

(c) If *no insurable acreage of the insured crop is planted* for a year, a production report indicating zero planted acreage will maintain the continuity of production reports for APH record purposes and that calendar year will not be included in the APH yield calculations.

(d) Actual yields calculated from the claim for indemnity will be entered in the database. The resulting average yield will be used to determine the premium rate and approved APH yield, at the discretion of FCIC.

(e) Optional units are not available to an insured who does not provide acceptable production reports for at least the most recent crop year with which to calculate an approved APH yield.

(f) FCIC may determine approved APH yields for designated crops in the following situations:

(1) If less than four years of yield history is certified and T or D-Yields are not provided in the actuarial documents,

(2) If actual yield exceed tolerances specified in yield variance tables, and

(3) For perennial crops:

(i) If significant upward or downward yield trends are indicated;

(ii) If tree or vine damage, or cultural practices will reduce the production level;

(iii) if more than two percent of the trees or vines have been removed within the last two years; or

(iv) If yield trends are evident and yields greater than the average yield are requested by the insured.

(g) APH yields will not be approved the first insurance year on perennial crops until an inspection acceptable to FCIC has been performed and the acreage is accepted for insurance purposes in accordance with the crop insurance contract.

(h) APH Master Yields may be established whenever crop rotation requirements and land leasing practices limit the yield history available. FCIC will establish crops and locations for which Master Yields are available. To qualify, the producer must have at least four recent continuous crop years' annual production reports and must certify the authenticity of the production reports of the insured crop. Master Yields are based on acreage and production

history from all acreage of the insured crop in the county in which the operator has shared in the crop's production.

(i) FCIC may use any production report available under the provisions of any crop insurance contract, whether continuous or not, involving the interests of the person's insured crops in determining the approved APH yield.

§ 400.56 Administrative appeal exhaustion.

The insured may appeal the approved APH yield in accordance with the procedures contained in 7 CFR part 400, subpart J. Administrative remedies through the appeal process must be exhausted prior to any action for judicial review. The approved APH yield determined as a result of the appeal process will be the yield applicable to the crop year.

§ 400.57 OMB control numbers.

OMB control numbers are contained in 7 CFR part 400, subpart H.

Subpart H—Information Collection Requirements Under the Paperwork Reduction Act; OMB Control Numbers

AUTHORITY: 5 U.S.C. 1320, Pub. L. 96-511 (44 U.S.C., chapter 35).

SOURCE: 56 FR 49390, Sept. 30, 1991, unless otherwise noted.

§ 400.65 Purpose.

This subpart collects and displays the control numbers assigned to information collection requirements of the Federal Crop Insurance Corporation (FCIC) by the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1980 (Pub. L. 96-511). FCIC intends that this subpart comply with the requirements of section 3507(f) of the Paperwork Reduction Act, which requires that agencies display a current control number assigned by the Director of OMB for each agency information collection requirement.

§ 400.66 Display.

(a) Crop Insurance Regulations promulgated by FCIC and contained in 7

§ 400.66

7 CFR Ch. IV (1-1-03 Edition)

CFR part 400 *et seq.*, contain the following statement:

OMB Control Numbers

The OMB control numbers are contained in subpart H of part 400, title 7 CFR.

(b) Specific report title and agency forms approved by OMB are as follows:

