

enforcement agent and to carry out enforcement activities under the Tuna Conventions Act of 1950, as amended (16 U.S.C. 915-961).

[F.R. Doc. 69-5884; Filed, May 16, 1969; 8:47 a.m.]

Title 7—AGRICULTURE

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

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

United States Standards for Grades of Various Processed Citrus Juices¹

Notice of a proposal to amend several listed U.S. Standards for Grades of citrus juice products was published in the FEDERAL REGISTER of February 28, 1969 (34 F.R. 3630). The listed standards were:

Canned Blended Grapefruit Juice and Orange Juice (7 CFR 52.1281-52.1293).

Canned Orange Juice (7 CFR 52.1551-52.1562).

Canned Tangerine Juice (7 CFR 52.2071-52.2082).

Pasteurized Orange Juice (7 CFR 52.5641-52.5652).

Orange Juice from Concentrate (7 CFR 52.5681-52.5692).

Dehydrated Grapefruit Juice (7 CFR 52.3021-52.3032).

The amendments as proposed would change the method of expressing acid in each affected standard from—grams acid per 100 milliliters of juice—to—grams acid per 100 grams of juice. Interested persons were given until May 1, 1969, in which to submit written data, views, or arguments for consideration in connection with the proposed amendments. These actions would be taken pursuant to the authority contained in the Agricultural Marketing Act of 1946 (sec. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627).

Statement of consideration leading to the change in expressing acid content. These grade standards—issued under the authority of the Agricultural Marketing Act of 1946—provide official U.S. Grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Grading service is also provided under this act upon request and payment of a fee to cover the cost of the service.

The purpose of the amendments (as proposed and hereby adopted) is to provide the same basis for calculating and reporting the acidity of these processed single strength juices, as is generally em-

¹ Compliance with the provisions 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.

ployed for concentrated juices and for fresh citrus fruit evaluation.

During the time given the public to make comments only one commenting letter—from the Florida Canners Association—was received. This association recommended that the last digit of the compensating values for acid and ratio, as proposed, be rounded off to the nearest one half or whole number. For example: an acid value of 0.61 gm. would be rounded to 0.60gm.; or a ratio value of 11.6:1 would be given as 11.5:1.

The Department agrees that the changed values resulting from such a rounding would make no significant change in the quality levels. In consideration of this recommendation and in the interest of simplicity in application, numerous minor changes, because of the rounding procedure, are included in each of the amendments.

After consideration of all relevant information available, including the aforesaid notice and comments, and pursuant to the authority of the Agricultural Marketing Act of 1946 (secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627) the following actions are taken.

In Part 52 of Chapter I of Title 7 of the Code of Federal Regulations, the listed subparts are amended as follows:

Subpart—U.S. Standards for Grades of Canned Blended Grapefruit Juice and Orange Juice is amended as follows:

1. In § 52.1289, paragraphs (a) (1) and (2), and (b) (1) and (2) are revised to read:

§ 52.1289 Flavor.

(a) (A) Classification. * * *

(1) Style I, unsweetened.

	Minimum	Maximum
Brix (degrees).....	10.0°	.....
Acid (per 100 grams).....	0.75 gm.	1.60 gms.
Brix-acid ratio:		
If Brix is less than 11.5°.....	9.5:1	18:1
If Brix is 11.5° or more.....	8.5:1	18:1

(2) Style II, sweetened.

	Minimum	Maximum
Brix (degrees).....	11.5°	.....
Acid (per 100 grams).....	0.75 gm.	1.60 gms.
Brix-acid ratio:		
If Brix is less than 15°.....	10.5:1	18:1
If Brix is 15° or more.....	No minimum.	18:1

(b) (C) Classification. * * *

(1) Style I, unsweetened.

	Minimum	Maximum
Brix (degrees).....	9.5°	.....
Acid (per 100 grams).....	0.60 gm.	1.70 gms.
Brix-acid ratio.....	8:1	.....

(2) Style II, sweetened.

	Minimum	Maximum
Brix (degrees).....	11.5°	.....
Acid (per 100 grams).....	0.60 gm.	1.70 gms.
Brix-acid ratio:		
If Brix is less than 15°.....	10.5:1	.....
If Brix is 15° or more.....	No minimum.	.....

2. In § 52.1290 paragraph (b) is revised to read as follows and a new paragraph (c) is added:

§ 52.1290 Definition of terms.

(b) "Acid" means grams of total acidity calculated as anhydrous citric acid, per 100 grams of the canned blended juice. Total acidity is determined by titration with standard sodium hydroxide solution using phenolphthalein as indicator.

(c) The "brix-acid ratio" is the ratio of the degrees Brix of the canned blended grapefruit juice and orange juice to the grams of anhydrous citric acid per 100 grams of the juice.

3. In § 52.1293, score sheet, the sentence beginning on the tenth line of the score sheet is changed to read:

§ 52.1293 Score sheet for canned blended grapefruit juice and orange juice.

Acid (grams/100 grams): Calculated as anhydrous citric acid.

Subpart—U.S. Standards for Grades of Canned Orange Juice is amended as follows:

1. In § 52.1559, paragraphs (a) (1) and (2), and (b) (1) and (2) are revised to read as follows:

§ 52.1559 Flavor.

(a) (A) Classification. * * *

(1) Without sweetener style.

