

NOTIFICATION OF DESIRE FOR DEFERMENT OF RESERVE WITHHOLDING

Submitted in compliance with § 993.58 of Prune Marketing Order No. 993, and § 993.158 of the Administrative Rules and Regulations pursuant thereof.

TO: Prune Marketing Committee
3840 Rosin Court, Suite 170
Sacramento, CA 95834

Date: _____

HANDLER: _____

ADDRESS: _____

The undersigned hereby applies for deferment of the surplus tonnage obligation imposed on him by Marketing Order No. 993, and hereby certifies that the following information relative thereto is true and correct for use by the Prune Marketing Committee (Committee) in determining the qualification of the undersigned for such deferment:

1. Total salable tonnage of prunes of the current crop year acquired or under contract with producers and dehydrators: _____ tons
2. Total surplus tonnage on which deferment is requested: _____ tons
3. If deferment is granted, the date on which the surplus obligation will be fulfilled: _____, 20____. (Not later than Nov. 15 of the current crop year)
4. Type of Bond offered: (Mark "X" in applicable box)

Cash

Surety (See format attached)

Name of Surety: _____

Address: _____

Handler: _____

Signature: _____

Title: _____

INSTRUCTIONS: Any handler who desires to defer his/her withholding of reserve prunes is required by § 993.158 of the Rules and Regulations established pursuant to said marketing order to file form PMC 9.1, "Notification of Desire for Deferment of Reserve Withholding" with the Committee. No handler shall defer withholding of reserve prunes until he has filed the required undertaking and bond or bonds with the Committee and has received its acceptance.

THIS APPLICATION MUST BE SIGNED BY AN OWNER, OFFICIAL, OR AUTHORIZED EMPLOYEE. SEE APPLICABLE PROVISION OF THE MARKETING ORDER ON REVERSE SIDE.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0178. The time required to complete this information collection is estimated to average 10 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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§ 993.58 of Marketing Order No. 993 provides as follows in regard to deferment of reserve tonnage obligation:

§ 993.58 Deferment of time for withholding.

(a) Compliance by any handler with the requirement of § 993.57 for withholding reserve prunes may be temporarily deferred to any date desired by the handler, but not later than November 15 of the crop year, upon the execution and delivery by such handler to the Committee of a written undertaking that on or prior to the desired date he will have fully satisfied his holding requirement. Such undertaking shall be secured by a bond or bonds to be filed with and acceptable to the Committee in the amount or amounts specified, conditioned upon full compliance with such undertaking.

(b)(1) Each bond shall be provided by and at the handler's expense, with a surety or sureties acceptable to the Committee, and shall be in an amount computed by multiplying the pounds of natural condition prunes for which deferment is desired by the bonding rate. Such bonding rate shall be established by the Committee at a level sufficient to achieve the objectives of this part.

(2) In case a handler defaults in meeting his deferred withholding requirement, any funds collected by the Committee from the bonding company through such default shall be used by the Committee to purchase from handlers a quantity of natural condition prunes, up to but not exceeding the quantity on which default occurred. Purchases shall be made from prunes with respect to which the reserve obligation has been met, and shall be of grades, varieties, or sizes and in such containers as the Committee specifies in consideration of available reserve prune outlets. Purchases shall be at prices determined to be appropriate by the Committee and if more prunes are offered than required by the Committee, it shall make the purchases from various handlers as nearly as practicable in proportion to the quantity of their respective offerings at the same price. The Committee shall dispose of the prunes acquired as soon as practicable in the most favorable reserve prune outlets and shall deposit the proceeds from such sales, less Committee expenses in connection with such transaction, with reserve pool funds for distribution to equity holders.

(3) If for any reason the Committee is unable to purchase a quantity of prunes as large as the quantity of reserve prunes in default by the handler, any remaining balance of funds received because of the default less expenses of the Committee, shall be deposited with reserve pool funds for distribution to equity holders.

(c) A handler who has defaulted on his bond shall be credited on his reserve obligation with, and his holding requirement reduced by, that quantity of prunes represented by the sums collected but not more than the extent of his default.

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotope, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English. To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov. USDA is an equal opportunity provider, employer, and lender.

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