

Agricultural Marketing Service, USDA

§ 920.160

in § 920.122(a)(1) through (a)(5) to fill such vacancy.

[57 FR 62160, Dec. 30, 1992]

§ 920.131 Redistricting of kiwifruit districts.

Pursuant to § 920.31(1) the districts are redefined as follows:

(a) *District 1* shall include the counties of Del Norte, Siskiyou, Modoc, Humboldt, Trinity, Shasta, Lassen, Mendocino, Tehama, Plumas, Glenn, Lake, Colusa, Sonoma, Yolo, Solano, Napa, Marin, Sacramento, Sierra, Nevada, Placer, El Dorado, Amador, and Butte (with the exception of that area set aside as "District 2").

(b) *District 2* shall include the 95948 postal zip code area known as Gridley in Butte County, and the area surrounding Gridley, incorporating the area located within the following boundaries: The area west of the Feather River; north of the Butte/Sutter County line; east of Pennington and Riley Roads; and south of Farris Road, Ord Ranch Road and Gridley Avenue.

(c) *District 3* shall include the counties of Sutter and Yuba.

(d) *District 4* shall include the counties of San Francisco, San Mateo, Santa Cruz, Contra Costa, Alameda, Santa Clara, Monterey, San Benito, San Joaquin, Calaveras, Alpine, Mono, Tuolumne, Stanislaus, Merced, Mariposa, Madera, and Fresno.

(e) *District 5* shall include Kings County and that portion of Tulare County north of Highway 198.

(f) *District 6* shall include Inyo County and that portion of Tulare County south of Highway 198 to Avenue 56, excluding the west side of Highway 65 between Highway 137 and Avenue 56.

(g) *District 7* shall include that portion of Tulare County of Tulare west of Highway 65 and between Highway 137 and Avenue 56.

(h) *District 8* shall include of Kern, San Luis Obispo, Santa Barbara, Ventura, San Bernardino, San Diego, Los Angeles, Orange, Riverside, San Diego, Imperial Counties and that portion of Tulare County south of Avenue 56.

[60 FR 7432, Feb. 8, 1995]

§ 920.155 Inspection requirement.

Certification of any kiwifruit which is inspected and certified as meeting grade, size, quality, or maturity requirements in effect pursuant to § 920.52 or § 920.53 during each fiscal year shall be valid until December 31 of such year or 21 days from the date of inspection, whichever is later.

[60 FR 55176, Oct. 30, 1995]

EFFECTIVE DATE NOTE: At 64 FR 41018, July 29, 1999, § 920.155 was suspended in its entirety, effective Aug. 1, 1999, through July 31, 2000. At 65 FR 37268, June 14, 2000, the suspension was extended through July 31, 2001.

§ 920.160 Reports.

(a) When requested by the Kiwifruit Administrative Committee, each shipper who ships kiwifruit, shall furnish a report of shipment and inventory data to the committee no later than the fifth day of the month following such shipment, or such other later time established by the committee: *Provided*, That each shipper who ships less than 10,000 trays, or the equivalent thereof, per fiscal year and has qualified with the committee shall furnish such report of shipment and inventory data to the committee twice per fiscal year. The first report shall be due no later than January 5 and the final report no later than the fifth day of the following month after such shipment is completed for the season, or such other later times established by the committee. Such report shall show:

- (1) The reporting period;
- (2) The name and other identification of the shipper;
- (3) The number of containers by type and weight by shipment destination category;
- (4) Inventory at the end of the reporting period by container, and with respect to flats, the size of the kiwifruit;
- (5) The amount of kiwifruit lost in repack; and
- (6) The amount of fruit set aside for processing.

(b) *Kiwifruit Inventory Shipping System (KISS) form*. Each handler, except such handlers that ship less than 10,000 trays, or the equivalent thereof, per season and have qualified with the committee, shall file with the committee the initial Kiwifruit Inventory

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Shipment System (KISS) form, which consists of three sections "KISS/Add Inventory," "KISS/Deduct Inventory," and "KISS/Shipment," on or before December 5th, or such other later time as the committee may establish.

(c) *Handler report of returned fruit.* After fruit is returned to a grower, each handler shall file with the committee, no later than five days from the date the fruit is returned, or such other time as the committee may establish, a Return Receipt of Kiwifruit to Grower Form.

[50 FR 4856, Feb. 4, 1985, as amended at 52 FR 37130, Oct. 5, 1987; 59 FR 53565, Oct. 25, 1994; 61 FR 51576, Oct. 3, 1996]

§ 920.213 Assessment rate.

On and after August 1, 2000, an assessment rate of \$0.03 per 22-pound volume fill container or equivalent is established for kiwifruit grown in California.

[65 FR 49474, Aug. 14, 2000]

§ 920.302 Grade, size, pack, and container regulations.

(a) No handler shall ship any kiwifruit unless such kiwifruit meet the following requirements:

(1) *Grade requirements.* Fresh shipments of kiwifruit shall be at least KAC No. 1 quality.

(2) *Size Requirements.* Such kiwifruit shall be at least a minimum Size 45. Size 45 is defined as a maximum of 55 pieces of fruit in an 8-pound sample.

(3) *Maturity requirements.* Such kiwifruit shall have a minimum of 6.2 percent soluble solids at the time of inspection.

(4) *Pack Requirements.* (i) Kiwifruit packed in containers with cell compartments, cardboard fillers, or molded trays shall be of proper size for the cells, fillers, or molds in which they are packed. Such fruit shall be fairly uniform in size.

(ii) (A) Kiwifruit packed in cell compartments, cardboard fillers or molded trays (excluding individual consumer packages) may not vary in diameter more than:

Count	Diameter
30 or less	1/2-inch (12.7 mm).
31-38	3/8-inch (9.5 mm).

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Count	Diameter
39 or more	1/4-inch (6.4 mm).

(B) Kiwifruit packed in individual consumer packages, bags, volume fill, or bulk containers, fruit may not vary more than:

Size designation	Diameter
30 or larger	1/2-inch (12.7 mm).
33, 36, 39, and 42	3/8-inch (9.5 mm).
45 or smaller	1/4-inch (6.4 mm).

(C) Not more than 10 percent, by count of the containers in any lot and not more than 5 percent, by count, of kiwifruit in any container, (except that for Sizes 42 and 45 kiwifruit, the tolerance, by count, in any one container, may not be more than 25 percent) may fail to meet the requirements of this paragraph.

(iii) The fruit packed in containers with cell compartments, cardboard fillers, or molded trays shall meet the following minimum weight requirements at the time of initial inspection:

Count designation of fruit	Minimum net weight of fruit (pounds)
34 or larger	7.5
35 to 37	7.25
38 to 40	6.875
41 to 43	6.75
44 and smaller	6.50

The average weight of all sample units in a lot must meet the specified minimum net weight, but no sample unit may be more than 4 ounces less than such weight.

(iv) When kiwifruit is packed in individual consumer packages, bags, volume fill or bulk containers, the following table specifying the size designation and maximum number of fruit per 8-pound sample is to be used.

Size designation	Maximum number of fruit per 8-pound sample
21	22
25	27
27/28	30
30	33
33	36
36	42
39	48
42	53
45	55