

§ 931.67

shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued under this part, or (b) release or extinguish any violation of this part or of any regulation issued under this part, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 931.67 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon the termination of this part, except with respect to acts done under and during the existence of this part.

§ 931.68 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the U.S. Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 931.69 Derogation.

Nothing contained in the provisions of this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 931.70 Personal liability.

No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 931.71 Separability.

If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applica-

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bility thereof to any other person, circumstance, or thing shall not be affected thereby.

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.

Subpart—Rules and Regulations

SOURCE: 56 FR 65800, Dec. 19, 1991, unless otherwise noted.

DEFINITIONS

§ 931.100 Terms.

Each term used in this subpart, unless otherwise defined, shall have the same meaning as when used in the marketing agreement and order.

§ 931.101 Marketing agreement.

Marketing agreement means Marketing Agreement No. 147, as amended, regulating the handling of Bartlett pears grown in Oregon and Washington.

§ 931.102 Order.

Order means Order No. 931, as amended (§§ 931.1 to 931.71), regulating the handling of Bartlett pears grown in Oregon and Washington.

COMMUNICATIONS

§ 931.110 Communications.

Unless otherwise specifically prescribed in this subpart, or in the marketing agreement and order, or unless otherwise required by the Committee, all reports, applications, submittals, requests, inspection certificates, and communications in connection with the marketing agreement or order shall be forwarded to: Northwest Fresh Bartlett Pear Marketing Committee 4382 SE International Way, Suite A, Milwaukie, OR 97222-4635.

[65 FR 65255, Nov. 1, 2000]

REPORTS

§ 931.120 Reports.

(a) Each handler shall transmit to the Committee on the first and the fifteenth day of each calendar month during the shipping season the "Semi-Monthly Report on Destination of Shipments and Assessment Payments" containing the following information:

- (1) The quantity of each variety of pears shipped by that handler during the preceding half month;
- (2) The date of each shipment;
- (3) The ultimate destination, by city and state, or city and country;
- (4) The assessment payment due; and
- (5) The name and address of such handler.

(b) Each handler shall transmit to the Committee each Friday during the shipping season the "Weekly Northwest Bartlett Packout Report" containing the following information for each variety:

- (1) The projected total packout;
- (2) The packout to date;
- (3) The volume sold export (shipped/not shipped), sold domestic (shipped/not shipped) and shipped auction;
- (4) The packout to date in controlled atmosphere (C.A.) storage and the volume in C.A. storage which is sold; and
- (5) The name and address of such handler.

(c) Each handler shall furnish to the Committee, upon request, the "Pear Size and Grade Storage Report" containing the quantity of specific grades and sizes of pears in regular and C.A. storage by variety.

ASSESSMENT RATE

§ 931.231 Assessment rate.

On and after July 1, 2003, an assessment rate of \$0.335 per 44-pound standard box or container equivalent is established for fresh Bartlett pears grown in Oregon and Washington.

[68 FR 60028, Oct. 21, 2003]

PART 932—OLIVES GROWN IN CALIFORNIA

Subpart—Order Regulating Handling

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