

the report is requested; the names of the shipper (handler) who will handle the grapes and the grower who produces them; the location of each vineyard; the variety or varieties grown in each vineyard; and the bearing, non-bearing, and total acres of each vineyard.

[69 FR 21692, Apr. 22, 2004, as amended at 72 FR 29840, May 30, 2007]

Subpart—Assessment Rates

§ 925.215 Assessment rate.

On and after January 1, 2009, an assessment rate of \$0.01 per 18-pound lug is established for grapes grown in a designated area of southeastern California.

[74 FR 8143, Feb. 24, 2009]

§ 925.304 California Desert Grape Regulation 6.

During the period April 10 through July 10 each year, no person shall pack or repack any variety of grapes except Emperor, Almeria, Calmeria, and Ribier varieties, on any Saturday, Sunday, Memorial Day, or the observed Independence Day holiday, unless approved in accordance with paragraph (e) of this section, nor handle any variety of grapes except Emperor, Calmeria, Almeria, and Ribier varieties, unless such grapes meet the requirements specified in this section.

(a) *Grade, size, and maturity.* Except as provided in paragraphs (a)(1) and (a)(2) of this section, such grapes shall meet the minimum grade and size requirements of U.S. No. 1 Table, as set forth in the United States Standards for Grades of Table Grapes (European or Vinifera Type 7 CFR 51.880 through 51.914), or shall meet all the require-

ments of U.S. No. 1 Institutional with the exception of the tolerance percentage for bunch size. Such tolerance shall be 33 percent instead of 4 percent as is required to meet U.S. No. 1 Institutional grade. Grapes meeting these quality requirements may be marked “DGAC No. 1 Institutional” but shall not be marked “Institutional Pack.” In addition, during the period April 10 through July 10, 2009, U.S. No. 1 Table grade grapes may be packed in individual consumer packages containing 2 pounds net weight or less: *Provided*, That not more than 20 percent of the weight of such containers may consist of single clusters weighing less than one-quarter pound, but with at least five berries each.

(1) Grapes of the Perlette variety shall meet the minimum berry size requirement of ten-sixteenths of an inch;

(2) Grapes of the Flame Seedless variety shall meet the minimum berry size requirement of ten-sixteenths of an inch and shall be considered mature if the juice meets or exceeds 16.5 percent soluble solids, or contains not less than 15 percent soluble solids and the soluble solids are equal to or in excess of 20 parts to every part acid contained in juice in accordance with applicable sampling and testing procedures specified in sections 1436.3, 1436.5, 1436.6, 1436.7, 1436.12, and 1436.17 of Article 25 of Title 3: California Code of Regulations (CCR).

(b) *Container and pack.* (1) Such grapes shall be packed in one of the following containers, which are new and clean, and otherwise meet the requirements of sections 1380.14, and 1380.19(n), 1436.37, and 1436.38 of Title 3: California Code of Regulations, except that reusable plastic containers may be reused if such containers are clean:

CONTAINER DESCRIPTIONS IN INCHES

Container	Depth	Width	Length
28 Sawdust Pack	7¾ (inside)	14 ¹ / ₁₆ (inside)	18 ⁵ / ₁₆ (inside)
38J Polystyrene Lug	6¾ (inside)	12½ (inside)	15 ³ / ₁₆ (inside)
38K Standard Grape	4½–8½ (inside)	13½–14½ (outside)	16 ⁵ / ₁₆ –17½ (outside)
38L Grape Lug	7 ⁷ / ₈ (inside)	13 ¹ / ₁₆ (outside)	16 (outside)
38M Grape Lug	4¼–5¾ (inside)	15 ³ / ₁₆ –16 (outside)	23½–24 (outside)
38Q Polystyrene Lug	6¼–8¼ (inside)	11¼ (inside)	18 ¹ / ₈ (inside)
38R Grape Lug	4–7 (inside)	15¾–16 (outside)	19 ¹ / ₁₆ –20 (outside)
38S Grape Lug	5–9 (inside)	11 ¹ / ₁₆ –12 (outside)	19 ¹ / ₁₆ –20 (outside)
38T Grape Lug	5½–7½ (inside)	13 ¹ / ₈ –13 ⁵ / ₁₆ (outside)	15 ⁵ / ₁₆ –16 (outside)
38U Grape Lug	6 ³ / ₁₆ –7 (inside)	13 ¹ / ₁₆ (outside)	20½ (outside)
38 V Grape Lug	5¾ (inside)	14 (outside)	16 (outside)
CP Grape Lug	3 ¹ / ₁₆ –4¾ (inside)	15¾–15 ⁹ / ₁₆ (outside)	23½–23¾ (outside)

CONTAINER DESCRIPTIONS IN INCHES—Continued

Container	Depth	Width	Length
CP1 Grape Lug	4¾-5 (inside)	19½-20 (outside)	23¾-24 (outside)

(ii) Containers with a net weight of 5 kilograms (approximately 11 pounds) shall be for export only.