	Minimum	Maximum
Brix (degrees).....	10.5	.....
Acid (per 100 grams):		
California or Arizona.....	0.70 gm.	1.40 gms.
Outside California or Arizona.....	0.60 gm.	1.40 gms.
Brix-acid ratio:		
If Brix is less than 11.5°.....	10.5:1	20.5:1
If Brix is 11.5° or more.....	9.5:1	20.5:1

(2) With sweetener styles.

	Minimum	Maximum
Brix (degrees).....	10.5	.....
Acid (per 100 grams):		
California or Arizona.....	0.70 gm.	1.40 gms.
Outside California or Arizona.....	0.60 gm.	1.40 gms.
Brix-acid ratio:		
If Brix is less than 15°.....	12.5:1	20.5:1
If Brix is 15° or more.....	9.5:1	20.5:1

(b) (C) Classification. * * *

(1) Without sweetener style.

	Minimum	Maximum
Brix (degrees).....	10.0°	.....
Acid (per 100 grams).....	0.55 gm.	1.55 gms.
Brix-acid ratio.....	9.5:1	20.5:1

(2) With sweetener style.

	Minimum	Maximum
Brix (degrees).....	10.5	.....
Acid (per 100 grams):		
California or Arizona.....	0.60 gm.	1.60 gms.
Outside California or Arizona.....	0.60 gm.	1.60 gms.
Brix-acid ratio:		
If Brix is less than 15°.....	12.5:1	20.5:1
If Brix is 15° or more.....	9.5:1	20.5:1

2. In § 52.1560, paragraph (b) and (c) are revised to read as follows:

§ 52.1560 Definitions of terms and methods of analyses.

(b) *Acid*. "Acid" means the grams of total acidity, calculated as anhydrous citric acid, per 100 grams of canned orange juice. Total acidity is determined by titration with standard sodium hydroxide solution using phenolphthalein as indicator.

(c) *Brix-acid ratio*. The "brix-acid ratio" is the ratio of the degrees Brix of the canned orange juice to the grams of anhydrous citric acid per 100 grams of the juice.

3. In § 52.1562, score sheet, the sentence beginning on the ninth line of the score sheet is changed to read as follows:

§ 52.1562 Score sheet for canned orange juice.

Acid (grams/100 grams: Calculated as anhydrous citric acid).

Subpart—U.S. Standards for Grades of Canned Tangerine Juice is amended as follows:

1. In § 52.2078, paragraphs (a) (1) and (2), and (b) (1) and (2) are revised to read as follows:

§ 52.2078 Flavor.

(a) (A) *Classification*. (1) Canned tangerine juice that possesses a very good flavor may be given a score of 34 to 40 points. "Very good flavor" means a fine, distinct canned tangerine juice flavor which is free from traces of scorching, caramelization, oxidation, or terpene; is free from off flavors of any kind; and meets the following requirements:

	Minimum	Maximum
Brix (degrees).....	10.5°	19.1
Acid (per 100 grams).....	0.65 gm.	1.35 gms.
Brix-acid ratio.....	10.5:1	19:1

(2) Canned tangerine juice is considered "sweet" if the juice possesses a very good flavor and falls within the range of the following requirements:

	Minimum	Maximum
Brix (degrees).....	12.5°	19.1
Acid (per 100 grams).....	0.65 gm.	1.35 gms.
Brix-acid ratio:		
If less than 16° Brix.....	11.5:1	19:1
If 16° Brix or more.....	No minimum.	

(b) (C) *Classification*. (1) If the canned tangerine juice possesses a good flavor, a score of 28 to 33 points may be given. Canned tangerine juice that falls into this classification shall not be graded above U.S. Grade C or U.S. Standard, regardless of the total score for the product (this is a limiting rule). "Good flavor" means a good, normal canned tangerine juice flavor which may have a slightly caramelized or slightly oxidized flavor but is free from off flavors of any

kind and meets the following requirements:

	Minimum	Maximum
Brix (degrees).....	10.0°	18.0
Acid (per 100 grams).....	0.55 gm.	1.80 gms.
Brix-acid ratio.....	9.5:1	

(2) Canned tangerine juice is considered "sweet" if the juice possesses a good flavor and falls within the range of the following requirements:

	Minimum	Maximum
Brix (degrees).....	12.5°	18.0
Acid (per 100 grams).....	0.60 gm.	1.50 gms.
Brix-acid ratio:		
If less than 16° Brix.....	11.5:1	
If 16° Brix or more.....	No minimum.	

2. In § 52.2079, paragraph (b) is revised to read as follows and new paragraph (c) is added.

§ 52.2079 Definitions of terms.

(b) "Acid" means grams of total acidity calculated an anhydrous citric acid per 100 grams of juice. Total acidity is determined by titration with standard sodium hydroxide solution using phenolphthalein as indicator.

(c) "Brix-acid ratio" is the ratio of the degrees Brix of the canned tangerine juice to the grams of anhydrous citric acid per 100 grams of the juice.

3. In § 52.2082, score sheet, the seventh line of the score sheet is changed to read:

§ 52.2082 Score sheet for canned tangerine juice.

Acid (anhydrous citric: Grams per 100 grams).

Subpart—U.S. Standards for Grades of Pasteurized Orange Juice is amended as follows:

1. In § 52.5649, paragraphs (a) (1) and (2), and (b) (1) and (2), are revised to read:

§ 52.5649 Flavor.

