

§ 955.86

7 CFR Ch. IX (1-1-05 Edition)

§ 955.86 Separability.

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

§ 955.87 Amendments.

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

MARKETING AGREEMENT

§ 955.90 Counterparts.

This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.

§ 955.91 Additional parties.

After the effective date thereof, any handler may become a party to this agreement if a counterpart is executed by such handler and delivered to the Secretary. This agreement shall take effect as to such new contracting part at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.

§ 955.92 Order with marketing agreement.

Each signatory hereby requests the Secretary to issue, pursuant to the Act, an order providing for regulating the handling of Vidalia onions in the same manner as is provided for in this agreement.

Subpart—Rules and Regulations

§ 955.101 Vidalia Onion Handler Report.

(a) Each handler shall furnish shipping reports with the Vidalia Onion Committee on a weekly basis. Such reports shall be made on forms provided by the Committee and shall include: (1) The name and address of the handler;

(2) weekly period covered by the report; (3) total quantity of Vidalia onions received; (4) total fresh market shipments of Vidalia onions; (5) shipment volume coming from acreage owned by the handler; (6) total assessments owed; (7) volume of onions packed under contract for another handler and those handler names; (8) onions sold to another handler; and (9) information on onions placed in Controlled Atmosphere storage.

(b) Handlers shall file reports each fiscal period beginning the first week they make shipments and shall continue filing reports until they submit a final report for the season. Each such report shall be filed with the Committee not later than 4 p.m. on the Tuesday immediately following the shipping week. For the purpose of this section, the shipping week is defined as Monday through Sunday.

[67 FR 41816, June 20, 2002]

§ 955.113 Fiscal period.

Pursuant to § 955.13, *fiscal period* shall mean the period beginning January 1 and ending December 31 of each year, except that the fiscal period that began on September 16, 1998, shall end on December 31, 1999.

[64 FR 48245, Sept. 3, 1999]

§ 955.121 Change in term of office.

Pursuant to § 955.21, the term of office for the Committee shall be for two years beginning January 1 and ending December 31, except that, the term of office for members and alternates whose terms expired on September 15, 1999, shall end on December 31, 1999, or until qualified successors are selected.

[64 FR 72269, Dec. 27, 1999]

§ 955.122 Change in nomination deadlines.

Pursuant to § 955.22, the Committee shall hold or cause to be held not later than October 1 of each year a meeting or meetings of growers for the purpose of designating one nominee for each position as member and for each position as alternate of the Committee which is vacant, or about to become vacant. Such nominations shall be supplied to the Secretary in such manner

and form as the Secretary may prescribe, not later than October 15 of each year. The grower members shall nominate the public member and alternate public member at the first meeting following the selection of members for a new term of office. Nominations for the public member and alternate public member shall be supplied to the Secretary in such manner and form as the Secretary may prescribe, not later than February 15.

[64 FR 72269, Dec. 27, 1999]

§ 955.142 Delinquent assessments.

Each handler shall submit assessments to the Vidalia Onion Committee on a weekly basis for each week during the fiscal period in which they made shipments. Each such assessment shall be paid to the Committee not later than 4 p.m. on the Tuesday immediately following the week in which the shipments were made, or if the assessment is sent by mail, it must be post-marked on or before the Tuesday immediately following the week in which the shipments were made. Each handler shall pay interest of one percent per week on any unpaid assessments levied pursuant to §955.42 and on any accrued unpaid interest beginning the day immediately after the date the weekly assessments were due, until the delinquent handler's assessments plus applicable interest has been paid in full.

[67 FR 37682, May 30, 2002, as amended at 69 FR 68761, Nov. 26, 2004]

ASSESSMENT RATES

§ 955.209 Assessment rate.

On and after January 1, 2001, an assessment rate of \$0.12 per 50-pound bag or equivalent is established for Vidalia onions.

[66 FR 16841, Mar. 28, 2001]

PART 956—SWEET ONIONS GROWN IN THE WALLA WALLA VALLEY OF SOUTHEAST WASHINGTON AND NORTHEAST OREGON

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