the State committee or a representative of the State committee. The initial notice of farm poundage quota shall not be mailed to a farm operator until the farm poundage quota has been so approved. A revised notice may be mailed without the approval of the county committee in any case resulting from:

(1) A farm reconstitution;

(2) A transfer of poundage quota by lease, sale, owner or operator; or

(3) Quotas apportioned pursuant to § 729.388 as a result of a temporary release of quota by other farms.

(b) *Notice to farm operator.* (1) As soon as practicable after the farm poundage quota or the effective farm poundage quota is approved, an official notice of such quota shall be mailed to the farm operator.

(2) If a farm poundage quota is reduced to zero for the current year, the county committee shall mail to the farm operator a notice of such determination.

(3) A revised notice of farm poundage quota or effective farm poundage quota shall be mailed to the farm operator as soon as possible after the county committee determines that an incorrect notice has been mailed, or the county committee takes an action which requires a revision of the previously determined quota.

(4) The notice to the operator shall constitute notice to all persons, including, but not limited to, any person who as operator, landlord, tenant, or sharecropper has an interest in the farm for which the quota is established.

§ 729.337 Erroneous notice of effective farm poundage quota.

(a) *Marketing penalty computations where an erroneous notice has been issued.* If the official notice of effective farm poundage quota issued for a farm erroneously stated a quota larger than the correct effective farm poundage quota, the quota shown on the erroneous notice shall serve as the basis for marketing penalty computations for the farm for the current marketing year only if the county committee determines and the State Executive Director concurs that:

(1) The error was not so substantial as to place the operator on notice thereof; and

(2) The operator, relying upon such notice and acting in good faith—

(i) Materially changes the operator's position in order to produce the quota set forth on the erroneous notice (by, for example, obligating expenditures for land preparation, additional equipment and labor) and

(ii) Has planted the acreage of peanuts needed to produce the erroneous farm poundage quota.

(b) *Determination of undermarketings where an erroneous notice has been issued.* Notwithstanding the provisions of paragraph (a) of this section, undermarketings for farms which receive an erroneous notice of effective farm poundage quota shall be determined on the basis of the correct effective farm poundage quota for the farm.

§ 729.338 Request for reconsideration or appeal.

Any producer dissatisfied with the determination of a farm poundage quota or effective farm poundage quota may file a request for reconsideration with the county committee in accordance with Part 780 of this Chapter. Such request must be filed no later than 15 days after date of mailing the notice of the farm poundage quota or effective farm poundage quota. Following such reconsideration, the producer may appeal such determination to the State committee in accordance with Part 780 of this Chapter. Determinations rendered by the State committee with respect to individual farm poundage quotas and individual effective farm poundage quotas shall be final and there shall be no further administrative appeal, unless it is determined by the Deputy Administrator that such action is needed in the interests of the program.

(Approved by the Office of Management and Budget under control number 0560–0006)

§ 729.339 Farms with one acre or less of peanuts.

Peanuts produced on a farm on which the acreage of peanuts dug is one acre or less are eligible to be marketed for domestic edible use provided that no producer who shares in the peanuts produced on any such farm shares in the peanuts produced on any other farm. Notwithstanding any other provision of this subpart, farms to which this section applies shall not be considered eligible farms for the purpose of allocating farm poundage quota under this subpart.

§§ 729.340–729.342 [Reserved]

Transfers of Farm Poundage Quota

§ 729.343 Transfer by sale or lease.

Subject to the provisions of this subpart, the owner and operator of any farm having a farm poundage quota in the current year may have approved by the county committee a record of transfer for sale or lease of all or any part of the farm poundage quota to any other owner or operator of a farm in the same county. The receiving farm need not have a farm poundage quota. If the owner(s) and operator of the farm from which the transfer by sale or lease is to be made are different persons, each shall execute the record of transfer. However, only the owner(s) or operator of the receiving farm is required to execute the record of transfer.

§ 729.344 Transfer by owner or operator.

The owner or operator of any farm having a farm poundage quota in the current year may have approved by the county committee a record of transfer to transfer the farm poundage quota from such farm to another farm owned or controlled by the same person: (a) In the same county, or (b) in a county that is contiguous to the transferring county in the same State if the receiving farm had a farm poundage quota established for the preceding year's crop.

§ 729.345 Transfer by sale or permanent transfer by owner from or to separately owned tracts within a farm combination.

The owner of a separately owned tract within a farm may, with the approval of the farm operator, permanently transfer by sale, or by owner, the farm poundage quota attributable to the tract to another tract within the same farm combination if the owner of the receiving tract agrees to the transfer. The quota for such tract may also be transferred by sale or owner to a different farm to the extent that such a transfer could be permitted if the tract were a separate farm.

§ 729.346 Transfers within certain States.

Notwithstanding any other provisions of this subpart, a transfer of a farm poundage quota by sale, lease or by the owner or operator, for farms for which the poundage quota allocated to the State was less than 10,000 tons for the preceding year's crop may be made to any other farm in the same State, pursuant to instructions issued by the Deputy Administrator.

§ 729.347 Witness of signatures.

A county committee member or employee must witness the signature of either the owner or operator of the transferring farm and the owner or operator of the receiving farm. If such signatures cannot be witnessed in the county office where the farm is administratively located, they may be witnessed in any county office.

§ 729.348 Filing record of transfer and time for filing.

No transfer of any quota under this section shall become effective until a record of transfer, determined by the county committee to be in compliance with the provisions of this subpart, has been executed on Form ASCS–375, or such other form approved for general