(a) (A) *Classification*. * * * (1) *Without sweetener style*.

	Minimum	Maximum
Brix (degrees).....	11°	18.1
Brix-acid ratio:		
From fruit grown predominantly in California or Arizona.....	11.5:1	18:1
From fruit grown predominantly outside California or Arizona.....	12.5:1	20.5:1

(2) *With sweetener style*.

	Minimum	Maximum
Soluble orange juice solids (percent by weight of finished product).....	11%	
Brix-acid ratio.....	12.5:1	20.5:1

(b) (B) *Classification*. * * * (1) *Without sweetener style*.

	Minimum	Maximum
Brix (degrees).....	10.5°	23:1
Brix-acid ratio.....	10.5:1	23:1

(2) *With sweetener style*.

	Minimum	Maximum
Soluble orange solids (percent by weight of finished product).....	10.5%	
Brix-acid ratio.....	10.5:1	23:1

2. In § 52.5650, paragraph (b) is revised to read:

§ 52.5650 Definitions of terms and methods of analysis.

(b) *Acid*. "Acid" means the grams of total acidity, calculated as anhydrous citric acid, per 100 grams of pasteurized orange juice. Total acidity is determined by titration with standard sodium hydroxide solution using phenolphthalein as indicator.

3. In § 52.5652, score sheet, the sentence beginning on the ninth line of the score sheet is changed to read:

§ 52.5652 Score sheet for pasteurized orange juice.

Acid (grams/100 grams: Calculated as anhydrous citric acid).

Subpart—U.S. Standards for Grades of Orange Juice from Concentrate is amended as follows:

1. In § 52.5689 paragraphs (a) (1) and (2), and (b) (1) and (2) are revised to read as follows:

§ 52.5689 Flavor.

(a) (A) *Classification*. * * * (1) *Without sweetener style*.

	Minimum	Maximum
Brix (degrees).....	11.8°	18:1
Brix-acid ratio:		
From fruit grown predominantly in California or Arizona.....	11.5:1	18:1
From fruit grown predominantly outside California or Arizona.....	12.5:1	20.5:1

(2) *With sweetener style*.

	Minimum	Maximum
Soluble orange juice solids (percent by weight of finished product).....	11.8%	
Brix-acid ratio.....	12.5:1	20.5:1

(b) (B) *Classification*. * * * (1) *Without sweetener style*.

	Minimum	Maximum
Brix (degrees).....	11.8°	23:1
Brix-acid ratio.....	11:1	23:1

(2) *With sweetener style.*

	Minimum	Maximum
Soluble orange juice solids (percent by weight of finished product).	11.8%.....	
Brix-acid ratio.....	11:1.....	23:1.

2. In § 52.5690, paragraph (b) is revised to read as follows:

§ 52.5690 Definitions of terms and methods of analysis.

(b) *Acid.* "Acid" means the grams of total acidity, calculated as anhydrous citric acid, per 100 grams of juice. Total acidity is determined by titration with standard sodium hydroxide solution using phenolphthalein as indicator.

3. In § 52.5692, score sheet, the sentence beginning on the ninth line of the score sheet is changed to read:

§ 52.5692 Score sheet for orange juice from concentrate.

Acid (grams per 100 grams: Calculated as anhydrous citric acid).

Subpart—U.S. Standards for Grades of Dehydrated Grapefruit Juice is amended as follows to correct a printing error. No other change is made.

In § 52.3028, paragraphs (a)(2) and (b)(2) are revised to change "ml." to "grams." As amended these paragraphs read:

§ 52.3028 Flavor.

(a) * * *

(2) Acid—not less than 0.85 gram per 100 grams.

(b) * * *

(2) Acid—not less than 0.70 gram per 100 grams.

Effective date. The amendments to each affected grade standard shall become effective on July 1, 1969.

(Secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627)

Dated: May 12, 1969.

JOHN E. TROMER,
Acting Deputy Administrator,
Marketing Services.

[F.R. Doc. 69-5838; Filed, May 16, 1969;
8:45 a.m.]

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

U.S. Standards for Beans

Pursuant to the administrative procedure provisions of 5 U.S.C. 553, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R.

11046) on August 2, 1968, regarding a proposed revision of the U.S. Standards for Beans (7 CFR 68.101 et seq.) under the authority contained in sections 203 and 205 of the Agricultural Marketing Act of 1946, 60 Stat. 1087 and 1090, as amended (7 U.S.C. 1622 and 1624). Subsequently there was published on October 17, 1968 (33 F.R. 15432), a notice of an extension of time for comments and a proposed change in effective date of the revision if adopted.

Statement of considerations. This revision of the standards for beans is issued under authority of the Agricultural Marketing Act of 1946, which provides for official standards to designate the level of quality for voluntary use by producers, merchandisers, and consumers in the trading of beans. Official grading service is provided under this Act upon request of the applicant and payment of a fee to cover the cost of the service.

Over 900 copies of the notice of proposed rule making were sent to individuals, corporations, and associations interested in the production, marketing, and use of beans. Public hearings were not held, but all interested parties were given 105 days to submit written data, views, or arguments concerning the proposed revision. Consideration has been given to all written comments received and to other information available to the U.S. Department of Agriculture in the revision of the U.S. Standards for Beans. In response to the notice, seven letters of comment were received from bean growers, producers, merchandisers, canners, and other interested parties.

