

information as may be available to the [Departments], including information voluntarily provided in a *timely* manner by the applicant and others.” 16 U.S.C. 823d(a)(4), (b)(4) (emphasis added). DOI believes that 43 CFR 45.74(c) achieves the proper balance between the Congressional mandate to consider evidence otherwise available to DOI, including information *timely* submitted, and Congressional intent to avoid delays in the FERC licensing process.

Exelon also expressed concern that in instances where DOI exercises its reserved authority to include a condition or prescription in a license that FERC has previously issued, the language in 43 CFR 45.74(c), that the DOI “will consider” information submitted prior to the NEPA comment deadline, could potentially preclude the introduction of additional relevant and supporting information that was not submitted during the license-application-related NEPA process. As discussed above, the language of 43 CFR 45.74(c) only sets forth the requirement that DOI must consider pre-deadline submittals. Thus, it does not preclude DOI from considering evidence and supporting material submitted after the deadline in cases where FERC has issued a license and a Department exercises reserved authority. Therefore, notwithstanding Exelon’s concern, paragraph (c) of 43 CFR 45.74 does not preclude the introduction of relevant information that would support a proposed alternative condition or prescription after DOI exercises its reserved authority to include a condition or fishway prescription in a FERC license.

## VI. Consultation With FERC

Pursuant to EPA’s requirement that the agencies promulgate rules implementing EPA section 241 “in consultation with the Federal Energy Regulatory Commission,” the agencies have consulted with FERC regarding the content of the revised interim rules. After considering post-promulgation comments, no changes were made to the revised interim final regulations in the final rules.

## VII. Conclusion

These final rules have been determined to be not significant for purposes of Executive Order 12866.

OMB has reviewed the information collection in these rules and approved an extension without change of a currently approved collection under OMB control number 1094-0001. This approval expires November 30, 2018.

The Departments have reviewed the comments received in response to the

revised interim rules and have determined that no change to the rules is necessary.

Accordingly, the interim rules amending 6 CFR part 1, 43 CFR part 45, and 50 CFR part 221, which were published at 80 FR 17155 on March 31, 2015, are adopted as final without change.

Dated: October 6, 2016.

**Robert F. Bonnie,**

*Undersecretary—Natural Resources and Environment, U.S. Department of Agriculture.*

Dated: September 22, 2016.

**Kristen J. Sarri,**

*Principal Deputy Assistant Secretary—Policy, Management and Budget, U.S. Department of the Interior.*

Dated: October 31, 2016.

**Samuel D. Rauch III,**

*Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.*

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**BILLING CODE 3411–15–P; 4310–79–P; 3510–22–P**

## DEPARTMENT OF AGRICULTURE

### Federal Crop Insurance Corporation

#### 7 CFR Part 457

[Docket No. FCIC–16–0003]

RIN 0563–AC52

#### Common Crop Insurance Regulations, Various Crop Provisions

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

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

**SUMMARY:** The Federal Crop Insurance Corporation (FCIC) amends the Small Grains Crop Insurance Provisions, Cotton Crop Insurance Provisions, Extra Long Staple Cotton Crop Insurance Provisions, Sunflower Seed Crop Insurance Provisions, Sugar Beet Crop Insurance Provisions, Hybrid Sorghum Seed Crop Insurance Provisions, Coarse Grains Crop Insurance Provisions, Safflower Crop Insurance Provisions, Popcorn Crop Insurance Provisions, Peanut Crop Insurance Provisions, Onion Crop Insurance Provisions, Tobacco Crop Insurance Provisions, Green Pea Crop Insurance Provisions, Dry Pea Crop Insurance Provisions, Rice Crop Insurance Provisions, Northern Potato Crop Insurance Provisions, Central and Southern Potato Crop Insurance Provisions, Dry Bean Crop Insurance Provisions, Hybrid Seed Corn Crop Insurance Provisions, Processing

Sweet Corn Crop Provisions, Processing Bean Crop Insurance Provisions, Canola and Rapeseed Crop Insurance Provisions, Millet Crop Insurance Provisions, and Mustard Crop Insurance Provisions. The purpose of this final rule with comment is to update prevented planting coverage levels through the actuarial documents to improve actuarial considerations and coverage offered, program integrity, and to reduce vulnerability to program fraud, waste, and abuse. The changes to the Crop Provisions made in this rule are applicable for the 2017 and succeeding crop years for all crops with a 2017 contract change date on or after the effective date of the rule, and for the 2018 and succeeding crop years for all crops with a 2017 contract change date prior to the effective date of the rule.

