(2) Depends solely on a share of the proceeds from the marketing of the tobacco for the return on the investment;

(3) Waits until such crop of tobacco is marketed to receive any return on the investment; and

(4) Maintains records, for a period of 3 years after the end of the marketing year in which the tobacco is sold, which may be used to verify that the provisions of this definition have been met.

Strip, scrap, stem. Types of products resulting from processing of tobacco.

Suspended sale. Any marketing of tobacco at auction for which the sale is not identified by a producer marketing card or a dealer's identification card by the end of the sale day on which such marketing occurred.

Tillable cropland. With respect to flue-cured tobacco only, cropland (excluding orchards, vineyards, land devoted to trees, and land being prepared for non-agricultural uses) which the county FSA committee determines can be planted to crops without unusual preparation or cultivation.

Tobacco. Kinds of tobacco that are subject to marketing quotas as follows: Burley tobacco, (type 31); Flue-cured tobacco, (types 11, 12, 13, and 14); Fire-cured tobacco (types 21, 22, and 23); Dark air-cured tobacco (types 35 and 36); Virginia sun-cured tobacco (type 37); Cigar filler (type 46); and Cigar-filler and binder tobacco (types 42, 43, 44, 54, and 55) as classified by the Agricultural Marketing Service at part 30 of this title.

Tobacco available for marketing. All tobacco produced on a farm which has not been marketed and which has not been disposed of so that it cannot be marketed.

Tobacco in the form not normally marketed by producers. Tobacco leaves, stems, strips, scrap or parts thereof that are the result of green tobacco having been redried, stemmed, tipped, threshed or otherwise processed.

Tobacco pickings. The residue which accumulates in the course of processing tobacco prior to the redrying of such tobacco, consisting of scrap, stems, portions of leaves, and leaves of poor quality shall be considered to be tobacco in the form not normally marketed by producers.

Trucker. A person who trucks, or who otherwise hauls tobacco for a producer, or for any other person.

Undermarketings. For burley or flue-cured tobacco, the actual undermarketings are the pounds by which the effective farm marketing quota is more than the pounds of the respective kind of tobacco marketed, and the effective undermarketings are the smaller of actual undermarketings or the sum of the previous year's farm marketing quota plus pounds of quota temporarily transferred to the farm for the previous year. However, with respect to the 1989 crop, actual undermarketings are the number of pounds by which the effective farm marketing quota is more than the sum of the number of pounds of tobacco marketed and number of pounds for which a disaster payment was made on the 1989 crop of tobacco under part 1477 of this title.

Warehouse operator. A person who engages in the business of conducting a sale of tobacco at public auction.

[55 FR 39914, Oct. 1, 1990, as amended at 56 FR 21441, May 9, 1991; 57 FR 43581, Sept. 21, 1992; 63 FR 11582, Mar. 10, 1998]

EDITORIAL NOTE: At 65 FR 7953, § 723.104(h) was amended by removing the definition of *Tillable cropland*. However, there is no paragraph (h) in § 723.104.

§ 723.105 Extent of determinations, computations, and rule for rounding fractions.

(a) *General.* All rounding herein shall be in accordance with the provisions of part 793 of this chapter.

(b) *Allotments.* Farm acreage allotments shall be determined in hundredths of acres.

(c) *Percent excess.* The percentage of excess tobacco available for marketing from a farm, hereinafter referred to as the ''percent excess,'' shall be determined in tenths of a percent.

(d) *Converted rate of penalty.* For tobacco other than burley or flue-cured, the amount of penalty per pound upon marketings of tobacco subject to penalty, hereinafter referred to as the ''converted rate of penalty,'' shall be determined in tenths of a cent.

(e) *Percentage reduction for violation.* A percentage of reduction in an allotment due to a violation shall be determined in tenths of a percent.

(f) *Yields and quotas.* Yields and quotas shall be determined in whole pounds.

§ 723.106 Location of farm for administrative purposes.

The location of a farm in a county for administrative purposes shall be as provided in part 718 of this chapter.

§§ 723.107–723.110 [Reserved]

§ 723.111 Flue-cured (types 11–14) tobacco.

(a) The 1993-crop national marketing quota is 891.8 million pounds.

