1. Title 7, chapter IX is proposed to be amended by adding part 930 to read as follows:

## PART 930—TART CHERRIES GROWN IN MICHIGAN, NEW YORK, PENNSYLVANIA, OREGON, UTAH, WASHINGTON AND WISCONSIN

### Subpart—Order Regulating Handling

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

# Subpart—Order Regulating Handling

# Definitions

# § 930.1 Act.

Act means Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as reenacted and amended by the Agriculture Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended, 68 Stat. 906, 1047; 7 U.S.C. 601, et seq.).

### § 930.2 Board.

Board means the Cherry Industry Administrative Board established pursuant to § 930.20.

# § 930.3 Cherries.

Cherries means all tart/sour cherry varieties grown in the production area classified botanically as Prunus cerasus, Prunus cerasas by Prunus avium, or Prunus cerasas by Prunus fruticosa.

# § 930.4 Crop year.

Crop year means the 12-month period beginning on July 1 of any year and ending on June 30 of the following year, or such other period as the Board, with the approval of the Secretary, may establish.

### § 930.5 Department or USDA.

Department or USDA means the United States Department of Agriculture.

# § 930.6 District.

District means one of the subdivisions of the production area described in § 930.20(c), or such other subdivisions

as may be established pursuant to § 930.21, or any subdivision added pursuant to § 930.63.

# § 930.7 Fiscal period.

Fiscal period is synonymous with fiscal year and means the 12-month period beginning on July 1 of any year and ending on June 30 of the following year, or such other period as the Board, with the approval of the Secretary, may establish: Provided, that the initial fiscal period shall begin on the effective date of this part.

# § 930.8 Free market tonnage percentage cherries.

Free market tonnage percentage cherries means that proportion of cherries handled in a crop year which are free to be marketed in normal commercial outlets in that crop year under any volume regulation established pursuant to § 930.50 or § 930.51 and, in the absence of a restricted percentage being established for a crop year pursuant to § 930.50 or § 930.51, means all cherries received by handlers in that crop year.

### § 930.9 Grower.

Grower is synonymous with "producer" and means any person who produces cherries to be marketed in canned, frozen, or other processed form and who has a proprietary interest therein: Provided that, the term "grower" shall not include a person who produces cherries to be marketed exclusively for the fresh market in an unpitted condition.

# § 930.10 Handle.

Handle means the process to brine, can, concentrate, freeze, dehydrate, pit, press or puree cherries, or in any other way convert cherries commercially into a processed product, or divert cherries pursuant to § 930.59 or obtain grower diversion certificates issued pursuant to § 930.58, or otherwise place cherries into the current of commerce within the production area or from the area to points outside thereof: Provided, that the term "handle" shall not include:

- (a) The brining, canning, concentrating, freezing, dehydration, pitting, pressing or the converting, in any other way, of cherries into a processed product for home use and not for resale; or
- (b) The transportation within the production area of cherries from the orchard where grown to a processing facility located within such area for preparation for market; or
- (c) The delivery of such cherries to such processing facility for such preparation; or