A majority of the responses supported or expressed little or no opposition to the following proposals which are adopted:

1. Change the format of the standards to set them forth as sections (e.g. 68.101, 68.102, etc.) rather than subdivisions of sections.

2. Delete the class names "Medium White beans," "Large White beans," "Old Fashioned Yelloweye beans," and "Bayo beans." Such varieties will be classified as "Miscellaneous beans."

3. Delete the class name "Western Red Kidney beans," which is a type of Light Red Kidney beans grown on the Pacific Coast. All types of Light Red Kidney beans will be classified as Light Red Kidney beans regardless of production area.

4. Change the definitions for badly damaged beans, classes that blend, contrasting classes, defects, stones, weevily beans, well screened, and U.S. Substandard.

5. Add a new table for the class Pea beans and include premium grades; i.e., U.S. Choice Handpicked and U.S. Prime Handpicked. The table provides for the following grades:

U.S. Choice Handpicked.
U.S. Prime Handpicked.
U.S. No. 1.
U.S. No. 2.
U.S. Substandard.
U.S. Sample grade.

6. Add "Black Turtle Soup beans" to Group (c) of the class names and to the grade table provided for in Item 7.

7. Combine into one grade table the grade requirements and grade designations for the following groups of classes:

Group (a)—Blackeye, Cranberry, and Yelloweye beans.

Group (b)—Pinto beans.

Group (c)—Marrow, Great Northern, Small White, Flat Small White, White Kidney, Light Red Kidney, Dark Red Kidney, Small Red, Pink, Black Turtle Soup, and Mung beans, and all classes of Miscellaneous beans.

8. Add, "lentils, peas, cowpeas other than Blackeye types," between "cereal grains" and "and all matter other than beans" in the definition for foreign material.

9. Change the definition for "U.S. Sample grade" in the grade tables by including "which contain insect webbing or filth, animal filth, any unknown foreign substance, broken glass, or metal fragments."

10. Change the definition for "Basis of determination" to provide that all determinations shall be made on the basis of the beans as a whole, except that color and off-color shall be determined on the basis of the beans after the removal of defects.

11. Provide that "off-color" Pea beans be graded not higher than U.S. No. 2.

12. Change the definition for "Percentages" to provide that all percentages shall be determined upon the basis of weight and shall be stated in terms of whole, tenths, and hundredths of a percent as required for individual factors.

13. Change the maximum limits for stones from "trace" to "0.01 percent" for grade U.S. Extra No. 1 in the grade tables for Large Lima, Baby Lima, and Miscellaneous Lima beans.

14. Consolidate the information under the section on "Grade designations."

Some questions were raised or opposition expressed to the following proposals:

1. Delete the class names "Blackeye" and "Cranberry" from the list of beans that do not qualify under the Handpicked special grades. It was recommended that "Blackeye" be retained in the list of exceptions because it is not economically feasible for this class to be processed sufficiently to meet the requirements for the special grades "Choice Handpicked" or "Handpicked". Therefore only "Cranberry" is deleted from the list.

2. Provide that the wording "beans with a significant amount of dirt or dirt-like substance adhering to the seedcoat shall be considered as damaged beans" be added to the definition for damaged beans. A segment of the industry suggested that the phrase "a significant amount of dirt or dirt-like substance" is ambiguous and should not be a part of the standards, but should be included in instructions to inspectors.

In view of the comments received from the trade and additional information available to the Department, the proposal is not adopted. Further consideration will be given by the Department to the definition and maximum limits for beans with dirt or dirt-like substance adhering to the seedcoat. If warranted, a new proposal with respect to the definition and

maximum limits for such beans will be published in the FEDERAL REGISTER.

3. Add "live" before "weevils" in the proposed definition for "weevily beans." It was suggested that the term should be "live and dead weevils." It is not necessary to include "dead" weevils in the definition because beans which contain "dead insects" are graded U.S. Sample grade on account of the presence of "insect filth." The definition for "weevily beans" is adopted as proposed.

4. Establish minimum requirements for good and fair color for the class Pea beans, and provide type samples for such colors. Most of the comments received on this proposal indicated that adding such color requirements for Pea beans would cause economic loss to the bean industry, particularly to producers, because such beans are prone to change in color while in storage. In view of this objection, the proposal is not adopted.

5. Provide that Handpicked beans may be electronically sorted. This proposal is not adopted because "Handpicked beans" is a descriptive term indicating that such beans meet certain standards of quality and it is unnecessary to show in the standards that the beans have been processed in any manner by handpicking, electronic sorting, or otherwise. Accordingly, the method of processing used to meet the requirements for handpicked beans will not be shown in § 68.138 of the standards.

6. Delete "Handpicked" from "U.S. Choice Handpicked" and "U.S. Prime Handpicked" in the grade table for Pea beans, and "Choice Handpicked" and "Handpicked" from the special grades section, and add the grade "U.S. Choice" above the grade "U.S. No. 1" in the combined table. This alternative proposal is not adopted because the comments received indicated that it would create undue difficulty in the domestic and foreign marketing of such beans.

Comments were received on the following items that were not included in the notice of proposed rule making:

1. Change "Pea beans (the type as grown in the Great Lakes region known as Navy beans)" to "Navy beans (the type as grown principally in Michigan)."