**DATES:** This rule is effective November 23, 2016. However, FCIC will accept written comments on this final rule until close of business January 23, 2017. FCIC may consider the comments received and may conduct additional rulemaking based on the comments.

**ADDRESSES:** FCIC prefers interested persons submit their comments electronically through the Federal eRulemaking Portal. Interested persons may submit comments, identified by Docket ID No. FCIC–16–0003, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Mail:* Director, Product Administration and Standards Division, Risk Management Agency, United States Department of Agriculture, P.O. Box 419205, Kansas City, MO 64133–6205.

FCIC will post all comments received, including those received by mail,

without change to <http://www.regulations.gov>, including any personal information provided. Once these comments are posted to this Web site, the public can access all comments at its convenience from this Web site.

All comments must include the agency name and docket number or Regulatory Information Number (RIN) for this rule. For detailed instructions on submitting comments and additional information, see <http://www.regulations.gov>. If interested persons are submitting comments electronically through the Federal eRulemaking Portal and want to attach a document, FCIC requests that the document attachment be in a text-based format. If interested persons want to attach a document that is a scanned Adobe PDF file, it must be scanned as text and not as an image, thus allowing FCIC to search and copy certain portions of the submissions. For

questions regarding attaching a document that is a scanned Adobe PDF file, please contact the Risk Management Agency (RMA) Web Content Team at (816) 823-4694 or by email at [rmaweb.content@rma.usda.gov](mailto:rmaweb.content@rma.usda.gov).

**Privacy Act:** Anyone is able to search the electronic form of all comments received for any dockets by the name of the person submitting the comment (or signing the comment, if submitted on behalf of an entity, such as an association, business, labor union, etc.). Interested persons may review the complete User Notice and Privacy Notice for *Regulations.gov* at <http://www.regulations.gov/#!privacyNotice>.

**FOR FURTHER INFORMATION CONTACT:** Tim Hoffmann, Director, Product Management, Product Administration and Standards Division, Risk Management Agency, United States Department of Agriculture, Beacon Facility, Stop 0812, Room 421, P.O. Box 419205, Kansas City, MO 64141-6205, telephone (816) 926-7730.

**SUPPLEMENTARY INFORMATION:**

**Background**

Prior to the FCIC offering coverage for prevented planting, prevented planting payments were linked to USDA program provisions such as the farmer's program yield and the target price. Adjustments to the Federal Crop Insurance Act (Act) from the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994 mandated that coverage for prevented planting be a part of crop insurance policies offered under the Federal crop insurance program, as appropriate. Following these changes to the Act, FCIC incorporated preventing planting provisions into the Common Crop Insurance Basic Provisions. A 1996 study by USDA's Economic Research Service (ERS) established the basis for the original prevented planting coverage levels. The study and estimated pre-planting costs were reviewed again by ERS in 2002, and FCIC adjusted prevented planting coverage levels accordingly.

Further, the Office of Inspector General for Audit (OIG) conducted an audit on the Federal crop insurance prevented planting program for 2011-2012 and recommended RMA obtain updated pre-planting cost information, and reevaluate the current prevented planting coverage levels making adjustments consistent with the pre-planting costs for each crop.

FCIC contracted to review the prevented planting policy and determine appropriate pre-planting costs to be covered, evaluate the

reasonableness of current prevented planting payments by crop and region, examine alternative methods and approaches to the program, provide alternative payment amounts as appropriate, and develop a plan for routinely updating those amounts. For some crops or crops in certain regions, the contractor suggested FCIC raise or lower the current prevented planting coverage levels. RMA shared this study with stakeholders to determine if the recommendations made sense to growers. This final rule with comment makes changes to allow for revisions to the prevented planting coverage levels, based on the contractor's findings and report, stakeholder comments in response to the contractors report, and FCIC's re-examination of the evaluation and those stakeholder comments received. This rule allows for any new percentages of prevented planting coverage that FCIC determines provides adequate protection for those costs incurred even though the crop was prevented from planting to be specified in the actuarial documents and removes them from the Crop Provisions. The rule also leaves the option for additional prevented planting coverage if offered in the actuarial documents. This will allow FCIC to expedite its update of the percentages in response to changing production conditions.

**Effective Date**

FCIC is exempt from all requirements in the administrative procedure provisions in 5 U.S.C. 553, which includes the 30-day effective date. This rule allows FCIC to make the changes to the Crop Provisions in time for 2017 spring planted crops. Therefore, this final rule is effective when published in the **Federal Register**.

**Executive Order 12866**

This rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, it has not been reviewed by the Office of Management and Budget (OMB).

**Paperwork Reduction Act of 1995**

Pursuant to the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the collections of information in this rule have been approved by OMB under control numbers 0563-0085, 0563-0083, and 0563-0053.

**E-Government Act Compliance**

FCIC is committed to complying with the E-Government Act of 2002, to promote the use of the Internet and other information technologies to provide increased opportunities for

citizen access to Government information and services, and for other purposes.

**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 UMRA.

**Executive Order 13132**

It has been determined under section 1(a) of Executive Order 13132, Federalism, that this rule does not have sufficient implications to warrant consultation with the States. The provisions contained in this rule will not have a substantial direct effect on States, or on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

**Executive Order 13175**

This rule has been reviewed in accordance with the requirements of Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments." Executive Order 13175 requires Federal agencies to consult and coordinate with tribes on a government-to-government basis on policies that have tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

The Federal Crop Insurance Corporation has assessed the impact of this rule on Indian tribes and determined that this rule does not, to our knowledge, have tribal implications that require tribal consultation under E.O. 13175. If a Tribe requests consultation, the Federal Crop Insurance Corporation will work with the Office of Tribal Relations to ensure meaningful consultation is provided where changes, additions and modifications identified herein are not expressly mandated by Congress.

**Regulatory Flexibility Act**

FCIC certifies that this regulation will not have a significant economic impact on a substantial number of small entities. Program requirements for the Federal crop insurance program are the same for all producers regardless of the size of their farming operation. For instance, all producers are required to submit an application and acreage report to establish their insurance guarantees and compute premium amounts, and all producers are required to submit a notice of loss and production information to determine the amount of an indemnity payment in the event of an insured cause of crop loss. Whether a producer has 10 acres or 1000 acres, there is no difference in the kind of information collected. To ensure crop insurance is available to small entities, the Federal Crop Insurance Act (Act) authorizes FCIC to waive collection of administrative fees from beginning farmers or ranchers and limited resource farmers. FCIC believes this waiver helps to ensure that small entities are given the same opportunities as large entities to manage their risks through the use of crop insurance. A Regulatory Flexibility Analysis has not been prepared since this regulation does not have an impact on small entities, and, therefore, this regulation is exempt from the provisions of the Regulatory Flexibility Act (5 U.S.C. 605).

**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 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 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. With respect to any direct action taken by FCIC or to require the insurance provider to take specific action under the terms of the crop insurance policy, 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, or safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

FCIC is issuing this final rule without opportunity for prior notice and comment. The Administrative Procedure Act exempts rules “relating to agency management or personnel or to public property, loans, grants, benefits, or contracts” from the statutory requirement for prior notice and opportunity for public comment (5 U.S.C. 553(a)(2)). However, FCIC is providing a 60-day comment period and invites interested persons to participate in this rulemaking by submitting written comments. FCIC will consider the comments received and may conduct additional rulemaking based on the comments.

**List of Subjects in 7 CFR Part 457**

Crop insurance, Reporting and recordkeeping requirements.

Accordingly, as set forth in the preamble, the Federal Crop Insurance Corporation amends 7 CFR part 457 as follows:

**PART 457—COMMON CROP INSURANCE REGULATIONS**

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

**Authority:** 7 U.S.C. 1506(1), 1506(o).

- 2. Amend § 457.101 as follows:
  - a. Revise the section heading;
  - b. Revise the first sentence of the introductory text; and
  - c. Revise section 13.

The revisions read as follows:

**§ 457.101 Small grains crop insurance provisions.**

\* \* \* \* \*

The Small Grains Crop Insurance Provisions for the 2017 and succeeding crop years in counties with a contract change date of November 30, and for the 2018 and succeeding crop years in counties with a contract change date of June 30, are as follows:

\* \* \* \* \*

**13. Prevented Planting**

In counties for which the Special Provisions designate a spring final planting date, your prevented planting production guarantee will be based on your approved yield for spring-planted acreage of the insured crop. Your prevented planting coverage will be a percentage specified in the actuarial

documents of your production guarantee for timely planted acreage. If you have additional coverage and pay an additional premium, you may increase your prevented planting coverage if such additional coverage is specified in the actuarial documents.

