

# Proposed Rules

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

## DEPARTMENT OF AGRICULTURE

### Federal Crop Insurance Corporation

#### 7 CFR Part 457

RIN 0563-AB93

#### Common Crop Insurance Regulations; Peanut Crop Insurance Provisions

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

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

**SUMMARY:** The Federal Crop Insurance Corporation (FCIC) proposes to amend the Peanut Crop Insurance Provisions. The intended effect of this action is to provide policy changes and clarify existing policy provisions to better meet the needs of the insureds and to restrict the effect of the current Peanut Crop Insurance Regulations to the 2004 and prior crop years.

**DATES:** Written comments and opinions on this proposed rule will be accepted until close of business June 16, 2004, and will be considered when the rule is to be made final.

**ADDRESSES:** Interested persons are invited to submit written comments to the Director, Product Development Division, Risk Management Agency, United States Department of Agriculture, 6501 Beacon Drive, Stop 0812, Room 421, Kansas City, MO 64133-4676. Comments titled "Peanut Crop Provisions" may be sent via the Internet directly to [DirectorPDD@rma.usda.gov](mailto:DirectorPDD@rma.usda.gov), or the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the online instructions for submitting comments. A copy of each response will be available for public inspection and copying from 7 a.m. to 4:30 p.m., CDT, Monday through Friday except holidays, at the above address.

**FOR FURTHER INFORMATION CONTACT:** Gary Johnson, Risk Management Specialist, Research and Development, Product Development Division, Risk Management Agency, at the Kansas City,

MO, address listed above, telephone (816) 926-7730.

#### SUPPLEMENTARY INFORMATION:

##### Executive Order 12866

The Office of Management and Budget (OMB) has determined that this rule is not significant for the purpose of Executive Order 12866 and, therefore, it has not been reviewed by OMB.

##### Paperwork Reduction Act of 1995

Pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the collections of information in this rule have been approved by the Office of Management and Budget (OMB) under control number 0563-0053 through February 28, 2005.

##### 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, or a notice of loss and production information to determine 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. The amount of information collected may be determined by farm size but it is the larger farms that would have to report more information because they are likely to have more acreage. To ensure crop insurance is available to small entities, the Federal Crop Insurance Act authorizes FCIC to waive collection of administrative fees from limited resource farmers. FCIC believes this waiver helps to ensure small entities are given the same opportunities 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 action taken by FCIC under the terms of the crop insurance policy, the administrative appeal provisions published at 7 CFR part 11 or 7 CFR 400.169, as applicable, must be exhausted before any action for judicial review of any determination or action by FCIC may be brought.

##### Environmental Evaluation

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

##### Background

FCIC proposes to amend the Common Crop Insurance Regulations (7 CFR part 457) by amending § 457.134 Peanut Crop Insurance Provisions effective for the 2005 and succeeding crop years. This rule will remove and reserve section 2 of the Peanut Crop Insurance Provisions, which will allow optional units for peanuts to be established in accordance with section 34 of the Common Crop Insurance Policy Basic Provisions (Basic Provisions). Under the current Peanut Crop Insurance Provisions, optional units for peanuts are only allowed by Farm Serial Number (FSN). Prior to the Farm Security and Rural Investment Act of 2002 (2002 Farm Bill), peanut producers were required to report their peanut acreage and production to their county Farm Service Agency (FSA) office. The FSA

office used the information to establish peanut quotas and peanut farm yields by FSN. This information served as the basis for determining a peanut producer's production guarantee for crop insurance purposes. The 2002 Farm Bill repealed peanut quotas, which caused the peanut crop insurance program to default to the provisions specifying that the production guarantee would be based on the actual production history (APH) of the producer. Due to loss of peanut quotas, peanut producers have requested that optional units be allowed consistent with optional units requirements contained in section 34 of the Basic Provisions. The proposed change will allow peanut producers to have optional units, with an appropriate rate surcharge, based on sections, or section equivalents.

The elimination of the peanut quota has resulted in making the quota price elections no longer applicable. Producers have expressed a desire for a price election for peanuts based on a "contract price". Producers have requested that FCIC consider allowing producers to insure their peanuts on the basis of a "contract price". Therefore, FCIC is requesting public comment as to the feasibility and possible approaches for insuring peanuts at a "contract price" when grown under a processor contract. Recommended approaches should address issues such as the terms of the processor contract (acreage based, production based), available contract price information, applicable quality standards, the contracting entity, access to information that is free from producer or other related bias, and other parameters that would be necessary to develop a contract price option that meets producer needs and is not subject to waste, fraud, and abuse.

