

2 rye which does not grade smutty, garlicky, or ergoty; and

(b) Multiplying the result by the number of bushels of such rye. The applicable price for No. 2 rye will be the local market price on the earlier of the day the loss is adjusted or the day the insured rye is sold.

(3) Any harvested production from other volunteer plants growing in the rye will be counted as rye on a weight basis.

(4) Appraised production to be counted will include:

(a) Potential production lost due to uninsured causes and failure to follow recognized good rye farming practices;

(b) Not less than the guarantee for any acreage which is abandoned or put to another use without our prior written consent or damaged solely by an uninsured cause; and

(c) Any unharvested production.

(5) Any appraisal we have made on insured acreage for which we have given written consent to be put to another use will be considered production unless such acreage is:

(a) Not put to another use before harvest of rye becomes general in the county and is reappraised by us;

(b) Further damaged by an insured cause and is reappraised by us; or

(c) Harvested.

#### 8. Cancellation and Termination Dates

The cancellation and termination date for all states is September 30.

#### 9. Contract Changes

The date by which contract changes will be available in your service office is August 15 preceding the cancellation date.

#### 10. Meaning of Terms

a. *Adequate stand* means a sufficient population of plants to produce at least the yield used to determine the guarantee.

c. *Harvest* means combining, threshing, or cutting for hay or silage.

[52 FR 28447, July 30, 1987, as amended at 54 FR 20504, May 12, 1989; 58 FR 33508, June 18, 1993; 60 FR 56934, Nov. 13, 1995]

#### § 401.107 Late planting agreement option.

(a) *General*. The provisions contained in the Late Planting Agreement Option, are a duplication of 7 CFR part 400, subpart A, with minor editorial changes to provide compatibility with the General Crop Insurance Regulations (7 CFR part 401), and become effective when elected by producers on the crop insurance endorsements herein which are eligible for the Late Planting Agreement Option.

(b) *Availability of the Late Planting Agreement*. The Late Planting Agreement will be offered under the provisions contained in 7 CFR part 401, within limits prescribed by and in accordance with the Federal Crop Insurance Act, as amended 9 U.S.C. 1501 *et seq.*, only on those crops identified in section 4 of this subpart. All provisions of the applicable endorsement for the insured crop apply, except those provisions which are in conflict with this subpart.

(c) *Definitions*. For the purposes of the Late Planting Agreement Option:

(1) *Final planting date* means the final planting date for the insured crop contained in the actuarial table on file in the service office.

(2) *Late Planting Agreement* means that agreement executed by the final planting date, between the FCIC and the insured whereby the insured elects, and FCIC provides, insurance on acreage planted for up to 20 days after the applicable final planting date. The production guarantee applicable on the final planting date will be reduced on the acreage planted after the final planting date by 10 percent for each 5 days that the acreage is planted after the final planting date.

(3) *Production guarantee* means the guaranteed amount of production under the provisions of the applicable endorsement for crop insurance (sometimes expressed in amounts of insurance).

(d) *Responsibilities of the insured*. The insured is solely responsible for the completion of the Late Planting Agreement Option and for the accuracy of the data provided on that Agreement. The provisions of this subpart do not relieve the insured of any responsibilities under the provisions of the insurance endorsement.

(e) *Applicability to crops insured*. (1) The provisions of this section for insuring crops for the 1995 and subsequent crop years will be applicable only under the following endorsements:

- 401.114 Canning and Processing Tomato Endorsement.
- 401.118 Canning and Processing Bean Endorsement.
- 401.123 Safflower Seed Endorsement.
- 401.126 Onion Endorsement.
- 401.129 Tobacco (guaranteed plan) Endorsement.

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(2) The Late Planting Agreement Option will be available in all counties in which the Corporation offers insurance on these crops unless limited by the actuarial table, crop endorsement, or crop endorsement option.

(f) The provisions of the Late Planting Agreement are as follows:

DEPARTMENT OF AGRICULTURE  
FEDERAL CROP INSURANCE CORPORATION

Late Planting Agreement

Insured's Name \_\_\_\_\_  
Address \_\_\_\_\_  
Contract No. \_\_\_\_\_  
Crop Year \_\_\_\_\_  
Crop \_\_\_\_\_

Notwithstanding the provisions of section 2 of the General Crop Insurance Regulations (7 CFR 401) regarding the insurability of crop acreage initially planted after the final planting date on file in the service office, I elect to have insurance provided on acreage planted within twenty days after such date. Upon my making this election, the production guarantee or amount of insurance, whichever is applicable, will be reduced ten percent for each five days or portion thereof that the acreage is planted after the final planting date. Each ten percent reduction will be applied to the production guarantee or amount of insurance applicable on the final planting date.

The premium will be computed based on the guarantee or amount of insurance applicable on the final planting date; therefore, no reduction in premium will occur as a result of my election to exercise this option.

If planting continues under this Agreement after the acreage reporting date on file in the service office, the acreage reporting date will be extended to five days after the completion of planting the acreage to which insurance will attach under this Agreement.

Insured's Signature \_\_\_\_\_  
Date \_\_\_\_\_  
Corporation Representative's  
Signature and Code Number \_\_\_\_\_  
Date \_\_\_\_\_

[52 FR 28447, July 30, 1987, as amended at 60 FR 40056, Aug. 7, 1995]

§ 401.108 Prevented planting endorsement.

(a) The provisions contained in the Prevented Planting Endorsement are a duplication of 7 CFR part 442, with minor editorial changes made to provide compatibility with the General Crop Insurance Regulations (7 CFR part 401), and become effective when elected by producers on the crop insur-

ance endorsements therein which are eligible for the Prevented Planting Endorsement.

(b) The provisions of the prevented planting endorsement are as follows:

FEDERAL CROP INSURANCE CORPORATION

Prevented Planting Endorsement

A prevented planting crop insurance endorsement on the qualifying crop will be available to all insureds having a qualifying crop insurance endorsement under the provisions of this Part and who participate in the ASCS Acreage Reduction Program or Set-aside Program. This endorsement is not continuous. Application must be made annually for the prevented planting endorsement not later than the sales closing date established by the actuarial table for the applicable qualifying crop.

(THIS IS AN ANNUAL ELECTION TO BE MADE BY THE INSURED BEFORE THE DATE SPECIFIED IN SECTION 10.)

AGREEMENT TO INSURE: We will provide the insurance described in this endorsement in return for the premium and your compliance with all applicable provisions.

1. Applicable Provisions

All provisions of the qualifying crop insurance endorsement and the prevented planting crop insurance application not in conflict with this endorsement are applicable.

2. Causes of Loss

a. This insurance is against your being unavoidably prevented from planting insurable acreage to the qualifying crop or any other non-conserving crop during the insurance period. (You are required to plant to another non-conserving crop during the insurance period after you know or should have known that it is no longer feasible to plant the qualifying crop and you are not prevented from planting the other non-conserving crop by an insurable cause.) You must be prevented from planting by drought, flood, or other natural disaster which occurs within the insurance period. Limitations, exceptions, or exclusions on the causes insured against may be contained in the actuarial table.

b. We will not insure against any prevention of planting:

(1) If your failure to plant was due to a cause other than those listed in subsection 2.a.; or

(2) If most producers in the surrounding area in similar circumstances were able to plant the qualifying crop or any other non-conserving crop.