example, if your production guarantee for timely planted acreage is 30 bushels per acre, your prevented planting production guarantee would be 15 bushels per acre (30 bushels multiplied by 0.50). If you elect to plant the insured crop after the late planting period, production to count for such acreage will be determined in accordance with subsections 12(c) through (g); or

(iii) Not to plant the intended crop but plant a substitute crop for harvest, in which case the production guarantee for such acreage will be twenty-five percent (25%) of the production guarantee for timely planted acres. If you elected the Catastrophic Risk Protection Endorsement or excluded this coverage, and plant a substitute crop, no prevented planting coverage will be provided. For example, if your production guarantee for timely planted acreage is 30 bushels per acre, your prevented planting production guarantee would be 7.5 bushels per acre (30 bushels multiplied by 0.25). You may elect to exclude prevented planting coverage when a substitute crop is planted for harvest and receive a reduction in the applicable premium rate. If you wish to exclude this coverage, you must so indicate on your application or on a form approved by us. Your election to exclude this coverage will remain in effect from year to year unless you notify us in writing on our form by the applicable sales closing date for the crop year for which you wish to include this coverage. All acreage of the crop insured under this policy will be subject to this exclusion.

(2) Proof that you had the inputs available to plant and produce the intended crop with the expectation of at least producing the production guarantee may be required.

(3) In addition to the provisions of section 11 (Insurance Period) of the Common Crop Insurance Policy (§ 457.8), the insurance period for prevented planting coverage begins:

(i) On the sales closing date contained in the Special Provisions for the insured crop in the county for the crop year the application for insurance is accepted; or

(ii) For any subsequent crop year, on the sales closing date for the insured crop in the county for the previous crop year, provided continuous coverage has been in effect since that date. For example: If you make application and purchase insurance for corn for the 1996 crop year, prevented planting coverage will begin on the 1996 sales closing date for corn in the county. If the corn coverage remains in effect for the 1997 crop year (is not terminated or cancelled during or after the 1996 crop year, except the policy may have been cancelled to transfer the policy to a different insurance provider, if there is no lapse in coverage), prevented planting coverage for the 1997 crop year began on the 1996 sales closing date.

(4) The acreage to which prevented planting coverage applies will not exceed the total eligible acreage on all Consolidated Farm Service Agency (CFSA) Farm Serial Numbers in which you have a share, adjusted for any reconstitution that may have occurred before the sales closing date. Eligible acreage for each CFSA Farm Serial Number is determined as follows:

(i) If you participate in any program administered by the United States Department of Agriculture that limits the number of acres that may be planted for the crop year, the acreage eligible for prevented planting coverage will not exceed the total acreage permitted to be planted to the insured crop.

(ii) If you do not participate in any program administered by the United States Department of Agriculture that limits the number of acres that may be planted, and unless we agree in writing before the sales closing date, eligible acreage will not exceed the greater of:

(A) The CFSA base acreage for the insured crop, including acres that could be flexed from another crop, if applicable;

(B) The number of acres planted to the insured crop during the previous crop year; or

(C) One hundred percent (100%) of the simple average of the number of acres planted to the insured crop during the crop years that you certified to determine your yield.

(iii) Acreage intended to be planted under an irrigated practice will be limited to the number of acres for which you had adequate irrigation facilities prior to the insured cause of loss which prevented you from planting.

(iv) Prevented planting coverage will not be provided for any acreage:

(A) That does not constitute at least 20 acres or 20 percent (20%) of the acreage in the unit, whichever is less (Acreage that is less than 20 acres or 20 percent of the acreage in the unit will be presumed to have been intended to be planted to the insured crop planted in the unit, unless you can show that you had the inputs available before the final planting date to plant and produce another insured crop on the acreage);

(B) For which the actuarial table does not designate a premium rate unless a written agreement designates such premium rate;

(C) Used for conservation purposes or intended to be left unplanted under any program administered by the United States Department of Agriculture;

(D) On which another crop is prevented from planting, if any crop has already received a prevented planting indemnity, guarantee or amount of insurance on the same acreage in the same crop year, unless you provide adequate records of acreage and production showing that the acreage has a history of double-cropping in each of the last four years;