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

Crop insurance, Peanuts, Reporting and recordkeeping requirements.

#### Proposed Rule

Accordingly, as set forth in the preamble, the Federal Crop Insurance Corporation proposes to amend 7 CFR part 457, Common Crop Insurance Regulations, for the 2005 and succeeding crop years as follows:

#### PART 457—COMMON CROP INSURANCE REGULATIONS

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

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

2. Amend § 457.134 by revising the introductory text and removing and reserving section 2., Unit Division.

#### § 457.134 Peanut crop insurance provisions.

The peanut crop insurance provision for the 2005 and succeeding crop years are as follows:

\* \* \* \* \*

Signed in Washington, DC, on May 10, 2004.

**Ross J. Davidson, Jr.,**

*Manager, Federal Crop Insurance Corporation.*

[FR Doc. 04-11035 Filed 5-14-04; 8:45 am]

**BILLING CODE 3410-08-P**

#### SMALL BUSINESS ADMINISTRATION

##### 13 CFR Part 121

**RIN 3245-AF11**

#### Small Business Size Standards; Restructuring of Size Standards

**AGENCY:** U.S. Small Business Administration (SBA).

**ACTION:** Proposed rule; notice of extension of comment period.

**SUMMARY:** On March 19, 2004, the SBA proposed to restructure its small business size standards by establishing size standards in terms of the number of employees of a business concern for most industries and SBA programs. The rule proposes to establish 10 employee-based size standards ranging from 50 employees and 1,500 employees, depending on the industry or SBA program. The proposed rule also proposed other changes to simplify the size standards and provided a 60-day comment period closing on May 18, 2004.

SBA is extending the comment period an additional 45 days to July 2, 2004. The proposal to restructure size standards has generated a significant level of interest among small businesses. Given the scope of the proposal and the nature of the issues raised by the comments received to date, SBA believes that affected businesses need more time to review the proposal and prepare their comments.

**DATES:** The comment period for the proposed rule published on March 19, 2004 (69 FR 13130) is extended through July 2, 2004.

**ADDRESSES:** You may submit comments, identified by RIN number 3245-AF11, by any of the following methods: Through the Federal eRulemaking portal at <http://www.regulations.gov>; by mail to Gary M. Jackson, Assistant Administrator for Size Standards, U.S. Small Business Administration, 409 Third St., SW., Mail Code 6530, Washington, DC 20416; by email

(include RIN number in the subject line) to [restructure.sizestandards@sba.gov](mailto:restructure.sizestandards@sba.gov); or via facsimile at (202) 205-6390.

#### FOR FURTHER INFORMATION CONTACT:

Contact the SBA's Office of Size Standards at (202) 205-6618 or [sizestandards@sba.gov](mailto:sizestandards@sba.gov).

Dated: May 12, 2004.

**Allegra F. McCullough,**

*Associate Deputy Administrator for Government Contracting and Business Development.*

[FR Doc. 04-11160 Filed 5-14-04; 8:45 am]

**BILLING CODE 8025-01-P**

#### DEPARTMENT OF TRANSPORTATION

##### Federal Aviation Administration

##### 14 CFR Part 39

**[Docket No. 2000-NM-124-AD]**

**RIN 2120-AA64**

#### Airworthiness Directives; Airbus Model A310 and Model A300 B4-600, B4-600R, C4-605R Variant F, and F4-600R (Collectively Called A300-600) Series Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** This action withdraws a notice of proposed rulemaking (NPRM) that proposed a new airworthiness directive (AD), applicable to all Airbus Model A310 and A300-600 series airplanes. That action would have required revising the airplane flight manual (AFM) to provide the flightcrew with procedures to maintain airplane controllability in the event of an in-flight thrust reverser deployment. Since the issuance of the NPRM, the Federal Aviation Administration (FAA) has issued another AD to require revising the AFM to contain the text of the AFM revisions that the NPRM would have required to be inserted into the AFM. Accordingly, the proposed rule is withdrawn.

**FOR FURTHER INFORMATION CONTACT:** Dan Rodina, Aerospace Engineer, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2125; fax (425) 227-1149.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add a new airworthiness directive (AD); applicable to all Airbus Model A310 and A300 B4-600, B4-600R, C4-605R Variant F, and F4-600R (collectively