

## § 925.66

regulation issued under this part; or (c) affect or impair any rights or remedies of the Secretary or any other person with respect to any such violation.

### § 925.66 Duration of immunities.

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

### § 925.67 Derogation.

Nothing contained in 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.

### § 925.68 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.

### § 925.69 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 applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

(Secs. 1-19, 48 Stat. 31, as amended (7 U.S.C. 601-674))

## Subpart—Rules and Regulations

### § 925.112 Fiscal period.

Beginning January 1, 1988, *fiscal period* will mean January 1 through December 31 of each year.

[52 FR 27538, July 22, 1987]

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### § 925.141 Late payments.

(a) The committee shall impose a late payment charge of 5 percent on the unpaid balance on any handler whose assessment has not been received in the committee's office, or the envelope containing the payment legibly postmarked by the U.S. Postal Service, within 45 days of the invoice date shown on the handler's assessment statement.

(b) In addition to that specified in paragraph (a) of this section, the committee shall impose an interest charge on any handler whose assessment payment has not been received in the committee's office, or the envelope containing the payment legibly postmarked by the U.S. Postal Service, within 45 days of the invoice date. The rate of 1½ percent per month shall be applied to the unpaid balance and late payment charge for the number of days all or any part of the assessment specified in the handler's assessment statement is delinquent beyond the 45 day period.

(c) The committee, upon receipt of a late payment, shall promptly notify the handler (by registered mail) of any late payment charge and/or interest charge due as provided in paragraphs (a) and (b) of this section. If such charges are not paid, or the envelope containing payment is not legibly postmarked by the U.S. Postal Service, within 45 days of the date of such notification, late payment and interest charges as provided in paragraphs (a) and (b) of this section will accrue on the unpaid amount.

[57 FR 24352, June 9, 1992]

## Subpart—Assessment Rates

### § 925.215 Assessment rate.

On and after January 1, 1997, an assessment rate of \$0.01 per lug is established for grapes grown in a designated area of southeastern California.

[62 FR 2549, Jan. 17, 1997]

### § 925.304 California Desert Grape Regulation 6.

During the period April 20 through August 15 each year, no person shall pack or repack any variety of grapes except Emperor, Almeria, Calmeria,

and Ribier varieties, on any Saturday, Sunday, Memorial Day, or the observed Independence Day holiday, unless approved in accordance with paragraph (e) of this section, nor handle any variety of grapes except Emperor, Calmeria, Almeria, and Ribier varieties, unless such grapes meet the requirements specified in this section.

(a) *Grade, size, and maturity.* Except as provided in paragraphs (a)(1) and (a)(2) of this section, such grapes shall meet the minimum grade and size requirements of U.S. No. 1 table, as set forth in the United States Standards for Grades of Table Grapes (European or Vinifera Type 7 CFR 51.880 through 51.914), or shall meet all the requirements of U.S. No. 1 Institutional with the exception of the tolerance percentage for bunch size. Such tolerance shall be 33 percent instead of 4 percent as is required to meet U.S. No. 1 Institutional grade. Grapes meeting these quality requirements may be marked "DGAC No. 1 Institutional" but shall not be marked "Institutional Pack." In addition, during the period June 1, 1998, through August 15, 1998, grapes may be handled that meet all the requirements of U.S. No. 1 Institutional, except that clusters/bunches must consist of at

least a 2 berry cluster ranging to clusters and/or bunches of grapes not greater than 19 ounces in weight. Such grapes must be marked "DGAC Consumer No. 1 Institutional" and meet the container requirements in paragraph (b)(1)(iii) of this section.

(1) Grapes of the Perlette variety shall meet the minimum berry size requirement of ten-sixteenths of an inch;

(2) Grapes of the Flame Seedless variety shall meet the minimum berry size requirement of ten-sixteenths of an inch; shall be considered mature if the juice contains not less than 15 percent soluble solids and the soluble solids are equal to or in excess of 20 parts to every part acid contained in the juice in accordance with applicable sampling and testing procedures specified in sections 1436.3, 1436.5, 1436.6, 1436.7, 1436.12, and 1436.17 of Article 25 of the California Administrative Code [Title 3].

(b) *Container and pack.* (1) Such grapes shall be packed in one of the following containers, which are new and clean, and which otherwise meet the requirements of sections 1380.14, and 1380.19(n), 1436.37, and 1436.38 of the Title 3: California Code of Regulations:

(i)

CONTAINER DESCRIPTIONS IN INCHES

Container	Depth	Width	Length
28 Sawdust Pack .....	7¾ (inside) .....	14 <sup>15</sup> / <sub>16</sub> (inside) .....	18 <sup>5</sup> / <sub>8</sub> (inside)
38J Polystyrene Lug .....	6¾ (inside) .....	12½ (inside) .....	15 <sup>5</sup> / <sub>8</sub> (inside)
38K Standard Grape .....	4½ to 8½ (inside) .....	13½ to 14½ (outside) .....	16 <sup>5</sup> / <sub>8</sub> to 17½ (outside)
38Q Polystyrene Lug .....	6¼ to 8¼ (inside) .....	11¼ (inside) .....	18 <sup>1</sup> / <sub>8</sub> (inside)
38R Grape Lug .....	4 to 7 (inside) .....	15¾ to 16 (outside) .....	19 <sup>1</sup> / <sub>16</sub> to 20 (outside)
38S Grape Lug .....	5 to 9 (inside) .....	11 <sup>1</sup> / <sub>16</sub> to 12 (outside) .....	19 <sup>1</sup> / <sub>16</sub> to 20 (outside)
38T Grape Lug .....	5½ to 7½ (inside) .....	13 <sup>5</sup> / <sub>8</sub> to 13 <sup>15</sup> / <sub>16</sub> (outside) .....	15 <sup>5</sup> / <sub>16</sub> to 16 (outside)
38U Grape Lug .....	6 <sup>3</sup> / <sub>16</sub> to 7 (inside) .....	13 <sup>1</sup> / <sub>16</sub> (outside) .....	20½ (outside)
38 V Grape Lug .....	5 ¾ (inside) .....	14 (outside) .....	16 (outside)

