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to Homedale Road, thence west along Homedale Road to the western boundary of Canyon County.

(2) District No. 6 (Caldwell-Nampa-Homedale and southern Idaho area): That portion of Canyon County not included in District No. 5 plus all of the counties in the Idaho portion of the production area not included within District No. 1.

(b) Terms used in this section have the same meaning as when used in said marketing agreement and this part.

[39 FR 1601, Jan. 11, 1974]

§ 958.240 Assessment rate.

On and after July 1, 2005, an assessment rate of $0.10 per hundredweight is established for Idaho-Eastern Oregon onions.

[70 FR 32483, June 6, 2005]

§ 958.250 Assessment Credit Report.

Each handler may receive a credit for assessments on onions that have been levied in accordance with §§ 958.42 and 958.240 and are subsequently regraded, resorted, or repacked within the production area, or shipped in accordance with § 958.328(e) by furnishing the ''Assessment Credit Report'' and such other information as required to the committee.

[71 FR 65040, Nov. 7, 2006]

Subpart—Handling Regulations

§ 958.328 Handling regulation.

No person shall handle any lot of onions, except braided red onions, unless such onions are at least ''moderately cured,'' as defined in paragraph (h) of this section, and meet the requirements of paragraphs (a), (b), and (c) of this section, or unless such onions are handled in accordance with paragraphs (d), (e) and (f) or (g) of this section.

(a) *Grade and size requirements—(1) White varieties (except cipolline (Borettana) varieties).* Shall be either:

(i) U.S. No. 1, 1 inch minimum to 2 inches maximum diameter; or

(ii) U.S. No. 1, at least 1½ inches minimum diameter. However, neither of these two categories of onions may be commingled in the same bag or other container.

(2) *Cipolline (Borettana) varieties and red varieties.* U.S. No. 2 or better grade, at least 1½ inches minimum diameter.

(3) *All other varieties.* Shall be either:

(i) U.S. No. 2 or U.S. Commercial grade, at least 3 inches minimum diameter, but not more than 30 percent of the lot shall be comprised of onions of U.S. No. 1 quality when packed in containers weighing less than 60 pounds; or

(ii) U.S. No. 1, 1¾ inches minimum to 2¾ maximum diameter; or

(iii) U.S. No. 1, at least 2¼ inches minimum diameter.

However, none of these three categories of onions may be commingled in the same bag or other container.

(b) *Pack.* Onions packed as U.S. Commercial grade in containers weighing less than 60 pounds shall have the grade marked permanently and conspicuously on the container.

(c) *Inspection.* No handler may handle any onions regulated hereunder unless such onions are inspected by the Federal-State Inspection Service and are covered by a valid applicable inspection certificate, except when relieved of such requirement pursuant to paragraph (d), (e) or (g) of this section.

(d) *Onions for peeling, chopping, or slicing.* Onions that have been inspected and certified as meeting the requirements of paragraphs (a) and (b) of this section and that are subsequently peeled, chopped, or sliced for fresh market within the production area may be handled without reinspection: *Provided the following:*

(1) Each handler making shipments of onions for alteration or performing alteration by peeling, chopping, or slicing must furnish the committee the following information on the ''Fresh Cut Report'' and such other documents as required:

(i) Business name, address, telephone number, signature, and the date the form was signed;

(ii) The date of peeling, chopping, or slicing;

(iii) Inspection certificate number;

(iv) The quantity of onions; and

(v) Such other information as may be required by the committee.

(2) Handlers who peel, chop, or slice onions produced outside the production area must provide the committee with

documentation showing that the onions so prepared were produced outside the production area.

(e) *Special purpose shipments.* The minimum grade, size, maturity, assessment, and inspection requirements of this section shall not be applicable to shipments of onions for any of the following purposes:

(1) Planting,
(2) Livestock feed,
(3) Charity,
(4) Dehydration,
(5) Canning,
(6) Freezing,
(7) Extraction,
(8) Pickling, and
(9) Disposal.

In addition, the minimum grade, size, and maturity requirements set forth in paragraph (a) of this section shall not be applicable to shipments of pearl onions, but the maximum size requirement in paragraph (h) of this section and the assessment and inspection requirements shall be applicable to shipments of pearl onions.

(f) *Safeguards.* Each handler making shipments of onions outside the production area for dehydration, canning, freezing, extraction, or pickling pursuant to paragraph (e) of this section shall:

(1) Furnish ''Application to Make Special Purpose Shipments—Certificate of Privilege'' and such other information to the committee as required. The committee will review and verify each ''Application to Make Special Purpose Shipments—Certificate of Privilege'' and notify the handler of approval or disapproval. The committee may contact the receiver or receiver's agent of the special purpose shipment for verification and request the receiver or receiver's agent to complete a ''Special Purpose Shipment Receiver Certification''

(2) Bill or consign each shipment directly to the applicable receiver or receiver's agent of the special purpose shipment;

(3) Furnish ''Onion Diversion Report'' and such other information to the committee as required. Failure of the handler to furnish such report and information as required to the committee may be cause for cancellation of such handlers' Certificate of Privilege. Upon cancellation of any such Certificate of Privilege the handler may appeal to the committee for reconsideration. The committee may audit a receiver or receiver's agent of the special purpose shipment to verify reports and information submitted by handlers. Failure of a receiver or receiver's agent of a special purpose shipment to comply with the committee may be cause for cancellation of the receiver's or receiver agent's eligibility to receive further special purpose shipments from the production area. Upon cancellation of any such Certificate of Privilege the receiver or the receiver's agent may appeal to the committee for reconsideration.

(g) *Minimum quantity exemption.* Each handler may ship up to, but not to exceed, one ton of onions each day without regard to the inspection and assessment requirements of this part, if such onions meet minimum grade, size and maturity requirements of this section. This exception shall not apply to any portion of a shipment that exceeds one ton of onions.

(h) *Definitions.* The terms ''U.S. No. 1'', ''U.S. Commercial,'' and ''U.S. No. 2'' have the same meaning as defined in the United States Standards for Grades of Onions (Other than Bermuda Granex-Grano and Creole Types), as amended (7 CFR 51.2830 through 51.2854), or the United States Standards for Grades of Bermuda-Granex-Grano Type Onions (7 CFR 51.3195 through 51.3209), as amended, whichever is applicable to the particular variety, or variations thereof specified in this section. The term ''braided red onions'' means onions of red varieties with tops braided (interlaced). ''Pearl onions'' means onions produced using specific cultural practices that limit growth to the same general size as boilers and picklers (defined in the United States Standards specified in this paragraph), and that have been inspected and certified as measuring 2 inches in diameter or less. The term ''moderately cured'' means the onions are mature and are more nearly well cured than fairly well cured. Other terms used in this section have the same meaning as

when used in Marketing Agreement No. 130 and this part.

[47 FR 32913, July 30, 1982, as amended at 49 FR 31257, Aug. 6, 1984; 50 FR 50157, Dec. 9, 1985; 53 FR 32597, Aug. 26, 1988; 55 FR 31036, July 31, 1990; 55 FR 36601, Sept. 6, 1990; 58 FR 60369, Nov. 16, 1993; 61 FR 35593, July 8, 1996; 61 FR 39841, July 31, 1996; 63 FR 55783, Oct. 19, 1998; 69 FR 56671, Sept. 22, 2004; 71 FR 65040, Nov. 7, 2006]

EDITORIAL NOTE: After January 1, 1979, ''Budget of Expenses and Rate of Assessment'' regulations (e.g., sections .200 through .299) and ''Handling'' regulations (e.g., sections .300 through .399) which are in effect for a year or less, will not be carried 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 on GPO Access.

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