One comment stated the following: "stems should not be counted as defects unless excessive—50 or more per pint; shriveled berries should not be counted as defects unless excessive-20 or more per pint; berries with picking scars or split by excessive rain or moisture, but are not overripe, with healed scars, would not be counted as soft berries; and soft berries are those that are overripe, bleeding, and certain to cause molding within 24 hours." AMS believes that all of these issues have been addressed in the revised standards by: Defining under damage and serious damage how much each blueberry may be affected by a certain defect; in the application of tolerance section defining the percentage of blueberries that may be defective in each sample; and in the tolerance section defining the percentage of defective blueberries which are allowed in a load or lot of blueberries.

One recommendation was made concerning the "definitions for damage and serious damage by scars is too loose." It was suggested that only the scars that are fairly smooth and have no depth be scored as outlined in the proposed standards. AMS believes that scars are too small to distinguish as to their smoothness or depth, and has decided to leave the definition of damage and serious damage by scars as proposed.

One recommendation made several suggestions for changing definitions of various defects. Clusters were proposed to be changed to "3 or more joined capstems with more than one berry attached." Shriveling was proposed to be changed to "more than slightly wrinkled." It was recommended that broken skins, regardless of whether they are well healed or not should be scored as serious damage, except for an allowable area around the stem scar. Also, damage by scars should be changed from 20 percent of the surface to 25 percent of the surface. Mummified berries should include in its definition those berries that are in the process of being mummified. AMS does not believe that these changes are warranted due to the inconsistencies these changes would create with other standards and with the scoring of the above defects. However, as stated previously, the definition of "damage by shriveling" will be applied "when shriveling is readily noticeable."

One recommendation suggested an additional grade for higher quality blueberries should be inserted in the standards. Also, size should be determined by weight, since "cup" could be confusing and is not precise enough. Finally, it was felt that the

current size classifications do not allow for loads and/or lots of blueberries that contain both medium and large size berries in the same lot. The NABC made it clear to AMS that it did not want an additional grade in the standards. Also, most commodities are marketed on the basis of U.S. No. 1 and it is felt that other grades would not be necessary. AMS feels that determining size by weight would be more difficult due to the modest size of the berries. AMS did make allowances in the tolerances for "off-size" to allow for blueberries that contain both medium and large size berries in the same lot.

The Agricultural Research Service of the Department stated that it is "not aware of any research data or other information relevant to the possible effect of the 'cosmetic appearance' elements of the proposed rulemaking on pesticide use on blueberries."

AMS develops and improves standards of quality, condition, grade, and packaging in order to facilitate efficient marketing. The provisions of this final rule are the same as those in the proposed rule, except for the changes noted above in response to the comments received, and several minor editorial changes made for clarity.

List of Subjects in 7 CFR Part 51

Agricultural commodities, Food grades and standards, Fruits, Nuts, Reporting and recordkeeping requirements, Vegetables.

PART 51—[AMENDED]

For reasons set forth in the preamble, is amended as follows:

1. The authority citation for 7 CFR Part 51 continues to read as follows:

Authority: 7 U.S.C. 1622, 1624.

Subpart—United States Standards for Grades of Blueberries

2. Sections 51.3475 through 51.3479 and the undesignated center headings are revised to read as follows:

General

§51.3475 General.

- (a) These standards apply only to selected and hybrid varieties of the highbush (Vaccinium australe Small and Vaccinium corymbosum L.) and rabbiteye (Vaccinium ashei Reade) blueberries produced under cultivation, but not to other species of the genus Vaccinium nor to the true huckleberries of the genus Gaylussacia.
- (b) Because of the size differences between varieties and the difference in size preference in various markets, there are no size requirements in the grade.

Therefore, size will not be determined unless specifically requested by the applicant. If requested, size may be specified as provided in § 51.3477.

Grade

§ 51.3476 U.S. No. 1.

"U.S. No. 1" consists of blueberries which meet the following requirements:

- (a) Basic requirements:
- (1) Similar varietal characteristics;
- (2) Clean;
- (3) Well colored;
- (4) Not overripe;
- (5) Not crushed, split, or leaking; and
- (6) Not wet.
- (b) Free from:
- (1) Attached stems:
- (2) Mold;
- (3) Decay;
- (4) Insects or when there is visible evidence of the presence of insects;
 - (5) Mummified berries; and
 - (6) Clusters.
 - (c) Free from damage caused by:
 - Shriveling;
 - (2) