

Agricultural Marketing Service, USDA

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(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 fresh inspection under Federal or Federal-State inspection procedures.

[51 FR 12501, Apr. 11, 1986]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 925.304, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

EFFECTIVE DATE NOTE: At 80 FR 68424, Nov. 5, 2015, § 925.304 was amended by revising paragraph (a) introductory text, redesignating paragraphs (a)(1) and (2) as paragraphs (a)(3) and (4) and adding new paragraphs (a)(1) and (2), eff. Apr. 1, 2016. For the convenience of the user, the added text is set forth as follows:

§ 925.304 California Desert Grape Regulation 6.

* * * * *

(a) *Grade, size, and maturity.* Except as provided in paragraphs (a)(3) and (4) of this section, such grapes shall meet the minimum grade and size requirements established in paragraphs (a)(1) or (2) of this section.

(1) 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), with the exception of the tolerance percentage for bunch size when packed in individual consumer clamshell packages weighing 5 pounds or less: Provided that not more than 20 percent of the weight of such containers may consist of single clusters weighing less than one-quarter pound, but with at least five berries each; or

(2) 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."

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PART 926—DATA COLLECTION, REPORTING AND RECORDKEEPING REQUIREMENTS APPLICABLE TO CRANBERRIES NOT SUBJECT TO THE CRANBERRY MARKETING ORDER

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AUTHORITY: 7 U.S.C. 601-674.

SOURCE: 70 FR 1999, Jan. 12, 2005, unless otherwise noted.

§ 926.1 Secretary.

Secretary means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture who

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is, or who may hereafter be authorized to act in her/his stead.

EFFECTIVE DATE NOTE: At 71 FR 78046, Dec. 28, 2006, § 926.1 was suspended indefinitely, effective Dec. 29, 2006.

§ 926.2 Act.

Act means Public Act No. 10, 73d Congress [May 12, 1933], as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601 *et seq.*).

EFFECTIVE DATE NOTE: At 71 FR 78046, Dec. 28, 2006, § 926.2 was suspended indefinitely, effective Dec. 29, 2006.

§ 926.3 Person.

Person means an individual, partnership, corporation, association, or any other business unit.

EFFECTIVE DATE NOTE: At 71 FR 78046, Dec. 28, 2006, § 926.3 was suspended indefinitely, effective Dec. 29, 2006.

§ 926.4 Cranberries.

Cranberries means all varieties of the fruit *Vaccinium Macrocarpon* and *Vaccinium oxycoccus*, known as cranberries.

EFFECTIVE DATE NOTE: At 71 FR 78046, Dec. 28, 2006, § 926.4 was suspended indefinitely, effective Dec. 29, 2006.

§ 926.5 Fiscal period.

Fiscal period is synonymous with fiscal year and crop year and means the 12-month period beginning September 1 and ending August 31 of the following year.

EFFECTIVE DATE NOTE: At 71 FR 78046, Dec. 28, 2006, § 926.5 was suspended indefinitely, effective Dec. 29, 2006.

§ 926.6 Committee.

Committee means the Cranberry Marketing Committee, which is hereby authorized by USDA to collect information on sales, acquisitions, and inventories of cranberries and cranberry products under this part. The Committee is established pursuant to the Federal cranberry marketing order regulating the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Or-

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gon, Washington, and Long Island in the State of New York (7 CFR part 929).

EFFECTIVE DATE NOTE: At 71 FR 78046, Dec. 28, 2006, § 926.6 was suspended indefinitely, effective Dec. 29, 2006.

§ 926.7 Producer.

Producer is synonymous with grower and means any person who produces cranberries for market and has a proprietary interest therein.

EFFECTIVE DATE NOTE: At 71 FR 78046, Dec. 28, 2006, § 926.7 was suspended indefinitely, effective Dec. 29, 2006.

§ 926.8 Handler.

Handler means any person who handles cranberries and is not subject to the reporting requirements of Part 929.

EFFECTIVE DATE NOTE: At 71 FR 78046, Dec. 28, 2006, § 926.8 was suspended indefinitely, effective Dec. 29, 2006.

§ 926.9 Handle.

Handle means to can, freeze, dehydrate, acquire, sell, consign, deliver, or transport (except as a common or contract carrier of cranberries owned by another person) fresh or processed cranberries produced within or outside the United States or in any other way to place fresh or processed cranberries into the current of commerce within or outside the United States. This term includes all initial and subsequent handling of cranberries or processed cranberries up to, but not including, the retail level.

EFFECTIVE DATE NOTE: At 71 FR 78046, Dec. 28, 2006, § 926.9 was suspended indefinitely, effective Dec. 29, 2006.

§ 926.10 Acquire.

Acquire means to obtain cranberries by any means whatsoever for the purpose of handling cranberries.

EFFECTIVE DATE NOTE: At 71 FR 78046, Dec. 28, 2006, § 926.10 was suspended indefinitely, effective Dec. 29, 2006.

§ 926.11 Processed cranberries or cranberry products.

Processed cranberries or cranberry products means cranberries which have been converted from fresh cranberries into canned, frozen, or dehydrated cranberries or other cranberry products by any commercial process.

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EFFECTIVE DATE NOTE: At 71 FR 78046, Dec. 28, 2006, §926.11 was suspended indefinitely, effective Dec. 29, 2006.

§ 926.12 Producer-handler.

Producer-handler means any person who is a producer of cranberries for market and handles such cranberries.

