

use for that purpose by the Deputy Administrator, and filed within the time periods set forth in this section with the county committee in the county where the farms are administratively located.

(a) *Record of transfer filed during the normal planting period ("spring transfers").* In order to be effective during the normal planting period, a record of transfer shall be filed by the date established for that purpose by the State committee for the relevant State, which date shall not be later than June 15, except that for the 1986 crop, the date shall be the date established by the Deputy Administrator. A record of transfer filed after the date established by the State committee for purposes of the preceding sentence but prior to July 1, or prior to the date established by the Deputy Administrator for the 1986 crop, may nonetheless be considered to be timely filed for a spring transfer, if the county committee finds that:

(1) The transfer was agreed upon no later than the date established by the State committee, and

(2) The record of transfer was not timely filed with the county committee because of conditions beyond the control of the parties to the transfer.

(b) *Record of transfer filed after the normal planting period ("fall transfers").* A record of transfer which is filed after the date established by the State committee for "spring transfers" pursuant to § 729.348(a) shall not become effective unless filed not later than December 31 of the current year. A record of transfer filed after December 31 but prior to the following January 31 may be considered timely filed by December 31 if the county committee with approval of the State committee finds that:

(1) The transfer was agreed upon no later than December 31, and

(2) The record of transfer was not timely filed with the county committee because of conditions beyond the control of the parties to the transfer.

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

§ 729.349 Maximum period of transfer.

(a) *Owner transfer.* (1) An owner transfer may be approved to a farm owned by such person for a temporary period (but not to exceed two successive years during the 1986-1990 crop years) or permanently.

(2) An owner transfer to a farm controlled by such person may be approved for only one year.

(b) *All other transfers.* Transfers by lease and by operator may only be approved for one year. Multiyear leases and permanent operator transfers shall not be permitted.

§ 729.350 Transfers not to be approved.

The county committee shall not approve:

(a) A transfer of poundage quota by sale if poundage quota was transferred to the transferring farm by sale within the 3 preceding crop years.

(b) Temporary transfers by an operator for more than one year.

(c) Permanent transfers by an operator.

(d) Transfers for more than one marketing year filed after the date established by the State committee for "spring transfers" pursuant to § 729.348(a).

(e) Transfers of actual or effective undermarketings, or of quotas received as a result of a reapportionment of temporarily released quota or temporarily transferred quotas.

(f) Transfers of poundage quotas to farms with inadequate tillable cropland to produce the poundage quota.

§ 729.351 Consent of lienholders.

A transfer of poundage quota from a farm which the county committee has been informed is subject to mortgage or other lien shall not be approved unless the transfer is agreed to in writing by the lienholder. Any transfer approved by the county committee where there was a lien on the transferring farm shall be cancelled by the county committee effective as of the date of approval if it is determined that the lienholder(s) did not approve the transfer.

§ 729.352 Transfer to and from the same farm (subleasing).

(a) *Record of transfer filed during the normal planting period.* The county committee shall not approve a record of transfer which is filed (or considered filed) on or before the date established by the State committee for "spring transfers" pursuant to § 729.348(a) if the approval would result in a transfer both to and from either the transferring or receiving farm during the period ending on such date for the same crop year, except that in such instance a record of transfer may be approved if:

(1) A poundage quota has been transferred temporarily from a farm for one or more years;

(2) The transfer remains in effect; and,

(3) The farm is combined subsequent to such temporary transfer with another farm that is otherwise eligible to receive a poundage quota by transfer.

(b) *Record of transfer filed after the normal planting period.* The county committee shall not approve a temporary transfer of poundage quota which is filed (or considered filed) after the date established by the State committee for "spring transfers"

pursuant to § 729.348(a) if it would result in a temporary transfer both to and from either the receiving farm or transferring farm during the period beginning on the last date for "spring transfers", ending on December 31.

§ 729.353 Fall transfers.

In order for any transfer filed after the last date for "spring transfers" established by the State committee to be approved by the county committee, the following conditions must be met, as applicable:

(a) *Receiving farm.* The operator of the receiving farm must certify and the county committee must determine that the poundage quota being transferred is not more than will be required to market the entire production of peanuts from the receiving farm as quota peanuts in the current year. The amount so determined shall be limited to the quantity equal to the estimated upgraded pounds yet to be marketed less the quota pounds remaining on the marketing card for the receiving farm.

(b) *Transferring farm.* The operator of the transferring farm must certify and the county committee determine that:

(1) The acreage of peanuts planted on the transferring farm was equal to or in excess of the acreage determined by dividing the effective farm poundage quota by the larger of the current farm yield or the highest actual yield for the farm in any one of the preceding three years; and

(2) The production of peanuts on the transferring farm was limited to less than the effective farm poundage quota because of conditions beyond the control of the producer.

§ 729.354 Effect of permanent transfer on quota and/or production history and on determination of farm poundage quota.

In the event of a permanent transfer of a quota, the quota and/or production history of the transferring farm shall be transferred to the receiving farm in proportion to the quantity of quota which has been so transferred.

§ 729.355 County committee action.

(a) *Approval of transfer.* The county committee shall approve the transfer of poundage quota only if it determines that a timely filed record of transfer has been received and that the transfer complies with the requirements of this subpart. A transfer shall not be effective until approved by the county committee. The county committee may delegate authority to the county executive director and to other county office employees to approve transfers of poundage quotas.