(iii) Such other types and sizes of containers as may be approved by the Committee for experimental or research purposes.

(2) The minimum net weight of grapes in any such containers, except for containers containing grapes packed in sawdust, cork, excelsior or similar packing material, or packed in bags or wrapped in plastic or paper, and containers authorized in paragraph (b)(1)(iii) of this section, shall be 20 pounds based on the average net weight of grapes in a representative sample of containers. Grapes in any such containers packed in bags, or wrapped in plastic or paper prior to being placed in these containers shall meet a minimum net weight of 18 pounds based on the average net weight of grapes in a representative sample of containers: *Provided*, That grapes packed in master containers containing individual consumer packages are exempt from container marking requirements and minimum net weight requirements. Containers of grapes other than master containers containing individual consumer packages shall be marked with the minimum net weight of 20 or 18 pounds.

(3) Such containers of grapes shall be plainly marked with the minimum net weight of grapes contained therein (with numbers and letters at least one-fourth inch in height), the name of the variety of the grapes and the name of the shipper, as provided in §§ 1436.30 and 1359 of Title 3: California Code of Regulations.

(4) Such containers of grapes shall be plainly marked with the lot stamp number corresponding to the lot inspection conducted by an authorized inspector, except that such requirement shall not apply to containers in the center tier of a lot palletized in a 3 box by 3 box pallet configuration: *Provided*, That pallets of reusable plastic containers shall have the lot stamp

number stamped on two USDA-approved pallet tags, each affixed to opposite sides of the pallet of containers, in addition to other required information on the cards of the individual containers.

(c) *Organically grown grapes*. Organically grown grapes (defined to mean grapes which have been grown for market as natural grapes by performing all the normal cultural practices, but not using any inorganic fertilizers or agricultural chemicals including insecticides, herbicides, and growth regulators, except sulfur) need not meet the minimum individual berry size requirements of this section if the following conditions and safeguards are met: (1) The handler of such grapes has registered and certified with the committee on a date specified by the committee the location of the vineyard, the acreage and variety of grapes, and such other information as may be needed by the committee to carry out these provisions; (2) each container of organically grown grapes bears the words “organically grown” on one outside end of the container in plain letters in addition to requirements specified under paragraph (b)(3) of this section.

(d) *By-product grapes*. The handling of grapes for processing (raisins, crushing and other by-products) is exempt from requirements specified in paragraphs (a), (b), and (c) of this section if the committee determines that the person handling such grapes has secured the appropriate permit or order from the County Agricultural Commissioner, and the by-product plant or packing plant to which the grapes are shipped has adequate facilities for commercial processing, grading, packing or manufacturing of by-products for resale.

(e) *Suspension of packing holidays*. Upon recommendation of the committee and approval of the Secretary, the prohibition against packing or repacking grapes on any Saturday, Sunday or on Memorial Day or Independence Day holidays of each year, may be modified or suspended to permit the

Agricultural Marketing Service, USDA

§ 925.304

handling of grapes provided such handling complies with procedures and safeguards specified by the committee as follows:

(1) All requests for suspension of a packing holiday shall be in writing, shall state the reasons the suspension is being requested, and shall be submitted to the Committee manager by noon on Wednesday or at least 3 days prior to the requested suspension date;

(2) Upon receipt of a written request, the Committee manager shall promptly give reasonable notice to producers and handlers and to the Secretary that an assembled Committee meeting will be held to discuss the request(s). The representative of the Secretary shall attend the meeting via speakerphone or in person, and all votes of the Committee members shall be cast in person;

(3) The Committee members shall consider marketing conditions (i.e., supplies of competing commodities to include quantities in inventory, the expected demand conditions for grapes in different markets, and any pertinent documents which provide data on market conditions), weather conditions, labor shortages, the size of the crop remaining to be marketed, and other pertinent factors in reaching a decision to suspend packing holidays;

(4) Once a vote is taken, any documents utilized during the meeting will be forwarded immediately to the Secretary's representative and a summary of the Committee's action and reasons for recommending approval or disapproval will be prepared and also forwarded by the committee; and

(5) The Secretary's representative shall notify the Committee manager of approval or disapproval of the request prior to commencement of the suspended packing holiday and the Committee manager shall notify handlers and producers accordingly.

