

**§ 929.250**

**§ 929.250 Marketable quantity and allotment percentage for the 2000–2001 crop year.**

The marketable quantity for the 2000–2001 crop year is set at 5.468 million barrels and the allotment percentage is designated at 85 percent. The marketable quantity may be adjusted to retain the 85 percent allotment percentage if the total industry sales history increases due to established growers receiving additional sales history on acreage with four years sales or less.

[65 FR 42615, July 11, 2000]

**§ 929.251 Marketable quantity and allotment percentage for the 2001–2002 crop year.**

The marketable quantity for the 2001–2002 crop year is set at 4.6 million barrels and the allotment percentage is designated at 65 percent. Fresh and organically grown fruit shall be exempt from the volume regulation provisions of this section.

[66 FR 34352, June 27, 2001]

**PART 930—TART CHERRIES GROWN IN THE STATES OF MICHIGAN, NEW YORK, PENNSYLVANIA, OREGON, UTAH, WASHINGTON, AND WISCONSIN**

**Subpart—Order Regulating Handling**

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SOURCE: 61 FR 49942, Sept. 24, 1996, unless otherwise noted.

### Subpart—Order Regulating Handling

#### DEFINITIONS

#### § 930.1 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 (48 Stat. 31, as amended, 68 Stat. 906, 1047; 7 U.S.C. 601 *et seq.*).

#### § 930.2 Board.

*Board* means the Cherry Industry Administrative Board established pursuant to § 930.20.

#### § 930.3 Cherries.

*Cherries* means all tart/sour cherry varieties grown in the production area classified botanically as *Prunus cerasas*, or hybrids of *Prunus cerasas* by *Prunus avium*, or *Prunus cerasas* by *Prunus fruticosa*.

#### § 930.4 Crop year.

*Crop year* means the 12-month period beginning on July 1 of any year and ending on June 30 of the following year, or such other period as the Board, with the approval of the Secretary, may establish.

#### § 930.5 Department or USDA.

*Department* or *USDA* means the United States Department of Agriculture.

#### § 930.6 District.

*District* means one of the subdivisions of the production area described in § 930.20(c), or such other subdivisions as may be established pursuant to § 930.21, or any subdivision added pursuant to § 930.52.

#### § 930.7 Fiscal period.

*Fiscal period* is synonymous with fiscal year and means the 12-month period beginning on July 1 of any year and ending on June 30 of the following year, or such other period as the Board, with the approval of the Secretary, may establish: *Provided*, that the initial fiscal period shall begin on the effective date of this part.

#### § 930.8 Free market tonnage percentage cherries.

*Free market tonnage percentage cherries* means that proportion of cherries handled in a crop year which are free to be marketed in normal commercial outlets in that crop year under any volume regulation established pursuant to § 930.50 or § 930.51 and, in the absence of a restricted percentage being established for a crop year pursuant to § 930.50 or § 930.51, means all cherries received by handlers in that crop year.

#### § 930.9 Grower.

*Grower* is synonymous with *producer* and means any person who produces cherries to be marketed in canned, frozen, or other processed form and who has a proprietary interest therein: *Provided* that, the term *grower* shall not include a person who produces cherries to be marketed exclusively for the fresh market in an unpitted condition.

#### § 930.10 Handle.

*Handle* means the process to brine, can, concentrate, freeze, dehydrate, pit, press or puree cherries, or in any other way convert cherries commercially into a processed product, or divert cherries pursuant to § 930.59 or obtain grower diversion certificates issued pursuant to § 930.58, or otherwise place cherries into the current of commerce within the production area or from the area to points outside thereof: *Provided*, That the term *handle* shall not include: