

grade and amount of each load of citrus fruit received, which shall be retained by the repacking shipper.

(2) Be reported as required in §905.163.

(3) The repacking facility used to repack previously inspected and certified citrus fruit by the repacking shipper shall not have operable equipment to wash, brush, wax, or dry citrus fruit.

(4) All citrus fruit handled by a repacking shipper shall be packed in approved Florida Department of Citrus fruit containers.

(5) Each container shipped with such citrus fruit shall be marked with the repacking shipper's repacking certificate of privilege number.

[59 FR 48782, Sept. 23, 1994]

§905.162 Repacking certificate of privilege.

(a) *Application.* Application for a repacking certificate of privilege by a repacking shipper shall be made on an Application for a Repacking Certificate of Privilege form supplied by the committee. Each such application shall contain, but need not be limited to, the name, address and Florida citrus fruit dealer license number of the applicant; approximate number of boxes to be handled during the season; the various types of containers to be used to ship the repacked citrus fruit; a certification to the Secretary of Agriculture and to the committee as to the truthfulness of the information shown thereon; and any other appropriate information or documents deemed necessary by the committee or duly authorized agents for the purposes stated in §905.161.

(b) *Approval.* The committee or its duly authorized agents shall give prompt consideration to each application for a repacking certificate of privilege. Approval of an application based upon a determination as to whether the information contained therein and other information available to the committee supports approval, shall be evidenced by the issuance of a repacking certificate of privilege to the applicant. Each such certificate shall expire at the end of the fiscal period.

(c) *Suspension or denial of certificate of privilege.* The committee may investigate the handling of repacked fresh

citrus fruit shipments under certificates of privilege to determine whether repacking shippers are complying with the requirements and regulations applicable to such certificates. Whenever the committee finds that a repacking shipper is failing to comply with the requirements and regulations applicable to such certificates, the certificate of privilege issued to such repacking shipper may be suspended or, in the case of an application for the issuance of an initial certificate of privilege, may be denied. Such suspension of a certificate shall be for a reasonable period of time as determined by the committee, but in no event shall it extend beyond the end of the then current fiscal period. In the case of the denial of an application for the issuance of an initial certificate, such certificate shall be denied until the applicant comes into compliance with the requirements and regulations applicable to such certificates. Prior to suspending or denying an application for a certificate of privilege, the committee shall give the shipper or applicant an opportunity, either orally or in writing, to present opposing facts and reasons. The shipper or applicant shall be informed of the committee's determination in writing and in a timely manner.

[59 FR 48783, Sept. 23, 1994]

§905.163 Reports of shipments under repacking certificate of privilege.

(a) Each repacking shipper who handles citrus fruit under a repacking certificate of privilege shall supply the committee with reports on each shipment as requested by the committee, on a Report of Shipments Under Certificate of Privilege form supplied by the committee, showing the name and address of the repacking shipper; name and address of the handler supplying the inspected and certified citrus fruit for such shipment; number of packages; size and containers; brand; grade; certificate number; and any other information deemed necessary by the committee. Each repacking shipper of citrus fruit shall maintain on file a copy of the Federal-State manifest that certifies the grade and amount of each load of citrus fruit received. These

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manifests shall be readily available to the committee upon request.

(b) One copy of the Report of Shipments Under Certificate of Privilege form on each shipment shall be forwarded to the committee promptly, one copy of such form shall be retained by the repacking shipper, and one copy of such form shall accompany the shipment. Failure to complete and return such form shall be cause for suspension of the repacking shippers repacking certificate of privilege.

[59 FR 48783, Sept. 23, 1994]

Subpart—Assessment Rates

§ 905.235 Assessment rate.

On and after August 1, 2007, an assessment rate of \$0.0072 per 4/5 bushel carton or equivalent is established for Florida citrus covered under the order.

[72 FR 41425, July 31, 2007]

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Subpart—Grade and Size Requirements

§ 905.306 Orange, Grapefruit, Tangerine and Tangelo Regulation.

(a) During the period specified in column (2) of Table I, no handler shall ship between the production area and any point outside thereof, in the 48 contiguous States and the District of Columbia of the United States, any variety of fruit listed in column (1) of Table I unless such variety meets the applicable minimum grade and size (with tolerances for size as specified in paragraph (c) of this section) specified for such variety in columns (3) and (4) of table I: *Provided*, That all grapefruit meet the minimum maturity requirements specified in paragraph (e) of this section.

TABLE I

Variety	Regulation period	Minimum grade	Minimum diameter (inches)
(1)	(2)	(3)	(4)
ORANGES			
Early and midseason	01/29/90–08/19/90	U.S. No. 1 Golden	2 ¹ / ₁₆
.....	On and after 08/20/90	U.S. No. 1	2 ³ / ₁₆
Navel	On and after 12/7/81	U.S. No. 1 Golden	2 ³ / ₁₆
Temple	On and after 12/7/81	U.S. No. 1	2 ³ / ₁₆
Valencia and other late type	August 1 June 14	U.S. No. 1	2 ³ / ₁₆
.....	June 15 July 31	U.S. No. 2, External	2 ³ / ₁₆
.....	U.S. No. 1, Internal
GRAPEFRUIT			
Seedless, red	On and after 11/13/00	U.S. No. 1	3 ⁵ / ₁₆
Seedless, except red	On and after 9/01/94	U.S. No. 1	3 ³ / ₁₆
TANGERINES			
Fallglo	On and after October 19, 1998	U.S. No. 1	2 ⁶ / ₁₆
Honey	March 23, 1992–08/23/92	Florida No. 1 Golden	2 ⁶ / ₁₆
.....	On and after 8/24/92	Florida No. 1	2 ³ / ₁₆
Sunburst	On and after September 26, 2000 ..	U.S. No. 1	2 ³ / ₁₆
TANGELOS			
Tangelos	On and After 12/7/81	U.S. No. 1	2 ³ / ₁₆

(b) During the period specified in column (2) of Table II, no handler shall ship to any destination outside the 48 contiguous States and the District of Columbia of the United States any variety of fruit listed in column (1) of Table II unless such variety meets the applicable minimum grade and size

(with tolerances for size as specified in paragraph (c) of this section) specified for such variety in columns (3) and (4) of Table II: *Provided*, That all grapefruit meet the minimum maturity requirements specified in paragraph (e) of this section.