

USDA



Nebraska Farm Service Agency

Producer News

October 2010

From the State Executive Director

Fall harvest is underway. For most, it looks like a good year with yields and prices at profitable levels. The 2010 direct payments will be issued by FSA in October. Conservation Reserve Program (CRP) annual (2010) rental payments will also be issued. If you have a question about your payments, contact our FSA office.



Dan Steinkruger
State Executive Director

All FSA payments are issued by our Kansas City Fiscal Office. You can check on payments from your office by gaining Level II authorization to the FSA Customer Service Statements. If you have not yet signed up for the direct deposit, you should. It is faster, safer, and it reduces USDA costs.

If you own land in the Elkhorn Valley or in an area that sustained 2010 flood damage, talk to your FSA Office about the Emergency Conservation Program (ECP). The ECP provides cost-sharing for expensive rehabilitation of lands, fencing, and conservation structures. The ECP has a 30-60 day signup period. The signup period differs by county. Don't miss it.

Be safe harvesting, and as always if you have a question, our FSA staff will assist you. Call, visit, FAX or e-mail!

County Committee Election Coming Soon

County Offices statewide will soon be conducting County Committee (COC) member elections. Each county or area assigned to a county office is divided into multiple Local Administrative Areas, (LAA) with a current COC member residing in each LAA. The COC election is for the specific LAA of which the member's 3-year term has expired. In many cases, the member may be eligible for re-election to the committee.

The election of agricultural producers to FSA county committees is important to ALL farmers and ranchers, whether beginning or long-established, with large or small operations. It is crucial that every eligible producer participate in these elections because FSA county committees are a link between the agricultural community and the U.S. Department of Agriculture (USDA). COC members are a critical component of the operations of FSA. They help deliver FSA farm programs at the local level. Farmers and ranchers who serve on COCs help with the decisions necessary to administer the programs in their counties. They work to make FSA agricultural programs serve the needs of local producers. COCs provide local input on:

- Commodity price support loans and payments
- Conservation programs
- Incentive, indemnity and disaster payments for some commodities
- Emergency programs
- Payment eligibility

FSA county committees operate within official regulations designed to carry out federal laws. COC members apply their judgment and knowledge to make local decisions.

Agricultural producers of legal voting age may be eligible to vote if they participate or cooperate in any FSA program. A person who is not of legal voting age but supervises and conducts the farming operations of an entire farm may also be eligible to vote. Ballots will be mailed to voters by November 5, 2010 and must be returned to the FSA county office or postmarked by December 6, 2010. Eligible voters must contact their local FSA office before the final date if they did not receive a ballot.

For more information about FSA COCs, visit a local FSA or USDA Service Center or the website at <http://www.fsa.usda.gov/elections>

FSA Program Payments in October

FSA will begin issuing a number of different payments in the month of October, including:

- 2010 DCP (Direct and Counter-cyclical Program) and ACRE (Average Crop Revenue Election) final direct payments.
- 2010 Conservation Reserve Program (CRP) annual rental payments.

Payments cannot be issued until all required payment eligibility documents have been filed and applicable determinations made. DCP, ACRE and CRP payments are issued through a centralized system, and disbursed through the U.S. Treasury, regardless of whether they are made by direct deposit or check. These payments will be subject to offset for any delinquent federal debt. Payment recipients will receive a disbursement statement providing specific details for each payment, including application/contract/farm number, payment amount, program name, type and year. Payments will be issued throughout the months of October and November. Contact your local FSA Office if you have questions regarding the status of these payments.

General Conservation Reserve Program Sign-Up Results Announced

General Conservation Reserve Program (CRP) signup results were announced September 14, 2010 with more than 50,000 offers being accepted on more than 4.8 million acres, resulting in over 4.3 million acres accepted nationwide.

Nebraska had over 95% of their offers accepted resulting in 189,515 acres with an average rental rate of \$45.87.

All eligible CRP offers for enrollment were based on an Environmental Benefits Index (EBI) comprised of five environmental factors plus cost. The five environmental factors are: (1) wildlife enhancement, (2) water quality, (3) soil erosion, (4) enduring benefits, and (5) air quality. The minimal acceptable EBI level for this signup is 200.

