land changes hands from one year to the next or the producer farms different land from one year to the next.

Response: FČIC agrees that the provision may be interpreted incorrectly. The intent is to limit eligible acreage within a FSA farm serial number to the total number of acres planted to the insured crop on the FSA farm serial number the previous crop year unless we agree to a greater number. The crop provisions have been clarified accordingly.

Comment: One comment received from the crop insurance industry and two comments received from FSA question how the insurance provider was to agree in writing to insure eligible acreage. They also recommended that procedure be issued, concurrently with the final rule, to indicate the parameters and required elements of an "agreement in writing" to increase the number of acres that would be eligible for prevented planting coverage.

Response: Presently, it is up to the insurance provider to develop a process by which they agree in writing when the producer requests to increase their eligible prevented planting acreage. FCIC agrees that further instructions are needed and will incorporate such instructions into the 1996 Catastrophic Risk Protection Handbook and the Crop Insurance Handbook.

Comment: One comment received from the crop insurance industry recommended adding language to provisions regarding determination of eligible acreage that limits the eligible acreage to that indicated on a "report of intended acreage." The comment further suggests that language be added to indicate that such report meets the criteria for the agreement in writing that is necessary to exceed the printed policy limitations for eligible acreage.

Response: FCIC does not require nor prohibit the use of a "report of intended acreage." However, coverage and premium are based on the actual acreage report filed by the producer, not the report of intended acreage. Therefore, no change is made. FCIC will consider the use of the "report of intended acreage" as an "agreement in writing" to exceed the printed policy limitations for eligible acreage.

Comment: One comment received from the crop insurance industry stated that reference to the final planting date in the paragraph which states, "prevented planting coverage will not be provided for any acreage * * * that does not constitute at least 20 acres or 20 percent (20%) of the acreage in the unit" must be clarified. They did not understand if it applied to the final planting date for the planted crop or the

final planting date for the other crop which the producer wants to declare as prevented planting.

Response: In FCIC's opinion, this provision does not require clarification. This provision requires information regarding inputs only for the originally intended crop. Therefore, no change is made.

Comment: One comment received from the crop insurance industry recommended deletion of the provision that states "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." The comment suggests replacing this provision with the following: "Any acreage you report that does not qualify for prevented planting will be deleted from your acreage report."

Response: FCIC disagrees with the comment. The recommended replacement language that states "does not qualify for prevented planting" is not specific enough regarding the eligible acres for prevented planting. Producers need to understand that acreage deleted from the acreage report consists of both the acreage in excess of the number of acres eligible for prevented planting coverage and acres in excess of the number of eligible acres physically located in a unit.

Comment: One comment received from FSA suggested that if the "Freedom to Farm" concept is adopted and the producer is not restricted to a required number of acres of a crop, it will be difficult to believe the acreage reported as "intended to be planted."

Response: At this time legislative changes in the farm bill are uncertain and it would be premature for FCIC to make changes based on assumptions. FCIC will make the necessary changes based on the law ultimately enacted. The restriction with regard to prior year's planted acreage continues regardless of changes in acreage bases.

Comment: One comment received from FSA stated that the following phrase "acreage that is less than 20 acres or 20 percent of the acreage in the unit will be considered intended to be planted to the insured crop planted on the adjoining acreage, unless you can show that you had the inputs available to plant and produce another insured crop on the acreage before the final planting date," will allow prevented planting coverage on less than 20 acres or 20 percent of the acreage in the unit if a producer could prove he was going to plant that to another crop. This scenario is unlikely and we are just allowing a loophole for producers to get prevented planting coverage on their potholes.

Response: The proposed provisions state that, "Prevented planting coverage will not be provided for any acreage that does not constitute at least 20 acres or 20 percent (20%) of the acreage in the unit, whichever is less * * * " was intended to be used only to verify the crop intended to be planted on the acreage. For example, assume that a producer has one section of land comprised of three separate adjacent fields. The first field consists of the east 1/3 of the section (100 insurable acres), the second field consists of the central 1/3 of the section (100 acres of which 85 acres are not insurable), and the third field consists of the west 1/3 of the section (100 insurable acres). If the producer planted corn on the first and the third fields and is prevented from planting the 15 insurable acres in the second (middle/adjacent) field, the 15 acres will be considered to have been intended to be planted to corn, unless the producer can show that inputs were available to plant and produce another crop on those 15 acres. If inputs are not available for another crop, the 15 acres would not be eligible for prevented planting because at least 20 acres in the unit were not prevented from planting.

Comment: One comment received from the crop insurance industry stated that the language should be modified (subsection 13(d)(4)(iv)(D) of the Coarse Grains Provisions) to read: On which another crop is prevented from being planted, if you have already received a prevented planting indemnity, guarantee or amount of insurance for such 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 crop years;

Response: FCIC agrees with the comment and has revised the provisions accordingly.

Comment: One comment received from the crop insurance industry stated that the language should be modified (subsection 13(d)(4)(iv)(E) of the Coarse Grains Provisions) to read: On which the insured crop is prevented from being planted, if any other crop is planted and fails, or is planted and harvested, haved or grazed on such acreage in the same crop year (other than a cover crop as specified in paragraph (a)(3)(i) of this section, or a substitute crop allowed in paragraph (a)(3)(ii) of this section), 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;