EFFECTIVE DATE NOTE: At 71 FR 78046, Dec. 28, 2006, §926.12 was suspended indefinitely, effective Dec. 29, 2006.

§ 926.13 Processor.

Processor means any person who receives or acquires fresh or frozen cranberries or cranberries in the form of concentrate from handlers, producer-handlers, importers, brokers or other processors and uses such cranberries or concentrate, with or without other ingredients, in the production of a product for market.

EFFECTIVE DATE NOTE: At 71 FR 78046, Dec. 28, 2006, §926.13 was suspended indefinitely, effective Dec. 29, 2006.

§ 926.14 Broker.

Broker means any person who acts as an agent of the buyer or seller and negotiates the sale or purchase of cranberries or cranberry products.

EFFECTIVE DATE NOTE: At 71 FR 78046, Dec. 28, 2006, §926.14 was suspended indefinitely, effective Dec. 29, 2006.

§ 926.15 Importer.

Importer means any person who causes cranberries or cranberry products produced outside the United States to be brought into the United States with the intent of entering the cranberries or cranberry products into the current of commerce.

EFFECTIVE DATE NOTE: At 71 FR 78046, Dec. 28, 2006, §926.15 was suspended indefinitely, effective Dec. 29, 2006.

§ 926.16 Reports.

(a) Each handler, producer-handler, processor, broker, and importer engaged in handling or importing cranberries or cranberry products who is not subject to the reporting requirements of the Federal cranberry marketing order, (7 CFR Part 926) shall, in accordance with Sec. 926.17, file promptly with the Committee reports of sales, acquisitions, and inventory in-

formation on fresh cranberries and cranberry products using forms supplied by the Committee.

(b) Upon the request of the Committee, with the approval of the Secretary, each handler, producer-handler, processor, broker, and importer engaged in handling or importing cranberries or cranberry products who is not subject to the Federal cranberry marketing order (7 CFR Part 926) shall furnish to the Committee such other information with respect to fresh cranberries and cranberry products acquired and disposed of by such entity as may be necessary to meet the objectives of the Act.

EFFECTIVE DATE NOTE: At 71 FR 78046, Dec. 28, 2006, §926.16 was suspended indefinitely, effective Dec. 29, 2006.

§ 926.17 Reporting requirements.

Handlers, producer-handlers, importers, processors, and brokers not subject to the Federal cranberry marketing order (7 CFR part 926) shall be required to submit four times annually, for each fiscal period reports regarding sales, acquisitions, movement for further processing, and dispositions of fresh cranberries and cranberry products using forms supplied by the Committee. An Importer Cranberry Inventory Report Form shall be required to be completed by importers and brokers. This report shall indicate the name, address, variety acquired, the amount sold to and received by brokers, processors, and handlers, and the beginning and ending inventories of cranberries held by the importer for each applicable fiscal period. A Handler/Processor Cranberry Inventory Report Form shall be completed by handlers, producer-handlers, and processors and shall indicate the name, address, variety acquired, domestic/foreign sales, acquisitions, and beginning and ending inventories.

EFFECTIVE DATE NOTE: At 71 FR 78046, Dec. 28, 2006, §926.17 was suspended indefinitely, effective Dec. 29, 2006.

§ 926.18 Records.

Each handler, producer-handler, processor, broker, and importer shall maintain such records of all fresh cranberries and cranberry products acquired, imported, handled, withheld

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from handling, and otherwise disposed of during the fiscal period to substantiate the required reports. All such records shall be maintained for not less than three years after the termination of the fiscal year in which the transactions occurred or for such lesser period as the Committee may direct.

EFFECTIVE DATE NOTE: At 71 FR 78046, Dec. 28, 2006, § 926.18 was suspended indefinitely, effective Dec. 29, 2006.

§ 926.19 Confidential information.

All reports and records furnished or submitted pursuant to this part which include data or information constituting a trade secret or disclosing the trade position or financial condition, or business operations from whom received, shall be in the custody and control of the authorized agents of the Committee, who shall disclose such information to no person other than the Secretary.

EFFECTIVE DATE NOTE: At 71 FR 78046, Dec. 28, 2006, § 926.19 was suspended indefinitely, effective Dec. 29, 2006.

§ 926.20 Verification of reports and records.

For the purpose of assuring compliance and checking and verifying records and reports required to be filed by handlers, producer-handlers, processors, brokers, and importers, USDA or the Committee, through its duly authorized agents, shall have access to any premises where applicable records are maintained, where cranberries and cranberry products are received, acquired, stored, handled, and otherwise disposed of and, at any time during reasonable business hours, shall be permitted to inspect such handler, producer-handler, processor, broker, and importer premises, and any and all records of such handlers, producer-handlers, processors, brokers, and importers. The Committee's authorized agents shall be the manager of the Committee and other staff under the supervision of the Committee manager.

EFFECTIVE DATE NOTE: At 71 FR 78046, Dec. 28, 2006, § 926.20 was suspended indefinitely, effective Dec. 29, 2006.

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§ 926.21 Suspension or termination.

The provisions of this part shall be suspended or terminated whenever there is no longer a Federal cranberry marketing order in effect.

EFFECTIVE DATE NOTE: At 71 FR 78046, Dec. 28, 2006, § 926.21 was suspended indefinitely, effective Dec. 29, 2006.

PART 927—PEARS GROWN IN OREGON AND WASHINGTON

Subpart—Order Regulating Handling

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