(E) On which another crop is prevented from planting, if any crop was planted and failed, or was planted and harvested (including hayed or grazed) on the same acreage in the same crop year, unless you provide adequate records of acreage and production showing that the acreage has a history of double-cropping in each of the last four years;

(F) When coverage is provided under the Catastrophic Risk Endorsement if you plant another crop for harvest on any acreage you were prevented from planting in the same crop year, even if you have a history of double cropping. If you have a Catastrophic Risk Endorsement and receive a prevented planting indemnity, guarantee, or amount of insurance for a crop and are prevented from planting another crop on the same acreage, you may only receive the prevented planting indemnity, guarantee, or amount of insurance for the crop on which the prevented planting indemnity, guarantee, or amount of insurance is received;

(G) For which planting history or conservation plans indicate that the acreage would have remained fallow for crop rotation purposes.

(v) For the purpose of determining eligible acreage for prevented planting coverage, acreage for all units will be combined and be reduced by the number of acres of the insured crop timely planted and late planted. For example, assume you have 100 acres eligible for prevented planting coverage in which you have a 100 percent (100%) share. The acreage is located in a single CFSA Farm Serial Number which you insure as two separate optional units consisting of 50 acres each. If you planted 60 acres of the insured crop on one optional unit and 40 acres of the insured crop on the second optional unit, your prevented planting eligible acreage would be reduced to zero (i.e.,100 acres eligible for prevented planting coverage minus 100 acres planted equals zero).

(5) In accordance with the provisions of section 6 (Report of Acreage) of the Common Crop Insurance Policy (§ 457.8), you must report by unit any insurable acreage that you were prevented from planting. This report must be submitted on or before the acreage reporting date. The total amount of prevented planting and planted acres cannot exceed the maximum number of acres eligible for prevented planting coverage. Any acreage you report in excess of the number of acres eligible for prevented planting coverage, or that exceeds the number of eligible acres physically located in a unit, will be deleted from your acreage report.

Done in Washington, D.C., November 3, 1995.

Kenneth D. Ackerman,

Manager, Federal Crop Insurance Corporation.

[FR Doc. 95–27711 Filed 11–3–95; 4:27 pm]

BILLING CODE 3410-FA-P

FEDERAL ELECTION COMMISSION

11 CFR Part 9002

[Notice 1995–17]

Electoral College Expenditures

AGENCY: Federal Election Commission.

ACTION: Notice of Disposition of Petition for Rulemaking.

SUMMARY: The Commission announces its disposition of a Petition for Rulemaking filed on November 18, 1994, by Anthony F. Essaye and William Josephson. The petition addressed treatment of a presidential candidate's receipts or disbursements regarding the Electoral College process and the process of electing the President and Vice President by the United States House of Representatives. The

Commission has decided not to initiate a rulemaking on this topic at this time.

DATES: November 8, 1995.

FOR FURTHER INFORMATION CONTACT: Ms. Susan E. Propper, Assistant General Counsel, 999 E Street, N.W., Washington, D.C. 20463, (202) 219–3690 or (800) 424–9530.

SUPPLEMENTARY INFORMATION: On November 18, Anthony F. Essaye and William Josephson filed a petition for rulemaking seeking to clarify whether a presidential candidate's receipts or disbursements regarding the Electoral College process and the process of electing the President and Vice President by the United States House of Representatives are governed by the Federal Election Campaign Act [''FECA''], 2 U.S.C. 431 *et seq.*, or the Presidential Election Campaign Fund Act [''the Fund Act''], 26 U.S.C. 9001 *et seq*. The particular question raised was whether such disbursements count against publicly funded presidential candidates' general election expenditure limits established at 2 U.S.C. 441a(b)(1) and (c).

The Commission published a Notice of Availability [''NOA''] on Dec. 8, 1994. 59 F.R. 63274. The Commission received comments from the Internal Revenue Service and the Republican National Committee in response to the NOA.

The NOA stated that the Commission might incorporate the issues addressed in the rulemaking petition into a larger, then-ongoing rulemaking regarding the public funding of presidential primary and general election campaigns. However, the Commission subsequently decided to address these issues in a separate rulemaking document. 60 F.R. 31854 (June 16, 1995).

One commenter argued that the Commission does not have jurisdiction over the Electoral College and, therefore, neither the FECA nor the Fund Act applies to these expenditures. However, the Commission has the authority, and responsibility, to oversee a publicly funded candidate's qualified campaign expenses. This includes the responsibility to insure that any expenditures made to further a candidate's campaign for election, including those made in connection with the meeting of the Electoral College, are properly categorized and reported.

Commission regulations at 11 CFR 100.2(a) define ''election'' as ''the process by which individuals . . . seek nomination for election, or election, to Federal office.'' Under U.S. Const. art. II, sec. 1 and amend. XII, the meeting of the Electoral College, as well as any subsequent action by the House of Representatives that might become necessary to decide a presidential election, are part of that process. Similarly, under the Fund Act ''qualified campaign expense'' is defined for purposes of the general election as any expenditure ''[i]ncurred by the candidate of a political party for the office of President to further his election to such office.'' 26 U.S.C. 9002(11)(A), 11 CFR 9002.11(a). The Commission believes that many expenditures incurred in connection with the meeting of the Electoral College and/or subsequent action by the House of Representatives fall within these definitions.

The petition cites the exclusions from the definitions of ''contribution'' and ''expenditure'' at 11 CFR 100.7(b)(20) and 100.8(b)(20) of those disbursements made in connection with election contests and recounts as one basis for treating Electoral College expenses as outside the scope of both the FECA and the Fund Act. However, these exemptions refer to election contests and recounts, i.e., procedures that may be necessary to determine which candidate received the greatest number of votes in that state, not to Electoral College activity.

The petition also argues that, since the Electoral College always meets more than 30 days after the November general election, the end of the general election ''expenditure report period'' established at 26 U.S.C. 9002(12), the Fund Act does not apply to expenses incurred in connection with the Electoral College vote. The Electoral College meets on the first Monday after the second Wednesday in December, 3 U.S.C. 7; while the November general election is held on the Tuesday after the first Monday in November, 3 U.S.C. 1.

In response to this argument, the Commission notes that in most instances a strategy for dealing with Electoral College concerns will likely be developed well before the general election, if it appears a close contest is in the offing, and almost certainly before the end of the expenditure report period. The Commission believes that many of these expenses may appropriately be considered qualified campaign expenses for purposes of the Fund Act.

Also, the fact that an expense occurs more than 30 days after the November general election does not in and of itself mean that it is not covered by the Fund Act. For example, the Commission's regulations at 11 CFR 9004.4(a)(4)(i) permit a candidate to make disbursements for the purpose of defraying winding down costs for a potentially lengthy period after the general election.

On the other hand, the Commission recognizes that a potentially close Electoral College vote and/or subsequent action by the House of Representatives may generate unanticipated expenses at a time when campaigns will likely have already spent or budgeted nearly all of their available general election funds.

This situation has not arisen since the enactment of the FECA and the Fund Act. It is difficult to anticipate all the potential issues that should be addressed in a rulemaking of this nature. The Commission believes the better approach is to deal with these issues on a case by case basis when and if they arise, rather than trying to promulgate general rules that may or may not prove appropriate in dealing with particular circumstances. Therefore, at its open meeting of November 2, 1995, the Commission voted not to initiate a rulemaking at this time on treatment of a presidential candidate's receipts or disbursements regarding the Electoral College process and the process of electing the President and Vice President by the United States House of Representatives.

Dated: November 3, 1995.

Lee Ann Elliott,

Vice Chairman.

[FR Doc. 95–27640 Filed 11–7–95; 8:45 am]

BILLING CODE 6715–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Chapter I

[Summary Notice No. PR–95–3]

Petition for Rulemaking; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for rulemaking received and of dispositions of prior petitions.

SUMMARY: Pursuant to EPA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR Part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials or withdrawals of certain petitions previously received. The purpose of this notice is to improve the