- 3. Amend § 457.104 as follows:
  - a. Revise the first sentence of the introductory text; and
  - b. Revise section 11(b).

The revisions read as follows:

**§ 457.104 Cotton crop insurance provisions.**

The Cotton Crop Insurance Provisions for the 2017 and succeeding crop years are as follows:

\* \* \* \* \*

**11. Prevented Planting**

\* \* \* \* \*

(b) Your prevented planting coverage will be a percentage specified in the actuarial documents of your production guarantee for timely planted acreage. If you have additional coverage and pay an additional premium, you may increase your prevented planting coverage if such additional coverage is specified in the actuarial documents.

- 4. Amend § 457.105 as follows:
  - a. Revise the first sentence of the introductory text;
  - b. Amend section 3 to remove the phrase “(December 17 for the 1998 crop year only)”; and
  - c. Revise section 12(b).

The revisions read as follows:

**§ 457.105 Extra long staple cotton crop insurance provisions.**

The Extra Long Staple Cotton Crop Insurance Provisions for the 2017 and succeeding crop years are as follows:

\* \* \* \* \*

**12. Prevented Planting**

\* \* \* \* \*

(b) Your prevented planting coverage will be a percentage specified in the actuarial documents of your production guarantee for timely planted acreage. If you have additional levels of coverage and pay an additional premium, you may increase your prevented planting coverage if such additional coverage is specified in the actuarial documents.

- 5. Amend § 457.108 as follows:
  - a. Revise the first sentence of the introductory text; and
  - b. Revise section 12.

The revisions read as follows:

**§ 457.108 Sunflower seed crop insurance provisions.**

The Sunflower Seed Crop Insurance Provisions for the 2017 and succeeding crop years are as follows:

\* \* \* \* \*

12. Prevented Planting

Your prevented planting coverage will be a percentage specified in the actuarial documents of your production guarantee for timely planted acreage. If you have additional coverage and pay an additional premium, you may increase your prevented planting coverage if such additional coverage is specified in the actuarial documents.

- 6. Amend § 457.109 as follows:
  - a. Revise the first sentence of the introductory text; and
  - b. Revise section 15(b).

The revisions read as follows:

**§ 457.109 Sugar Beet Crop Insurance Provisions.**

The Sugar Beet Crop Insurance Provisions for the 2017 and succeeding crop years in counties with a contract change date of November 30, and for the 2018 and succeeding crop years in counties with a contract change date of April 30, are as follows:

\* \* \* \* \*

15. Prevented Planting

\* \* \* \* \*

(b) Except in those counties indicated in section 15(a), your prevented planting coverage will be a percentage specified in the actuarial documents of your production guarantee for timely planted acreage. If you have additional levels of coverage and pay an additional premium, you may increase your prevented planting coverage if such additional coverage is specified in the actuarial documents.

- 7. Amend § 457.112 as follows:
  - a. Revise the first sentence of the introductory text; and
  - b. Revise section 13.

The revisions read as follows:

**§ 457.112 Hybrid sorghum seed crop insurance provisions.**

The Hybrid Sorghum Seed Crop Insurance Provisions for the 2017 and succeeding crop years are as follows:

\* \* \* \* \*

13. Prevented Planting

Your prevented planting coverage will be a percentage specified in the actuarial documents of your amount of insurance for timely planted acreage. If you have additional levels of coverage and pay an additional premium, you may increase your prevented planting coverage if such additional coverage is specified in the actuarial documents.

- 8. Amend § 457.113 as follows:
  - a. Revise the first sentence of the introductory text; and
  - b. Revise section 12.

The revisions read as follows:

**§ 457.113 Coarse grains crop insurance provisions.**

The Coarse Grains Crop Insurance Provisions for the 2017 and succeeding crop years are as follows:

\* \* \* \* \*

12. Prevented Planting

Your prevented planting coverage will be a percentage specified in the actuarial documents of your production guarantee for timely planted acreage. If you have additional coverage and pay an additional premium, you may increase your prevented planting coverage if such additional coverage is specified in the actuarial documents.

