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judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 924.71 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.

Subpart—Rules and Regulations

§ 924.101 Changes in district representation.

Beginning with the 1970–71 fiscal period, the representation or membership on the Washington-Oregon Fresh Prune Marketing Committee is reapportioned as follows:

(a) Three (3) grower members and their respective alternates shall be producers of prunes in District 1;

(b) Three (3) grower members and their respective alternates shall be producers of prunes in District 2;

(c) Two (2) handler members and their respective alternates shall be producers of prunes in District 1; and

(d) One (1) handler member and his alternate shall be handlers of prunes in District 2.

[35 FR 3798, Feb. 27, 1970]

§ 924.110 Waiver of inspection and certification.

(a) *Application*. Any handler (including a grower-handler packing and handling prunes of such handler's own production), whose packing facilities are located in an area where either a Washington State Plant Industry Division Inspection Office or Oregon State Plant Industry Inspection Office or Federal-State Inspector is not readily available to perform the required inspection may, prior to shipment, apply to the Committee for a permit authorizing a waiver of inspection. Applications shall be made on forms furnished by the Committee and shall contain such information as the Committee may require including: Name and address of applicant, location of packing facility, distance of packing facility from the nearest inspection office, period (approximate beginning and ending dates) during which the applicant expects to ship to fresh market during the period, manner in which the majority of applicant's fruit will be marketed (i.e., transported by applicant to market, sold at orchard to truckers, etc.), areas or markets to which the applicant expects to ship the majority of the prunes. The application shall also contain an agreement by applicant

(1) not to ship or handle any prunes unless such prunes meet the grade, size, maturity, container, and all other requirements of the marketing agreement and order in effect at time of handling;

(2) to report periodically to the Committee on reporting forms furnished by the Committee, the following information on each shipment: quantity, variety, grade, minimum size, container, date of shipment, destination, name and address of buyer or receiver, and such other information as the Committee may specify;

(3) to pay applicable assessments on each shipment;

(4) to have or cause to have each shipment of prunes inspected when such shipment is transported to a market or through a location enroute to market where an inspector is available; and

(5) to comply with such other safeguards as the Committee may prescribe.

(b) *Issuance of permit*. Whenever the Committee finds and determines from the information contained in the application or from other proof satisfactory to the Committee that the applicant is entitled to a waiver from the inspection requirements of the marketing agreement and order at time of shipment, the Committee shall issue a permit authorizing the applicant to ship prunes in accordance with these administrative regulations and the terms and conditions of such permit.

[44 FR 49416, Aug. 23, 1979]