FCI No.	Form title	OMB No.	Expiration date
FCI-3	Collector's Contact Report	0563-0043	8-31-94
FCI-5	Contract Price Election Agreement Option for Non-Quota (additional) Peanuts.	0563-0021	6-30-94
FCI-5	Request for Actuarial Change	0563-0042	9-30-94
FCI-5-A	Request for Actuarial Change Continuation Sheet	0563-0042	9-30-94
FCI-6	Statement of Facts	0563-0027	6-30-94
FCI-9	Late Planting Agreement	0563-0023	6-30-94
FCI-12	Crop Insurance Application	0563-0003	3-31-93
FCI-12-A	Contract Changes	0563-0025	7-31-94
FCI-12-P	Pre-Acceptance Perennial Crop Inspection Report	0563-0031	7-31-94
FCI-19	Crop Insurance Acreage Report	0563-0001	2-28-95
FCI-19-A	Actual Production History Review	0563-0036	7-31-94
FCI-19-A	Production and Yield Report	0563-0029	7-31-94
FCI-19-C	Texas Citrus Grove Inspection Report	0563-0017	4-30-95
FCI-20	Application for Assignment of Indemnity	0563-0014	12-31-93
FCI-21	Transfer of Right to an Indemnity	0563-0014	12-31-93
FCI-63	Claim for Citrus Indemnity	0563-0007	2-28-95
FCI-63-A	Claim for Raisin Indemnity	0563-0007	2-28-95
FCI-63-A	Notice of Damage—Raisins	0563-0035	8-31-94
FCI-63-A	Adjuster's Florida Citrus Worksheet	0563-0016	4-30-95
FCI-63-B	Tabulation of Production Records from Individual Load Certificates.	0563-0044	9-30-94
FCI-73	Certification Form	0563-0033	7-31-94
FCI-74	Field Inspection and Claim for Indemnity	0563-0007	2-28-95
FCI-74	Field Inspection and Claim for Indemnity (Continuation Sheet).	0563-0007	2-28-95
FCI-74-T-P-C	Field Inspection and Claim for Indemnity (Tobacco, Peanuts, and Cotton).	0563-0007	2-28-95
FCI-74-T-P-C	Field Inspection Claim for Indemnity (Continuation Sheet).	0563-0007	2-28-95
FCI-74-A	Adjuster's Apple Worksheet	0563-0016	4-30-95
FCI-74-A	Beans and Peas Appraisal Worksheet	0563-0016	4-30-95
FCI-74-A	Citrus Appraisal Worksheet	0563-0016	4-30-95
FCI-74-A	Stand Reduction and Hail Appraisal Worksheet	0563-0016	4-30-95
FCI-74-A	Nut Tree Appraisal Worksheet	0563-0016	4-30-95
FCI-74-A	Adjuster's Citrus Worksheet	0563-0016	4-30-95
FCI-74-A	Corn, Grain Sorghum, and Silage Appraisal Worksheet.	0563-0016	4-30-95
FCI-74-A	Cotton Appraisal Worksheet	0563-0016	4-30-95
FCI-74-A	Fig Appraisal Worksheet	0563-0016	4-30-95
FCI-74-A	Flax Appraisal Worksheet	0563-0016	4-30-95
FCI-74-A	Forage Seeding Appraisal Worksheet	0563-0016	4-30-95
FCI-74-A	Fresh Sweet Corn Appraisal Worksheet	0563-0016	4-30-95
FCI-74-A	Table Grape Appraisal Worksheet	0563-0016	4-30-95
FCI-74-A	Peanut Appraisal Worksheet	0563-0016	4-30-95
FCI-74-A	Pear Appraisal Worksheet	0563-0016	4-30-95
FCI-74-A	Peppers, Fresh Tomatoes Appraisal Worksheet	0563-0016	4-30-95
FCI-74-A	Fresh Plums Appraisal Worksheet	0563-0016	4-30-95
FCI-74-A	Potato Appraisal Worksheet	0563-0016	4-30-95
FCI-74-A	Prune Appraisal Worksheet	0563-0016	4-30-95
FCI-74-A	Safflower Appraisal Worksheet	0563-0016	4-30-95
FCI-74-A	Wheat, Barley, Oats, Rye, Rice Appraisal Worksheet	0563-0016	4-30-95
FCI-74-A	Soybean Appraisal Worksheet	0563-0016	4-30-95
FCI-74-A	Stonefruit Appraisal Worksheet	0563-0016	4-30-95
FCI-74-A	Sugar Beet Appraisal Worksheet	0563-0016	4-30-95
FCI-74-A	Sugarcane Appraisal Worksheet	0563-0016	4-30-95
FCI-74-A	Sunflower Appraisal Worksheet	0563-0016	4-30-95

