

Proposed Rule Making

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous
Drugs

[21 CFR Part 320]

DEPRESSANT AND STIMULANT DRUGS

Petition Seeking an Exemption for Use of Peyote for Religious Purposes

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(v), 511, 701, 52 Stat. 1055, as amended, 79 Stat. 227 et seq.; 21 U.S.C. 321(v), 360a, 371) and under the authority vested in the Attorney General by Reorganization Plan No. 1 of 1968 (33 F.R. 5611), and redelegated to the Director, Bureau of Narcotics and Dangerous Drugs (28 CFR 0.200), notice is hereby given that on May 15, 1969, the Director of the Bureau of Narcotics and Dangerous Drugs received a petition from the Church of the Awakening, a New Mexico corporation; and John W. Aiken, Socorro, N. Mex., President of the Church, and 13 members of the Church, as copetitioners, to amend § 320.3(c) (3) of Title 21 of the Code of Federal Regulations to include said Church in the exemption for the nondrug use of peyote in bona fide religious ceremonies.

All interested persons are invited to submit their views in writing regarding this proposal. Views and comments should be submitted, in quintuplicate, to the Office of the Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Department of Justice, 1405 I Street NW., Washington, D.C. 20537, within 30 days following the date of publication of this notice in the FEDERAL REGISTER and may be accompanied by a memorandum or brief in support thereof.

Dated: June 18, 1969.

JOHN E. INGERSOLL,
Director, Bureau of
Narcotics and Dangerous Drugs.

[F.R. Doc. 69-7506; Filed, June 25, 1969;
8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 945]

IRISH POTATOES GROWN IN CER- TAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

Proposed Limitation of Shipments Regulation

Consideration is being given to the issuance of the limitation of shipments

regulation hereinafter set forth, which was recommended by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98 and Order No. 945, both as amended (7 CFR Part 945). This marketing order program regulates the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oreg., and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The recommendations by the Idaho-Eastern Oregon Potato Committee reflect its appraisal of the crop and prospective market conditions. Shipments of potatoes from the production area are expected to begin on or about July 7, 1969. The proposed regulation provided herein is necessary to prevent immature potatoes and potatoes of lower grades and undesirable sizes from being distributed in the channels of commerce to improve the returns to producers for preferred grades and sizes. The specific requirements, hereinafter set forth, regulate the handling of potatoes by grade, size, cleanliness, and maturity so as to (1) promote orderly marketing, (2) standardize the quality of the potatoes shipped from the production area and (3) maximize returns to the producers pursuant to the declared policy of the Act.

All persons who desire to submit written data, views, or arguments in connection with this proposal should file the same in quadruplicate with the Hearing Clerk, Room 112, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 5 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

§ 945.328 Limitation of shipments.

During the period July 7, 1969, through June 30, 1970, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with paragraphs (c), (d), and (e) of this section.

- (a) *Minimum quality requirements.*—
- (1) *Grade.* All varieties. U.S. No. 2, or better grade.
 - (2) *Size.*—(i) *Round red varieties.* 1 $\frac{1}{8}$ inches minimum diameter.
 - (ii) All other varieties—2 inches minimum diameter, or 4 ounces minimum weight.
 - (iii) All varieties—Size B if U.S. No. 1, or better grade.
 - (iv) When containers of long varieties of potatoes are marked with a count or similar designation they must meet the

weight range for the count designation listed below:

Count designation	Weight range
Larger than 50 count...	15 ounces or larger.
50 count.....	12-19 ounces.
60 count.....	10-16 ounces.
70 count.....	9-15 ounces.
80 count.....	8-13 ounces.
90 count.....	7-12 ounces.
100 count.....	6-10 ounces.
110 count.....	5-9 ounces.
120 count.....	4-8 ounces.
130 count.....	4-8 ounces.
140 count.....	4-8 ounces.
Smaller than	
140 count.....	4-8 ounces.

The following tolerances, by weight, are provided for potatoes in any lot which fail to meet the weight range for the designated count:

- (a) 5 percent for undersize; and,
- (b) 10 percent for oversize.
- (3) *Cleanliness.*—(i) *Kennebec variety.* Not more than "slightly dirty."
- (ii) *All other varieties.*—"Generally fairly clean."
- (b) *Minimum maturity requirements.*—(1) *White Rose variety.* During the period July 7, 1969, through December 31, 1969, "moderately skinned" and thereafter they may be handled without regard to the maturity requirements. "Moderately skinned" means that, not more than 10 percent of the potatoes in any lot may have more than one-half of the skin missing or "feathered."
- (2) *All other varieties.* "Slightly skinned" which means that not more than 10 percent of the potatoes in any lot may have more than one-fourth of the skin missing or "feathered."
- (3) *Exceptions.* (i) Subject to compliance with subdivision (iii) of this subparagraph, any lot of potatoes not exceeding a total of 50 hundredweight of each variety may be handled for any producer without regard to the foregoing maturity requirements.

(ii) If an officially inspected lot of potatoes meets the foregoing maturity requirements, but fails to meet the grade and size requirements, the lot may be regraded. If, after regrading, such lot then meets the grade and size requirements but fails to meet the maturity requirements, as indicated by the applicable Federal-State inspection certificate, such lot if not exceeding 100 hundredweight shall be exempt from the foregoing maturity requirements: *Provided*, That the handler complies with subdivision (iii) of this subparagraph.

(iii) Prior to each shipment of potatoes exempt from the foregoing maturity requirements, the handler thereof shall report to the committee the name and address of the producer of such potatoes, and each such shipment shall be handled as an identifiable entity.

(c) *Special purpose shipments.* (1) The minimum grade, size, cleanliness, and maturity requirements set forth in