Enrollment of the 4.3 million acres will keep the program enrollment close to the 32 million acre statutory cap, which will maintain and enhance the significant environmental benefits the program has already achieved. CRP's 39th signup will bring the total enrollment in the program to 31.2 million acres, leaving sufficient room under the 32 million acre cap to continue enrollment in the

Conservation Reserve Enhancement Program, continuous signup and other CRP initiatives through FY 2011.

Under CRP, there are more than 31.3 million acres enrolled on more than 473,000 contracts nationwide. These 10 to 15 year contracts provide long term enduring conservation benefits in return for an annual rental payment.

Producers with acceptable offers need to work with their local NRCS office to complete a Conservation Plan of Operation (CPO) by December 30, 2010.

FSA Conservation Loan Program

On September 3, 2010, the Farm Service Agency (FSA) implemented a new Conservation Loan (CL) program that will provide farm owners and farm-related business operators access to credit to implement conservation techniques that will conserve natural resources. Unlike FSA's traditional farm ownership and operating loan programs that are targeted toward smaller and less financially established farmers, eligibility requirements are expanded to permit the agency to provide assistance to some applicants who may be large and financially strong.

CL funds can be used to implement a conservation practice approved by the Natural Resources and Conservation Service (NRCS), such as reducing soil erosion, improving water quality and promoting sustainable and organic agricultural practices. This would include installation of conservation structures; establishment of forest cover; installation of water conservation measures; establishment or improvement of permanent pastures; transitioning to organic production; manure management, including manure digestion systems; adaptation of other emerging or existing conservation practices, techniques or technologies.

Interested applicants who do not already have NRCS-approved conservation plans should work with the local NRCS staff to develop a conservation plan, including all applicable conservation practices. New or existing conservation plans must be NRCS approved before FSA can provide financing.

Interest rates on guaranteed CLs will vary, but may not exceed the rate charged the lender's average farm customer. For direct CLs, the interest rate will be the direct loan rate in effect (for farm ownership loans) either at the time of loan approval, or loan closing. The direct CL loan interest rate for September 2010 is 4.375%.

Terms will vary and will be based on the life of the security offered, but not to exceed 20 years for real estate security and seven years for chattel property. CLs must be fully secured and can only be approved for those who have the ability to repay them.

Those interested may apply for direct CLs with loan limits up to \$300,000 at local FSA offices. In addition, guaranteed CLs up to \$1,112,000 (amount adjusted for inflation), may be available by applying with lenders working with FSA to obtain a guarantee.

Conservation Reserve Program (CRP) Transition Incentives Program (TIP)

The Transition Incentives Program (TIP) was announced May 14, 2010 providing an opportunity for a retired or retiring owner or operator to transition their expiring CRP land to a beginning or socially disadvantaged (SDA) farmer or rancher for the purpose of returning some or all of the land to production using sustainable grazing and cropping production. The retired or retiring owner or operator is eligible to receive annual rental payments for up to 2 additional years beyond the contract expiration date provided that the land under the TIP is being transitioned to a beginning or SDA farmer or rancher and not a family member.

All or a portion of the land enrolled in a CRP contract that is scheduled to expire on or after September 30, 2010 is eligible for the TIP. Signup for the TIP will begin one year before the date of the expiration of the CRP contract and ends on September 30 of the year the contract expires. An owner or operator must be a retired or retiring farmer or rancher on land under a CRP contract and agree to sell, have a contract to sell, or long-term lease the land to a beginning or socially disadvantaged farmer or rancher by October 1 of the year the CRP contract expires.

For example, CRP contracts which expire September 30, 2011 are eligible for this program beginning October 1, 2010. The deadline to have a TIP contract approved is September 30, 2011.

An approved conservation plan must be developed and implemented that meets acceptable standards for sustainable grazing or crop production methods.

The beginning or SDA farmers and ranchers participating in the TIP may re-enroll eligible land under CRP's continuous signup provisions including the Conservation Reserve Enhancement Program (CREP). Also, the beginning or

SDA farmer or rancher may be eligible to enroll in the Conservation Stewardship Program (CSP) or the Environmental Quality Incentives Program (EQIP) provided all eligibility requirements are met and begin the certification process under the Organic Foods Production Act of 1990.

