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7 CFR Ch. IX (1-1-01 Edition)

§ 993.602 Maximum tolerances.

In lieu of the provision prescribed in I C of §993.97 that the tolerance allowances prescribed therein shall be on a weight basis, the tolerance allowance percentage for each defect or group of defects in I C of §993.97 shall be derived by dividing the number of prunes in the applicable sample affected with the applicable defect(s) by the total number of prunes in such sample.

[39 FR 30344, Aug. 22, 1974]

PART 997—PROVISIONS REGULATING THE QUALITY OF DOMESTICALLY PRODUCED PEANUTS HANDLED BY PERSONS NOT SUBJECT TO THE PEANUT MARKETING AGREEMENT

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

SOURCE: 55 FR 49983, Dec. 4, 1990, unless otherwise noted.

DEFINITIONS

§ 997.1 Secretary.

Secretary means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture who is, or who may hereafter be authorized to act in his stead.

§ 997.2 Fruit and Vegetable Division.

Fruit and Vegetable Division is synonymous with Division and means the Fruit and Vegetable Division of the Agricultural Marketing Service, U.S. Department of Agriculture, P.O. Box 96456, room 2525-S, Washington, DC 20090-6456.

§ 997.3 Act.

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

§ 997.4 Person.

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

§ 997.5 Peanuts.

Peanuts means the seeds of the legume *arachis hypogaea* and includes both inshell and shelled peanuts, other than those marketed by the producer in green form for consumption as boiled peanuts.

(a) *Farmers stock. Farmers stock peanuts* means picked and threshed peanuts which have not been shelled, crushed, cleaned or otherwise changed (except for removal of foreign material, loose shelled kernels and excess moisture) from the form in which customarily marketed by producers.

(b) *Segregation 1. Segregation 1 peanuts* means farmers' stock peanuts with not more than 2 percent damaged kernels nor more than 1.00 percent concealed damage caused by rancidity, mold, or decay and which are free from visible *Aspergillus flavus*.

(c) *Segregation 2. Segregation 2 peanuts* means farmers' stock peanuts with

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more than 2 percent damaged kernels or more than 1.00 percent concealed damage caused by rancidity, mold, or decay and which are free from visible *Aspergillus flavus*.

(d) *Segregation 3. Segregation 3 peanuts* means farmers' stock peanuts with visible *Aspergillus flavus*.

§ 997.6 Loose shelled kernels.

Loose shelled kernels means peanut kernels or portions of kernels completely free of their hulls and found in deliveries of farmers' stock peanuts.

§ 997.7 Fall through.

Fall through means sound split and broken kernels and whole kernels which pass through specified screens.

§ 997.8 Pickouts.

Pickouts means those peanuts removed during the final milling process at the picking table, by electronic equipment, or otherwise during the milling process.

§ 997.9 Fragmented.

For the purpose of this part, *fragmented* means that not more than 30 percent of the peanuts shall be whole kernels that ride the following screens, by type: Spanish $1\frac{5}{64} \times \frac{3}{4}$ inch slot; Runner $1\frac{6}{64} \times \frac{3}{4}$ inch slot; and Virginia $1\frac{5}{64} \times 1$ inch slot.)

§ 997.11 Producer.

Producer means any person engaged within the area in a proprietary capacity in the production of peanuts for sale.

§ 997.12 Production areas.

Production areas mean all States with commercial production of peanuts including:

(a) The Southeastern Area consisting of the States of Alabama, Florida, Georgia, Mississippi, and that part of South Carolina south and west of the Santee-Congaree-Broad Rivers.

(b) The Southwestern Area consisting of the States of Arizona, Arkansas, California, Louisiana, New Mexico, Oklahoma, and Texas.

(c) The Virginia-Carolina Area consisting of the States of Missouri, North Carolina, Tennessee, Virginia, and that

part of South Carolina north and east of the Santee-Congaree-Broad Rivers.

§ 997.13 Area association.

Area association means for the Southeastern area, GFA Peanut Association, Camilla, Georgia; Southwestern area, Southwestern Peanut Growers Association, Gorman, Texas; and Virginia-Carolina area, Peanut Growers Cooperative Marketing Association, Franklin, Virginia.

§ 997.14 Handle.

Handle means to engage in the receiving or acquiring, cleaning and shelling, cleaning inshell, or crushing of peanuts and in the shipment (except as a common or contract carrier of peanuts owned by another) or sale of cleaned inshell or shelled peanuts or other activity causing peanuts to enter the current of commerce: *Provided*, That this term does not include sales or deliveries of peanuts by a producer to a handler or to an intermediary person engaged in delivering peanuts to handler(s): *And Provided further*, That this term does not include sales or deliveries of peanuts by such intermediary person(s) to a handler.

§ 997.15 Handler.

Handler means any person who handles peanuts, in a capacity other than that of a custom cleaner or dryer, an assembler, a warehouseman or other intermediary between the producer and the person handling: *Provided*, That this term does not include handlers signatory to the Peanut Marketing Agreement.

§ 997.16 Crop year.

Crop year means the 12-month period beginning with July 1 of any year and ending with June 30 of the following year.

§ 997.17 Inspection service.

Inspection service means the Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, USDA.