

6. The premium for this sunburn option will be established by the actuarial table.
7. All provisions of the apple policy and the Fresh Fruit Option-B not in conflict with this option are applicable.
8. All determinations under this option will be made by us.
9. a. *Excessive sun* is defined as the exposure of the unharvested apples to direct or indirect sun sufficient to cause the apples to grade less than U.S. Fancy due to sunburn.
- b. *Sunburn* is defined in accordance with applicable U.S.D.A. Standards.
- Insured's Signature  
Date  
Corporation representative's Signature and Code Number  
Date

[53 FR 46846, Nov. 21, 1988; 54 FR 11935, Mar. 23, 1989]

#### PART 406—NURSERY CROP INSURANCE REGULATIONS

- Sec.
- 406.1 Availability of nursery crop insurance.
- 406.2 Premium rates, amounts of insurance, and coverage levels at which indemnities shall be computed.
- 406.3 OMB control numbers.
- 406.4 Creditors.
- 406.5 Good faith reliance on misrepresentation.
- 406.6 The contract.
- 406.7 The application and policy.

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

SOURCE: 54 FR 3412, Jan. 24, 1989, unless otherwise noted.

##### § 406.1 Availability of nursery crop insurance.

(a) Insurance shall be offered under the provisions of this subpart on the insured crop in counties within the limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended (the Act). The counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation.

(b) The insurance is offered through two methods. First, the Corporation offers the contract contained in this part directly to the insured through Agents of the Corporation. Those contracts are specifically identified as being offered by the Federal Crop Insurance Corpora-

tion. Second, companies reinsured by the Corporation (hereinafter "Reinsured companies") offer contracts containing substantially the same terms and conditions as the contract set out in this part.

(c) No person may have in force more than one contract on the same crop for the crop year, whether insured by the Corporation or insured by a Reinsured company.

(d) If a person has more than one contract under the Act outstanding on the same crop for the same crop year, all such contracts will be voided for that crop year but the person will still be liable for the premium on all contracts unless the person can show to the satisfaction of the Corporation that the multiple contract insurance was inadvertent and without the fault of the insured.

(e) If the multiple contract insurance is shown to be inadvertent and without the fault of the insured, the contract with the earliest application will be valid and all other contracts on that crop for that crop year will be cancelled. No liability for indemnity or premium will attach to the contracts so cancelled.

(f) The person must repay all amounts received in violation of this section with interest at the rate contained in the contract for delinquent premiums.

(g) An insured whose contract with the Corporation or with a Reinsured company under the Act has been terminated because of violation of the terms of the contract is not eligible to obtain multi-peril crop insurance under the Act with the Corporation or with a Reinsured company unless the insured can show that the default in the prior contract was cured prior to the sales closing date of the contract applied for or unless the insured can show that the termination was improper and should not result in subsequent ineligibility.

(h) All applicants for insurance under the Act must advise the agent, in writing, at the time of application, of any previous applications for a Contract under the Act and the present status of the applications or contracts.