

§ 945.125

7 CFR Ch. IX (1–14 Edition)

§ 945.125 Disqualification.

The committee from time to time may conduct surveys of handling of potatoes for special purposes requiring Certificates of Privilege to determine whether handlers are complying with the requirements and regulations applicable to such certificates. Whenever the committee finds that a handler or consignee is failing to comply with requirements and regulations applicable to handling of potatoes in special outlets, and requiring such certificates, a Certificate or Certificates of Privilege issued such handler may be rescinded and further certificates denied. Such disqualification shall apply to, and not exceed, a reasonable period of time as determined by the committee but in no event shall it extend beyond the end of the succeeding fiscal period. Any handler who has a certificate rescinded or denied may appeal to the committee in writing for reconsideration of his disqualification.

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*. 1 $\frac{7}{8}$ 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 (1 $\frac{1}{2}$ to 2 $\frac{1}{4}$ inches diameter).

(B) Creamer ($\frac{3}{4}$ to 1 $\frac{5}{8}$ 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