(b) The 1994-crop national marketing quota is 802.6 million pounds.

(c) The 1995-crop national marketing quota is 934.6 million pounds.

(d) The 1996-crop national marketing quota is 873.6 million pounds.

(e) The 1997-crop national marketing quota is 973.8 million pounds.

(f) The 1998-crop national marketing quota is 807.6 million pounds.

(g) The 1999-crop national marketing quota is 666.2 million pounds.

[58 FR 11962, Mar. 2, 1993, as amended at 59 FR 6866, Feb. 14, 1994; 60 FR 22460, May 8, 1995; 61 FR 37673, July 19, 1996; 62 FR 24800, May 7, 1997; 63 FR 55938, Oct. 20, 1998; 64 FR 66718, Nov. 30, 1999]

§ 723.112 Burley (type 31) tobacco.

(a) The 1993-crop national marketing quota is 603.0 million pounds.

(b) The 1994-crop national marketing quota is 542.7 million pounds.

(c) The 1995-crop national marketing quota is 549.0 million pounds.

(d) The 1996-crop national marketing quota is 633.8 million pounds.

(e) The 1997-crop national marketing quota is 704.5 million pounds.

(f) The 1998-crop national marketing quota is 637.8 million pounds.

(g) [Reserved]

(h) The 2000-crop national marketing quota is 247.4 million pounds.

[58 FR 36859, July 9, 1993, as amended at 59 FR 22725, May 3, 1994; 60 FR 27868, May 26, 1995; 61 FR 50425, Sept. 26, 1996; 62 FR 30230, June 3, 1997; 63 FR 55940, Oct. 20, 1998; 65 78407, Dec. 15, 2000]

§ 723.113 Fire-cured (type 21) tobacco.

(a) The 1993-crop national marketing quota is 1.975 million pounds.

(b) The 1994-crop national marketing quota is 2.15 million pounds.

(c) The 1995-crop national marketing quota is 1.95 million pounds.

(d) The 1996-crop national marketing quota is 1.97 million pounds.

(e) The 1997-crop national marketing quota is 2.395 million pounds.

(f) The 1998-crop national marketing quota is 2.725 million pounds.

(g) The 1999-crop national marketing quota is 2.6 million pounds.

(h) The 2000-crop national marketing quota is 2.138 million pounds.

[58 FR 36857, July 9, 1993, as amended at 59 FR 27220, May 26, 1994; 60 FR 38234, July 26, 1995; 61 FR 63702, Dec. 2, 1996; 62 FR 43922, Aug. 18, 1997; 64 FR 15295, Mar. 31, 1999; 65 FR 41556, July 6, 2000; 65 FR 64594, Oct. 30, 2000]

§ 723.114 Fire-cured (types 22–23) tobacco.

(a) The 1993-crop national marketing quota is 38.2 million pounds.

(b) The 1994-crop national marketing quota is 40.4 million pounds.

(c) The 1995-crop national marketing quota is 39.8 million pounds.

(d) The 1996-crop national marketing quota is 40.6 million pounds.

(e) The 1997-crop national marketing quota is 43.4 million pounds.

(f) The 1998-crop national marketing quota is 44.6 million pounds.

(g) The 1999-crop national marketing quota is 41.4 million pounds.

(h) The 2000-crop national marketing quota is 42.9 million pounds.

[58 FR 36857, July 9, 1993, as amended at 59 FR 27220, May 26, 1994; 60 FR 38234, July 26, 1995; 61 FR 63702, Dec. 2, 1996; 62 FR 43922, Aug. 18, 1997; 64 FR 15295, Mar. 31, 1999; 65 FR 41556, July 6, 2000; 65 FR 64594, Oct. 30, 2000]

§ 723.115 Dark air-cured (types 35–36) tobacco.

(a) The 1993-crop national marketing quota is 11.16 million pounds.

(b) The 1994-crop national marketing quota is 10.6 million pounds.

(c) The 1995-crop national marketing quota is 9.6 million pounds.

(d) The 1996-crop national marketing quota is 9.2 million pounds.

(e) The 1997-crop national marketing quota is 9.88 million pounds.

(f) The 1998-crop national marketing quota is 11.15 million pounds.