

§ 80.5

7 CFR Ch. I (1-1-01 Edition)

§ 80.5 Rate of payment.

(a) The rate of payment for potatoes for charitable institutions will be \$1.50 per hundredweight for fresh Irish potatoes if packed in bags or cartons, and will be \$0.75 if shipped in bulk. All eligible fresh Irish potatoes intended for donation to charitable institutions must: Meet U.S. Grade No. 2 (fairly clean) requirements as certified by the AMS or the Federal-State Inspection Service; and be in a quantity of 40,000 pounds net or a multiple of 40,000 pounds net. Only transportation costs associated with donations to charitable institutions may be arranged for and paid by USDA. USDA will make no other payment with respect to such potatoes.

(b) Livestock feed payments will be \$.75 per hundredweight for U.S. Grade No. 2 Processing potatoes when whole as certified by AMS or the Federal-State Inspection Service. Payment will not be made for any fractional part of a hundredweight not meeting grade requirements. All arrangements and costs for: U.S. grading and inspection; processing, and transportation, as well as identifying the livestock feed recipient will be included in the \$.75 per hundredweight payment. USDA will make no other payment with respect to such potatoes.

[62 FR 29650, June 2, 1997, as amended at 62 FR 40730, July 30, 1997]

§ 80.6 Eligibility for payment.

(a) To the extent applications for payment do not exceed \$9 million, payments will be made under this program to any producer of fresh Irish potatoes who:

(1) Provides fresh Irish potatoes that are free from any water damage and:

(i) If intended for human consumption, meet the requirements of 7 CFR 51.1540-51.3006 U.S. Grade No. 2 (fairly clean); or

(ii) If intended for livestock feed, meet the requirements of 7 CFR 51.3410-51.3418 U.S. Grade No. 2 Processing when whole, and are cut, chopped sliced, gouged, crushed, ensiled, or cooked to the degree that the potatoes are readily and obviously identifiable as having been rendered unsuitable to enter into normal chan-

nels of trade and commerce as determined by FSA or its representative;

(2) Executes and files Form FSA-117 with the FSA county office responsible for the county where the producer's farm is located for FSA program purposes;

(3) Receives approval for their application;

(4) Completes form FSA-118 and whose fresh Irish potatoes are shipped in accordance with this regulation;

(5) Diverts fresh Irish potatoes and submits required documentation by July 28, 1997, if Form FSA-117 is approved by USDA from May 29 through July 11, 1997; or diverts fresh Irish potatoes and submits required documentation by August 13, 1997, if Form FSA-117 is approved by USDA from July 14 through July 28, 1997; or diverts fresh Irish potatoes and submits required documentation by August 27, 1997, if Form FSA-117 is approved by USDA from July 29 through August 27, 1997. Allocations unused by the applicable date will no longer be available for that producer. Final dates to complete diversions and submit documentation may be waived by USDA if it is determined that severe weather conditions prevented the completion of the diversion during the allotted time period.

(6) Files a claim as provided in § 80.10; and

(7) Complies with all other terms and conditions in this subpart.

(b) In the event applications for participation in the program authorized by this subpart exceed \$9 million, USDA shall, at its sole discretion, determine which applications to accept.

[62 FR 29650, June 2, 1997, as amended at 62 FR 40731, July 30, 1997]

§ 80.7 Application and approval for participation.

(a) The applications will be reviewed by the FSA in the order shown on the FSA register located at the respective FSA county office and will be approved taking into account the availability of funds, for each method of diversion;

(b) An approved Form FSA-117 may be modified or amended with the consent of the applicant and the duly authorized representative of AMS or FSA provided that such modification or