

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Agriculture

Effective upon publication in the FEDERAL REGISTER, paragraph (q) (1) is added to § 213.3313 as set out below.

§ 213.3313 Department of Agriculture.

(q) *International Agricultural Development Service.*

(1) The Administrator.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,

Executive Assistant to the Commissioners.

[F.R. Doc. 64-200; Filed, Jan. 8, 1964; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

PART 959—ONIONS GROWN IN SOUTH TEXAS

Limitation of Shipments

Notice of rule making regarding a proposed limitation of shipments regulation to be effective under Marketing Agreement No. 143 and Marketing Order No. 959 (7 CFR Part 959), both as amended, regulating the handling of onions grown in certain designated counties in South Texas, was published in the FEDERAL REGISTER, December 21, 1963 (28 F.R. 13938). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The notice afforded interested persons an opportunity to submit written data, views, or arguments pertaining thereto not later than 10 days following publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which was recommended by the South Texas Onion Committee, established pursuant to the said amended marketing agreement and order, it is hereby found that the proposed limitation of shipments regulation as hereinafter set forth will tend to effectuate the declared policy of the Act.

It is hereby further found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) volume shipments of onions grown in the production area are expected to begin on or about the effective date of this section, (2) more orderly marketing in the public interest than would otherwise prevail will be promoted by regulating the handling of onions in the manner set forth in this section, (3) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted under the circumstances for such preparation, and (5) notice has been given of the proposed Limitation of Shipments set forth in this section through publicity in the production area and by publication in the FEDERAL REGISTER of December 21, 1963 (29 F.R. 13938).

§ 959.304 Limitation of shipments.

During the period from February 3, 1964, through June 30, 1964, no person may package or load onions on Sundays, or handle any lot of onions grown in the production area, except red onions, unless such onions meet the grade requirements of paragraph (a) of this section, one of the applicable size requirements of paragraph (b) of this section, the container requirements of paragraph (c) of this section, and the inspection requirements of paragraph (f) of this section, or unless such onions are handled in accordance with the provisions of paragraphs (d) or (e) of this section.

(a) *Minimum grade.* Not to exceed 20 percent defects of U.S. No. 1 grade. In percentage grade lots, tolerances for serious damage shall not exceed 10 percent including not more than 2 percent decay. Double the lot tolerance shall be permitted in individual packages in percentage grade lots. Application of tolerances in U.S. Grade Standards shall apply to in-grade lots.

(b) *Size requirements.* (1) "Small"—1 to 2¼ inches in diameter, and limited to whites only;

(2) "Repacker"—1¾ to 3 inches in diameter, with 60 percent or more 2 inches in diameter or larger;

(3) 2 to 3½ inches in diameter; or

(4) "Jumbo"—3 inches or larger in diameter.

(c) *Container requirements.* (1) 25 pound bags, with not to exceed in any lot an average net weight of 27½ pounds per bag, and with outside dimensions not larger than 29 inches by 31 inches; or

(2) 50 pound bags, with not to exceed in any lot an average net weight of 55 pounds per bag, and with outside dimensions not larger than 33 inches by 38½ inches.

(3) These container requirements shall not be applicable to onions sold to Federal agencies.

(d) *Minimum quantity exemption.* Any handler may handle, only as individual shipments and other than for resale, not more than 100 pounds of onions per day, in the aggregate, without regard to the requirements of this section or to the inspection and assessment requirements of this part.

(e) *Special purpose shipments and culls.* Onions failing to meet the grade, size, or container requirements of paragraph (a), (b), or (c) of this section, or not exempted under paragraph (d), of this section, may be handled only pursuant to § 959.126. Culls may be handled pursuant to § 959.126(a)(1). Shipments for relief or charity, or for experimental purposes, may be handled pursuant to § 959.126(b). Any such onions may be handled without regard to inspection and assessment requirements.

(f) *Inspection.* (1) During the effective period hereof, no handler may handle any onions, except pursuant to paragraphs (d) or (e) of this section, unless an appropriate inspection certificate has been issued with respect thereto.

(2) No handler shall transport or cause the transportation of any shipment of onions by motor vehicle for which an inspection certificate is required unless each such shipment is accompanied by a copy of the inspection certificate applicable thereto or by documentary evidence on forms furnished by the Committee identifying truck lots to which a valid inspection certificate is applicable and a copy of such inspection certificate or Committee document, upon request, is surrendered to authorities designated by the Committee.

(3) For purpose of operation under this part each inspection certificate or Committee form required as evidence of inspection is hereby determined to be valid for a period not to exceed 72 hours following completion of inspection as shown on the certificate.

(g) *Definitions.* The term "U.S. No. 1" shall have the same meaning as set forth in the United States Standards for Bermuda-Granex-Grano Type Onions (§§ 51.3195-51.3209 of this title), or in the United States Standards for Grades of Onions (§§ 51.2830-51.2850 of this title), whichever is applicable to the particular variety. All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 143 and this part (Marketing Order No. 959), both as amended.

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

Dated: January 6, 1964, to become effective February 3, 1964.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 64-204; Filed, Jan. 8, 1964; 8:47 a.m.]

PART 999—SPECIALTY CROPS; IMPORT REGULATIONS

Walnuts

Notice was published in the *FEDERAL REGISTER* on December 3, 1963 (28 F.R. 12827), that there was under consideration a proposal to amend § 999.100, Regulation Governing Imports of Walnuts, which is effective pursuant to section 8e (7 U.S.C. 608e-1) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The notice afforded interested persons opportunity to file written data, views, or arguments pertaining thereto with the Department for consideration prior to establishment of such amended regulation. The prescribed time has elapsed and no such communication has been received.

After consideration of all relevant matters presented, including those in the notice, it is hereby found that the amended regulation hereinafter set forth will tend to effectuate the declared policy of the Act.

Therefore, such regulation is hereby amended to read as follows:

§ 999.100 Regulation governing imports of walnuts.

(a) *Definitions.* (1) "Walnuts" means all walnuts commonly known as English or Persian walnuts (*Juglans regia*).

(2) "Inshell walnuts" means walnuts, the kernels or edible portions of which are contained in the shell.

(3) "Shelled walnuts" means the kernels of walnuts after the shells are removed.

(4) "Person" means any individual, partnership, corporation, association, or other business unit.

(5) "USDA Inspector" means any Federal or Federal-State inspector of the Fresh Products Standardization and Inspection Branch of the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture.

(6) "Importation of walnuts" means the release of walnuts at the port of arrival by the unloading inspector of the United States Bureau of Customs for movement under either an immediate transportation without appraisement, a warehouse, or a consumption entry.

(b) *Grade and size regulations.* No person may import walnuts (*Juglans regia*) into the United States unless such walnuts have been inspected and certified by a USDA inspector as meeting the following requirements:

(1) *Inshell walnuts.* All inshell walnuts shall be of a quality equal to or better than the requirements for U.S. No. 3 and "baby" size as prescribed in the United States Standards for Walnuts (*Juglans regia*) in the Shell (§§ 51.2945-51.2966 of this title); or

(2) *Shelled walnuts.* All shelled walnuts shall be of a quality equal to or better than the requirements for U.S. Commercial Grade as prescribed in the United States Standards for Shelled Walnuts (*Juglans regia*) (§§ 51.2275-51.2294 of this title excluding §§ 51.2278(b), 51.2284 and 51.2285) effective January 25, 1959, except that the minimum size

shall be pieces not more than five percent of which will pass through a round opening $\frac{3}{4}$ inch in diameter and no other size requirements shall apply.

(c) *Inspection and certification.* (1) All inspections and certifications required by paragraph (b) of this section shall be made by USDA inspectors in accordance with the regulations governing the inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title). The cost of inspection and certification shall be borne by the applicant.

(2) Each inspection certificate shall set forth among other things the following:

- (i) The date and place of inspection;
- (ii) The name of the applicant;
- (iii) The name of the importer;
- (iv) The quantity and identifying marks of the container; and
- (v) The statement, if applicable, "Meets U.S. import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937".

(3) Whenever walnuts are offered for inspection, the applicant shall furnish any labor and pay any costs incurred in moving and opening containers as may be necessary for proper sampling and inspection. The applicant shall also furnish the USDA inspector the entry number and such other identifying information for each lot as he may request.

(4) Inspection must be completed at the port of arrival prior to the importation of walnuts. To avoid delay the applicant should make advance arrangements with the USDA inspection office nearest the port of arrival.

(d) *Reconditioning prior to importation.* Nothing contained in this section shall be deemed to preclude reconditioning walnuts at the port of arrival, in order that such walnuts may be made eligible to meet the grade and size regulations prescribed in paragraph (b) of this section, prior to importation.

(e) *Minimum quantity.* Notwithstanding any other provision of this section, the importation of any lot of walnuts which does not exceed, in net weight, 60 pounds of shelled walnuts or 115 pounds of inshell walnuts shall be exempt from the requirements of this section.

(f) *Other import requirements.* The provisions of this section do not supersede any restrictions or prohibitions on walnuts under the Federal Plant Quarantine Act of 1912, or any other applicable laws or regulations of city, county, State, or Federal Agencies including the Federal Food, Drug and Cosmetic Act.

(g) *Compliance.* Any person violating any of the provisions of this regulation is subject to a forfeiture in the amount prescribed in section 608a(5) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), or, upon conviction, a penalty in the amount prescribed in section 608c (14) of said act, or to both such forfeiture and penalty. False representations in any matter within the jurisdiction of any agency of the United States, knowing it to be false, is a violation of 18 U.S.C. 1001 which provides for a fine or imprisonment or both.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the *FEDERAL REGISTER* (5 U.S.C. 1001-1011) in that: (1) Walnuts are now being imported; (2) the amended regulation is intended to improve administration and reduce the possibility of non-compliance; and, (3) persons known to be affected by the amended regulation have been notified of the changes and have not indicated any problems or opposition relating thereto.

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

Dated: January 3, 1964. To become effective January 25, 1964.

PAUL A. NICHOLSON,
Acting Director,
Fruit and Vegetable Division.

[F.R. Doc. 64-205; Filed, Jan. 8, 1964; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter 1—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Interstate Movement

On October 25, 1963, there was published in the *FEDERAL REGISTER* (28 F.R. 11457) a notice with respect to a proposal to amend § 74.3(a), Part 74, Title 9, Code of Federal Regulations, by adding the States of Iowa and Ohio to the sheep scabies eradication area. After due consideration of all relevant material and pursuant to the provisions of sections 1 through 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126), said § 74.3(a) is amended in accordance with such notice as indicated below:

§ 74.3 Designation of eradication areas.

(a) Notice is hereby given that sheep in the following States, or parts thereof as specified, are being handled systematically to eradicate scabies in sheep, and such States, and parts thereof, are hereby designated as eradication areas:

(1) Iowa, Kentucky, Ohio, and Tennessee;

(2) All counties in Illinois except Bond, Clay, Clinton, Lawrence, Madison, Marion, and Richland; and all counties in the State of Illinois lying south thereof;

(3) The following counties in Kansas: Cloud, Ellsworth, Harper, Jewell, and Sedgewick;

(4) The following county in Minnesota: Jackson;

(5) All counties in Missouri except: Cole, Cooper, Franklin, Gasconade, Jackson, Lafayette, Moniteau, Osage, St. Louis, and Saline; and all Counties in the State of Missouri lying south thereof;

(6) All counties in Nebraska except Arthur, Banner, Blaine, Brown, Chase, Cherry, Cheyenne, Deuel, Dundy, Garden, Grant, Hooker, Keith, Keya Paha, Kimball, Loup, Merrill, Perkins, Rock, Scotts Bluff, Sheridan, and Thomas;

(7) The designated parts of the following counties in New Mexico: Those portions of Lincoln County and Socorro County lying within the area bounded by a line beginning at a point on U.S. Highway No. 54 where said highway crosses the Lincoln-Torrance County Line at the town of Corona, New Mexico; and thence, running in a westerly direction along the Lincoln-Torrance County Line and the Socorro-Torrance County Line to New Mexico State Highway No. 10; thence, running in a southerly and southeasterly direction along New Mexico State Highway No. 10 to its intersection with U.S. Highway No. 54; thence, running in a southerly direction along U.S. Highway No. 54 to its intersection with U.S. Highway No. 380 at the town of Carrizozo, New Mexico; thence, running in a southeasterly direction along U.S. Highway No. 380 to its intersection with New Mexico State Highway No. 48 at the town of Capitan, New Mexico; thence, running in an easterly direction along New Mexico State Highway No. 48 to its intersection with the Lincoln-Chaves County Line; thence, running northward along the Lincoln-Chaves County Line and the Lincoln-DeBaca County Line to the northeast corner of Lincoln County; thence, running westerly along the Lincoln-Guadalupe County Line to its intersection with the Lincoln-Torrance County Line; thence, running southerly along the Lincoln-Torrance County Line to the southeast corner of Torrance County; thence, running westerly along the Lincoln-Torrance County Line to the point of beginning at the town of Corona, New Mexico;

(8) The following county in Pennsylvania: Cumberland;

(9) The following counties in West Virginia: Berkeley, Fayette, Grant, Greenbrier, Hampshire, Hardy, Jefferson, Mercer, Mineral, Monroe, Morgan, Nicholas, Pendleton, Pocahontas, Raleigh, Randolph, Summers, Tucker, Upshur, and Webster;

(10) The following county in Wisconsin: Saint Croix.

