

**§ 981.92 Amendments.**

Amendments to this subpart may be proposed, from time to time, by any person or by the Board.

EDITORIAL NOTE: After January 1, 1979, "Budget of Expenses and Rate of Assessment" regulations (e.g., sections .300 through .399) and "Marketing percentage" regulations (e.g., sections .200 through .299) 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" in the Finding Aids section of this volume.

**Subpart—Assessment Rates**

**§ 981.343 Assessment rate.**

On and after July 1, 1996, an assessment rate of \$0.01 cent per pound of assessable almonds is established for California almonds.

[61 FR 39842, July 31, 1996]

**Subpart—Administrative Rules and Regulations**

**§ 981.401 Adjusted kernel weight.**

(a) *Definition.* *Adjusted kernel weight* shall mean the actual gross weight of any lot of almonds; Less weight of containers; less moisture of kernels in ex-

cess of five percent; less shells, if applicable; less processing loss of one percent for deliveries with less than 95 percent kernels; less trash or other foreign material. The adjusted kernel weight shall be determined by sampling certified by the inspection agency.

(b) *Computation.* The computation of adjusted kernel weight shall be in the manner shown in the following examples. The examples are based on the analysis of a 1,000 gram sample taken from a lot of almonds weighing 10,000 pounds with less than 95 percent kernels, and a 1,000 gram sample taken from a lot of almonds weighing 10,000 pounds with 95 percent or more kernels. The first computation example is for the lot with less than 95 percent kernels containing the following: Edible kernels, 530 grams; inedible kernels, 120 grams; foreign material, 350 grams, and moisture content of kernels, seven percent. Excess moisture is two percent. The second computation example is for the lot with 95 percent or more kernels containing the following: Edible kernels, 840 grams; inedible kernels, 120 grams; foreign material, 40 grams; and moisture content of kernels, seven percent. Excess moisture is two percent. The example computations are as follows:

	Computation No. 1		Computation No. 2	
	Deliveries with less than 95 percent kernels		Deliveries with 95 percent or more kernels	
	Percent of sample	Weight (pounds)	Percent of sample	Weight (pounds)
1. Actual gross weight of delivery .....		10,000		10,000
2. Percent of edible kernel weight .....	53.0		84.0	
3. Less weight loss in processing <sup>1</sup> .....	1.00		0	
4. Less excess moisture of edible kernels (excess moisture×line 2) ...	1.06		1.68	
5. Net percent shell out (line 2—lines 3 and 4) .....	50.94		82.32	
6. Net edible kernels (line 5×line 1) .....		5,094		8,232
7. Percent of inedible kernels (from sample) .....	12.0		12.0	
8. Less excess moisture of inedible kernels (excess moisture from sample×line 7) .....	.24		.24	
9. Net percent inedible kernels (line 7—line 8) .....	11.76		11.76	
10. Total inedible kernels (line 9×line 1) .....		1,176		1,176
11. Adjusted kernel weight (line 6+line 10) .....		6,270		9,408

<sup>1</sup> Only applies to deliveries with less than 95 percent kernels.

[45 FR 68630, Oct. 16, 1980, as amended at 61 FR 42991, Aug. 20, 1996]

**§ 981.408 Inedible kernel.**

Pursuant to § 981.8, the definition of inedible kernel is modified to mean a kernel, piece, or particle of almond

kernel with any defect scored as serious damage, or damage due to mold, gum, shrivel, or brown spot, as defined in the United States Standards for