- 9. Amend § 457.125 as follows:
  - a. Revise the first sentence of the introductory text; and
  - b. Revise section 12.

The revisions read as follows:

**§ 457.125 Safflower crop insurance provisions.**

The Safflower Crop Insurance Provisions for the 2017 and succeeding crop years are as follows:

\* \* \* \* \*

12. Prevented Planting

Your prevented planting coverage will be a percentage specified in the actuarial documents of your production guarantee for timely planted acreage. If you have additional levels of coverage and pay an additional premium, you may increase your prevented planting coverage if such additional coverage is specified in the actuarial documents.

- 10. Amend § 457.126 as follows:
  - a. Revise the first sentence of the introductory text; and
  - b. Revise section 15.

The revisions read as follows:

**§ 457.126 Popcorn crop insurance provisions.**

The Popcorn Crop Insurance Provisions for the 2017 and succeeding crop years are as follows:

\* \* \* \* \*

15. Prevented Planting

Your prevented planting coverage will be a percentage specified in the actuarial documents of your production guarantee for timely planted acreage. If you have additional levels of coverage and pay an additional premium, you may increase your prevented planting coverage if such additional coverage is specified in the actuarial documents.

- 11. Amend § 457.134 as follows:
  - a. Revise the first sentence of the introductory text; and
  - b. Revise section 15(a).

The revisions read as follows:

**§ 457.134 Peanut crop insurance provisions.**

The Peanut Crop Insurance Provisions for the 2017 and succeeding crop years are as follows:

\* \* \* \* \*

15. Prevented Planting

(a) Your prevented planting coverage will be a percentage specified in the actuarial documents of your production guarantee for timely planted acreage. If you have additional levels of coverage and pay an additional premium, you may increase your prevented planting coverage if such additional coverage is specified in the actuarial documents.

\* \* \* \* \*

- 12. Amend § 457.135 as follows:
  - a. Revise the first sentence of the introductory text; and
  - b. Revise section 15.

The revisions read as follows:

**§ 457.135 Onion crop insurance provisions.**

The Onion Crop Insurance Provisions for the 2017 and succeeding crop years in counties with a contract change date of November 30, and for the 2018 and succeeding crop years in counties with a contract change date of June 30, are as follows:

\* \* \* \* \*

15. Prevented Planting

Your prevented planting coverage will be a percentage specified in the actuarial documents of your final stage production guarantee for timely planted acreage. Additional prevented planting coverage levels are not available for onions.

- 13. Amend § 457.136 as follows:
  - a. Revise the first sentence of the introductory text; and
  - b. Revise section 14.

The revisions read as follows:

**§ 457.136 Tobacco crop insurance provisions.**

The Tobacco Crop Insurance Provisions for the 2017 and succeeding crop years are as follows:

\* \* \* \* \*

14. Prevented Planting

Your prevented planting coverage will be a percentage specified in the actuarial documents of your production guarantee for timely planted acreage. Additional prevented planting coverage levels are not available for tobacco.

- 14. Amend § 457.137 as follows:
  - a. Revise the first sentence of the introductory text; and
  - b. Revise section 14.

The revisions read as follows:

**§ 457.137 Green pea crop insurance provisions.**

The Green Pea Crop Insurance Provisions for the 2017 and succeeding crop years are as follows:

\* \* \* \* \*

**14. Prevented Planting**

Your prevented planting coverage will be a percentage specified in the actuarial documents of your production guarantee for timely planted acreage. If you have additional levels of coverage and pay an additional premium, you may increase your prevented planting coverage if such additional coverage is specified in the actuarial documents.

- 15. Amend § 457.140 as follows:
- a. Revise the first sentence of the introductory text; and
- b. Revise section 14.

The revisions read as follows:

**§ 457.140 Dry pea crop insurance provisions.**

The Dry Pea Crop Insurance Provisions for the 2017 and succeeding crop years are as follows:

\* \* \* \* \*

**14. Prevented Planting**

Your prevented planting coverage will be a percentage specified in the actuarial documents of your production guarantee for timely planted acreage. If you have additional levels of coverage and pay an additional premium, you may increase your prevented planting coverage if such additional coverage is specified in the actuarial documents.

\* \* \* \* \*

- 16. Amend § 457.141 as follows:
- a. Revise the first sentence of the introductory text; and
- b. Revise section 13.