(Secs. 4-7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, secs. 1-4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111-113, 115, 117, 120, 121, 123-126; 19 F.R. 74, as amended)

Effective date. The foregoing amendment shall become effective 30 days after publication in the *FEDERAL REGISTER*.

The amendment adds the States of Iowa and Ohio to the list of eradication areas, since the cooperative sheep scabies eradication program is now being conducted in such States. These States are presently in the infected areas as sheep scabies is known to exist therein. After the effective date of this amendment, the restrictions pertaining to the interstate movement of sheep from or into infected and eradication areas as contained in 9 CFR Part 74, as amended, will apply to such States.

Done at Washington, D.C., this 3d day of January 1964.

B. T. SHAW,
Administrator,
Agricultural Research Service.

[F.R. Doc. 64-158; Filed, Jan. 8, 1964; 8:45 a.m.]

Chapter II—Agricultural Marketing Service (Packers and Stockyards Division), Department of Agriculture

PART 201—REGULATIONS UNDER THE PACKERS AND STOCKYARDS ACT

Records; Disposition

Correction

In F.R. Doc. 63-13313, appearing at page 14263 of the issue for Wednesday, December 25, 1963, the third paragraph from the end of the document should open with the words "The periods specified herein after * * *" instead of with the words "The periods specified hereinafter * * *".

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER A—GENERAL

[CGFR 63-74]

PART 8—REGULATIONS, UNITED STATES COAST GUARD RESERVE

Procurement; Special Enlistment Programs

By virtue of the authority contained in section 511(d), Title 10, U.S. Code, the following amendment is hereby prescribed and shall become effective upon publication in the *FEDERAL REGISTER*.

1. Section 8.2402 is hereby amended to read as follows:

§ 8.2402 Active duty for training program.

(a) Male applicants without prior military service may be enlisted in units of the Ready Reserve pursuant to the provisions of section 511 of Title 10, U.S. Code provided they:

(1) Are between the ages of 17 and 26 years.

(2) Are physically, mentally and otherwise qualified for induction.

(3) Are not under orders to report for induction.

(b) Each applicant accepted under this section shall be enlisted for a period of six years. He shall be placed initially in the Ready Reserve and be required during his six year enlistment to:

(1) Perform an initial period of active duty for training of not less than four consecutive months. The maximum period of active duty for training will be determined by the Commandant on the basis of the training considered necessary to qualify the member in a military specialty.

(2) Unless sooner transferred to the Standby Reserve under the screening regulations, participate satisfactorily in an accredited training program of the Ready Reserve while on inactive duty for a period which, when added to the initial period of active duty for training, totals six years.

(c) Members enlisted under this program shall enter on active duty for training with minimum practicable delay. The delay shall not exceed one hundred and eighty (180) days except as follows:

(1) Members pursuing a course in high school may be delayed until they cease to pursue that course satisfactorily or graduate, whichever occurs first.

(2) Members enlisting for positions requiring security clearance for access to or work with classified military information or equipment may be delayed to the extent necessary to accomplish the required clearances.

(3) Members with special qualifications enlisted to fill positions requiring highly specialized skills for which appropriate formal training courses are offered only infrequently may be delayed to the extent necessary to insure that the enlistee pursues the proper course commensurate with his qualifications and the requirements of the position for which enlisted.

(4) Delay for personnel under subparagraph (1), (2), or (3) of this paragraph, shall not exceed a period of one year and shall not be employed for the purpose of stockpiling personnel.

(d) Whether or not a member shall participate in Reserve training during the delay period provided for in paragraph (c) above shall be determined by the Commandant.

(e) No enlistment shall be accepted under the provisions of this section if it would cause the strength of the Ready Reserve authorized for the Coast Guard to be exceeded.

Approved: January 2, 1964.

[SEAL]

JAMES A. REED,
Assistant Secretary
of the Treasury.

[F.R. Doc. 64-203; Filed, Jan. 8, 1964; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 5—General Services Administration

PART 5-1—GENERAL

Subpart 5-1.3—General Policies

NONCOLLUSION CERTIFICATION

Subpart 5-1.3 is amended by adding § 5-1.317 reading as follows:

§ 5-1.317 Noncollusive bids and proposals.

Authority to determine that a disclosure was not made with collusive intent under paragraph (d) of the certification prescribed in § 1-1.317 is vested in the Head of the Central Office Service or