

moisture during all of the period beginning October 1, 1999, through September 30, 2000 unless some other period is established as the 2000-crop year for the commodity by the Deputy Administrator;

(3) The land was not used for planting during October 1, 1999, through September 30, 2000;

(4) The land has been owned, leased or under a binding cash lease by the producer continuously since October 1, 1999;

(5) The land is a contiguous parcel of land with an area equal to one acre or more;

(6) The land was not, except as determined by the Deputy Administrator, the subject of, nor will be the subject of, any other federal payment for activities or lack of activity during the period October 1, 1999, through September 30, 2000, whether or not disaster-related, with the exception of the production flexibility contract (PFC) program payments received under 7 CFR part 1412. This prohibition includes but is not limited to other payments under this part, or payments under the Conservation Reserve Program (7 CFR part 1410), the Wetlands Reserve Program (7 CFR part 1467), any Emergency Watershed Protection Program, or Federal Easement Program.

(c) On Form CCC-454 producers shall be required to certify by tract on each farm the number of flooded cropland and non-cropland acres for the farm in 2000 and the number of flooded cropland and non-cropland acres in 1992. To establish the acreage eligible for payment, flooded land certified for 1992 for each type shall be subtracted from the flooded land certified for 2000 for the applicable type. The difference will be the acreages of cropland and non-cropland subject to flooding and eligible for FCP payment, except that the difference may be adjusted as needed to ensure, to the extent practicable, an accurate estimate of the net increased flooding on the farm after October 1, 1993.

(d) All determinations as to the amount of land eligible for enrollment and compensation under this subpart are subject to approval by the county committee.

(e) The FSA county committee may use any available documentation to make the determinations under paragraphs (b) and (c) of this section, including but not limited to: maps, acreage reports, slides, precipitation data, water table levels and disaster reports.

§ 1439.507 Producer eligibility.

(a) Payments under this subpart shall be subject to the provisions of § 1439.1 through § 1439.12, except as otherwise provided in this subpart.

(b) No person (as defined and determined under 7 CFR part 1400) may receive more than \$40,000 under this subpart.

(c) No person (as defined and determined under 7 CFR part 1400) will be eligible for payment under this subpart if that person's annual gross receipts for calendar year 1999 were in excess of \$2.5 million. That determination shall be made in the manner provided for in § 1439.11.

(d) The following entities are not eligible for benefits under this subpart:

(1) State or local governments or subdivisions thereof; or

(2) Any individual or entity who is a foreign person as determined in accordance with the provisions of 7 CFR 1400.501 and 1400.502.

§ 1439.508 Calculation of assistance.

(a) The unadjusted value of FCP assistance determined with respect to the flooded land in an eligible county for each producer shall not exceed the amount obtained by adding the amounts in paragraphs (b) and (c) of this section.

(b) For each eligible producer with respect to the applicable qualifying cropland which is determined, consistent with this subpart, to be eligible land for the payment purposes, the established local payment rate for cropland will be multiplied by the number of acres determined to be qualifying acres, as determined by the County Committee in accordance with instructions of the Deputy Administrator.

(c) For each eligible producer with respect to the applicable qualifying non-cropland acres consistent with this subpart, as determined by the county committee in accordance with instructions of the Deputy Administrator, the

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acres will be multiplied by the established payment rate for non-cropland acres.

(d) Payments will be adjusted as determined necessary to comply with other provisions of this subpart such as those set in § 1439.509.

§ 1439.509 Availability of funds.

In the event that the total amount of claims submitted under this subpart exceeds the \$24 million authorized for FCP by Public Law 106-224, each payment to a producer shall be reduced by a uniform national percentage. Such payment reductions shall be after the imposition of applicable payment limitation provisions.

Subparts G–I [Reserved]

PART 1446—PEANUTS

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 - 1446.102 Administration.
 - 1446.103 Definitions.
 - 1446.104 Performance based upon action or advice of a representative of the Secretary.
 - 1446.105 Handling payments and collections not exceeding \$9.99.

Subpart B—Basic Handler Operations

- 1446.201 General handler provisions.
- 1446.202 Peanut buyer card and buying point card.
- 1446.203 Marketing card entries and collection of assessments, penalties and debts.
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- 1446.301 Eligibility of peanuts for price support at the quota loan rate.
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- 1446.304 Price support loans involving estates, trusts or minors.
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- 1446.306 Commingling of peanuts.
- 1446.307 Disaster transfer of Segregation 2 or Segregation 3 peanuts from additional loan to quota loan.
- 1446.308 Loan pools.
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- 1446.310 Additional peanut support levels.
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- 1446.401 Contracts for additional peanuts for crushing or export.
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- 1446.408 Decreasing or drawing upon a letter of credit.
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- 1446.413 Disposal of meal contaminated by aflatoxin.
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Subpart E—Handling Contract Additional Peanuts—Physical Supervision

- 1446.501 Accounting for contract additional peanuts acquired under physical supervision.
- 1446.502 Physical supervision of contract additional peanuts.
- 1446.503 Disposition requirements under physical supervision.
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- 1446.601 Disposition requirements under nonphysical supervision.
- 1446.602 Disposition credit for peanuts under nonphysical supervision.
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Subpart G—Penalties and Liquidated Damages

- 1446.701 Excess marketing of quota peanuts.
- 1446.702 Peanuts ineligible for quota loan.