2011 DCP/ACRE Program Signup

Signup for the 2011 Direct and Counter-cyclical Program (DCP) and Average Crop Revenue Election (ACRE) begins on October 1, 2010. The deadline to enroll farms in these programs is June 1, 2011. All required signatures for enrollment must be submitted by this date. There is no late enrollment period. Advance direct payments are available at a level of 22% of the total direct payments for the farm. During signup, producers may elect the ACRE option for 2011 -2012 on specific farms. As a reminder, farms that elected and enrolled into the ACRE option in prior years must still enroll an ACRE contract for 2011 and following years. Producers are encouraged to contact their county office to schedule an appointment. A DCP fact sheet is available on the National FSA Website at <http://www.fsa.usda.gov>.

Marketing Assistance Loans, LDPs

Marketing assistance loans and loan deficiency payments (LDPs) are an important safety net and marketing tool. It is important to meet FSA requirements. To be eligible for loans and LDPs, you must:

- comply with conservation and wetland protection requirements
- report cropland acreage on the farm
- have beneficial interest in the commodity on the date the loan or LDP is requested and, in the case of a loan, retain beneficial interest while the loan is outstanding
- ensure that the commodity meets CCC minimum grade and quality standards.

Beneficial interest means you retain control, which allows you the ability to make day to day decisions about the commodity and retain title to the commodity. Once beneficial interest in a commodity is lost, the commodity is ineligible for loan or LDP, even if you regain beneficial interest.

For commodities to be eligible for loans or LDPs, they must have been produced by an eligible producer, be in existence and in a storage condition and be merchantable

as determined by CCC. Producers must maintain the quality of the commodity in farm storage throughout the term of the loan.

Substituted grain is not eligible for price support. If a commodity a producer wants to pledge as collateral for loan or LDP is not the grain produced and harvested by the eligible producer, but was merely exchanged for a quantity of the commodity produced and harvested by the eligible producer, it is ineligible for price support because it is a substitution.

Another example would be where grain is shipped direct delivery off the farm to a market point and not dumped at the warehouse but the producer is given a storage position at the elevator. Since the grain is not physically deposited at the warehouse, it would be considered substitution and would be ineligible for price support.

For the 2010 crop, CCC will no longer limit LDPs and market loan gains. However, to be eligible to received a market loan gain or LDP a person or legal entity must not have average adjusted gross nonfarm income that exceeds \$500,000. Participation in the Direct and Counter-cyclical Program (DCP) is not required to be eligible for loans or LDPs. The crop acreage must be certified to FSA. Grain produced on a farm enrolled in ACRE will have a 30% reduction in the marketing assistance loan rate.

Deadline for Price Support on Wool and Unshorn Lamb Pelts

Eligible producers have until January 31, 2011 to apply for loans and loan deficiency payments for wool or unshorn pelts produced during the 2010 crop year. Eligible producers must have beneficial interest in the wool or pelts, owned the lamb for at least 30 calendar days before the date of slaughter and sell the unshorn lamb for immediate slaughter.

Producers must also comply with wetland conservation and highly erodible land conservation provisions on all lands they operate or have interest in. A CCC-633EZ page 1 must be filed before beneficial interest is lost. The LDP request on page 4 of the CCC-633 EZ must be completed to request any LDP benefits.

Loans should be applied for at the FSA Office where your farm is administered. It is not too early to consider filing a CCC-633EZ page 1 for the 2011 years crop.

Loan Programs for Socially Disadvantaged Farmers

FSA has a number of loan programs available to assist applicants to begin or continue in agriculture production. Loans are available for operating type loans and/or purchase or improvements of farms or ranches.

While all qualified producers are eligible to apply for these loan programs, the FSA has provided priority funding for members of socially disadvantaged applicants. A socially disadvantaged applicant is one of a group whose members have been subject to racial, ethnic or gender prejudice because of his or her identity as members of the group without regard to his or her individual qualities. For purposes of this program, socially disadvantaged groups are women, African Americans, American Indians, Alaskan Natives, Hispanics, Asian Americans, and Pacific Islanders. If producers or their spouses believe they would qualify as socially disadvantaged, they should contact their local FSA office for details. FSA loans are only available to applicants who meet all the eligibility requirements and are unable to obtain the needed credit elsewhere.

Nebraska FSA Offices Implement Emergency Conservation Program (ECP)

The Nebraska Farm Service Agency (FSA) is implementing the Emergency Conservation Program (ECP) to assist producers in rehabilitating farmland and conservation facilities damaged by May and June 2010 flooding.

The following counties have been approved for the Emergency Conservation Program (ECP) to help in assisting producers to rehabilitate farmland and conservation facilities damaged by flooding: Antelope, Boone, Boyd, Butler, Cass, Cuming, Custer, Dawes, Dodge, Garfield, Holt, Kearney, Loup, Madison, Platte, Stanton, Valley, and Wheeler.

ECP assists producers to rehabilitate farmland and conservation facilities damaged by flooding, heavy rains, etc. where the damage is of such magnitude that it would be too costly to rehabilitate without Federal Assistance. Producers may be eligible to receive 75% of the eligible cost of restoration not to exceed \$200,000 per natural disaster occurrence. Eligible practices include Debris Removal; Grading, Shaping, Re-leveling or Similar Measures; Restoring Permanent Fences; and Restoring Conservation Structures.

Producers should check with their local FSA office regarding ECP 30 to 60 day sign-up periods, which are set by the local FSA committees. Dawes County has already conducted their sign-up. For a producer's land to be eligible, the disaster must create new conservation problems that, if untreated, would impair or endanger the land and affect its productive capacity. Conservation problems existing prior to the applicable disaster are ineligible for ECP assistance.

This allows us to evaluate funding and program needs. Farmers and landowners need to apply now if they have damages and not wait until after harvest.

Supplemental Revenue Assistance Program (SURE)

The Supplemental Revenue Assistance Payments Program (SURE) provides benefits for crop losses due to natural disasters. This program is revenue based which accounts for losses in production quantity and quality, as well as price. Prior crop disaster programs dealt only with production losses and did not account for decreases in revenue. This program was authorized by the 2008 Farm Bill and is legislated through 2011. As of the end of September 2010, approximately \$54 million has been issued in SURE benefits to over 4,700 producers in Nebraska counties.

For the SURE program, a producer's "farm" includes all acres of all crop acreage in all counties that are planted or intended to be planted for harvest for normal commercial sale or farm livestock feeding. To be eligible, a producer must have at least part of their "farm" located within a Secretarial disaster declared county, a contiguous county or must have suffered at least a 50% loss of actual production on the farm. If you are in a declared or contiguous county, you must have suffered at least a 10% loss of production on at least one crop of economic significance due to natural disaster. A crop of economic significance is one that contributes at least 5% of the expected revenue for a producer's farm.

This program does have a Risk Management Purchase Requirement, meaning producers wanting to apply for benefits must obtain a policy or plan of insurance for all crops either through the Federal Crop Insurance Act or through the Farm Service Agency's Non-insured Crop Disaster Assistance Program (NAP). There are limited exceptions to this rule and SURE does not require coverage for forage crops intended for grazing.

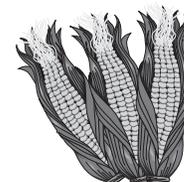
Signup for 2008 SURE benefits ends September 30, 2010. Signup for 2009 SURE benefits has not started, but will be coming soon. Watch your local county office newsletter for 2009 signup dates. Producers will be encouraged to contact your county office to schedule an appointment when the 2009 signup begins. A SURE fact sheet is available on the National FSA Website at <http://www.fsa.usda.gov>.

2009 ACRE Payments

USDA has announced that the Actual State Revenue for 2009 wheat and oats was less than the State ACRE Guarantee. As a result, the "state trigger" has been met. Individual farms enrolled in ACRE for 2009 must now meet the "farm trigger" to earn a 2009 wheat or oats ACRE payment. The farm trigger is met when the Actual Farm Revenue is less than the Farm Benchmark Revenue. A farm's Benchmark Revenue is determined by the farm's 5-year Olympic average planted yield times the ACRE Program Guarantee Price **plus** the per acre producer paid crop insurance premium. Actual Farm Revenue is determined by the farm's actual production times the national average market price.