2. Add to the class name "Great Northern beans", the parenthetical phrase "(known as Large Navy beans)".

A change in the class designations for Pea beans and Great Northern beans was not proposed because certain segments of the trade indicated that Small White beans, Flat Small White beans, and Great Northern beans are also marketed as "Navy" type beans and restricting the term "Navy" to Pea beans would detract from the marketing of these classes. There is also opposition, by certain segments of the trade, to the addition of the parenthetical phrase "(known as Large Navy beans)" after "Great Northern beans."

3. Define and establish limits for cracked seedcoats in the grade table for Pea beans.

Further study will be required before limits for cracked seedcoats in Pea beans can be established.

Other changes of a minor editorial nature have been made as follows:

1. The class names under § 68.102 have been listed in the order in which they appear in the grade tables, except for the class "Mixed beans" which appears last.

2. The column "contrasting classes" in each grade table under §§ 68.133, 68.134, 68.135, and 68.136 has been placed between the columns "Foreign material" and "Classes that blend."

One of the proposals provided that, upon request, the words "Stated by the applicant to be (State) grown" may be shown under "Remarks" on bean certificates. It is concluded that this provision need not be incorporated in the standards but should continue to be included in instructions issued by the Department. The instructions provide that the applicant may request that such information be shown on the certificate as "remarks".

Section numbers 68.123 through 68.132 have been changed to 68.130 through 68.138, respectively, in order to leave section numbers 68.123 through 68.129 vacant for future use.

For a reasonable period of time after adoption of the revised standards, the inspector will, upon request, show on certificates the inspection results under both the new and the old standards.

It does not appear that further public rule making procedure with respect to the revision of the standards would make additional information available to the Department. Therefore, pursuant to the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that such further rule making procedure is impracticable and unnecessary.

The standards are revised to read as follows:

Subpart B—U.S. Standards for Beans

TERMS DEFINED

Sec.	
68.101	Beans.
68.102	Classes.
68.103	Grades.
68.104	Sound beans.
68.105	Defects.
68.106	Splits.
68.107	Damaged beans.
68.108	Badly damaged beans.
68.109	Foreign material.
68.110	Stones.
68.111	Contrasting classes.
68.112	Classes that blend.
68.113	Broken beans.
68.114	Blistered beans.
68.115	Wrinkled beans.
68.116	Weevily beans.
68.117	Clean-cut weevil-bored beans.
68.118	Well screened.
68.119	Good natural color.
68.120	$\frac{3}{4}$ sieve.
68.121	$\frac{1}{2}$ sieve.
68.122	$\frac{3}{8}$ sieve.
68.123-68.129	[Reserved]

PRINCIPLES GOVERNING APPLICATION OF STANDARDS

68.130	Basis of determination.
68.131	Percentages.
68.132	Moisture.

GRADES, GRADE REQUIREMENTS, AND GRADE DESIGNATIONS

68.133	Grades and grade requirements for the class Pea beans.
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Sec.

68.134	Grades and grade requirements for the classes: Group (a)—Blackeye, Cranberry, and Yelloweye beans; Group (b)—Pinto beans; Group (c)—Marrow, Great Northern, Small White, Flat Small White, White Kidney, Light Red Kidney, Dark Red Kidney, Small Red, Pink, Black Turtle Soup, Mung, and Miscellaneous beans.
68.135	Grades and grade requirements for the class Large Lima beans.
68.136	Grades and grade requirements for the class Baby Lima beans, and for the classes of Miscellaneous Lima beans.
68.137	Grade designations.
68.138	Special grades, special grade requirements, and special grade designations for all classes of beans.

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

Subpart B—U.S. Standards for Beans¹

TERMS DEFINED

§ 68.101 Beans.

Beans shall be dry threshed field and garden beans, whole, broken, and split, commonly used for edible purposes.

§ 68.102 Classes.²

Beans shall be divided into classes as follows, each of which, except Mixed beans, may contain not more than 2.0 percent of beans of contrasting classes and not more than 15.0 percent of beans of other classes that blend:

- Pea beans (the type as grown in the Great Lakes region known also as Navy beans).
- Blackeye beans (cowpeas of the Blackeye variety).
- Cranberry beans (known also as Speckled Cranberry and Horticultural Pole).
- Yelloweye beans.
- Pinto beans (including the Mexican Pinto type but not the type known as Spotted Red Mexican).
- Marrow beans (not including Red Marrow).
- Great Northern beans.
- Small White beans (the type as grown on the Pacific coast, not including Tepary beans).
- Flat Small White beans (the type as grown in northern Idaho).
- White Kidney beans.
- Light Red Kidney beans.
- Dark Red Kidney beans.
- Small Red beans (known also as Red Mexican, California Red, and Idaho Red).
- Pink beans.
- Black Turtle Soup beans.
- Mung beans.

Miscellaneous beans: Beans that are not otherwise classified in these standards shall be classified and designated according to the commonly accepted commercial name of such beans.

Large Lima beans (characteristic of the Large White Pole and Burpee Bush Lima type).

Baby Lima beans (characteristic of Small White Lima beans of the Henderson Bush and similar types).

Miscellaneous Lima beans: Lima beans that do not come within the classes Large

¹ The specifications of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

² The use of a variety name in the designation of the class of beans does not imply any guarantee of varietal purity.

Lima or Baby Lima shall be classified and designated according to their commonly accepted commercial name.

Mixed beans: Mixed beans shall be any mixture of beans not provided for in the classes listed above.

§ 68.103 Grades.

