in the Code of Federal Regulations. For Federal Register citations affecting these regulations, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

PART 980—VEGETABLES; IMPORT REGULATIONS

Sec. 980.1 Import regulations; Irish potatoes.

(a) Findings and determinations with respect to imports of Irish potatoes. (1) Pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), it is hereby found that:
   (i) Grade, size, quality, and maturity regulations have been issued from time to time pursuant to the following marketing orders: No. 945 (part 945 of this chapter), No. 948 (part 948 of this chapter), No. 947 (part 947 of this chapter), No. 946 (part 946 of this chapter), and No. 953 (part 953 of this chapter).
   (ii) During the past several years, grade, size, quality, and maturity regulations have been in effect pursuant to two or more of such orders during each month of the year;
   (iii) The marketing of Irish potatoes can be reasonably distinguished by the several seasonal categories, i.e., winter, early spring, late spring, early summer, late summer, and fall. The bulk of the fall crop is harvested and placed in storage in the fall and marketed over a period of several months extending into the following summer. But potatoes harvested from the other seasonal crops are generally marketed as the potatoes are harvested. The marketing seasons for these crops overlap.
   (iv) Concurrent grade, size, quality, and maturity regulations under two or more of the aforesaid marketing orders are expected in the ensuing and future seasons, as in the past.

(b) Grade, size, quality, and maturity requirements. On and after the effective date hereof importation of Irish potatoes, except certified seed potatoes, shall be prohibited unless they comply with the following requirements.
   (1) Through the entire year, the grade, size, quality, and maturity requirements of Marketing Order No. 946, as amended (part 946 of this chapter), applicable to potatoes of the red-skinned, round type shall be the respective grade, size, quality, and maturity requirements for imports of red-skinned, round type potatoes.
   (2) Through the entire year, the grade, size, quality, and maturity requirements of Marketing Order No. 945, as amended (part 945 of this chapter) applicable to potatoes of all long types shall be the respective grade, size, quality, and maturity requirements for imported potatoes of all long types.
   (3) Through the entire year the grade, size, quality, and maturity requirements of Marketing Order 948, as amended (part 948 of this chapter) applicable to potatoes of the round type, other than red-skinned varieties, shall be the respective grade, size, quality, and maturity requirements for all imported red-skinned, round type potatoes.
   (4) Through the entire year, the grade, size, quality, and maturity requirements for imports of all other round type potatoes.
this paragraph shall apply to imports
of similar types of potatoes, unless oth-
erwise ordered, on and after the effective
date of the applicable domestic
regulation or amendment thereto, as
provided in this paragraph or 3 days
following publication of such regula-
tion or amendment in the FEDERAL
REGISTER, whichever is later.

(c) Minimum quantities. Any importa-
tion which, in the aggregate, does not
exceed 500 pounds may be imported
without regard to the provisions of this
section.

(d) Plant quarantine. No provisions of
this section shall supersede the restric-
tions or prohibitions of potatoes under
the Plant Quarantine Act of 1912.

(e) Certified seed. Certified seed pota-
toes shall include only those potatoes
which are officially certified and
tagged as seed potatoes by the Plant
Health and Production Division, Plant
Products Directorate, Canadian Food
Inspection Agency, and which are sub-
sequently used as seed.

(f) Designation of governmental inspec-
tion services. The Federal or Federal-
State Inspection Service, Fruit and
Vegetable Programs, Agricultural Mar-
keting Service, U.S. Department of Ag-
riculture and the Food of Plant Origin
Division, Plant Products Directorate,
Canadian Food Inspection Agency, are
hereby designated as governmental in-
spection services for the purpose of cer-
tifying the grade, size, quality, and ma-
turity of Irish potatoes that are im-
ported, or to be imported, into the
United States under the provisions of
§608e of the Act.

(g) Inspection and official inspection
certificates. An official inspection cer-
tificate certifying the potatoes meet
the United States import requirements
for Irish potatoes under section 8e (7
U.S.C. 608e) issued by a designated gov-
ernmental inspection service applicable
to a particular shipment of pota-
toes is required on all imports of potato-
toes other than certified seed.

(1)(i) Inspection and certification by
the Federal or Federal-State Inspec-
tion Service will be available and per-
formed in accordance with the rules
and regulations governing certification
of fresh fruits, vegetables, and other
products (part 51 of this title), and each
lot shall be made available and acces-
sible for inspection as provided therein.
Cost of inspection and certification
shall be borne by the applicant.

(ii) Since inspectors may not be sta-
tioned in the immediate vicinity of a
port, or point of entry, an importer of
uninspected and uncertified Irish pota-
toes should make advance arrange-
ments for inspection. Each importer
should give at least the specified ad-
vance notice to one of the following ap-
plicable inspection offices prior to the
time the Irish potatoes will be im-
ported.

