Authority: Secs. 301, 357, 358, 358a, 359, 372, 373, 375, 52 Stat. 38, as amended, 55 Stat. 88, as amended, 81 Stat. 658, as amended, 55 Stat. 90, as amended, 52 Stat. 65, as amended, 66, as amended (7 U.S.C. 1301, 1357, 1358, 1358a, 1359, 1372, 1373, 1375, as amended): Section 108B of the Agricultural Act of 1949 as added by Section 705 of the Food Security Act of 1985 (Pub. L. No. 99-198).

Subpart—Poundage Quota and Marketing Regulations for the 1986 Through 1990 Crops of Peanuts

General

§ 729.311 Basis and purpose.

The regulations contained in this subpart are issued in accordance with the Agriculture Adjustment Act of 1938, as amended, and the Agricultural Act of 1949, as amended, and are applicable to the 1986 through 1990 crops of peanuts. They govern the establishment of farm poundage quotas, the issuance of marketing cards, the identification of marketings of peanuts, the collection and refund of penalties, the keeping of records, and the making of reports incident thereto.

§ 729.312 Extent of calculations and rule of fractions.

Computations made pursuant to this subpart shall be rounded in accordance with the provisions of Part 793 of this chapter, provided further:

(a) Acreages shall be rounded to the nearest tenth;

(b) Penalties and liquidated damages shall be rounded to the nearest cent;

(c) Per pound penalties and liquidated damages shall be rounded to the nearest tenth of a cent.

(d) The following calculations shall be rounded to the nearest whole pound:

(1) Peanuts produced, considered produced and marketed;

(2) Preliminary farm poundage quoatas;

(3) Farm poundage quotas;

(4) Initial basic farm poundage quotas;

(5) Basic farm poundage quoatas;

(6) Effective farm poundage quoatas;

(7) Farm yields; and

(8) Actual yields per acre; and

(e) All mathematical factors arising under this subpart shall be calculated to four decimal places unless the Deputy Administrator shall determine otherwise.

§ 729.313 Definitions

The definitions in, and provisions of, Parts 718, 719, 720, and 1446 of this chapter are hereby made applicable to these regulations unless the context or subject matter or the provisions of these regulations require othewise. References to other parts of this chapter or title or any other regulations, shall include any amendments to the referenced parts. Unless the context or subject matter require otherwise, the following words and phrases, as used in this subpart and in all related instructions and forms shall mean:

(a) *Additional peanuts.* Any peanuts which are marketed from a farm other than peanuts marketed or considered marketed as quota peanuts.

(b) *Areas.* The southwestern area consisting of Puerto Rico, the U.S. Virgin Islands, and the States of Alabama, Georgia, Mississippi, Florida, and that part of South Carolina south and west of the Santee-Congaree-Board Rivers.

(2) The southeastern area consisting of the States of Alaska, Arizona, Arkansas, California, Colorado, Hawaii, Idaho, Kansas, Louisiana, Montana, Nebraska, New Mexico, Nevada, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming and all terrorities and possessions of the United States not otherwise assigned.

(3) The Virginia-Carolina area consisting of the District of Columbia and the States of Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and that part of South Carolina north and east of the Santee-Congaree-Board Rivers.

(c) *Base period.* The 3 calendar years immediately preceding the year for which a farm poundage quota is being established.

(d) *Basic farm poundage quota.* (1) For the 1985 crop, the basic quota established pursuant to § 729.224 for a farm.

(2) For the 1986–90 crops, the quota determined for the 1986–1990 crops for a farm in accordance with § 729.325.

(e) *Buyer.* A person who:

(1) Buys or otherwise acquires peanuts in any form;

(2) Markets, as a commission merchant, broker, cooperative, agent, or in any other capacity, any peanuts for the account of a producer and is responsible to the producer for the amount received for the peanuts; or