Grades shall be the premium grades, numerical grades, substandard grades, sample grades, and special grades provided for in §§ 68.133-68.138.

§ 68.104 Sound beans.

Sound beans shall be beans that are free from defects.

§ 68.105 Defects.

Defects for the classes Baby Lima and Miscellaneous Lima beans shall be damaged beans, contrasting classes, and foreign material. Defects for all other classes of beans shall be splits, damaged beans, contrasting classes, and foreign material.

§ 68.106 Splits.

Splits shall be pieces of beans that are not damaged, each of which consists of three-fourths or less of the whole bean, and shall include any sound bean the halves of which are held together loosely.

§ 68.107 Damaged beans.

Damaged beans shall be beans and pieces of beans that are damaged by frost, weather, disease, weevils or other insects, or other causes.

§ 68.108 Badly damaged beans.

Badly damaged beans shall be beans and pieces of beans that are materially damaged or discolored by frost, weather, disease, weevils or other insects, or other causes so as to materially affect the appearance and quality of the beans.

§ 68.109 Foreign material.

Foreign material shall be stones, dirt, weed seeds, cereal grains, lentils, peas, cowpeas other than Blackeye types, and all matter other than beans.

§ 68.110 Stones.

Stones shall be concreted earthy or mineral matter, and other substances of similar hardness that do not disintegrate readily in water.

§ 68.111 Contrasting classes.

Contrasting classes shall be beans of other classes that are of a different color, size, or shape from the beans of the class designated.

§ 68.112 Classes that blend.

Classes that blend shall be sound beans of other classes that are similar in color, size, and shape to the beans of the class designated, and shall include white beans in the class Yelloweye which are similar in size and shape to the Yelloweye beans.

§ 68.113 Broken beans.

Broken beans shall be sound beans with some but less than one-fourth of each bean broken off or with one-fourth or more of the seedcoat removed.

§ 68.114 Blistered beans.

Blistered beans shall be sound beans with badly blistered or burst seedcoats.

§ 68.115 Wrinkled beans.

Wrinkled beans shall be sound beans that have deeply wrinkled seedcoats and/or are badly warped or misshapen.

§ 68.116 Weevily beans.

Weevily beans shall be beans that are infested with live weevils or other insects injurious to stored beans or that contain weevil-bored beans.

§ 68.117 Clean-cut weevil-bored beans.

Clean-cut weevil-bored beans shall be beans from which weevils have emerged, leaving a clean-cut open cavity free from larvae, webbing, refuse, mold, or stain.

§ 68.118 Well screened.

Well screened, as applied to the general appearance of beans, shall mean that the beans are uniform in size and are practically free from such small, shriveled, underdeveloped beans, splits, broken beans, large beans, and foreign material that can be removed readily by the ordinary process of milling or screening through the proper use of sieves.

§ 68.119 Good natural color.

Good natural color, as applied to the general appearance of beans, shall mean that the beans in mass are practically free from discoloration and have the natural color and appearance of the class of beans that predominates in the sample.

§ 68.120 30/64 sieve.

A $\frac{30}{64}$ sieve shall be a metal sieve 0.0319-inch thick perforated with round holes 0.4687 ($\frac{30}{64}$) inch in diameter which are $\frac{1}{16}$ inch from center to center. The perforations of each row

shall be staggered in relation to the adjacent rows.

§ 68.121 28/64 sieve.

A $\frac{28}{64}$ sieve shall be a metal sieve 0.0319-inch thick perforated with round holes 0.4375 ($\frac{28}{64}$) inch in diameter which are $\frac{19}{32}$ inch from center to center. The perforations of each row shall be staggered in relation to the adjacent rows.

§ 68.122 24/64 sieve.

A $\frac{24}{64}$ sieve shall be a metal sieve 0.0319-inch thick perforated with round holes 0.3750 ($\frac{24}{64}$) inch in diameter which are $\frac{17}{32}$ inch from center to center. The perforations of each row shall be staggered in relation to the adjacent rows.

PRINCIPLES GOVERNING APPLICATION OF STANDARDS

§ 68.130 Basis of determination.

The determination of "color" including "off-color" shall be upon the basis of the beans after the removal of defects. All other determinations shall be upon the basis of the beans as a whole.

§ 68.131 Percentages.

All percentages shall be determined upon the basis of weight, and shall be stated in terms of whole, tenths, and hundredths of a percent as required for individual factors.

§ 68.132 Moisture.

Moisture shall be determined by the use of equipment and procedures prescribed by the Consumer and Marketing Service, U.S. Department of Agriculture, or determined by any method that gives equivalent results. (Information thereon may be obtained from said Service.)

GRADES, GRADE REQUIREMENTS, AND GRADE DESIGNATIONS

§ 68.133 Grades and grade requirements for the class Pea beans.

(See also § 68.138.)

Grade	Maximum limits of—				Contrasting classes	Classes that blend
	Total defects	Badly damaged beans	Foreign material			
			Total	Stones		
	Percent	Percent	Percent ¹	Percent	Percent	Percent
U.S. Choice handpicked ¹	1.5	0.3	0.01	0.01	0.01	2.0
U.S. Prime handpicked ¹	3.0	0.3	0.01	0.01	0.01	2.0
U.S. No. 1 ¹	2.0	0.4	0.2	0.5	0.5	4.0
U.S. No. 2 ¹	3.0	0.8	0.4	1.0	1.0	4.0
U.S. Substandard ²						
U.S. Sample grade ²						

¹The beans of this class in grades U.S. Choice handpicked, U.S. Prime handpicked, U.S. No. 1, and U.S. No. 2 shall be well screened.

