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Agencies in this issue—

Agency for International Development
Agricultural Research Service
Agriculture Department
Civil Service Commission
Consumer and Marketing Service
Customs Bureau
Defense Department
Federal Aviation Agency
Federal Communications Commission
Federal Housing Administration
Federal Maritime Commission
Federal Power Commission
Federal Reserve System
Fish and Wildlife Service
Food and Drug Administration
Interstate Commerce Commission
Justice Department
Labor Standards Bureau
Land Management Bureau
Securities and Exchange Commission
Small Business Administration
Tariff Commission
Veterans Administration

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(As of January 1, 1965)

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission PART 213—EXCEPTED SERVICE

Department of the Navy

Section 213.3108 is amended to remove the numerical limitation on teaching positions in the indigenous schools of Chichi Jimi, Bonin-Volcano Islands, that may be excepted under Schedule A. Effective on publication in the FEDERAL REGISTER, subparagraph (3), paragraph (a) of § 213.3108 is amended as set out below.

§ 213.3108 Department of the Navy.

- (a) General.
(3) Positions of teachers in indigenous schools at Chichi Jimi, Bonin-Volcano Islands.

(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, 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
Executive Assistant to
the Commissioners.

[P.R. Doc. 65-6100; Filed, June 10, 1965;
8:49 a.m.]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

Subpart—United States Standards for Grades of Shelled Spanish Type Peanuts¹

On April 15, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 5382) regarding a proposed revision of United States Standards for Grades of Shelled Spanish Type Peanuts (7 CFR 51.2730-51.2741).

Statement of considerations leading to the revision of the grade standards. The principal change in the revised standards is the increase from 2 percent to 3 percent in the tolerance for split or broken kernels in the U.S. No. 1 grade.

¹ Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

The term split or broken, as applied under the grading procedure, includes the separated halves and the broken kernels which are less than three-quarters of a whole kernel, but which are not defective in any other respect.

The change was requested by representatives of peanut shellers, and a number of facts have been cited as reasons for the increase in tolerance from 2 percent to 3 percent:

1. The U.S. No. 1 grades for both Runner and Virginia types provide tolerances of 3 percent for split and broken kernels, placing the millers of Spanish type in a competitively disadvantageous position.

2. Inspection statistics show a greater percentage of split kernels in Spanish farmers' stock peanuts than in the other two types.

3. The problem of splits has increased considerably in recent years due to the adoption of mechanized methods of harvesting and drying. These methods tend to weaken the kernels so that they are more inclined to split during the process of shelling and marketing.

4. These methods of harvesting and drying, while increasing the percentage of splits, are considered to be highly desirable for avoiding moldy or rancid kernels which make the peanuts unwholesome.

5. Split kernels which are not defective in any other way constitute a wholesome product. They are customarily marketed as U.S. Splits Grade at a price only slightly lower than that of U.S. No. 1 Grade.

6. Test observations show that percentages of splits increase with handling and transporting of sacked peanuts, making it difficult to deliver peanuts with percentages of splits within the 2 percent grade tolerance.

Revision of this tolerance will remove the inequity which has existed between the U.S. No. 1 Grade for the several types of peanuts, and will provide an allowance for splits which is reasonable in the light of modern methods of harvesting, drying and handling.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Shelled Spanish Type Peanuts are hereby promulgated pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621-1627).

GRADES	
Sec.	
51.2730	U.S. No. 1 Spanish.
51.2731	U.S. Spanish Splits.
51.2732	U.S. No. 2 Spanish.
APPLICATION OF TOLERANCES	
51.2733	Application of tolerances.
DEFINITIONS	
51.2734	Spanish type.
51.2735	Whole.
51.2736	Split.
51.2737	Broken.

Sec.	
51.2738	Foreign material.
51.2739	Damage.
51.2740	Minor defects.
51.2741	Unshelled.

AUTHORITY: The provisions of this subpart issued under secs. 203, 205, 60 Stat. 1087, as amended, 1090, as amended; 7 U.S.C. 1622, 1624.

GRADES

§ 51.2730 U.S. No. 1 Spanish.

"U.S. No. 1 Spanish" consists of shelled Spanish type peanut kernels which are whole and free from foreign material, damage and minor defects, and which will not pass through a screen having $\frac{15}{16} \times \frac{3}{4}$ inch openings.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

- (1) 1 percent for other types of peanuts;
- (2) 3 percent for sound peanuts which are split or broken;
- (3) 1.5 percent for damaged or unshelled peanuts;
- (4) 0.5 percent for minor defects: *Provided*, That in addition, any unused part of the tolerance for damaged or unshelled peanuts shall be allowed for minor defects;
- (5) 0.1 percent for foreign material; and,
- (6) 2 percent for sound whole peanuts which will pass through the prescribed screen.

§ 51.2731 U.S. Spanish Splits.

"U.S. Spanish Splits" consists of shelled Spanish type peanut kernels which are split or broken, but which are free from foreign material, damage, and minor defects, and which will not pass through a screen having $\frac{15}{16}$ -inch round openings.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

- (1) 2 percent for other types of peanuts;
- (2) 2 percent for damaged or unshelled peanuts and minor defects;
- (3) 0.2 percent for foreign material;
- (4) 2 percent for sound portions of peanuts which will pass through the prescribed screen; and,
- (5) 4 percent for sound whole kernels.

§ 51.2732 U.S. No. 2 Spanish.

