

receiving a final determination from the Division pursuant to the procedures of this part.

§ 11.14 Filing of appeals and computation of time.

(a) An appeal, a request for Director Review, or any other document will be considered "filed" when delivered in writing to the Division, when postmarked, or when a complete facsimile copy is received by the Division.

(b) Whenever the final date for any requirement of this part falls on a Saturday, Sunday, Federal holiday, or other day on which the Division is not open for the transaction of business during normal working hours, the time for filing will be extended to the close of business on the next working day.

(c) The time for filing an appeal, a request for Director review, or any other document expires at 5:00 p.m. local time at the office of the Division to which the filing is submitted on the last day on which such filing may be made.

§ 11.15 Participation of third parties and interested parties in Division proceedings.

In two situations, parties other than the appellant or the agency may be interested in participating in Division proceedings. In the first situation, a Division proceeding may in fact result in the adjudication of the rights of a third party, e.g., an appeal of a tenant involving a payment shared with a landlord, an appeal by one recipient of a portion of a payment shared by multiple parties, an appeal by one heir of an estate. In the second situation, a party may desire to receive notice of and perhaps participate in an appeal because of the derivative impact the appeal determination will have on that party, e.g., guaranteed lenders and reinsurance companies. The provisions in this section set forth rules for the participation of such third and interested parties.

(a) *Third parties.* When an appeal is filed, the Division shall notify any potential third party whose rights may be adjudicated of its right to participate as an appellant in the appeal. This includes the right to seek Director review of the Hearing Officer determination. Such third parties may be identified by the Division itself, by an agency, or by the original appellant. The Division shall issue one notice to the third party of its right to participate, and if such party declines to participate, the Division determination will be binding as to that third party as if it had participated. For purposes of this part, a third party includes any party for which a determination of the Division

could lead to an agency action on implementation that would be adverse to the party thus giving such party a right to a Division appeal.

(b) *Interested parties.* With respect to a participant who is a borrower under a guaranteed loan or an insured under a crop insurance program, the respective guaranteed lender or reinsurance company having an interest in a participant's appeal under this part may participate in the appeal as an interested party, but such participation does not confer the status of an appellant upon the guaranteed lender or reinsurance company such that it may request Director review of a final determination of the Division.

Done at Washington, D.C., this 14th day of June 1999.

Dan Glickman,

Secretary of Agriculture.

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DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 457

RIN 0563-AA85

Peanut Crop Insurance Regulations; and Common Crop Insurance Regulations, Peanut Crop Insurance Provisions; Correction

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule; Correcting amendment.

SUMMARY: This document is a correction to the final rule which was published Tuesday, June 9, 1998 (63 FR 31331-31337). The regulation pertains to the insurance of peanuts.

EFFECTIVE DATE: June 23, 1999.

FOR FURTHER INFORMATION CONTACT: Gary Johnson, Insurance Management Specialist, Research and Development, Product Development Division, Federal Crop Insurance Corporation, United States Department of Agriculture, 9435 Holmes Road, Kansas City, MO 64131, telephone (816) 926-7730.

SUPPLEMENTARY INFORMATION:

Background

The regulation subject to this correction provided policy changes to better meet the needs of the insured and include the current Peanut Crop Insurance Regulations with the Common Crop Insurance Policy for ease of use and consistency of policy terms and conditions.

Need For Correction

As published, the final regulation contained an error which may prove to be misleading and is in need of clarification. Section 9(a)(3) of the Basic Provisions (§ 457.8) states that acreage which is not replanted in accordance with that subsection is not insurable. Section 9(a) of the crop provisions contained in § 457.134 provides that acreage of the insured crop damaged before the final planting date must be replanted unless FCIC agrees replanting is not practical. Section 14(d) states that total production to count from all insurable acreage on the unit will include all appraised and harvested production. Subsection (e)(1)(v) of that section, in turn, provides that appraised production will include acreage which is not replanted in accordance with the policy. The latter provision may cause confusion because it implies that such acreage is insurable in direct conflict with section 9(a). Furthermore, it is unnecessary because production to count is only calculated based on insurable acreage under section 14(d). This correction is consistent with other crop provisions providing for replanting payments.

List of Subjects in 7 CFR Part 457

Crop insurance, Peanut.

Accordingly, 7 CFR part 457 is corrected by making the following correcting amendment:

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(p).

§ 457.134 [Corrected]

2. Amend the crop provisions in § 457.134 to remove section 14(e)(1)(v) and revise section 14(e)(1)(iv) to read as follows:

14. Settlement of Claim.

* * * * *

(e) * * *

(1) * * *

(iv) For which you fail to provide production records that are acceptable to us.

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Signed in Washington, DC, on June 16, 1999.

Kenneth D. Ackerman,

Manager, Federal Crop Insurance Corporation.

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