²Provided that the special grade "off-color" may be applied to U.S. No. 2 and lower grades for this class. [See § 68.138(c).]

§ 68.134 Grades and grade requirements for the classes: Group (a)—Blackeye, Cranberry, and Yelloweye beans; Group (b)—Pinto beans; and Group (c)—Marrow, Great Northern, Small White, Flat Small White, White Kidney, Light Red Kidney, Dark Red Kidney, Small Red, Pink, Black Turtle Soup, Mung, and Miscellaneous beans.

(See also § 68.138.)

Grade	Maximum limits of—						Classes that blend
	Total defects (see applicable classes above)		Foreign material		Contrasting classes	Classes that blend	
	Group		Total				
(a)	(b)	(c)	Percent	Percent	Percent	Percent	
U.S. No. 1 Extra	4.0	2.0	0.5	0.2	0.5	5.0	
U.S. No. 2 Extra	6.0	3.0	0.5	0.2	0.5	10.0	
U.S. No. 3 Extra	8.0	4.0	0.5	0.2	0.5	15.0	
U.S. No. 3 Standard	8.0	4.0	1.5	0.4	2.0	15.0	
U.S. Substandard	8.0	4.0	1.5	0.4	2.0	15.0	

U.S. Substandard shall be beans of any one of these classes which do not meet the requirements for the grades U.S. No. 1, U.S. No. 2, U.S. No. 3, or U.S. Sample grade.

U.S. Sample grade shall be beans of any one of these classes which are musty, sour, heating, materially weakened, or weedy; which have any commercially objectionable odor, which contain insect webbing or filth, animal hair, any unknown foreign substance, broken glass, or metal fragments, or which are otherwise of distinctly low quality.

1 The beans of any one of these classes shall be well screened.

2 The beans of the class Mung beans in grade U.S. No. 1 and of the class Marrow and Blackeye beans in grades U.S. No. 2 and 3 may contain not more than 0.1, 0.2, and 0.5 percent, respectively, of clean-cut weevil-bored beans.

3 The beans of the class Yelloweye beans in the grades U.S. No. 1, U.S. No. 2, and 3 may contain an additional 5.0 percent of classes that blend, when such additional percentage consists of white beans which are similar in size and shape to the Yelloweye beans.

4 The beans of the class Blackeye, Cranberry, and Yelloweye beans in grades U.S. No. 1, 2, and 3 may contain not more than 2.5, 4.5, and 6.0 percent, respectively, of damaged beans.

§ 68.135 Grades and grade requirements for the class Large Lima beans.

(See also § 68.138.)

Grade	Maximum limits of—						Classes that blend	
	Total blistered, wrinkled, and other defects	Spills		Damaged beans		Foreign material		Contrasting classes
		Percent	Percent	Percent	Percent			
U.S. Extra No. 1	4.0	2.0	0.5	0.2	0.2	0.2	2.0	
U.S. No. 1	6.0	3.0	0.5	0.2	0.2	0.2	5.0	
U.S. No. 2	8.0	4.0	0.5	0.2	0.2	0.2	10.0	
U.S. Substandard	8.0	4.0	1.0	0.3	0.3	0.3	10.0	

U.S. Substandard shall be beans of this class which do not meet the requirements for the grades U.S. Extra No. 1, U.S. No. 1, U.S. No. 2, or U.S. Sample grade.

U.S. Sample grade shall be beans of this class which are musty, sour, heating, materially weakened, or weedy; which have any commercially objectionable odor, which contain insect webbing or filth, animal hair, any unknown foreign substance, broken glass, or metal fragments, or which are otherwise of distinctly low quality.

1 U.S. Extra No. 1 shall be well screened and meet the following additional requirements:

(a) Contain not more than 17 percent moisture.

(b) Be of good natural color.

(c) Contain not more than 3.0 percent broken beans.

(d) Contain not more than 20 percent of beans that will pass through a 30/64 sieve of which not more than 5 percent will pass through a 28/64 sieve.

1 U.S. No. 1 shall be well screened and meet the following additional requirements:

(a) Contain not more than 5.0 percent of broken beans.

(b) Contain not more than 20 percent of beans that will pass through a 28/64 sieve, of which not more than 5 percent will pass through a 24/64 sieve.

2 U.S. No. 2 shall be well screened and meet the following additional requirements:

(a) Contain not more than 5.0 percent of broken beans.

(b) Contain not more than 40 percent of beans that will pass through a 28/64 sieve, of which not more than 5 percent will pass through a 24/64 sieve.

§ 68.136 Grades and grade requirements for the class Baby Lima beans, and for the classes of Miscellaneous Lima beans.

(See also § 68.138.)

Grade	Maximum limits of—						Classes that blend	
	Blistered, wrinkled, and/or broken	Spills	Total defects	Badly damaged beans	Foreign material			Contrasting classes
					Total	Stones		
Percent	Percent	Percent	Percent	Percent	Percent	Percent		
U.S. Extra No. 1	2.0	2.0	1.0	0.5	0.2	0.01	2.0	
U.S. No. 1	3.0	3.0	2.0	0.5	0.5	0.2	5.0	
U.S. No. 2	4.0	4.0	3.0	1.0	0.5	0.2	10.0	
U.S. No. 3	5.0	5.0	4.0	1.5	1.0	0.3	15.0	
U.S. Substandard	5.0	5.0	4.0	2.0	1.5	0.4	15.0	

U.S. Substandard shall be beans of any one of these classes which do not meet the requirements for the grades U.S. Extra No. 1, U.S. No. 1, U.S. No. 2, U.S. No. 3, or U.S. Sample grade.

