

§ 948.216

7 CFR Ch. IX (1–13 Edition)

§ 948.216 Assessment rate.

On and after September 1, 2003, an assessment rate of \$0.0051 per hundred-weight is established for Colorado Area No. 2 potatoes.

[68 FR 53283, Sept. 10, 2003]

Subpart—Handling Regulations

§ 948.386 Handling regulation.

No person shall handle any lot of potatoes grown in Area No. 2 unless such potatoes meet the requirements of paragraphs (a), (b), and (c) of this section, or unless such potatoes are handled in accordance with paragraphs (d) and (e), or (f) of this section.

(a) *Minimum grade and size requirements.* (1) *Round varieties*, U.S. No. 2, or better grade, 2 inches minimum diameter.

(2) *All other varieties*. U.S. No. 2, or better grade, 2 inches minimum diameter or 4 ounces minimum weight.

(3) *1 1/2-inch minimum to 2 1/4-inch maximum diameter (Size B)*. U.S. Commercial grade or better: *Provided*, That round, red-skinned varieties shall grade U.S. No. 1 or better.

(4) *1-inch minimum diameter to 1 3/4-inch maximum diameter*. U.S. Commercial grade or better: *Provided*, That round, red-skinned varieties shall grade U.S. No. 1 or better.

(5) None of the above categories of potatoes identified in paragraphs (a)(1) through (a)(4) of this section may be commingled in the same bag or other container.

(b) *Maturity (skinning) requirements*. From August 1 through October 31 shall be:

(1) *For U.S. No. 2 grade*. Not more than “moderately skinned.”

(2) *All other grades*. Not more than “slightly skinned.”

(c) *Inspection*. (1) No handler shall handle any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. For purposes of operation under this part it is hereby determined pursuant to § 948.40(d) that each inspection certificate shall be valid for a period not to exceed five days following the date of

inspection as shown on the inspection certificate.

(2) No handler may transport or cause the transportation by motor vehicle of any shipment of potatoes for which an inspection certificate is required unless each shipment is accompanied by a copy of the inspection certificate applicable thereto and the copy is made available for examination at any time upon request.

(3) Each handler who handles potatoes after such potatoes are regraded, resorted, or repacked shall have such potatoes reinspected, unless such handler has received a waiver from reinspection pursuant to rules established by the Secretary upon the recommendation of the committee.

(d) *Special purpose shipments*. (1) The grade, size, maturity, and inspection requirements of paragraphs (a), and (b), and (c) of this section and the assessment requirements of this part shall not be applicable to shipments of potatoes for:

(i) Livestock feed;

(ii) Relief or charity; or

(iii) Canning, freezing, and “other processing” as hereinafter defined.

(2) The grade, size, maturity and inspection requirements of paragraphs (a), (b), and (c) of this section shall not be applicable to shipments of potatoes for experimentation, the manufacture or conversion into specified products, or for seed pursuant to section 948.6, but such shipments shall be subject to assessments.

(e) *Safeguards*. Each handler of potatoes which do not meet the grade, size, and maturity requirements of paragraphs (a) and (b) of this section and which are handled pursuant to paragraph (d) of this section for any of the special purposes set forth therein shall:

(1) Prior to handling, apply for and obtain a Certificate of Privilege from the committee.

(2) Furnish the committee such reports and documents as requested, including certification by the buyer or receiver as to the use of such potatoes; and

(3) Bill each shipment directly to the applicable processor or receiver.

(f) *Minimum quantity*. For purposes of regulation under this part, each person may handle up to but not to exceed