

to ship the majority of his apricots. The application shall also contain an agreement by applicant (1) not to ship or handle any apricots unless such apricots meet the grade, size, maturity, container, and all other requirements of the amended marketing agreement and order in effect at time of handling, (2) to report periodically to the Committee on reporting forms furnished by the Committee the following information on each shipment: quantity, variety, grade, minimum size, container, date of shipment, destination, name and address of buyer or receiver, and such other information as the Committee may specify, (3) to pay applicable assessments on each shipment, (4) to have or cause to have each shipment of apricots inspected when such shipment is transported to a market or through a location en route to market where an inspector is available, and (5) to comply with such other safeguards as the Committee may prescribe.

(b) *Issuance of permit.* Whenever the Committee finds and determines from the information contained in the application or from other proof satisfactory to the Committee that the applicant is entitled to a waiver from the inspection requirements of the amended marketing agreement and order at time of shipment, the Committee shall issue a permit authorizing the applicant to ship apricots in accordance with these administrative regulations and the terms and conditions of such permit.

[29 FR 9526, July 14, 1964]

§ 922.142 Reserve fund.

(a) The establishment of a reserve fund of an amount not greater than approximately one fiscal year's operational expenses is appropriate and necessary to the maintenance and functioning of the Washington Apricot Marketing Committee. The committee is hereby authorized to carry forward in the aforesaid reserve \$5,765.09 which are excess assessment funds from the fiscal period ended March 31, 1960, and \$787.61 which are excess assessment funds from the fiscal period ended March 31, 1961. Such reserve shall be used in accordance with the provisions of § 922.42 of the said marketing agreement and order (§§ 922.1 to 922.71).

(b) Terms used in this section shall have the same meaning as given to the respective term in said marketing agreement and order.

[26 FR 8664, Sept. 16, 1961. Redesignated at 26 FR 12751, Dec. 30, 1961 and 44 FR 73010, Dec. 17, 1979]

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 .322 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.

Subpart—Assessment Rate

§ 922.235 Assessment rate.

On and after April 1, 1997, an assessment rate of \$2.00 per ton is established for the Washington Apricot Marketing Committee.

[61 FR 40956, Aug. 7, 1996, as amended at 62 FR 41807, Aug. 4, 1997]

Subpart—Container Regulations

§ 922.306 Apricot Regulation 6.

(a) No handler shall handle any apricots unless such apricots are:

(1) In open containers or telescope fiberboard cartons and the net weight of the apricots is not less than 28 pounds; or

(2) In closed containers containing not less than 14 pounds, net weight, of apricots: *Provided*, That when the apricots are packed in such containers they are row-faced or tray-packed; or

(3) In closed containers that are marked "12 pounds net weight" and contain not less than 12 pounds, net weight, of apricots which are of random size and are not row-faced; or

(4) In closed containers containing not less than 24 pounds, net weight, of apricots when packed loose in such containers; or

(5) If exported to Canada, in any of the containers specified in this paragraph (a) or in containers having inside dimensions of 16½×11½ inches with 4¾-inch end pieces and 3¾-inch side pieces.

(b) Notwithstanding any other provisions of this section, any individual

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shipment of apricots which, in the aggregate, does not exceed 500 pounds, net weight, may be handled without regard to the requirements specified in this section or in §§ 922.41 or 922.55.

(c) All apricots handled are also subject to all applicable grade, size, quality, maturity and pack regulations which are in effect pursuant to this part.

(d) The terms *handler*, *handle* and *apricots* shall have the same meaning as when used in the amended marketing agreement and order.

[59 FR 30673, June 15, 1994, as amended at 63 FR 32718, June 16, 1998]

Subpart—Grade and Size Regulation

§ 922.321 Apricot Regulation 21.

(a) On and after August 1, 1981, no handler shall handle any container of apricots unless such apricots meet the following applicable requirements, or are handled in accordance with paragraph (a)(3) of this section:

(1) *Minimum grade and maturity requirements.* Such apricots that grade not less than Washington No. 1 and are at least reasonably uniform in color: *Provided*, That the grade requirement shall not apply to apricots handled from June 15, 1996, through March 31, 1997; *Provided further*, That such apricots of the Moorpark variety in open containers shall be generally well matured; and

(2) *Minimum size requirements.* Such apricots measure not less than 1 5/8 inches in diameter except that apricots of the Blenheim, Blenril, and Tilton varieties may measure not less than 1 1/4 inches: *Provided*, That not more than 10 percent, by count, of such apricots may fail to meet the applicable minimum diameter requirements.

(3) Notwithstanding any other provision of this section, any individual shipment of apricots which meets each of the following requirements may be handled without regard to the provisions of this paragraph, of § 922.41 (Assessments), and of § 922.55 (Inspection and Certification):

(i) The shipment consists of apricots sold for home use and not for resale;

(ii) The shipment does not, in the aggregate, exceed 500 pounds, net weight, of apricots; and

(iii) Each container is stamped or marked with the words “not for resale” in letters at least one-half inch in height.

(b) The terms *diameter* and *Washington No. 1* shall have the same meaning as when used in the State of Washington Department of Agriculture Standards for Apricots, effective May 31, 1966; *reasonably uniform in color* means that the apricots in the individual container do not show sufficient variation in color to materially affect the general appearance of the apricots; and *generally well matured* means that with respect to not less than 90 percent, by count, of the apricots in any lot of containers, and not less than 85 percent, by count, of such apricots in any container in such lot, at least 40 percent of the surface area of the fruit is at least as yellow as Shade 3 on U.S. Department of Agriculture Standard Ground Color Chart of Apples and Pears in Western States.

[46 FR 38668, July 29, 1981, as amended at 54 FR 26186, June 22, 1989 and 54 FR 37294, Sept. 8, 1989; 60 FR 32430, June 22, 1995; 61 FR 30497, June 17, 1996]

PART 923—SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Subpart—Order Regulating Handling

DEFINITIONS

- Sec. 923.1 Secretary.
- 923.2 Act.
- 923.3 Person.
- 923.4 Production area.
- 923.5 Cherries.
- 923.6 Varieties.
- 923.7 Fiscal period.
- 923.8 Committee.
- 923.9 Grade.
- 923.10 Size.
- 923.11 Grower.
- 923.12 Handler.
- 923.13 Handle.
- 923.14 District.
- 923.15 Export.
- 923.16 Pack.
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ADMINISTRATIVE BODY

- 923.20 Establishment and membership.