U.S. Sample grade shall be beans of any one of these classes which are musty, sour, heating, materially weakened, or weedy; which have any commercially objectionable odor, which contain insect webbing or filth, animal hair, any unknown foreign substance, broken glass, or metal fragments, or which are otherwise of distinctly low quality.

1 The beans of any one of these classes in the grades U.S. Extra No. 1, U.S. No. 1, U.S. No. 2, and U.S. No. 3 shall be well screened.

2 The beans of any one of these classes in the grade U.S. Extra No. 1 shall be of good natural color, and may contain not more than 17 percent moisture.

§ 68.137 Grade designations.

The grade designation for all classes of beans, except Mixed beans, shall include the letters "U.S." the name or number of the grade, and the name of the class. In addition, the designation for the grade U.S. Substandard shall include the percentage each of sound beans, splits, damaged beans, contrasting classes, and foreign material. Mixed beans shall be graded according to the grade requirements of the class of beans which predominates in the mixture, except that the factors "contrasting classes" and "classes that blend" and the factor of size when Large Lima beans predominate, shall be disregarded, and the grade designation shall include the name and percentage of each class in the mixture. The name of each applicable special grade shall be shown as provided for in § 68.138.

§ 68.138 Special grades, special grade requirements, and special grade designations for all classes of beans.

(a) Handpicked beans—(1) Grade requirements. The special grade "Handpicked" beans shall be applicable to beans of any one of the classes, except Pea, Blackeye, Large Lima, Baby Lima, Miscellaneous Lima, and Mixed beans, which meet the grade requirements for any of the grades U.S. No. 1, U.S. No. 2, or U.S. No. 3, and contain not more than 0.3 percent of badly damaged beans, not more than 0.01 percent contrasting classes, and not more than 0.01 percent of foreign material. Handpicked beans shall not include "off-color" beans.

(b) The handpicked grades for Pea beans are shown in § 68.133.

(2) Grade designation. Handpicked beans shall be graded and designated as provided in either subdivision (i) or (ii) of this subparagraph as follows:

(i) Choice handpicked. Handpicked beans of all classes to which the special

grade Handpicked applies, except the class Pinto beans, which meet the grade requirements for the grade U.S. No. 1, and which do not contain more than 1.5 percent total defects, and Pinto beans which meet the grade requirements for the grade U.S. No. 1 and which do not contain more than 2.0 percent total defects, shall be graded and designated as "U.S. Choice Handpicked." Such designation shall precede the name of the class.

(i) *Handpicked.* Handpicked beans which do not meet the grade requirements for the grade U.S. Choice Handpicked shall be graded and designated according to the grade requirements of the standards applicable to such beans if they were not handpicked, and there shall be added to and made a part of the grade designation, following the number of the grade, the word "Handpicked."

(b) *High moisture beans.*—(1) *Grade requirements.* High moisture beans shall be beans of any class which contain more than 18 percent of moisture.

(2) *Grade designation.* High moisture beans shall be graded and designated according to the grade requirements of the standards otherwise applicable to such beans, and there shall be added to and made a part of the grade designation, following the name of the class, the words "high moisture," followed by a statement of the percentage of moisture in the beans.

(c) *Off-color beans.*—(1) *Grade requirements.* Off-color beans shall be beans of any class that, in mass, are distinctly off-color due to age or to any other natural cause but which are not materially weathered.

(2) *Grade designations.* Off-color beans shall be graded and designated according to the grade requirements of the standards applicable to such beans if they were not off-color, and there shall be added to and made a part of the grade designation, following the name of the class, the word "off-color."

The foregoing standards supersede the U.S. Standards for Beans as amended effective September 1, 1959, and shall become effective August 1, 1969.

Done at Washington, D.C., this 12th day of May 1969.

JOHN E. TROMER,
Acting Deputy Administrator,
Marketing Services.

[F.R. Doc. 69-5839; Filed, May 16, 1969;
8:45 a.m.]

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

[Valencia Orange Reg. 275, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order

No. 908, as amended (7 CFR Part 908, 33 F.R. 19829) regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provision in paragraph (b) (1) (i), (ii), and (iii) of § 908.575 (Valencia Orange Reg. 275, 34 F.R. 7442) are hereby amended to read as follows:

§ 908.575 Valencia Orange Regulation 275.

(b) Order. (1) * * *

- (i) District 1: 525,000 cartons;
- (ii) District 2: 325,000 cartons;
- (iii) District 3: 200,000 cartons.

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

Dated: May 14, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-5883; Filed, May 16, 1969;
8:47 a.m.]

[Lemon Reg. 374]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.674 Lemon Regulation 374.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recom-

mendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 13, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period May 18, 1969, through May 24, 1969, are hereby fixed as follows:

- (i) District 1: Unlimited movement;
- (ii) District 2: 302,250 cartons;
- (iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

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

Dated: May 15, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-5943; Filed, May 16, 1969;
8:49 a.m.]