Federal Crop Insurance Corporation, USDA

§ 400.90

FCI No.	Form title	OMB No.	Expiration date
FCI-74-A	Tobacco Appraisal Worksheet	0563-0016	4-30-95
FCI-74-A	Adjuster's Peach Worksheet	0563-0016	4-30-95
FCI-74-A	Adjuster's Tomato Worksheet	0563-0016	4-30-95
FCI-74-A	Texas Citrus Tree Appraisal Worksheet	0563-0016	4-30-95
FCI-74-A	Macadamia Tree Worksheet	0563-0028	6-30-94
FCI-74-A	Macadamia Tree Worksheet (continuation)	0563-0028	6-30-94
FCI-74-A	Random Path Appraisal Worksheet	0563-0039	8-31-94
FCI-74-B	Adjuster's Apple Worksheet	0563-0016	4-30-95
FCI-74-B	Peanut Computation Sheet	0563-0041	9-30-94
FCI-74-B	Stand Reduction Appraisal Worksheet	0563-0016	4-30-95
FCI-74-B	Fresh Tomatoes Appraisal Worksheet	0563-0016	4-30-95
FCI-74-B	Peppers Appraisal Worksheet	0563-0016	4-30-95
FCI-74-B	Cotton Claim for Indemnity	0563-0014	12-31-93
FCI-74-C	Summary of Harvested Production	0563-0040	8-31-94
FCI-74-C	Hail Damage Appraisal Worksheet	0563-0016	4-30-95
FCI-78	Request to Exclude Hail and Fire	0563-0032	6-30-94
FCI-78-A	Request to Exclude Hail and Fire	0563-0032	6-30-94
FCI-505	Potato Crop Insurance Policy—Certified Seed Potato Option Amendment.	0563-0029	6-30-94
FCI-506	Apple Fresh Fruit Option	0563-0020	6-30-94
FCI-513	Waiver to Transfer Segregation II and III Peanuts to Quota Loan.	0563-0026	7-31-94
FCI-514	Malting Barley Option	0563-0020	6-30-94
FCI-523	Potato Quality Option	0563-0020	6-30-94
FCI-527	Planting Record—Fresh Sweet Corn	0563-0022	6-30-94
FCI-528	Planting Record—Peppers	0563-0022	6-30-94
FCI-529	Planting Record—Tomatoes (Fresh Market Dollar)	0563-0022	6-30-94
FCI-530	Upland/ELS Cotton Program/Identification of Cotton Prod.	0563-0038	8-31-94
FCI-532	Power of Attorney	0563-0030	8-31-94
FCI-535	Wheat Crop Insurance—Winter Coverage Option	0563-0020	6-30-94
FCI-539	Apple Sunburn Option	0563-0020	6-30-94
FCI-541	Corn Silage Option	0563-0020	6-30-94
FCI-544	Underwriting Questionnaire (Container Stock Only)	0563-0034	7-31-94
FCI-545	Nursey Container Report	0563-0034	7-31-94
FCI-546	Nursey Crop Insurance Inventory Summary	0563-0034	7-31-94
FCI-547	Potato Crop Ins. Policy—Processing Potato Quality Option.	0563-0020	6-30-94
FCI-548	Potato Crop Ins. Policy—Frost/Freeze Potato Option	0563-0020	6-30-94
FCI-549	High-Risk Land Exclusion Option	0563-0018	6-30-95
FCI-550	Fresh Market Tomato Minimum Value Option	0563-0020	6-30-94
FCI-551	Raisin Conditioning Pool—Production to Count	0563-0035	8-31-94
FCI-552	Self-Certification Replant Worksheet	0563-0037	8-31-94
FCI-553	Unit Division Option	0563-0001	2-28-95
FCI-554	Macadamia Orchard Inspection Report	0563-0015	4-30-95
FCI-555	Peach Producer's Picking Records	0563-0024	6-30-94
FCI-819	Raisin Supplement—Tonnage Report	0563-0035	8-31-94

[56 FR 49390, Sept. 30, 1991, as amended at 58 FR 13531, Mar. 12, 1993]

Subpart I [Reserved]

Subpart J—Appeal Procedure

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

SOURCE: 67 FR 13251, Mar. 22, 2002, unless otherwise noted.

§ 400.90 Definitions.

Act. The Federal Crop Insurance Act (7 U.S.C. 1501-1524).

Administrative review. A review within the Department of Agriculture of an adverse decision.

Adverse decision. A decision by an employee or Director of the Agency that is adverse to the participant. The term includes the denial of program benefits, written agreements, eligibility,