

Agricultural Marketing Service, USDA

§ 997.52

by the Federal or Federal-State Inspection Service as meeting the requirements specified for fragmented peanuts.

(5) Unless otherwise specified, the disposition and reporting requirements applicable to peanuts failing quality requirements for human consumption specified in the preceding paragraph (b) of this section shall also apply to loose shelled kernels, fall through and pickouts.

(6) Peanuts handled pursuant to paragraphs (b)(4)(i) and (b)(4)(iii) of this section are exempt from §997.51 Assessments.

[55 FR 49983, Dec. 4, 1990, as amended at 56 FR 55990, Oct. 31, 1991; 60 FR 43355, Aug. 21, 1995; 60 FR 50087, Sept. 28, 1995]

**§997.50 Inspection, chemical analysis, certification and identification.**

Each handler shall, at his own expense, prior to or upon receiving and before shipping or disposing of peanuts, cause an inspection to be made of any such peanuts not covered by a valid inspection certificate, to determine whether they meet the applicable grade requirements effective pursuant to this part and shall comply with such identification requirements prescribed by this part or which the Secretary may prescribe. Each handler shall also cause appropriate samples to be drawn and chemically analyzed by a USDA laboratory or laboratory listed in §997.30 for wholesomeness as provided in §997.30 of this part. Such handler shall obtain grade and aflatoxin certificates that such peanuts meet the aforementioned applicable requirements and all such certificates shall be available for examination or use by the Division. Acceptable certificates shall be those issued by Federal or Federal-State inspectors authorized or licensed by the Secretary and USDA laboratories or those listed in §997.30 of this part. Each handler shall furnish, or cause the inspection service or the laboratory to furnish to the Division, a copy of the inspection certificate and a copy of the results of the chemical analyses issued to him on each lot of shelled peanuts or cleaned inshell peanuts.

ASSESSMENTS

**§997.51 Assessments.**

Each first handler shall pay to the Secretary, with respect to peanuts received or acquired by the handler, including the handler's own production, an administrative assessment as approved by the Secretary. The rate of assessment shall be the same as the administrative assessment approved by the Secretary and applied to signatory handlers under the Peanut Marketing Agreement No. 146. Such administrative assessment shall be applied during the crop year beginning July 1 and ending June 30 of the following year. Each handler's pro rata share shall be the rate of assessment fixed by the Secretary per net ton of farmers stock peanuts received or acquired, other than those peanuts described in §997.20(a)(1) and (2). During the crop year, the Secretary may increase the rate of assessment if such an increase is established under the Agreement.

[59 FR 39421, Aug. 3, 1994]

REPORTS, BOOKS AND RECORDS

**§997.52 Reports of acquisitions and shipments.**

Each handler shall report acquisitions of Segregation 1 farmers' stock peanuts on Form FV-117-10 "Handlers Monthly Report of Acquisitions" and file such other reports of acquisitions and shipments of peanuts, as prescribed in this part. Upon the request of the Division, each handler shall furnish such other reports and information as necessary to enable the Division to carry out the provisions of this part. All reports and records furnished or submitted by handlers to the Division which include data or information constituting a trade secret or disclosing the trade position, financial condition, or business operations of the particular handler shall not be disclosed unless such disclosure is determined necessary by the Secretary to enforce the provisions of this part.

[55 FR 49983, Dec. 4, 1990, as amended at 56 FR 55991, Oct. 31, 1991]

**§ 997.53 Verification of reports.**

For the purpose of checking and verifying reports filed by handlers or the operation of handlers under the provisions of this part, the Secretary, through its duly authorized agents, shall have access to any premises where peanuts may be held by any handler and at any time during reasonable business hours and shall be permitted to inspect any peanuts so held by such handler and any and all records of such handler with respect to the acquisition, movement, holding, processing or disposition of all peanuts which may be held or which may have been disposed of by the handler. Each handler shall maintain such records of peanuts received, held, and disposed of by the handler, that will substantiate any required reports and will show performance under this part. Such records shall be retained for at least two years beyond the crop year of their applicability.

**§ 997.54 Agents.**

The Secretary may, by a designation in writing, name any person, including any officer or employee of the United States Government, or name any service, division or branch in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

ASSESSMENT RATES

**§ 997.101 Assessment rate.**

On and after July 1, 1996, an administrative assessment rate of \$0.70 per net ton of assessable farmers stock peanuts received or acquired by each non-signatory first handler is established for peanuts.

[61 FR 35595, July 8, 1996]

**PART 998—MARKETING AGREEMENT REGULATING THE QUALITY OF DOMESTICALLY PRODUCED PEANUTS**

DEFINITIONS

- Sec.
- 998.1 Secretary.
- 998.2 Act.
- 998.3 Person.

- 998.4 Area.
- 998.5 Peanuts.
- 998.6 Producer.
- 998.7 Handle.
- 998.8 Handler.
- 998.9 Crop year.
- 998.10 Production areas.
- 998.11 Area association.

PEANUT ADMINISTRATIVE COMMITTEE

- 998.15 Establishment and membership.
- 998.16 Eligibility.
- 998.17 Term of office.
- 998.18 Initial committee.
- 998.19 Nomination.
- 998.20 Selection.
- 998.21 Failure to nominate.
- 998.22 Qualify by acceptance.
- 998.23 Alternate members.
- 998.24 Vacancies.
- 998.25 Compensation and expenses.
- 998.26 Procedure.
- 998.27 Powers.
- 998.28 Duties.

MARKETING POLICY

- 998.30 Marketing policy.

QUALITY REGULATION

- 998.31 Incoming regulation.
- 998.32 Outgoing regulation.
- 998.33 Inspection, certification and identification.
- 998.34 Modification.
- 998.35 Above parity situations.
- 998.36 Indemnification.

REPORTS, BOOKS AND RECORDS

- 998.40 Confidential information.
- 998.41 Reports of acquisitions and shipments.
- 998.42 Other reports.
- 998.43 Records.
- 998.44 Verification of reports.

EXPENSES AND ASSESSMENTS

- 998.47 Expenses.
- 998.48 Assessments.

MISCELLANEOUS PROVISIONS

- 998.50 Rights of the Secretary.
- 998.51 Personal liability.
- 998.52 Separability.
- 998.53 Derogation.
- 998.54 Duration of immunities.
- 998.55 Agents.
- 998.56 Effective time.
- 998.57 Suspension or termination.
- 998.58 Procedure upon termination.
- 998.59 Effect of termination or amendment.
- 998.60 Counterparts.
- 998.61 Additional parties.

IMPLEMENTING REGULATIONS

- 998.100 Incoming quality regulation for 1995 and subsequent crop peanuts.