

## § 945.122

indicating his intent to so handle potatoes; (b) agree to comply with reporting and other requirements set forth in §§ 945.121 to 945.125, inclusive, with respect to such shipments; and (c) receive approval of the committee, or its duly authorized agents, to so handle potatoes. Such approval will be based upon evidence furnished in his application for a Certificate of Privilege, and other information available to the committee.

### § 945.122 Application.

(a) Application for a Certificate of Privilege shall be made on forms furnished by the committee. Each application may contain, but need not be limited to, the name and address of the handler; the quantity by grade, size, quality and variety of the potatoes to be shipped; the mode of transportation; the consignee; the destination; the purpose for which the potatoes are to be used; a certification to the United States Department of Agriculture and to the committee as to the truthfulness of the information shown thereon; and any other appropriate information or documents deemed necessary by the committee or its duly authorized agents for the purpose stated in § 945.120.

(b) The committee may require each handler making shipments of potatoes for export to include with his application a copy of the Department of Commerce Shipper's Export Declaration Form No. 7525-V applicable to such shipment.

### § 945.123 Approval.

The committee or its duly authorized agents shall give prompt consideration to each application for a Certificate of Privilege. Approval of an application, based upon a determination as to whether the information contained therein and other information available to the committee supports approval, shall be evidenced by the issuance of a Certificate of Privilege to the applicant. Each certificate shall cover a specified period, and specified qualities and quantities of potatoes to be sold or transported to the designated consignee for the purposes declared.

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### § 945.124 Reports.

Each handler of potatoes shipping under Certificates of Privilege shall supply the committee with reports as requested by the committee or its duly authorized agents showing the name and address of the shipper; the car or truck identification; the loading point; destination; consignee; the inspection certificate number when inspection is required; and any other information deemed necessary by the committee.

### § 945.125 Disqualification.

The committee from time to time may conduct surveys of handling of potatoes for special purposes requiring Certificates of Privilege to determine whether handlers are complying with the requirements and regulations applicable to such certificates. Whenever the committee finds that a handler or consignee is failing to comply with requirements and regulations applicable to handling of potatoes in special outlets, and requiring such certificates, a Certificate or Certificates of Privilege issued such handler may be rescinded and further certificates denied. Such disqualification shall apply to, and not exceed, a reasonable period of time as determined by the committee but in no event shall it extend beyond the end of the succeeding fiscal period. Any handler who has a certificate rescinded or denied may appeal to the committee in writing for reconsideration of his disqualification.

### § 945.130 Reestablishment of districts and reapportionment of committee membership.

(a) Pursuant to § 945.23: (1) The following new districts are established;

(i) District No. 1, the counties of Bonneville, Butte, Clark, Freemont, Jefferson, Madison, and Teton;

(ii) District No. 2, the counties of Bannock, Bear Lake, Bingham, Caribou, Franklin, Oneida, and Power; and

(iii) District No. 3, Malheur County, Oreg., and the remaining designated counties in Idaho included in the production area, and not included in District No. 1 or District No. 2.

(2) The membership of the Idaho-Eastern Oregon Potato Committee

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shall be apportioned among the districts of the production area so as to provide the following representation;

- (i) Three producer members and one handler member from District No. 1;
- (ii) One producer member and one handler member from District No. 2; and
- (iii) One producer member and one handler member from District No. 3.

The respective alternates shall be selected on the same basis of representation as the members.

(b) The new districts are hereby established in the current fiscal year only for the purpose of making nominations of committee members for the coming fiscal year. The new districts are to be established as operating entities beginning on June 1, 1972.

(c) Terms used in this section have the same meaning as when used in said marketing agreement and this part.

[37 FR 5007, Mar. 9, 1972]

**Subpart—Assessment Rates**

**§ 945.249 Assessment rate.**

On and after August 1, 1996, an assessment rate of \$0.0026 per hundredweight is established for Idaho-Eastern Oregon potatoes.

[61 FR 39271, July 29, 1996]

**Subpart—Handling Regulations**

**§ 945.341 Handling regulation.**

No person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) through (d) of this section, or unless such potatoes are handled in accordance with paragraphs (e) and (f), or (g) of this section.

(a) *Minimum quality requirements.* (1) *Grade—All varieties.* U.S. No. 2 or better grade.

(2) *Size.* (i) *Round red varieties.* 1½ inches minimum diameter.

(ii) *All other varieties.* 2 inches minimum diameter, or 4 ounces minimum weight: *Provided,* That at least 40 percent of the potatoes in each lot shall be 5 ounces or heavier.

(iii) *All varieties.* Size B if U.S. No. 1 grade.

(3) *Cleanness—All varieties.* “Fairly clean.”

(b) *Minimum maturity requirements.* (1) *White Rose and red skin varieties.* Each year from August 1 through December 31, “moderately skinned”; during other periods no maturity requirements.

(2) *Norgold varieties.* Each year from August 1 through August 15, “moderately skinned”; during other periods “slightly skinned.”

(3) *All other varieties.* “Slightly skinned.”

(4) *Exceptions.* (i) Subject to compliance with paragraph (b)(4)(iii) of this section, any lot of potatoes not exceeding a total of 50 hundredweight of such variety may be handled for any producer without regard to the foregoing maturity requirements.

(ii) If an officially inspected lot of potatoes meets the foregoing maturity requirements, but fails to meet the grade and size requirements, the lot may be regraded. If, after regrading, such lot then meets the grade and size requirements but fails to meet the maturity requirements, as indicated by the applicable Federal-State inspection certificate, such lot if not exceeding 100 hundredweight shall be exempt from the foregoing maturity requirements if the handler complies with paragraph (b)(4)(iii) of this section.

(iii) Prior to each shipment of potatoes exempt from the foregoing maturity requirements, the handler thereof shall report to the committee the name and address of the producer of such potatoes, and each such shipment shall be handled as an identifiable entity.

(c) *Pack and marking.* (1) When 50-pound containers (except master containers) of potatoes are marked with a count, size or similar designation, they must meet the count, average count and weight ranges for the count designation listed below.

| Size                 | Range   |                            |        |
|----------------------|---------|----------------------------|--------|
|                      | Count   | Average count <sup>1</sup> | Weight |
| Larger than 50 ..... | (2)     | (3)                        | (4)    |
| 50 .....             | 45-55   | 48-53                      | 12-19  |
| 60 .....             | 54-66   | 57-63                      | 10-16  |
| 70 .....             | 63-77   | 67-74                      | 9-15   |
| 80 .....             | 72-88   | 76-84                      | 8-13   |
| 90 .....             | 81-99   | 86-95                      | 7-12   |
| 100 .....            | 90-110  | 95-105                     | 6-10   |
| 110 .....            | 99-121  | 105-116                    | 5-9    |
| 120 .....            | 108-132 | 114-126                    | 4-8    |
| 130 .....            | 117-143 | 124-137                    | 4-8    |
| 140 .....            | 126-154 | 133-147                    | 4-8    |