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7 CFR Ch. IX (1-1-08 Edition)

(d) Applicability to imports: Pursuant to section 608e-1 of the act and § 980.1 *Import Regulations; Irish potatoes* (part 980 of this chapter), in the absence of more restrictive regulations in effect for potatoes grown in Areas Nos. 2 and 3 in Colorado, this cull regulation shall be used in a basis for import regulations for the red skinned, round type and for other round type potatoes, during the periods specified and as designated in said § 980.1 of this chapter.

[35 FR 11988, July 25, 1970]

EXEMPTIONS

SOURCE: Sections 948.130 through 948.132 appear at 26 FR 10793, Nov. 18, 1961, unless otherwise noted. Redesignated at 26 FR 12751, Dec. 30, 1961.

§ 948.130 Application for exemption certificates.

Any producer applying for exemption from any grade and size regulation issued under § 948.22 shall make application to the respective area committee for the area in which the applicant's potatoes were grown or are stored, on forms to be furnished by the area committee. The application shall include:

- (a) The name and address of the applicant;
- (b) The location, or locations, of the potatoes with respect to which exemption is requested;
- (c) The total estimated quantity of potatoes (excluding culls) produced by the applicant during the current season, stated in hundredweights, by varieties, grades, and sizes;
- (d) The estimated percentage of the applicant's potato crop (excluding culls) which cannot be shipped because of grade and size regulations then in effect and the acts beyond his control or reasonable expectation adversely affecting his potatoes;
- (e) The quantity of potatoes of each variety (excluding culls) which has already been sold or otherwise shipped during the current season;
- (f) The signature of the applicant and certification that the statements given in the application are true and correct; and
- (g) Such additional information as the area committee may find necessary

in making a determination regarding the granting of an exemption certificate.

§ 948.131 Federal-State inspection reports.

Each application for exemption shall be accompanied by a written report of a Federal-State Inspector, which shall contain the following:

- (a) A statement by the inspector that he personally inspected the potatoes with respect to which exemption is requested, and that he took a representative sample of such potatoes;
- (b) A statement of the percentage of the potatoes (excluding culls) which fail to meet the requirements of the grade and size regulations then in effect;
- (c) A statement of the defects or damage causing the potatoes to fail to meet grade and size requirements then in effect.

In the event that more than one variety of potatoes is being regulated the above percentage shall be determined separately for each variety of the applicant's potatoes. The cost of Federal-State inspection and report shall be borne by the applicant for exemption.

§ 948.132 Issuance of exemption certificates.

- (a) The respective area committee receiving an application for exemption shall give prompt consideration thereto and determine on the basis of the statements and facts therein contained and the factors set forth in § 948.30 whether the application may be approved. The determination, if favorable, shall be evidenced by the issuance of a certificate of exemption pursuant to §§ 948.28 through 948.32. If the applicant's request for exemption is denied, he shall be so notified in writing.
- (b) Each certificate of exemption issued as provided in this subpart, shall contain the name and address of the applicant, the location of his farm or ranch, the location, or locations, of all potatoes remaining to be shipped, the total quantity of potatoes which may be shipped under the certificate of exemption, and such other information as the area committee may deem desirable.

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(c) The committee may furnish each applicant receiving a certificate of exemption with appropriate subcertificates of exemption to identify each lot of exempted potatoes and a subcertificate shall be transferable with the lot of potatoes to which it applies. Each applicant receiving a certificate of exemption shall report each shipment of potatoes made under such certificate to the respective area committee issuing the certificate. The report shall state the name and address of the person to whom the potatoes were sold, the quantity sold, the date of transfer, and such other information as the committee may request.

MODIFICATION OF INSPECTION REQUIREMENTS

§ 948.140 Application.

Any handler whose packing facilities are located in an area where inspection is not readily available or the actual cost for inspection would otherwise exceed $1\frac{1}{2}$ times the current per hundred-weight inspection fee, may apply to the respective area committee for a waiver from the reinspection requirements. Applications shall be made on forms furnished by the respective area committee and shall contain such information as the respective area committee, with the approval of the Secretary, may find necessary in making a determination regarding the issuance of such waiver.

[55 FR 41181, Oct. 10, 1990]

§ 948.141 Issuance.

Each respective area committee shall give prompt consideration to each application for a waiver from reinspection. In granting a waiver, the handler shall agree to comply with all marketing order requirements. Approval of an application shall be evidenced by the issuance of an applicable waiver by the respective area committee to the handler.

[55 FR 41181, Oct. 10, 1990]

§ 948.142 Reports.

Each handler shipping potatoes pursuant to a waiver from reinspection shall report periodically as specified by the respective area committee on

forms furnished by the respective committee the following information on each shipment: quantity of potatoes, variety or varieties, grade, size, type of container(s), date of shipment, carrier, destination, and name and address of receiver.

[55 FR 41181, Oct. 10, 1990]

§ 948.143 Cancellation.

Whenever the respective area committee finds that shipments of potatoes pursuant to a reinspection waiver are not in accordance with the established application and safeguard provisions, such waiver may be cancelled.

[55 FR 41181, Oct. 10, 1990]

§ 948.150 Reestablishment of committee membership.

Pursuant to § 948.53, membership on each area committee shall be reestablished as follows:

(a) Area No. 2 (San Luis Valley): Nine producers and five handlers selected as follows:

- (1) Two (2) producers from Rio Grande County;
- (2) Two (2) producers from either Saguache County or Chaffee County;
- (3) One (1) producer from Conejos County;
- (4) Two (2) producers from Alamosa County;
- (5) One (1) producer from all other counties in Area No. 2;
- (6) One (1) producer representing certified seed producers in Area No. 2;
- (7) Two (2) handlers representing bulk handlers in Area No. 2;
- (8) Three (3) handlers representing handlers in Area No. 2 other than bulk handlers.

(b) Area No. 3: Three producers and two handlers selected as follows: Three (3) producers and two (2) handlers from any county in Area No. 3.

[52 FR 12515, Apr. 17, 1987, as amended at 58 FR 8541, Feb. 16, 1993; 60 FR 16566, Mar. 31, 1995; 67 FR 68021, Nov. 8, 2002; 68 FR 40119, July 7, 2003]

§ 948.151 Colorado Potato Committee membership.

The Colorado Potato Committee shall be comprised of six members and alternates selected by the Secretary. Three members and three alternates shall be selected from nominations of