(hh) *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.

§ 729.314 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.

§ 729.315 Supervisory authority of State committee and Deputy Administrator.

(a) *State Committee.* The State committee shall take any action required to be taken by any county committee in the same State which the county committee fails to take. The State committee shall correct or require the county committee to correct any action taken by any such county committee which is not in accordance with this subpart. The State committee shall also require the county committee to withhold taking any action which is not in accordance with this subpart.

(b) *Deputy Administrator.* The Deputy Administrator shall take any action required to be taken by the State committee which the State committee fails to take. The Deputy Administrator shall correct or require the State committee to correct any action taken by the State committee which is not in accordance with this subpart. The Deputy Administrator shall also require the State committee to withhold taking any action which is not in accordance with this subpart.

§ 729.316–729.319 [Reserved]

State Poundage Quotas, Farm Poundage Quotas, Notice to Farm Operator and Appeals

§ 729.320 Instructions and forms.

The Director shall cause to be prepared and issued such forms and instructions as are necessary for carrying out this subpart. The forms and instructions shall be approved by, and the instructions shall be issued by, the Deputy Administrator.

§ 729.321 Determination of State poundage quota.

The State poundage quota for a State for any crop year shall be the amount in pounds equal to the State's share of the current year's national poundage quota. That share, as a percentage of the national poundage quota for such year, shall equal the percentage of the 1985 national poundage quota allocated to farms in the State for 1985.

§ 729.322 Reserves for corrections.

(a) For purposes of correcting quota allocation errors, for each State with a share of the national peanut quota, the State committee shall establish a reserve which shall be, subject to the review and approval of the Deputy Administrator, as follows:

(1) *Increases in State's quota.* If a State's quota is higher for a crop than for the previous corp, the reserve established by a State committee for the State under this section shall be the sum of: (i) The unused reserve from the previous crop; plus (ii) an amount not to exceed 1 percent of the increase in the State's quota for the crop as compared with the previous crop.

(2) *Decrease or no increase in State quota.* If a State's quota for any of the 1986–90 crop years is equal to or less than that for the preceding year, the reserve established under this section for a State shall be the sum of: (i) The unused reserve for the previous year, plus (ii) 10 percent of the sum of (A) the quota reduced under § 729.328 from farms for the State effective for the current crop year and (B) the quota permanently released pursuant to § 729.369 from farms in the State effective for the current crop year.

(b) Within the limits set by paragraph (a) of this section, in establishing the reserve, the State committee shall hold an amount that is estimated to be sufficient to satisfy the need to correct errors based on past history of appeals and other appropriate factors. If the amount of poundage quota necessary to correct errors is in excess of the reserve established by the State committee, such errors may nevertheless be corrected upon approval of the Deputy Administrator; however, the Deputy Administrator may require the State committee to recalculate the farm poundage quotas for all farms in the State if the Deputy Administrator determines that the amount of poundage quota necessary to correct errors is substantially in excess of the reserve. In such case, the State committee shall reissue corrected farm poundage quotas for all farms which shall constitute the actual quota for all farms for all purposes.

§ 729.323 Determination of preliminary farm poundage quota.

(a) *1986.* The preliminary farm poundage quota for a farm for the 1986 crop shall be the final quota established pursuant to § 729.224 for the farm for the 1985 crop year.

(b) *1987–1990.* The preliminary farm poundage quota for a crop year for a farm for the 1987–90 crops shall be the basic farm poundage quota for the farm for the preceding year.

§ 729.324 Determination of initial basic farm poundage quota.

The initial basic farm poundage quota for a farm for any of the 1986–90 crop years shall equal the preliminary farm poundage quota for the farm for such crop year as adjusted for any increase or decrease in the State poundage quota

§ 729.325 Determination of basic farm poundage quota.

The basic farm poundage quota for a farm for a crop year shall be the intitial basic farm poundage quota for that year adjusted for:

(a) Adjustments pursuant to § 729.328 for that crop year for a failure to produce the quota;

(b) Reductions pursuant to § 729.369 for that year for permanent releases of quota from the farm;

(c) Permanent transfers of quota to or from the farm not already accounted for;

(d) Allocations to the farm for that year for error corrections from the State's reserve established under § 729.322; and

(e) Allocations to the farm pursuant to § 729.331 for the crop year from the State's distribution of quotas not produced or permanently released by other farms.

§ 729.326 Determination of effective farm poundage quota.

The effective farm poundage quota for a farm for a crop will be the basic farm poundage quota for the farm for that crop adjusted for:

(a) Temporary transfers of quota to or from the farm applicable to that crop year;

(b) Temporary releases of quota for the farm applicable to that crop year; and

(c) Undermarketings.

§ 729.327 Considered produced credit.

(a) *General.* Except as otherwise provided in this section, for purposes of this subpart, the considered produced credit which will be permitted for a farm for any crop year shall be the sum of the pounds (not to exceed the basic farm poundage quota for the farm for the crop year less the pounds of peanuts which were marketed from the farm from that crop) which with respect to the farm:

(1) *Were not produced for the crop* year because of drought, flood or any other natural disaster or any other condition beyond the control of the producer, as determined by the county committee in accordance with instructions issued by the Deputy Administrator;

GLEASON-000755