

## Agricultural Marketing Service, USDA

## § 947.86

### MISCELLANEOUS PROVISIONS

#### § 947.80 Reports.

(a) Upon the request of the committee, with the approval of the Secretary, each handler shall furnish to authorized employees of the committee, in such manner, on such forms and at such time as the committee may prescribe, such reports and other information as may be necessary for the committee to perform its duties under this part. The Secretary shall have the right to modify, change, or rescind any requests for reports pursuant to this section.

(b) Such reports may include, but are not necessarily limited to, the following: (1) The quantities of potatoes received by a handler; (2) the quantities disposed of by him segregated as to the respective quantities subject to regulation and not subject to regulation; (3) the date of each such disposition and the identification of the carrier transporting such potatoes; and (4) identification of the inspection certificates relating to the potatoes which are handled pursuant to § 947.52 or § 947.54, or both.

(c) All such reports shall be kept in the custody and under the control of one or more employees of the committee so that the information contained therein, which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to the prohibition of disclosure of individual handlers' identities or operations.

(d) Each handler shall maintain and make available on request for at least 2 succeeding years, following his handling of potatoes, such records and documents on potatoes received and potatoes disposed of by him as may be necessary to verify reports required to be submitted to the committee pursuant to this section.

[35 FR 10743, July 2, 1970]

#### § 947.81 Compliance.

Except as provided in this subpart, no handler shall handle potatoes, the handling of which has been prohibited by the Secretary in accordance with provisions of this subpart, and no han-

dlers shall handle potatoes except in conformity to the provisions of this subpart.

#### § 947.82 Right of the Secretary.

The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

#### § 947.83 Duration of immunities.

The benefits, privileges, and immunities conferred upon any persons by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

#### § 947.84 Agents.

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

#### § 947.85 Derogation.

Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

#### § 947.86 Personal liability.

No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any handler or any person for errors in

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judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.

**§ 947.87 Separability.**

If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

**§ 947.88 Amendments.**

Amendments to this subpart may be proposed from time to time, by the committee or by the Secretary.

**Subpart—Rules and Regulations**

SOURCE: 22 FR 8176, Oct. 16, 1957, unless otherwise noted. Redesignated at 26 FR 12751, Dec. 30, 1961.

GENERAL

**§ 947.100 Communications.**

Unless otherwise provided in the marketing agreement and order (§§ 947.1 to 947.88), or by specific direction of the committee, all reports, applications, submittals, requests, and communications in connection therewith shall be addressed to the committee at its principal office.

DEFINITIONS

**§ 947.110 Order.**

*Order* means Order No. 947, as amended (§§ 947.1 to 947.88), regulating the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California and in all Counties in Oregon, except Malheur County.

**§ 947.111 Marketing agreement.**

*Marketing agreement* means Marketing Agreement No. 114, as amended.

**§ 947.112 Terms.**

Terms used in this subpart shall have the same meaning as when used in said marketing agreement and order.

**7 CFR Ch. IX (1–1–05 Edition)**

**§ 947.113 Area determinations.**

*Immediate production area*, and *immediate shipping area*, respectively, are each synonymous with *district*.

**§ 947.114 Fiscal period.**

The fiscal period shall begin July 1 of each year and end June 30 of the following year, both dates inclusive.

[62 FR 27171, May 19, 1997]

EXEMPTIONS

**§ 947.120 Hardship exemption.**

Handlers seeking an exemption pursuant to the provisions of §§ 947.65–947.67 shall make application to the committee on forms furnished by it. All information and conditions relative to the application will be considered promptly. The decision of the committee shall be final subject to the appeal procedures prescribed in § 947.67.

[39 FR 2270, Jan. 18, 1974]

EFFECTIVE DATE NOTE: At 65 FR 42278, July 10, 2000, § 947.120 was suspended indefinitely, effective July 1, 2000.

**§ 947.123 Reports and records.**

Any person handling potatoes under § 947.120 shall record and report shipments in such frequency as the committee may prescribe.

[39 FR 2270, Jan. 18, 1974]

EFFECTIVE DATE NOTE: At 65 FR 42278, July 10, 2000, § 947.123 was suspended indefinitely, effective July 1, 2000.

SAFEGUARDS

**§ 947.130 Special Purpose Certificates—application and issuance.**

Each person handling potatoes for special purposes under safeguard requirements imposed pursuant to this part shall apply to the committee for a Special Purpose Certificate. The committee shall make available, on request, the forms for such application as well as such report forms as it may require under § 947.132.

[39 FR 2270, Jan. 18, 1974]

EFFECTIVE DATE NOTE: At 65 FR 42278, July 10, 2000, § 947.130 was suspended indefinitely, effective July 1, 2000.