

adverse decision occurred, whichever date is appropriate under the applicable agency program laws and regulations.

**§ 11.11 Reconsideration of Director determinations.**

(a) Reconsideration of a determination of the Director may be requested by the appellant or the agency within 10 days of receipt of the determination. The Director will not consider any request for reconsideration that does not contain a detailed statement of a material error of fact made in the determination, or a detailed explanation of how the determination is contrary to statute or regulation, which would justify reversal or modification of the determination.

(b) The Director shall issue a notice to all parties as to whether a request for reconsideration meets the criteria in paragraph (a) of this section. If the request for reconsideration meets such criteria, the Director shall include a copy of the request for reconsideration in the notice to the non-requesting parties to the appeal. The non-requesting parties shall have 5 days from receipt of such notice from the Director to file a response to the request for reconsideration with the Director.

(c) The Director shall issue a decision on the request for reconsideration within 5 days of receipt of responses from the non-requesting parties. If the Director's decision upon reconsideration reverses or modifies the final determination of the Director rendered under § 11.9(d), the Director's decision on reconsideration will become the final determination of the Director under § 11.9(d) for purposes of this part.

**§ 11.12 Effective date and implementation of final determinations of the Division.**

(a) On the return of a case to an agency pursuant to the final determination of the Division, the head of the agency shall implement the final determination not later than 30 days after the effective date of the notice of the final determination.

(b) A final determination will be effective as of the date of filing of an application, the date of the transaction or event in question, or the date of the original adverse decision, whichever is applicable under the applicable agency program statutes or regulations.

**§ 11.13 Judicial review.**

(a) A final determination of the Division shall be reviewable and enforceable by any United States District Court of competent jurisdiction in accordance with chapter 7 of title 5, United States Code.

(b) An appellant may not seek judicial review of any agency adverse decision

appealable under this part without 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.

**PART 12—HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION**

1. The authority citation for part 12 continues to read as follows:

Authority: 16 U.S.C. 3801 *et seq.*

2. Section 12.12 is revised to read as follows:

**§ 12.12 Appeals.**

Any person who has been or who would be denied program benefits in accordance with § 12.4 as the result of any determination made in accordance with the provisions of this part may obtain a review of such determination in accordance with the administrative appeals procedures of the agency which rendered such determination. Agency appeal procedures are contained in the Code of Federal Regulations as follows: FSA, 7 CFR part 780; NRCS, 7 CFR part 614; RHS, RBS, and RUS, 7 CFR part 1900, subpart B.

**PART 400—GENERAL ADMINISTRATIVE REGULATIONS**

1–2. Subpart J is revised to read as follows:

**Subpart J—Appeal Procedure—Regulations**

Authority: 7 U.S.C. 1506(p).

**§ 400.90 Applicability.**

Persons who are insured or believe they are insured under contracts of insurance issued under the Federal Crop Insurance Act must obtain appeal and reconsideration of decisions made under the provisions of this chapter in accordance with part 780 of this title.

**PART 614—APPEAL PROCEDURES**

1. Part 614 is revised to read as follows:

**PART 614—APPEAL PROCEDURES**

**Subpart A—General Provisions**

Sec.

614.1 Purpose and scope.

614.2 Definitions.

614.3 Applicability.

614.4 Reservation of authority.

614.5 Decisions not subject to appeal.

**Subpart B—Appeals of Technical Determinations Related to the Conservation Title (Title XII) of the Food Security Act of 1985, as Amended**

614.100 Applicability.

614.101 Notice of preliminary technical determinations.

614.102 Mediation of preliminary technical determinations.

614.103 Final determinations.

614.104 Appeals of technical determinations.

**Subpart C—Appeals of Decision Related to Conservation Programs (non-Title XII)**

614.200 Applicability.

614.201 Notice of final decisions.

614.202 Time frames for filing requests for informal hearings.

614.203 Mediation of adverse final decisions.

614.204 Appeals of adverse final decisions.

Authority: 5 U.S.C. 301, sections 226 and 275 of Pub. L. 103–354 (7 U.S.C. 6932 and 6995); 16 U.S.C. 3843(a).

**Subpart A—General Provisions**

**§ 614.1 Purpose and scope.**

This part sets forth the informal procedures under which a landowner or program participant may appeal adverse technical determinations or decisions made by officials of the Natural Resources Conservation Service (NRCS) or its successor agency.

**§ 614.2 Definitions.**

*Adverse technical determination or decision* includes, in addition to the definition of adverse decision in 7 CFR part 11, an NRCS technical determination or decision that affects the legal substantive status of the land, though it may not necessarily be adverse.

*Chief* means the Chief of NRCS. For the purposes of this part, the term "Chief" includes an official of NRCS national headquarters designated by the Chief to act for the Chief in making decisions under this part.

*Conservation district* means any district or unit of State or local government formed under State law or territorial law for the express purpose of developing and carrying out a local soil and water conservation program. Such