(f) Certain maturity, container, and pack requirements cited in this regulation are specified in the Title 3: California Code of Regulations and are incorporated by reference. Copies of such requirements are available from Ronald L. Cioffi, Chief, Marketing Order Administration Branch, F&V, AMS, USDA, Washington, DC 20090-6456, tele-

phone (202) 720-2491. They are also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. This incorporation by reference was approved by the Director of the Federal Register. These materials are incorporated as they existed on the date of the approval and a notice of any change in these materials will be published in the FEDERAL REGISTER.

(g) The Federal or Federal-State Inspection Service, F&V, AMS, USDA, is the governmental inspection service for certifying the grade, size, quality, and maturity of table grapes grown in the production area. The inspection and certification services will be available upon application in accordance with the rules and regulations governing inspections and certification of fresh fruits, vegetables, and other products (7 CFR part 51); except that all persons who request such inspection and certification must provide adequate facilities in which the inspections may be conducted and also provide the necessary equipment and incidental supplies that are considered as standard requirements for providing fresh inspection under Federal or Federal-State inspection procedures.

[51 FR 12501, Apr. 11, 1986]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 925.304, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

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.

PART 926—DATA COLLECTION, REPORTING AND RECORDKEEPING REQUIREMENTS APPLICABLE TO CRANBERRIES NOT SUBJECT TO THE CRANBERRY MARKETING ORDER

Sec.	
926.1	Secretary.
926.2	Act.
926.3	Person.
926.4	Cranberries.
926.5	Fiscal period.
926.6	Committee.
926.7	Producer.
926.8	Handler.
926.9	Handle.
926.10	Acquire.
926.11	Processed cranberries or cranberry products.
926.12	Producer-handler.
926.13	Processor.
926.14	Broker.
926.15	Importer.
926.16	Reports.
926.17	Reporting requirements.
926.18	Records.
926.19	Confidential information.
926.20	Verification of reports and records.
926.21	Suspension or termination.

AUTHORITY: 7 U.S.C. 601-674.

SOURCE: 70 FR 1999, Jan. 12, 2005, unless otherwise noted.

§ 926.1 Secretary.

Secretary means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture who is, or who may hereafter be authorized to act in her/his stead.

EFFECTIVE DATE NOTE: At 71 FR 78046, Dec. 28, 2006, § 926.1 was suspended indefinitely, effective Dec. 29, 2006.

§ 926.2 Act.

Act means Public Act No. 10, 73d Congress [May 12, 1933], as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.).

EFFECTIVE DATE NOTE: At 71 FR 78046, Dec. 28, 2006, § 926.2 was suspended indefinitely, effective Dec. 29, 2006.

§ 926.3 Person.

Person means an individual, partnership, corporation, association, or any other business unit.

EFFECTIVE DATE NOTE: At 71 FR 78046, Dec. 28, 2006, § 926.3 was suspended indefinitely, effective Dec. 29, 2006.

§ 926.4 Cranberries.

Cranberries means all varieties of the fruit *Vaccinium Macrocarpon* and *Vaccinium oxycoccus*, known as cranberries.

EFFECTIVE DATE NOTE: At 71 FR 78046, Dec. 28, 2006, § 926.4 was suspended indefinitely, effective Dec. 29, 2006.

§ 926.5 Fiscal period.

Fiscal period is synonymous with fiscal year and crop year and means the 12-month period beginning September 1 and ending August 31 of the following year.

EFFECTIVE DATE NOTE: At 71 FR 78046, Dec. 28, 2006, § 926.5 was suspended indefinitely, effective Dec. 29, 2006.

§ 926.6 Committee.

Committee means the Cranberry Marketing Committee, which is hereby authorized by USDA to collect information on sales, acquisitions, and inventories of cranberries and cranberry products under this part. The Committee is established pursuant to the Federal cranberry marketing order regulating the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York (7 CFR part 929).

EFFECTIVE DATE NOTE: At 71 FR 78046, Dec. 28, 2006, § 926.6 was suspended indefinitely, effective Dec. 29, 2006.

§ 926.7 Producer.

Producer is synonymous with grower and means any person who produces cranberries for market and has a proprietary interest therein.

EFFECTIVE DATE NOTE: At 71 FR 78046, Dec. 28, 2006, § 926.7 was suspended indefinitely, effective Dec. 29, 2006.

§ 926.8 Handler.

Handler means any person who handles cranberries and is not subject to the reporting requirements of Part 929.

EFFECTIVE DATE NOTE: At 71 FR 78046, Dec. 28, 2006, § 926.8 was suspended indefinitely, effective Dec. 29, 2006.