

§ 729.317

7 CFR Ch. VII (1-1-01 Edition)

§ 729.317 Increased marketing assessments.

(a) *Applicability.* If area quota pool losses are not otherwise covered by the offsets prescribed by part 1446 of this title, and the transfer of marketing assessments collected in accordance with provisions of this part, the marketing assessment for quota peanut producers shall be:

(1) Increased by an amount needed by CCC to cover such losses; and

(2) Collected as determined by CCC on all quota peanuts marketed in the next marketing year in the area covered by the quota pool which had the loss.

(b) *Insufficient collections.* If the amount of such increased assessments collected on the marketing of quota peanuts in any year is less than the amount needed to cover the accumulated net pool losses for any crop, there shall be an increased assessment in subsequent years until the amount needed is collected.

(c) *Excess collections.* If the increased amount of assessments, as provided in this section, collected on the marketing of quota peanuts for any year is greater than the amount needed for the purpose for which the collection is made, the excess amount shall be retained to offset any losses which may occur in quota pools within that marketing area in subsequent years.

(d) *Collection procedures.* Unless otherwise specified by CCC, the collection procedures for the increased assessments shall be as provided for in § 729.316 and the assessment rates of § 729.316 shall be increased accordingly.

[61 FR 37566, July 18, 1996]

Subpart D—Recordkeeping and Reporting Requirements

§ 729.401 Peanuts marketed to persons who are not registered handlers.

(a) If peanuts are marketed to persons other than registered peanut handlers, the operator of the farm on which the peanuts were produced shall file a report of the marketings by executing Form FSA-1011, Report of Acreage and Marketing of Peanuts to Non-established Buyers. The FSA-1011 must be mailed or delivered to the county

executive director of the county in which the farm is administratively located within 15 days after the marketing of peanuts from the farm has been completed. If peanuts are marketed by the producer in small lots directly to consumers, such as in the case of local street sales, a daily or weekly summary of the quantity marketed and the place of marketing may be reported in lieu of the name and address of each buyer.

(b) Failure to file an FSA-1011 as required or the filing of a report which the county committee finds to be incomplete or inaccurate shall constitute failure to account for the disposition of the peanuts on the farm and may result in the assessment of marketing penalties, as provided in this part.

(c) All peanuts marketed to persons other than registered handlers shall be considered as marketings of quota peanuts.

§ 729.402 Report on marketing card.

The farm operator shall return each peanut marketing card to the issuing county FSA office as soon as marketings from the farm are completed or at such earlier time as the county executive director may request. At the time the last marketing card for a farm is returned, the farm operator shall execute a certification of the pounds of peanuts retained for seed or other use. Failure to return a marketing card or failure to execute the certification of the quantity of peanuts retained for seed or other uses shall constitute failure to account for the disposition of peanuts marketed from the farm. Marketing penalties may be assessed for such failure as provided in this part, unless a satisfactory report of disposition is furnished to the county committee.

§ 729.403 Report of marketing green peanuts.

(a) *Farm operator report.* The operator of each farm from which green peanuts are marketed shall report the marketing of green peanuts. The operator shall make the report by filing Form FSA-1011 at the FSA office of the county in which the farm is administratively located. The report shall show for the farm:

(1) The acreage on the farm from which peanuts were marketed solely as green peanuts; and

(2) The name and address of the buyer to, or through whom, each lot of green peanuts was marketed and the quantity in each lot marketed and the date marketed. However, if green peanuts are marketed by the producer in small lots directly to consumers, such as in the case of local street sales, the report may be made as either a daily or weekly summary of the quantity so marketed and the place of marketing may be reported in lieu of the name and address of each buyer.

(b) *Buyer report.* Each buyer of green peanuts shall report purchases of green peanuts from producers on FSA-1011 to the county FSA office in the county in which the farm is administratively located. Small lot purchases not in commercial quantities including, but not limited to, street sales, local market sales, and grocery store sales shall not be subject to this reporting requirement. This report shall subject the buyer to a review of those purchase and sales records as required in this part. Each buyer shall keep records of green peanuts purchased including the following information:

- (1) Date of purchase;
- (2) Name and address of producer selling green peanuts;
- (3) Name and address of farm operator and farm number (including State and county codes) of the farm on which the green peanuts were produced; and
- (4) Pounds of green peanuts purchased.

(c) *Failure to file green peanut report.* Failure to file any report of the marketing of green peanuts as required by this section or the filing of a report which the county committee finds to be incomplete or inaccurate shall, subject the farm operator or buyer, as applicable, to marketing penalties as set forth in this part.

§ 729.404 Report of acquisition of seed peanuts.

(a) If peanuts are planted on a farm in the current year and the seed peanuts were acquired by purchase or gift, the farm operator shall file a report with the county FSA office of the acquisition of the seed peanuts. The re-

port must be filed by the farm operator at the time a report of planted acreage of peanuts is made in accordance with provisions of part 718 of this chapter. The report shall include:

- (1) The name and address of the handler or person from whom peanuts were purchased or obtained as a gift for the purpose of planting the peanut acreage on the farm in the current year;
- (2) The pounds of peanuts acquired for seed;
- (3) The basis (farmers stock or shelled) of determining the quantity acquired;
- (4) The type of peanuts acquired; and
- (5) The date of acquisition.

(b) Unique strains of peanuts that are not commercially available and are retained on a farm to plant green peanuts shall also be reported to the county FSA office.

§ 729.405 Report of production and disposition.

(a) In addition to any other reports which may be required under this subpart, the farm operator or any producer on the farm shall furnish, upon written request by certified mail from the State Executive Director, a report to the State committee of production and disposition of the peanuts grown on the farm. The report must be filed on FSA-1010, Report of Production and Disposition, within 15 days after the request is mailed. The report shall show the:

- (1) Final acreage of peanuts on the farm;
- (2) Total production of peanuts on the farm;
- (3) Name and address of the buyer to or through whom each lot of peanuts was marketed, the number of pounds in each lot, and the date marketed;
- (4) Quantity and disposition of peanuts not marketed; and
- (5) Type of peanuts.

(b) Notwithstanding paragraph (a) of this section, if peanuts are marketed in small lots to persons who are not established buyers, the report otherwise required in paragraph (a) of this section, may be made as either a daily or weekly summary of the number of pounds marketed and the place of marketing may be reported in lieu of the name and address of each buyer.