(ii) Containers with a net weight of 5 kilograms (approximately 11 pounds) shall be for export only.

(iii) Such other types and sizes of containers as may be approved by the Committee for experimental or research purposes: *Provided*, That for the period June 1, 1998, through August 15, 1998, master containers may be used if they are packed with individual consumer packs of grapes that weigh 1½ pounds or less, net weight, and meet the requirements of the "DGAC Consumer No. 1 Institutional." *Provided*

*further*, That grapes meeting the requirements of "DGAC Consumer No. 1 Institutional" shall be packed only in this container, and this master container shall be marked "DGAC Consumer No. 1 Institutional."

(2) The minimum net weight of grapes in any such containers, except for containers containing grapes packed in sawdust, cork, excelsior or similar packing material, or packed in bags or wrapped in plastic or paper, and containers authorized in paragraph (b)(1)(iii) of this section, shall be 20

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pounds based on the average net weight of grapes in a representative sample of containers. Containers of grapes packed in bags or wrapped in plastic or paper prior to being placed in these containers shall meet a minimum net weight requirement of 18 pounds.

(3) Such containers of grapes shall be plainly marked with the minimum net weight of grapes contained therein (with numbers and letters at least one-fourth inch in height), the name of the variety of the grapes and the name of the shipper.

(4) Such containers of grapes shall be plainly marked with the lot stamp number corresponding to the lot inspection conducted by an authorized inspector, except that such requirement shall not apply to containers in the center tier of a lot palletized in a 3 box by a 3 box pallet configuration.

(c) *Organically grown grapes.* Organically grown grapes (defined to mean grapes which have been grown for market as natural grapes by performing all the normal cultural practices, but not using any inorganic fertilizers or agricultural chemicals including insecticides, herbicides, and growth regulators, except sulfur) need not meet the minimum individual berry size requirements of this section if the following conditions and safeguards are met: (1) The handler of such grapes has registered and certified with the committee on a date specified by the committee the location of the vineyard, the acreage and variety of grapes, and such other information as may be needed by the committee to carry out these provisions; (2) each container of organically grown grapes bears the words "organically grown" on one outside end of the container in plain letters in addition to requirements specified under paragraph (b)(3) of this section.

(d) *By-product grapes.* The handling of grapes for processing (raisins, crushing and other by-products) is exempt from requirements specified in paragraphs (a), (b), and (c) of this section if the committee determines that the person handling such grapes has secured the appropriate permit or order from the County Agricultural Commissioner, and the by-product plant or packing

plant to which the grapes are shipped has adequate facilities for commercial processing, grading, packing or manufacturing of by-products for resale.

(e) *Suspension of packing holidays.* Upon approval of the committee, the prohibition against packing or repacking grapes on any Saturday or Sunday, or on the Memorial Day or Independence Day holidays of each year, may be modified or suspended to permit the handling of grapes provided such handling complies with procedures and safeguards specified by the committee.

(f) Certain maturity, container, and pack requirements cited in this regulation are specified in the Title 3: California Code of Regulations and are incorporated by reference. Copies of such requirements are available from Ronald L. Cioffi, Chief, Marketing Order Administration Branch, F&V, AMS, USDA, Washington, DC 20090-6456, telephone (202) 720-2491. They are also available for inspection at the office of the Federal Register Information Center, 800 North Capitol Street, NW., suite 700, Washington, DC 20408. This incorporation by reference was approved by the Director of the Federal Register. These materials are incorporated as they existed on the date of the approval and a notice of any change in these materials will be published in the FEDERAL REGISTER.

(g) The Federal or Federal-State Inspection Service, F&V, AMS, USDA, is the governmental inspection service for certifying the grade, size, quality, and maturity of table grapes grown in the production area. The inspection and certification services will be available upon application in accordance with the rules and regulations governing inspections and certification of fresh fruits, vegetables, and other products (7 CFR part 51); except that all persons who request such inspection and certification must provide adequate facilities in which the inspections may be conducted and also provide the necessary equipment and incidental supplies that are considered as standard requirements for providing

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fresh inspection under Federal or Federal-State inspection procedures.

[51 FR 12501, Apr. 11, 1986, as amended at 51 FR 13209, Apr. 18, 1986; 51 FR 16285, May 2, 1986; 52 FR 20383, June 1, 1987; 52 FR 24444, July 1, 1987; 53 FR 22128, June 14, 1988; 58 FR 21536, Apr. 22, 1993; 59 FR 67619, Dec. 30, 1994; 61 FR 11129, Mar. 19, 1996; 61 FR 14013, Mar. 29, 1996; 63 FR 658, Jan. 7, 1998; 63 FR 28480, May 26, 1998]

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.

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