

the Peanut Marketing Assistance Program Payment Application and Summary (FSA-1043). Proof of authority to sign for the deceased producer or dissolved entity must be provided. If a producer is now a dissolved general partnership or joint venture, all members of the general partnership or joint venture at the time of dissolution or their duly authorized representatives must sign the application for payment

**§ 1447.105 Time for filing application.**

(a) Applications for benefits under this part must be filed on or after October 2, 2000, but not later than the close of business on February 1, 2001, in the county FSA office serving the county where the producer's farm is located for administrative purposes.

(b) The Deputy Administrator may grant general exceptions to these deadlines for filing applications.

[65 FR 7958, Feb. 16, 2000, as amended at 65 FR 65718, Nov. 2, 2000]

**§ 1447.106 Payment rate.**

(a) *Payment rate for quota peanut production.* The payment rate for quota peanuts under this part is \$30.50 per ton.

(b) *Payment rate for additional peanut production.* The payment rate for additional peanuts under this part is \$16.00 per ton.

[65 FR 65718, Nov. 2, 2000]

**§ 1447.107 Calculation of payment.**

(a) *Calculating producer's share of peanuts produced or considered produced on a farm.* The amount of peanuts produced or considered produced by a producer on a farm, for which the producer's share in the acreage planted to peanuts is greater than zero, is the product of:

- (1) The number of acres planted to peanuts on the farm, times
- (2) The producer's percent share in the acres planted, times
- (3) The highest yield from the following choices:
  - (i) The established farm yield,
  - (ii) The actual yield for any of the 1997, 1998 or 1999 crop years,
  - (iii) The actual yield for the 2000 crop year.

(b) *Determination of quota or additional peanut payment rate.* A producer's eligibility for payments at the quota rate and at the additional rate will be computed separately. A producer, within the quantity limit determined under paragraph (a) of this section, may claim payments at the quota payment rate to the extent that it is determined that the producer used a quota to market the peanuts or was prevented from doing so because of conditions beyond the producer's control. The producer's eligibility shall, otherwise, be only at the additional peanut payment rate.

(c) *Calculating producer's total assistance payment—(1) Assistance payment for quota peanuts.* A producer's assistance payment for quota peanuts is the product of the assistance rate for quota peanuts set forth in §1447.106(a) times the sum of the amount of quota pounds eligible for payment for each farm as determined under paragraphs (a) and (b) of this section.

(2) *Assistance payment for additional peanuts.* A producer's assistance payment for additional peanuts is the product of the assistance rate for additional peanuts set forth in §1447.106(b) times the sum of the amount of additional pounds eligible for payment for each farm as determined in paragraphs (a) and (b) of this section.

[65 FR 7958, Feb. 16, 2000, as amended at 65 FR 65718, Nov. 2, 2000]

**§ 1447.108 [Reserved]**

**§ 1447.109 Assignment of payments.**

Payments made under this part may be assigned in accordance with the provisions of part 1404 of this chapter.

**§ 1447.110 Miscellaneous provisions.**

(a) A person may be denied payments under this part if it is determined by the State or county committee or an official of FSA that such person has:

- (1) Adopted any scheme or other device that tends to defeat the purpose of a program operated under this part;
- (2) Made any fraudulent representation with respect to such program; or
- (3) Misrepresented any fact affecting a program determination.

(b) In the event there is a failure to comply with any term, requirement, or condition for payment or assistance