

shall keep all relevant records of purchases, by kind, of burley and flue-cured tobacco for a period of at least 3 years. The Director, Office of Inspector General, or other duly authorized representative of the United States may examine such records, receipts, computer files, or other information held by a domestic manufacturer that may be used to verify or audit such manufacturer's reports. The reasonable cost of such examination or audit may be charged to the domestic manufacturer who is the subject of the examination or audit. All records examined or received under this part by officials of the Department of Agriculture shall be kept confidential to the extent required by law.

## PART 729—PEANUTS

### Subpart A—General Provisions

- Sec.
- 729.101 Paperwork Reduction Act assigned number.
- 729.102 Applicability.
- 729.103 Definitions.
- 729.104 Administration.
- 729.105 Types of peanuts.
- 729.106 Extent of calculations and rule of fractions.
- 729.107 Location of farms for administrative purposes.
- 729.108 Request for reconsideration or appeal.
- 729.109 Instructions and forms.

### Subpart B—Poundage Quotas, Notices of Quotas, Transfers, and Release and Reapportionment

- 729.201 Apportionment of National poundage quota to States.
- 729.202 Reserve for corrections.
- 729.203 Quota not produced.
- 729.204 Temporary seed quota allocation.
- 729.205 Farms ineligible for farm poundage quota.
- 729.206 Determining a farm's basic quota.
- 729.207 Tenants sharing in increased quota.
- 729.208 Allocation of quota for experimental and research programs.
- 729.209 Tillable cropland limitation.
- 729.210 Determining a farm's effective quota.
- 729.211 Determination of farm yields.
- 729.212 Approval of farm yield and farm poundage quota and notice to farm operator.
- 729.213 Erroneous notice of effective farm poundage quota.

- 729.214 Transfer of quota by sale, lease, owner, or operator.
- 729.215 Release and reapportionment of quota.
- 729.216 National poundage quota.

### Subpart C—Marketing Cards, Marketings, Penalties, and Assessments

- 729.301 Issuance of cards.
- 729.302 Identification of producer marketings.
- 729.303 Designation of category for marketing peanuts.
- 729.304 Marketing card entries.
- 729.305 Peanuts on which penalties are due and refund of excess penalty collected.
- 729.306 Farms with one acre or less of peanuts.
- 729.307 Assessment of penalties; joint and several liability.
- 729.308 Lien for penalty.
- 729.309 Persons to pay penalty or collect debts.
- 729.310 Payment of penalty or other debt.
- 729.311 Peanuts on which penalties are not to be assessed.
- 729.312 Reduction or waiver of penalty.
- 729.313 Failure to comply with program.
- 729.314 Schemes and devices.
- 729.315 Handling Segregation 3 peanuts.
- 729.316 Marketing assessments.
- 729.317 Increased marketing assessments.

### Subpart D—Recordkeeping and Reporting Requirements

- 729.401 Peanuts marketed to persons who are not registered handlers.
- 729.402 Report on marketing card.
- 729.403 Report of marketing green peanuts.
- 729.404 Report of acquisition of seed peanuts.
- 729.405 Report of production and disposition.
- 729.406 Persons engaged in more than one business.
- 729.407 Penalty for failure to keep records and make reports.
- 729.408 Examination of records and reports.
- 729.409 Length of time records and reports are to be kept.

AUTHORITY: 7 U.S.C. 1301,1357 *et. seq.*, 1372, 1373, 1375; 7 U.S.C. 7271; and 15 U.S.C. 714b and 714c.

SOURCE: 56 FR 16211, Apr. 19, 1991, unless otherwise noted.

### Subpart A—General Provisions

#### § 729.101 Paperwork Reduction Act assigned number.

The information collection requirements contained in 7 CFR part 729 have

been approved by the Office of Management and Budget (OMB) in accordance with the provisions of 44 U.S.C. chapter 35 and have been assigned OMB control number 0560-0006.

#### § 729.102 Applicability.

The regulations contained in 7 CFR part 729 are issued in accordance with the Agricultural Adjustment Act of 1938, as amended, and are applicable to the 1996 through 2002 crops of peanuts. They govern the establishment of farm poundage quotas, the issuance of marketing cards, the identification of marketings of peanuts, the collection and refund of penalties, the keeping of records, and the making of reports incident thereto. The peanut marketing quota and disposition requirements for peanuts for the 1991 through 1995 crops shall, as applicable, continue to be governed by the regulations codified at 7 CFR part 729, as of April 1, 1996.

[56 FR 16211, Apr. 19, 1991, as amended at 61 FR 36999, July 16, 1996]

#### § 729.103 Definitions.

(a) *Applicability.* The definitions set forth in this section shall be applicable for all purposes of program administration for peanuts except as may otherwise be indicated. The definitions in, and provisions of, parts 718, 719, and 720 of this chapter and 1446 of this title are hereby made applicable to these regulations unless the context or subject matter or the provisions of these regulations require otherwise.

(b) *Terms.* The following terms shall be defined as set forth in this paragraph.

*Act.* The Agricultural Adjustment Act of 1938, as amended.

*Additional peanuts.* Any peanuts which are marketed from a farm other than peanuts marketed or considered marketed as quota peanuts.

*Base period.* The 3 crop years immediately preceding the current year for which a basic quota is being established.

*Basic penalty rate.* The per pound amount determined by multiplying the national support level per ton for quota peanuts, as announced by the Secretary for the applicable marketing year, by 1.4 and dividing the result by 2000.

*Basic quota.* A farm's share of the peanut poundage quota allocated to a State. The basic quota for the current year is the preliminary quota as adjusted pursuant to this part for any:

(i) Increase or decrease in the State poundage quota from the poundage quota allocated to the State for the preceding year;

(ii) Reduction in the quota due to nonproduction;

(iii) Reduction for permanent release of quota from the farm in the current year;

(iv) Permanent transfers of quota to or from the farm for the current year; and

(v) Reallocation of quota to the farm from quotas;

(A) Reduced for nonproduction.

(B) Permanently released.

*Buyer.* A person, who also may be known as a handler, who:

(i) Buys or otherwise acquires peanuts in any form;

(ii) Markets, as a commission merchant, broker, cooperative, agent, or in any other capacity, any peanuts for the account of a producer and is responsible to the producer for the amount received for the peanuts; or

(iii) Receives peanuts as collateral for, or in settlement of, a price support loan.

*CCC.* The Commodity Credit Corporation, a financial instrumentality within the United States Department of Agriculture.

*Commingled peanuts.* Peanuts that were produced on 2 or more farms and loaded into a single conveyance in such manner that the peanuts become, or can become, intermingled and as a result making it impossible to divide the peanuts into separate lots in such manner that the peanuts may be identified accurately as to the farm of production at the time of marketing.

*Considered produced credit.* If the marketings of peanuts from a farm in the current year are less than such farm's basic quota, the credit granted in the current year (but not to exceed the basic quota established for the farm for the current year less the pounds of peanuts which were produced and marketed from the farm during the current marketing year) for the amount of one or more of the following as may apply: