S.C. 553 or any other law to publish a notice of proposed rulemaking for the subject matter of this rule.

#### **Environmental Evaluation**

The environmental impacts of this rule have been considered in accordance with the provisions of the national Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 *et seq.*, the regulations of the Council on Environmental Quality (40 CFR parts 1500–1508), and FSA's regulations for compliance with NEPA, 7 CFR part 799. To the extent these authorities may apply, CCC and FSA have concluded that this rule is categorically excluded from further environmental review as evidenced by the completion of an environmental evaluation. No extraordinary circumstances or other unforeseeable factors exist which would require preparation of an environmental assessment or environmental impact statement. A copy of the environmental evaluation is available for inspection and review upon request.

#### **Executive Order 12372**

This program is not subject to the provisions of Executive Order 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 12988**

This rule has been reviewed in accordance with Executive Order 12988. This rule preempts State laws that are inconsistent with this rule. Before judicial action may be brought on this rule, the administrative remedies must be exhausted.

#### **Unfunded Mandates Reform Act of 1995**

Title II of the Unfunded Mandates Reform Act of 1995 is not applicable to this rule because USDA is not required by 5 U.S.C. 553 or any other law to publish a notice of proposed rulemaking for the subject matter of this rule. Further, in any case, this rule does not impose any mandates on State, local or tribal governments, or the private sector.

#### **Paperwork Reduction Act**

Section 217 of Public Law 108–7 requires that the promulgation of the regulations and administration of this title shall be made without regard to the notice and comment provisions of section 553 of title 5, United States Code; the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 FR 13804), relating to notices of proposed rule making and public participation in rulemaking; and 44 U.S.C. chapter 35 (the Paperwork Reduction Act (PRA)).

#### **Government Paperwork Elimination Act**

CCC is committed to compliance with the Government Paperwork Elimination Act, which requires Federal Government agencies to provide the public the option of submitting information or transacting business electronically to the maximum extent possible. However, the forms and other information collection activities required by participation in the Sugar Beet Disaster Program are not yet fully implemented for the public to conduct business with FSA electronically. CCC will make the application for the Sugar Beet Disaster Program available on the agency's Internet Web site. The form may be completed and saved on a computer, but must be printed, signed and submitted to an FSA County Office in paper form.

#### **Federal Assistance Program**

This rule affects the following FSA program listed in the Catalog of Federal Domestic Assistance: 10.073—Crop Disaster Program.

#### **List of Subjects in 7 CFR part 1481**

Agriculture, Sugar, Disaster Assistance.

■ Accordingly, 7 CFR part 1481 is revised as follows:

#### **PART 1481—SUGAR BEET DISASTER PROGRAM**

Sec.

- 1481.1 Applicability.
- 1481.2 Administration.
- 1481.3 Definitions.

- 1481.4 Producer eligibility.
- 1481.5 Sign-up period.
- 1481.6 Proof of loss.
- 1481.7 Indemnity benefits.
- 1481.8 Availability of funds.
- 1481.9 Limitations on payments.
- 1481.10 Crop insurance linkage.
- 1481.11 Miscellaneous provisions.

**Authority:** Pub. L. 106–387, 114 Stat. 1549; Pub. L. 108–7, 117 Stat. 11; 15 U.S.C. 714 *et seq.*

#### **§ 1481.1 Applicability.**

(a) This part sets forth the terms and conditions applicable to the Sugar Beet Disaster Program.

(b) Producers who were prevented from planted sugar beets, or who suffered either quantity or quality losses in excess of 35 percent to sugar beets while in the field in 2001 or 2002 due to adverse weather will be considered eligible for benefits for either of those years, but not both.

#### **§ 1481.2 Administration.**

Where circumstances preclude compliance with § 1481.4 due to circumstances beyond the applicant's control, the FSA county or State committee may request that relief be granted by the Deputy Administrator under this section. In such cases, except for statutory deadlines and other statutory requirements, the Deputy Administrator may, in order to more equitably accomplish the goals of this part, waive or modify deadlines and other program requirements if the failure to meet such deadlines or other requirements does not adversely affect operation of the program and are not prohibited by statute.

#### **§ 1481.3 Definitions.**

The definitions in this section shall apply to this part.

*Application* means the Sugar Beet Disaster Program Application, as provided by and available in any FSA office.

*CCC* means the Commodity Credit Corporation.

*CDP* means the Crop Disaster Program authorized in 7 CFR part 1480.

*Deputy Administrator* means the Deputy Administrator of Farm Programs, Farm Service Agency, U.S. Department of Agriculture or a designee.

*Eligible losses* are any sugar beet losses in excess of 35 percent to either quantity or quality, that occur while the beets are still in the field and are due to adverse weather conditions.

*FSA* means Farm Service Agency.

*NAP* means the Noninsured Crop Disaster Assistance Program.

*RMA* means the Risk Management Agency.