Payments will be initially calculated based upon the difference between the State ACRE Guarantee and the Actual State Revenue. For 2009 wheat, the State Guarantee was \$232.71 and Actual State Revenue was \$230.35, for a difference of \$2.36/acre. For 2009 oats, the State Guarantee was \$169.07 and the Actual State Revenue was \$137.36 for a difference of \$31.71/acre. Actual ACRE payments for specific farms will vary due to the application of a "productivity factor", which accounts for whether the farm's benchmark (historic) yield is above or below the state benchmark yield. The \$2.36/acre for wheat and the \$31.71/acre for oats may not be the actual payment rate for a specific farm. In addition to differences in ACRE payment rates, individual farms may not qualify for any ACRE payment if the farm trigger is not met.

Possible 2009 ACRE payments have not yet been announced for other ACRE commodities produced in Nebraska. ACRE payments for 2009 wheat and oats are scheduled to be issued near the end of October.



2010 NAP Sign-up Deadline and Reporting Non-Insured Crop Losses

The Non-insured Crop Disaster Assistance Program (NAP) can soften financial losses caused by natural disasters, but only if you've applied for coverage and paid the application fee. Fall application deadlines are fast approaching. Contact your local FSA office if you think you may need coverage.

If you have applied for coverage under the NAP and suffer a loss or damage, don't forget that your local county office staff must be notified within 15 days of the latter of; the occurrence of prevented planting or end of the planting period, date of disaster occurrence or the date damage to the specific crop acreage is apparent to the producer. The timely reporting of a loss or damage is important. Failure to timely file a notice of loss can result in a determination of ineligibility for NAP payments. Late-filed reports may be approved only if the cause and extent of crop damage can be determined by a field inspection.

A notice of loss must be filed on a form CCC-576. Separate CCC-576's must be filed for each crop and type, or variety of the crop, affected by a weather-related event or adverse natural disaster occurrence. Subsequent weather events affecting the same crop must also be reported, but will be documented on the previously filed CCC-576.

A field inspection of your acreage may be necessary. If so, the county office staff will generally schedule one within five calendar days of the date of the notice of loss.

If you plan to destroy the crop, the entire acreage must first be inspected. Acreage destroyed prior to an inspection or without consent of the county office staff will be ineligible for payment.

Adjusted Gross Income Provisions

Adjusted Gross Income (AGI) requirements must be met by an individual or entity requesting applicable FSA program benefits, as well as all members of that entity or joint operation. Payments to an entity will be reduced by the commensurate share of any member that is not in compliance with applicable AGI limitations. AGI is evaluated by considering the average of the three tax years preceding the most immediately preceding complete taxable year (i.e., for 2011 average AGI, calculate the average AGI for 2009, 2008 and 2007). Eligibility for FSA program benefits will be subject to the following limitations:

- If average *non-farm* AGI exceeds \$500,000, an individual or entity is ineligible for all commodity program payments. This includes payments issued under DCP/ACRE, NAP, the permanent disaster programs (SURE, LIP, LFP, ELAP) and price support programs.
- If average *farm* AGI exceeds \$750,000, an individual or entity is ineligible for DCP direct payments only.
- If average *non-farm* AGI exceeds \$1,000,000, an individual or entity is ineligible for all conservation program benefits unless at least 66.66% of their total average AGI is from farming, ranching or forestry.

A new adjusted gross income certification must be filed each year. Participants should carefully evaluate their 2011 compliance with AGI limitations before certifying these provisions are met.

No 2009 Counter-cyclical Payments for Wheat, Barley and Oats

Participants in the Direct and Counter-cyclical Program (DCP) will not receive a counter-cyclical payment for 2009 wheat, barley or oats. The 2009 effective price has been determined to exceed the target price for these crops. The effective price is the sum of the national average market price and the DCP direct payment rate. For wheat, the target price is \$3.92 and the 2009 effective price was \$5.39. For barley, the target price is \$2.24 and the effective price was \$2.85. For oats, the target price is \$1.440 and the effective price was \$2.044.

Average Crop Revenue Election (ACRE) Program

ACRE is a revenue based option available within the Direct and Counter-Cyclical Program (DCP) that replaces the price based counter-cyclical payments. This option was legislated in the 2008 Farm Bill and first became available in 2009. Once elected, the ACRE option is in place and cannot be revoked through 2012. Election into ACRE requires the agreement of all owners and tenants on the farm. Currently, there are just over 17,000 farms enrolled in ACRE in Nebraska. Producers have the opportunity again in 2011 to elect and enroll into this option on farms in the DCP program.

