

than carload lots and who wishes to rely on such lot inspections in lieu of inspection certificates for individual carlot shipments shall deliver to the manager within 10 days after shipment of any such pears a written report showing the quantity, variety, grade, and size of the pears so shipped and the date of shipment thereof, and said report shall identify such pears with the lot-inspection certificate covering the same, and shall further show what portion of that lot remains unshipped, and where located; such report shall be in addition to, and not in lieu of, the handler's reports of shipments required under paragraphs (b) and (c) of this section.

(f) Each handler shall specify on each bill of lading covering each shipment the variety, and number of boxes thereof, of all pears included in that shipment.

[16 FR 10926, Oct. 27, 1951, as amended at 20 FR 7029, Sept. 20, 1955. Redesignated at 26 FR 12751, Dec. 30, 1961, and amended at 40 FR 42852, Sept. 17, 1975; 58 FR 34691, June 29, 1993; 60 FR 47860, Sept. 15, 1995]

§ 927.142 Reserve fund.

(a) It is necessary and appropriate to establish and maintain an operating reserve fund in an amount not to exceed approximately one fiscal period's expenses to be used in accordance with the provisions of § 927.42 of the amended marketing agreement and this part, and

(b) Assessments collected for the period ended June 30, 1962, were in excess of the expenses for such period and the committee is hereby authorized to place \$2,500 of such excess in said reserve.

[27 FR 9175, Sept. 15, 1962. Redesignated at 44 FR 73011, 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 .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.

ASSESSMENT RATE

§ 927.236 Assessment rate.

On and after July 1, 2004, an assessment rate of \$0.49 per 44-pound standard box or container equivalent of conventionally and organically produced pears and, in addition, a supplemental assessment rate of \$0.01 per 44-pound standard box or container equivalent of Beurre d'Anjou variety pears, excluding organically produced Beurre d'Anjou pears, is established for the Winter Pear Control Committee.

[69 FR 57815, Sept. 28, 2004]

§ 927.316 Handling regulation.

During the period August 15 through November 1, no person shall handle any Beurre D'Anjou variety of pears for shipments to North America (Continental United States, Mexico, or Canada), unless such pears meet the following requirements:

(a) Beurre D'Anjou variety of pears shall have a certification by the Federal-State Inspection Service, issued prior to shipment, showing that (1) the core/pulp temperature of such pears has been lowered to 35 degrees Fahrenheit or less and (2) any such pears have an average pressure test of 14 pounds or less. The handler shall submit, or cause to be submitted, a copy of the certificate issued on the shipment to the Control Committee.

(b) Each handler may ship on any one conveyance 8,800 pounds or less of Beurre D'Anjou variety of pears without regard to the quality and inspection requirements in paragraph (a) of this section.

[65 FR 48139, Aug. 7, 2000; 65 FR 53531, Sept. 5, 2000]

PART 928—PAPAYAS GROWN IN HAWAII

Subpart—Order Regulating Handling

DEFINITIONS

- Sec.
- 928.1 Secretary.
- 928.2 Act.
- 928.3 Person.
- 928.4 Papayas.
- 928.5 Production area.
- 928.6 Fiscal year.
- 928.7 Committee.

§ 928.1

- 928.8 Grower.
- 928.9 Handler.
- 928.10 Handle.
- 928.11 District.
- 928.12 Export.

ADMINISTRATIVE BODY

- 928.20 Establishment and membership.
- 928.21 Term of office.
- 928.22 Nomination.
- 928.23 Selection.
- 928.24 Failure to nominate.
- 928.25 Acceptance.
- 928.26 Vacancies.
- 928.27 Alternate members.
- 928.30 Powers.
- 928.31 Duties.
- 928.32 Procedure.
- 928.33 Expenses and compensation.
- 928.34 Annual report.

EXPENSES AND ASSESSMENTS

- 928.40 Expenses.
- 928.41 Assessments.
- 928.42 Accounting.

RESEARCH

- 928.45 Production research, marketing research and development.

REGULATIONS

- 928.50 Marketing policy.
- 928.51 Recommendations for regulation.
- 928.52 Issuance of regulations.
- 928.53 Modification, suspension or termination of regulations.
- 928.54 Special purpose and minimum quantity shipments.
- 928.55 Inspection and certification.

REPORTS

- 928.60 Reports.

MISCELLANEOUS PROVISIONS

- 928.61 Compliance.
- 928.62 Right of the Secretary.
- 928.63 Effective time.
- 928.64 Termination.
- 928.65 Proceedings after termination.
- 928.66 Effect of termination or amendment.
- 928.67 Duration of immunities.
- 928.68 Agents.
- 928.69 Derogation.
- 928.70 Personal liability.
- 928.71 Separability.
- 928.106 Fiscal year.
- 928.111 District redefinition.
- 928.120 Committee reapportionment.
- 928.121 Term of office.
- 928.122 Public member eligibility requirements and nomination procedures.

Subpart—Rules and Regulations

- 928.141 Interest charges.
- 928.150 Exemption from inspection.

7 CFR Ch. IX (1–1–05 Edition)

- 928.151 Special purpose shipments.
- 928.152 Maturity exemption.
- 928.153 Minimum quantities exemption.
- 928.160 Utilization reports.
- 928.226 Assessment rate.
- 928.313 Hawaiian Papaya Regulation 13.

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

SOURCE: 36 FR 8925, May 15, 1971, unless otherwise noted.

Subpart—Order Regulating Handing

DEFINITIONS

§ 928.1 Secretary.

Secretary means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may thereafter be delegated, to act in his stead.

§ 928.2 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 (46 Stat. 31, as amended; 7 U.S.C. 601-674).

§ 928.3 Person.

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

§ 928.4 Papayas.

Papayas means any and all varieties of papayas grown in the production area.

§ 928.5 Production area.

Production area means the State of Hawaii.

§ 928.6 Fiscal year.

Fiscal year means the 12-month period beginning January 1 of each year, or such other period that may be approved by the Secretary pursuant to a recommendation by the committee: *Provided*, That the initial fiscal year shall begin on the effective date of this part.