<table>
<thead>
<tr>
<th>Ports and points</th>
<th>Inspection offices</th>
<th>Advance notice (days)</th>
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</thead>
<tbody>
<tr>
<td>All Maine ports and points of entry</td>
<td>In-Charge, Post Office Box 1058, Presque Isle, ME 04767 (PH 207–764–2100).</td>
<td>1</td>
</tr>
<tr>
<td>Port of Boston, MA</td>
<td>In-Charge, Boston Market Terminal Building, Room 1, 34 Market Street, Everett, MA 02149 (PH 617–389–2480).</td>
<td>1</td>
</tr>
<tr>
<td>Port of New York, NY</td>
<td>In-Charge, 465B New York City Terminal Market, Bronx, NY 10474 (PH 718–991–7665).</td>
<td>1</td>
</tr>
<tr>
<td>Port of Philadelphia, PA</td>
<td>In-Charge, 210 Produce Building, 3301 South Galloway Street, Philadelphia, PA 19148 (PH 215–336–0845.</td>
<td>1</td>
</tr>
<tr>
<td>All other ports and points of entry</td>
<td>Head, Field Operations Section, Fresh Products Branch, Fruit and Vegetable Programs, AMS, USDA, Washington, DC 20250–0240 (PH 1–800–811–2373).</td>
<td>3</td>
</tr>
</tbody>
</table>

(2) In the event the required inspec-
tion is performed prior to the arrival of
the potatoes at the port of entry, the
inspection certificate that is issued
must show that the inspection was per-
formed at the time of loading such po-
tatoes for direct transportation to the
United States; and if transportation is
by water, the certificate must show
that the inspection was performed at
the time of loading onto the vessel.

(3) Inspection certificates shall cover
only the quantity of potatoes that is
being imported at a particular port of entry by particular importers.

(4) Each inspection certificate issued with respect to any Irish potatoes to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The Customs entry number pertaining to the lot or shipment covered by the certificate;

(iv) The commodity inspected;

(v) The quantity of the commodity covered by the Certificate;

(vi) The principal identifying marks of the containers;

(vii) The railroad car initials and number, the truck and trailer number, the name of the vessel, or other identification of the shipment; and

(viii) The following statement if the facts warrant: Meets U.S. Import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937.

(h) Reconditioning prior to importation.

Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of Irish potatoes for the purpose of making it eligible for importation under the Act.

(i) Definitions.

(1) For the purpose of this part potatoes meeting the requirements of Canada No. 1 grade and Canada No. 2 grade shall be deemed to comply with the requirements of the U.S. No. 1 grade and U.S. No. 2 grade, respectively, and the tolerances for size, as set forth in the U.S. Standards for Grades of Potatoes (§§ 51.1540 to 51.1556, inclusive of this title) may be used.

(2) Importation means release from the custody of the U.S. Customs Service.

(j) Exemptions.

(1) The grade, size, quality and maturity requirements of this section shall not be applicable to potatoes imported for canning, freezing, other processing, livestock feed, charity, or relief, but such potatoes shall be subject to the safeguard provisions contained in §980.501. Processing includes canning, freezing, dehydration, chips, shoestrings, starch and flour. Processing does not include potatoes that are only peeled, or cooled, sliced, diced, or treated to prevent oxidation, or made into fresh potato salad.

(2) There shall be no size requirements for potatoes that are imported in containers with a net weight of 3 pounds or less, if the potatoes are otherwise U.S. No. 1 grade or better.


§ 980.117 Import regulations; onions.

(a) Findings and determinations with respect to onions. (1) Under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby found that:

(i) Grade, size, quality, and maturity regulations have been issued regularly under Marketing Orders No. 958 and 959, both as amended;

(ii) Since December 9, 1985, grade, size, quality, and maturity regulations have been in effect pursuant to these orders during the period August through July;

(iii) The marketing of onions can be reasonably distinguished by the seasonal categories, i.e., late summer and early spring. The bulk of the late summer crop is harvested and placed in storage in late summer and early fall and marketed over a period of several months extending into the following spring. But the onions harvested from the early spring crop are generally marketed as soon as the onions are harvested. The marketing seasons for these crops overlap;

(iv) Concurrent grade, size, quality, and maturity regulations under the two marketing orders are expected in future seasons, as in the past.

(2) Therefore, it is hereby determined that: Imports of onions during the June 5 through March 9 period, and the entire year for imports of pearl and cipolline varieties of onions, are in most direct competition with the marketing of onions produced in designated counties of Idaho and Malheur County, Oregon, covered by Marketing Order No. 958, as amended (7 CFR Part 958) and during the March 10 through