The ACRE option has two triggers that must be met before ACRE payments are generated. The first trigger is at the state level and requires that the actual state revenue is less than the state guarantee. The second trigger is at the farm level and requires that the actual farm revenue is less than

the farm guarantee. These triggers take into account changes in both production and price from expected levels.

The threshold price used to determine benefits differs between the ACRE option and the Counter-Cyclical (CC) provision. For example, if the 2009 actual irrigated corn yield equals the State Benchmark Yield of 185 bu./acre for Nebraska, ACRE payments begin to trigger at \$3.71/bu. CC payments begin once the National Average Market Price falls below \$2.35/bu., regardless of fluctuations in yield. Both DCP and ACRE participants receive a direct payment. The ACRE election does result in a 20% reduction to the direct payments and a 30% reduction in commodity loan rates for the enrolled farm(s). Under the CC provisions, crop base acres are used to calculate payments while the ACRE option uses the actual planted acres of a crop (not to exceed the total base acres on the farm).

An ACRE fact sheet is available on the National FSA Website at <http://www.fsa.usda.gov>.

FSA Program Payment Limitation-2011

The following annual program payment limitations apply for 2011 and subsequent years:

Program	Limit	Program	Limit
DCP Direct	\$40,000	DCP-Counter Cyclical & ACRE	\$65,000
NAP	\$100,000	SURE, LIP, LFP, ELAP	\$100,000 (Combined Limitation)
CRP-Annual Rental	\$50,000	TAP	\$100,000

Price support program benefits including Loan Deficiency Payments and Market Gains are no longer subject to a program payment limitation.

Program benefits subject to limitations cannot be issued until all required forms are provided and necessary payment eligibility/limitation determinations are made.

Payments are limited in two ways – by considering the direct payments made to the program participant, and also by direct attribution. Through direct attribution, each payment made to an entity shall be attributed to those individuals who have a direct or indirect ownership interest in the entity. There is no limit on the number of entities through which an individual can receive payments. Payments to an

entity will be limited if either the entity or its members reach a program limitation.

Spouses will each have two separate payment limitations. Each spouse participating in FSA programs must meet all payment eligibility criteria. A significant contribution of active personal labor or active personal management qualifying one spouse as “actively engaged in farming” will also qualify the other spouse for payments requested relating to the same farming operation.

Several other FSA payment eligibility rules apply, including actively engaged in farming, cash rent tenant, substantive change, and commensurate share requirements. Participants are responsible for notifying county offices of any changes in their farming operation from previous years. Entities earning program benefits subject to a limitation must provide FSA the names, addresses, and tax identification numbers of all members. Participants should contact their local county FSA office for additional information.

Agricultural Foreign Investment Disclosure Act (AFIDA)

Any foreign person or entity who owns or has separate interest in agricultural land must report that interest by filing a form FSA-153 with the County FSA Office serving the county where the land is located. Interests that must be reported include those as a direct landowner, a holder of a lease with a term of 10 years or greater, or an indirect owner or leaseholder. An FSA-153 must be filed anytime land is acquired, sold, or the land use changes. Contact your local County FSA Office for additional information on AFIDA requirements.



Nebraska Farm Service Agency
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Nebraska Farm Service Agency

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Dan Steinkruger, State Executive Director
Mike Sander, Administrative Officer
Rich Barta, Farm Loan Programs
Cathy Anderson, Production & Compliance Programs

Dates to Remember

October

2011 DCP and ACRE enrollment begins

October 11

Columbus Day. FSA Offices closed

November 5

COC election ballots mailed to eligible voters

November 11

Veterans Day. FSA Offices closed

November 25

Thanksgiving Day. FSA Offices closed

December 1

NAP application closing date for apples, asparagus, cherries, grapes, honey, and plums

December 6

COC election ballots to be returned to FSA or postmarked.

December 24

Christmas Day. FSA Offices closed

December 31

New Years Day (Observed). FSA Offices closed

To be Announced

2009 SURE application period

USDA is an equal opportunity provider, employer and lender. To file a complaint of discrimination, write: USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (800) 795-3272(voice), or (202) 720-6382 (TDD)