The revisions read as follows:

**§ 457.141 Rice crop insurance provisions.**

The Rice Crop Insurance Provisions for the 2017 and succeeding crop years are as follows:

\* \* \* \* \*

**13. Prevented Planting**

Your prevented planting coverage will be a percentage specified in the actuarial documents of your production guarantee for timely planted acreage. If you have additional levels of coverage and pay an additional premium, you may increase your prevented planting coverage if such additional coverage is specified in the actuarial documents.

- 17. Amend § 457.142 as follows:
- a. Revise the first sentence of the introductory text; and
- b. Revise section 12.

The revisions read as follows:

**§ 457.142 Northern potato crop insurance provisions.**

The Northern Potato Crop Insurance Provisions for the 2017 and succeeding crop years are as follows:

\* \* \* \* \*

**12. Prevented Planting**

Your prevented planting coverage will be a percentage specified in the actuarial documents of your production guarantee for timely planted acreage. If you have additional coverage and pay an additional premium, you may increase your prevented planting coverage if such additional coverage is specified in the actuarial documents.

- 18. Amend § 457.147 as follows:
- a. Revise the first sentence of the introductory text; and
- b. Revise section 13.

The revisions read as follows:

**§ 457.147 Central and Southern potato crop insurance provisions.**

The Central and Southern Potato Crop Insurance Provisions for the 2017 and succeeding crop years in counties with a contract change date of November 30, and for the 2018 and succeeding crop years in counties with a contract change date of June 30 and September 30, are as follows:

\* \* \* \* \*

**13. Prevented Planting**

Your prevented planting coverage will be a percentage specified in the actuarial documents of your production guarantee for timely planted acreage. If you have additional coverage and pay an additional premium, you may increase your prevented planting coverage if such additional coverage is specified in the actuarial documents.

- 19. Amend § 457.150 as follows:
- a. Revise the first sentence of the introductory text;
- b. Amend section 4 to remove the phrase “(December 17 for the 1998 crop year only)”; and
- c. Revise section 14.

The revisions read as follows:

**§ 457.150 Dry bean crop insurance provisions.**

The Dry Bean Crop Insurance Provisions for the 2017 and succeeding crop years are as follows:

\* \* \* \* \*

**14. Prevented Planting**

Your prevented planting coverage will be a percentage specified in the actuarial documents of your production guarantee for timely planted acreage. If you have additional levels of coverage and pay an additional premium, you may increase your prevented planting

coverage if such additional coverage is specified in the actuarial documents.

- 20. Amend § 457.152 as follows:
- a. Revise the first sentence of the introductory text; and
- b. Revise section 13.

The revisions read as follows:

**§ 457.152 Hybrid seed corn crop insurance provisions.**

The Hybrid Seed Corn Crop Insurance Provisions for the 2017 and succeeding crop years are as follows:

\* \* \* \* \*

**13. Prevented Planting**

Your prevented planting coverage will be a percentage specified in the actuarial documents of your amount of insurance for timely planted acreage. If you have additional levels of coverage and pay an additional premium, you may increase your prevented planting coverage if such additional coverage is specified in the actuarial documents.

- 21. Amend § 457.154 as follows:
- a. Revise the first sentence of the introductory text; and
- b. Revise section 14.

The revisions read as follows:

**§ 457.154 Processing sweet corn crop insurance provisions.**

The Processing Sweet Corn Crop Insurance Provisions for the 2017 and succeeding crop years are as follows:

\* \* \* \* \*

**14. Prevented Planting**

Your prevented planting coverage will be a percentage specified in the actuarial documents of your production guarantee for timely planted acreage. If you have additional levels of coverage and pay an additional premium, you may increase your prevented planting coverage if such additional coverage is specified in the actuarial documents.

- 22. Amend § 457.155 as follows:
- a. Revise the first sentence of the introductory text; and
- b. Revise section 14.

The revisions read as follows:

**§ 457.155 Processing bean crop insurance provisions.**

The Processing Bean Crop Insurance Provisions for the 2017 and succeeding crop years are as follows:

\* \* \* \* \*

**14. Prevented Planting**

Your prevented planting coverage will be a percentage specified in the actuarial documents of your production guarantee for timely planted acreage. If you have additional levels of coverage and pay an additional premium, you may increase your prevented planting

coverage if such additional coverage is specified in the actuarial documents.

■ 23. Amend § 457.161 as follows:

- a. Revise the first sentence of the introductory text; and
- b. Revise section 14.

