

§ 729.104

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produced shall be considered as marketed for domestic edible use as of January 31, or such later date.

Marketing year. The 12 month period beginning on August 1 of a current year in which the peanuts are grown and ending July 31 of the following year.

National poundage quota. The poundage quota announced by the Secretary for the relevant crop year.

Nonquota farm. A farm that does not have a basic quota greater than zero for the current year.

Peanut quantity marketed or considered marketed. With respect to a lot of farmers stock peanuts, the quantity of such peanuts that is marketed or considered marketed shall be:

(i) *Inspected peanuts.* For peanuts inspected by the Federal-State Inspection Service at the time of marketing, the gross weight of the lot less foreign material in the lot and less moisture in excess of 7 percent of gross weight for the lot.

(ii) *Noninspected peanuts.* For peanuts not inspected by the Federal-State Inspection Service at the time of marketing, the gross weight of the lot.

(iii) *Shelled peanuts.* For shelled peanuts marketed by a producer, the poundage of the shelled peanuts in the lot multiplied by a factor of 1.5.

Peanuts. All peanuts produced, excluding:

- (i) Any peanuts which were not dug;
- (ii) Any dug peanuts not picked or threshed which are disposed of under the direction and supervision of FSA personnel; and
- (iii) Green peanuts.

Planted acreage. The acreage on which peanuts were planted in a workmanlike manner determined in accordance with the provisions of part 718 of this chapter.

Preliminary quota. For the current year and an eligible farm, the basic quota established for the farm for the preceding year to the extent that the farm is not subject to a reduction in quota.

Quota farm. A farm having a basic quota greater than zero in the current year.

Quota peanuts. Peanuts (except green peanuts) which are marketed or considered marketed from a farm for domestic edible use. Quota peanuts shall be

considered to be all peanuts which are dug on a farm except the following:

- (i) Green peanuts;
- (ii) Peanuts which are placed under loan at the additional loan rate and not redeemed by the producer;
- (iii) Peanuts which are marketed in accordance with the requirements of this part as contract additional peanuts.
- (iv) Peanuts considered marketed but because of conditions beyond the control of the producer had no commercial value as determined by the FSA at the time the peanuts were marketed.

Seed sheller. A person who in the course of such person's usual business operations shells peanuts for use as seed for the subsequent year's crop.

Temporary seed quota. Quota temporarily allocated for the current crop year only and in an amount determined by FSA to account for the amount of seed peanuts planted on the farm for production of peanuts, excluding green peanuts and peanuts produced under the one-acre exemption set forth in § 729.306 of this part.

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

Yield per acre or actual yield. The yield of peanuts for a farm for a crop year computed by dividing the total production of peanuts for the farm by the final acreage of peanuts for the farm.

[56 FR 16211, Apr. 19, 1991, as amended at 56 FR 38327, Aug. 13, 1991; 57 FR 27144, June 18, 1992; 61 FR 36999, July 16, 1996; 62 FR 25438, May 9, 1997; 65 FR 8247, Feb. 18, 2000]

§ 729.104 Administration.

(a) The regulations in this part will be administered under the general supervision of the Administrator, FSA, and shall be carried out in the field by State and county FSA committees.

(b) State and county committees, and representatives and employees thereof do not have the authority to modify or waive any of the provisions of the regulations of this part.

(c) The State committee:

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(1) Shall instruct a county committee to:

(i) Correct any action taken by such committee which is not in accordance with the regulations of this part, or

(ii) Withhold taking any action which such committee is known to be contemplating if such action is not in accordance with the regulations of this part.

(iii) Take any action required in accordance with the regulations of this part if such county committee has knowingly failed to take such action.

(2) May, after duly instructing a county committee in accordance with paragraph (c)(1) of this section, correct or modify any action required by these regulations that such committee has failed or refused to take.

(d) The Deputy Administrator:

(1) Shall instruct a State committee to:

(i) Correct any action taken by such committee which is not in accordance with the regulations of this part, or

(ii) Withhold taking any action which such committee is known to be contemplating if such action is not in accordance with this part.

(iii) Take any action required in accordance with regulations of this part if such State committee has knowingly failed to take such action.

(2) Shall after duly instructing the State committee in accordance with paragraph (d)(1) of this section, correct or modify any action required by these regulations that such committee has failed or refused to take.

(3) May waive or modify deadlines and other program requirements in cases for which the Deputy Administrator determines that lateness, or failure to meet such other requirements, as applicable, does not affect adversely the operation of the peanut program. Such authority shall include, but not be limited to, the delegation of the authority to the State FSA committee to, acting in accordance with such instructions as the Deputy Administrator may issue, modify deadlines for the filing of transfer of peanut quotas.

(e) Notwithstanding any provisions in the regulations of this part, the Administrator, FSA, or a designee, may determine any question arising under the regulations of this part or may re-

verse or modify any determination made by a State or county committee.

[56 FR 16211, Apr. 19, 1991, as amended at 61 FR 36999, July 16, 1996; 62 FR 25438, May 9, 1997]

§ 729.105 Types of peanuts.

Peanuts shall be classified by type into one of the following types as identified and determined by the Federal-State Inspection Service:

- (a) Runner;
- (b) Spanish;
- (c) Valencia; or
- (d) Virginia.

§ 729.106 Extent of calculations and rule of fractions.

(a) Computations made pursuant to this part shall be rounded in accordance with the provisions of part 793 of this chapter.

(b) Acreages shall be determined in tenths of an acre.

(c) Per pound penalties and liquidated damages shall be determined in tenths of a cent.

(d) The following calculations shall be determined in whole pounds:

- (1) Peanuts produced;
- (2) Considered produced;
- (3) Marketed;
- (4) Preliminary quotas;
- (5) Basic quotas;
- (6) Effective quotas;
- (7) Farm yields; and
- (8) Actual yields per acre.

§ 729.107 Location of farms for administrative purposes.

The location of a farm in a county for administrative purposes shall be as provided in part 719 of this chapter.

§ 729.108 Request for reconsideration or appeal.

Any producer who is dissatisfied with a determination rendered by the county FSA committee under this part may file a request for reconsideration or appeal in accordance with part 780 of this chapter.

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