

## Agricultural Marketing Service, USDA

§ 993.409

from its members and any other producers or dehydrators for whom it performs handling services, which shall contain the following information:

(1) The name and address of the association and the date of the report;

(2) The aggregate net weight of prunes, as shown by the applicable incoming inspection certificates, required to be disposed of for nonhuman consumption in accordance with § 993.150(g); and

(3) The total net weight of prunes received, itemized by crop years of production, and itemized as to salable and reserve prunes by category as developed from inspection certificates.

(c) *Carryover and marketing policy information.* Upon request of the committee, a handler shall within 10 days (exclusive of Saturdays, Sundays, and legal holidays) thereafter, file with the committee a signed report on Form PMC 14.1 "Report of Carryover and Marketing Policy Information," containing such of the following items of information as may be requested by the committee: (1) The tonnage of prunes held by the handler by size and grade, as of the date specified in the committee's request and the tonnage of reserve prunes by size in each category; and (2) the handler's estimate of the tonnage of prunes held by producers and dehydrators from whom the handler received prunes during the current or preceding crop year, of the tonnage and quality and size of prunes expected to be produced by such producers and dehydrators during the current or following crop year, of current prices being received by producers, dehydrators, and handlers, and of the probable trade demand.

[30 FR 13311, Oct. 20, 1965, as amended at 35 FR 11381, July 16, 1970; 37 FR 15981, Aug. 9, 1972; 48 FR 57261, Dec. 29, 1983]

EFFECTIVE DATE NOTE: At 70 FR 30613, May 27, 2005, § 993.173 was suspended indefinitely.

### § 993.174 Records.

Each handler shall maintain such records as are necessary to furnish the reports required to be submitted to the Committee by him under this subpart including, but not limited to, records of all transactions on prunes received, held and disposed of by him, and he shall retain such records for at least

two years after the end of the crop year in which the applicable transaction occurred.

[26 FR 8281, Sept. 2, 1961; 26 FR 8483, Sept. 9, 1961. Redesignated at 30 FR 13312, Oct. 20, 1965]

EDITORIAL NOTES At 70 FR 30613, May 27, 2005, § 993.174 was suspended indefinitely.

## Subpart—Assessment Rates

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, which appears in the Finding Aids section of the printed volume and at [www.fdsys.gov](http://www.fdsys.gov).

### § 993.347 Assessment rate.

On and after August 1, 2011, an assessment rate of \$0.22 per ton is established for California dried prunes.

[76 FR 53816, Aug. 30, 2011]

## Subpart—Undersized Prune Regulation

### § 993.400 Modifications.

Pursuant to the authority in § 993.52, the provisions in § 993.49(c) prescribing size openings for undersized prune regulations are hereby modified to permit larger size openings. For French prunes, any undersized regulation may prescribe an opening of  $\frac{23}{32}$  of an inch or  $\frac{24}{32}$  of an inch; for non-French prunes, any undersized regulation may prescribe an opening of  $\frac{28}{32}$  of an inch or  $\frac{30}{32}$  of an inch.

[40 FR 42531, Sept. 15, 1975]

EFFECTIVE DATE NOTE: At 70 FR 30613, May 27, 2005, § 993.400 was suspended indefinitely.

### § 993.409 Undersized prune regulation for the 2002–03 crop year.

Pursuant to §§ 993.49(c) and 993.52, an undersized prune regulation for the 2002–03 crop year is hereby established. Undersized prunes are prunes which pass through openings as follows: for

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French prunes, <sup>24</sup>/<sub>32</sub> of an inch in diameter; for non-French prunes, <sup>30</sup>/<sub>32</sub> of an inch in diameter.

[67 FR 31722, May 10, 2002]

EFFECTIVE DATE NOTE: At 70 FR 30613, May 27, 2005, § 993.409 was suspended indefinitely.

**Subpart—Pack Specification as to Size**

SOURCE: 26 FR 8281, Sept. 2, 1961, unless otherwise noted.

DEFINITIONS

**§ 993.501 Consumer package of prunes.**

*Consumer package of prunes* means *consumer package* as defined in § 993.22.

EFFECTIVE DATE NOTE: At 70 FR 30613, May 27, 2005, § 993.501 was suspended indefinitely.

**§ 993.502 Size count.**

*Size count* means the count or number of prunes per pound.

**§ 993.503 Size category.**

*Size category* means each of the size categories listed in § 993.515 and fixes the range or the limits of the various size counts.

EFFECTIVE DATE NOTE: At 70 FR 30613, May 27, 2005, § 993.503 was suspended indefinitely.

**§ 993.504 In-line inspection.**

*In-line inspection* means inspection of prunes where samples are drawn from a flow of prunes prior to packaging.

EFFECTIVE DATE NOTE: At 70 FR 30613, May 27, 2005, § 993.504 was suspended indefinitely.

**§ 993.505 Floor inspection.**

*Floor inspection* means inspection of prunes where samples are drawn from packaged prunes or from unpackaged prunes that are held in packing containers for later packaging.

EFFECTIVE DATE NOTE: At 70 FR 30613, May 27, 2005, § 993.505 was suspended indefinitely.

**§ 993.506 Lot.**

*Lot* for the purposes of this subpart shall have the same meaning as defined in § 993.104(b) of the Subpart—Administrative Rules and Regulations.

EFFECTIVE DATE NOTE: At 70 FR 30613, May 27, 2005, § 993.506 was suspended indefinitely.

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SPECIFICATIONS AS TO SIZE

**§ 993.515 Size categories.**

For the purpose of this part, the pack specifications prescribed for the packing of prunes in consumer packages shall, subject to the limitation prescribed in § 993.516, be according to those commercially recognized size categories as are listed in paragraph (a) of this section by numerical designation or in paragraph (b) of this section by nomenclature designation.

(a) *Numerical designations.* Each of the following is a numerical size category described by the range of the size counts of prunes per pounds included in the respective size categories expressed as follows or in an applicable equivalent range expressed in the metric system per 500 grams: 15/20, 15/22, 18/24, 20/30, 25/35, 30/40, 35/45, 40/50, 50/60, 60/70, 70/80, 75/85, 80/90, and 90/100.

(b) *Nomenclature designations.* Each of the following is a nonnomenclature size category:

- (1) Extra large;
- (2) Large;
- (3) Medium; and
- (4) Small, breakfast, petite, or economy.

(c) *Nomenclature designations defined.* As used in paragraph (b) of this section:

- (1) *Extra large* means any size count which falls within the range of 25 to 40 prunes, inclusive, per pound;
- (2) *Large* means any size count which falls within the range of 40 to 60 prunes, inclusive, per pound;
- (3) *Medium* means any size count which falls within the range of 60 to 85 prunes, inclusive, per pound; and
- (4) *Small, breakfast, petite, or economy* means any size count which falls within the range of 85 to 100 prunes, inclusive, per pound.

[26 FR 8281, Sept. 2, 1961, as amended at 49 FR 35930, Sept. 13, 1984]

EFFECTIVE DATE NOTE: At 70 FR 30613, May 27, 2005, § 993.515 was suspended indefinitely.

**§ 993.516 Tolerances and limitations.**

With respect to in-line inspections and floor inspections, prunes in a particular lot shall, subject to the other applicable requirements of this section, be considered as being according to a particular size category prescribed in