

### § 759.3

### 7 CFR Ch. VII (1-1-02 Edition)

(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 in this part, as amended or supplemented.

(c) The State committee shall take any action required by this part which has not been taken by the county committee. The State committee shall also:

(1) Correct, or require a county committee to correct, any action taken by such county committee which is not in accordance with the regulations of this part; or

(2) Require a county committee to withhold taking any action which is not in accordance with the regulations of this part.

(d) No delegation herein to a State or county committee shall preclude the Deputy Administrator for Farm Programs, FSA, or a designee, from determining any question arising under the program or from reversing or modifying any determination made by a State or county committee.

(e) The Deputy Administrator for Farm Programs, FSA, may authorize State and county committees to waive or modify deadlines and other program requirements in cases where timeliness or failure to meet such other requirements does not adversely affect the operation of the program.

#### § 759.3 Definitions.

The definitions set forth in this section shall be applicable for all purposes of administering the Small Hog Operation Payment Program established by this part.

*Application* means the Small Hog Operation Payment Program Application, FSA-1042.

*Cost-plus contract* means an agreement between a hog operation and a purchaser which bases payment to the hog operation on the estimated cost of production of a hog plus a profit margin.

*Department* means the United States Department of Agriculture.

*Eligible hogs* means feeder pigs and slaughter hogs.

*Farm Service Agency* or FSA means the Farm Service Agency of the Department.

*Feeder pigs* means young pigs that are sold to another person for further feeding for a period of more than 1 month.

*Fixed-price contract* means an agreement between a hog operation and a purchaser which bases payment at a negotiated fixed price and includes contracts that may specify the duration and minimum and/or maximum number of hogs to be delivered during the contract period.

*Hog operation* means any person or group of persons who as a single unit raises hogs and whose production and facilities are located in the United States.

*Marketing period* means the period beginning on July 1, 1998, and ending on December 31, 1998.

*Negotiated cash sales* means a sale in which the price is determined by interactions between the hog operation and the purchaser during the current day, for delivery within the next 7 slaughter days, and does not include hogs which are sold under contract.

*Person* means any individual, group of individuals, partnership, corporation, estate, trust, association, cooperative, or other business enterprise or other legal entity who is, or whose members are, a citizen or citizens of, or legal resident alien or aliens in the United States.

*Secretary* means the Secretary of the United States Department of Agriculture or any other officer or employee of the Department who has been delegated the authority to act in the Secretary's stead with respect to the program established in this part.

*Slaughter hogs* means barrows, gilts, sows, and boars that are sold for immediate slaughter.

*United States* means the 50 States of the United States of America, the District of Columbia, and the Commonwealth of Puerto Rico.

#### § 759.4 Time and method for application.

(a) Hog operations may obtain an application, Form FSA-1042 (Small Hog Operation Payment Program Application), in person, by mail, by telephone, or by facsimile from any county FSA office. In addition, applicants may download a copy of the FSA-1042 at <http://www.fsa.usda.gov/dafp/psd/>.