The revisions read as follows:

**§ 457.161 Canola and rapeseed crop insurance provisions.**

The Canola and Rapeseed Crop Insurance Provisions for the 2017 and succeeding crop years in counties with a contract change date of November 30, and for the 2018 and succeeding crop years in counties with a contract change date of June 30, are as follows:

\* \* \* \* \*

14. Prevented Planting

Your prevented planting coverage will be a percentage specified in the actuarial documents of your production guarantee for timely planted acreage. If you have additional coverage and pay an additional premium, you may increase your prevented planting coverage if such additional coverage is specified in the actuarial documents.

■ 24. Amend § 457.165 as follows:

- a. Revise the first sentence of the introductory text; and
- b. Revise section 12.

The revisions read as follows:

**§ 457.165 Millet crop insurance provisions.**

The Millet Crop Insurance Provisions for the 2017 and succeeding crop years are as follows:

\* \* \* \* \*

12. Prevented Planting

Your prevented planting coverage will be a percentage specified in the actuarial documents of your production guarantee for timely planted acreage. If you have additional levels of coverage and pay an additional premium, you may increase your prevented planting coverage if such additional coverage is specified in the actuarial documents.

■ 25. Amend § 457.168 as follows:

- a. Revise the first sentence of the introductory text; and
- b. Revise section 15.

The revisions read as follows:

**§ 457.168 Mustard crop insurance provisions.**

The Mustard Crop Insurance Provisions for the 2017 and succeeding crop years are as follows:

\* \* \* \* \*

15. Prevented Planting

Your prevented planting coverage will be a percentage specified in the actuarial documents of your production guarantee for timely planted acreage.

When a portion of the insurable acreage within the unit is prevented from being planted, and there is more than one base contract price applicable to acreage in the unit, the lowest base contract price will be used in calculating any prevented planting payment. If you have additional levels of coverage and pay an additional premium, you may increase your prevented planting coverage if such additional coverage is specified in the actuarial documents.

Dated: November 10, 2016.

**Brandon Willis,**

*Manager, Federal Crop Insurance Corporation.*

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**BILLING CODE 3410-08-P**

**DEPARTMENT OF AGRICULTURE**

**Agricultural Marketing Service**

**7 CFR Parts 989 and 999**

[Doc. No. AMS-SC-16-0065; SC16-989-2 FR]

**Raisins Produced From Grapes Grown in California and Imported Raisins; Removal of Language**

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

**ACTION:** Final rule.

**SUMMARY:** This rule removes language from the California raisin marketing order's minimum grade standards and the import regulations' grade and size requirements. The marketing order regulates the handling of raisins produced from grapes grown in California, and is administered locally by the Raisin Administrative Committee (committee). The change to the import regulations is required under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended. Recently, the U.S. Standards for Grades of Processed Raisins (standards) were amended to remove the word "midget." This rule makes the marketing order and the import regulations consistent with the amended standards.

**DATES:** Effective November 25, 2016.

**FOR FURTHER INFORMATION CONTACT:** Maria Stobbe, Marketing Specialist, or Jeffrey Smutny, Regional Director, California Marketing Field Office, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA; Telephone: (559) 487-5901, Fax: (559) 487-5906, or Email: [Maria.Stobbe@ams.usda.gov](mailto:Maria.Stobbe@ams.usda.gov) or [Jeffrey.Smutny@ams.usda.gov](mailto:Jeffrey.Smutny@ams.usda.gov).

Small businesses may request information on complying with this

regulation by contacting Richard Lower, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250-0237; Telephone: (202) 720-2491, Fax: (202) 720-8938, or Email: [Richard.Lower@ams.usda.gov](mailto:Richard.Lower@ams.usda.gov).

**SUPPLEMENTARY INFORMATION:** This rule is issued under Marketing Agreement and Order No. 989, both as amended (7 CFR part 989), regulating the handling of raisins produced from grapes grown in California, hereinafter referred to as the "order." The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "Act."

This rule is also issued under section 8e of the Act, which provides that whenever certain specified commodities, including raisins, are regulated under a Federal marketing order, imports of these commodities into the United States are prohibited unless they meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically-produced commodities.

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Orders 12866, 13563, and 13175.

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of import regulations issued under section 8e of the Act.

This rule removes the term "midget" from § 989.702(a) of the order and