"U.S. No. 2 Spanish" consists of shelled Spanish type peanut kernels which may be split or broken, but which are free from foreign material, damage, and minor defects, and which will not pass through a screen having $\frac{15}{16}$ -inch round openings.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

- (1) 2 percent for other types of peanuts;

(2) 2.5 percent for damaged or unshelled peanuts and minor defects;

(3) 0.2 percent for foreign material; and,

(4) 6 percent for sound peanuts and portions of peanuts which will pass through the prescribed screen.

APPLICATION OF TOLERANCES

§ 51.2733 Application of tolerances.

The tolerances provided in these standards are on a lot basis and shall be applied to a composite sample representative of the lot. However, any container or group of containers in which the peanuts are obviously of a quality materially different from that in the majority of containers shall be considered a separate lot, and shall be sampled and graded separately.

DEFINITIONS

§ 51.2734 Spanish type.

"Spanish type" means peanuts of varieties which belong to the Spanish classification group and which are free from kernels of Runner, Virginia, or other types.

§ 51.2735 Whole.

"Whole" means that the peanut kernel is not split or broken.

§ 51.2736 Split.

"Split" means the separated half of a peanut kernel.

§ 51.2737 Broken.

"Broken" means that more than one-fourth of the peanut kernel is broken off.

§ 51.2738 Foreign material.

"Foreign material" means pieces or loose particles of any substance other than peanut kernels or skins.

§ 51.2739 Damage.

"Damage" means any specific defect described in this section; or any other defect, or any combination of defects which materially detracts from the edible quality of the peanut. The following specific defects shall be considered as damage:

- (a) Rancidity or decay;
- (b) Mold;
- (c) Insects, worm cuts, web or frass;
- (d) Freezing injury causing hard, translucent, or discolored flesh; and,
- (e) Dirt when the surface of the kernel is heavily smeared, thickly flecked or coated with dirt, seriously affecting its appearance.

§ 51.2740 Minor defects.

"Minor defects" means that the peanut kernel is not damaged but is affected by one or more of the following:

- (a) Skin discoloration which is dark brown, dark gray, dark blue or black and covers more than one-fourth of the surface;
- (b) Flesh discoloration which is darker than a light yellow color or consists of more than a slight yellow pitting of the flesh;
- (c) Sprout extending more than one-eighth of an inch from the tip of the kernel; and,

(d) Dirt when the surface of the kernel is distinctly dirty, and its appearance is materially affected.

§ 51.2741 Unshelled.

"Unshelled" means a peanut kernel with part or all of the hull (shell) attached.

The United States Standards for Grades of Shelled Spanish Type Peanuts contained in this subpart shall become effective July 15, 1965, and will thereupon supersede the United States Standards for Shelled Spanish Type Peanuts which have been in effect since August 31, 1959 (7 CFR, 51.2730-51.2741).

Dated: June 8, 1965.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 65-6102; Filed, June 10, 1965; 8:49 a.m.]

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

[958.309 Amdt. 1]

PART 958—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Order Terminating Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 130 and Order No. 958 (7 CFR Part 958), regulating the handling of onions grown in the production area defined therein, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of information available, it is hereby found that continuation after June 15, 1965, of the 1964-65 season limitation of shipments issued as § 958.309, August 19, 1964 (29 F.R. 12003), would no longer tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, and engage in public rule making procedure, and that good cause exists for not postponing the effective date of this termination order until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) commercial shipments of 1964 crop onions grown in the production area are completed, and (2) this termination order relieves restrictions on handlers of onions grown in the production area.

Termination order. The provisions of § 958.309 (29 F.R. 12003) are hereby terminated as of June 15, 1965.

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

Dated: June 7, 1965, to become effective June 15, 1965.

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

[F.R. Doc. 65-6080; Filed, June 10, 1965; 8:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER B—COOPERATIVE CONTROL AND ERADICATION OF ANIMAL DISEASES

PART 51—CATTLE DESTROYED BECAUSE OF BRUCELLOSIS (BANG'S DISEASE), TUBERCULOSIS, OR PARATUBERCULOSIS

Claims Not Allowed

Pursuant to the provisions of sections 3 and 11 of the Act of May 29, 1884, as amended (21 U.S.C. 114, 114a), and section 2 of the Act of February 2, 1903, as amended (21 U.S.C. 111), § 51.9(m) of Part 51, Subchapter B, Title 9, Code of Federal Regulations, relating to payment of indemnity for cattle destroyed because of brucellosis, tuberculosis, or paratuberculosis, is amended to read as follows:

§ 51.9 Claims not allowed.

(m) If the cattle were "official vaccinates" and reacted positively to the blood agglutination test for brucellosis, unless such animals were at least 18 months of age; or if the reactors were vaccinated animals, and properly verified but not "official vaccinates" as defined, unless there is also a record of a negative blood agglutination test made not less than 30 days following the date of vaccination; or unless other Division approved tests show the vaccinates are affected with virulent Brucellae.

(Sec. 3-5, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 11, 58 Stat. 734, as amended; 21 U.S.C. 111, 112, 113, 114, 114a, 120, 125)

The amendment will be of benefit to affected persons as it will permit the removal of "official vaccinates" under 30 months of age from infected herds with indemnity, thereby encouraging the owner to eradicate the infection from his herd sooner than if no indemnity were to be paid. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 8th day of June 1965.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 65-6103; Filed, June 10, 1965; 8:49 a.m.]