

Subpart—Assessment Rates

§ 945.249 Assessment rate.

On and after August 1, 2003, an assessment rate of \$0.0045 per hundredweight is established for Idaho-Eastern Oregon potatoes.

[68 FR 59527, Oct. 16, 2003]

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 varieties*. 1½ inches minimum diameter, unless otherwise specified on the container in connection with the grade.

(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, U.S. No. 1 grade or better*. (A) Size B (1½ to 2¼ inches diameter).

(B) Creamer (¾ to 1½ inches diameter).

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

(3) *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 ¹	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
Smaller than 140	(²)	(³)	4–8

¹ Applicable to lots.

² 10 percent over or under.

³ 5 percent over or under.

⁴ 15 ounces or larger.

The following tolerances by weight, are provided for potatoes in any lot which fail to meet the weight range for the designated count:

(i) Not to exceed 5 percent for undersize; and

(ii) Not to exceed 10 percent for oversize.

(2) Potatoes packed in cartons (except when used as a master container) shall be either:

(i) U.S. No. 1 grade or better, except potatoes of U.S. Extra No. 1 shall be no smaller than 110 size nor larger than 60 size; or

(ii) U.S. No. 2 grade in one-piece 50-pound fiberboard cartons of natural kraft color, provided the cartons are permanently and conspicuously marked as to grade.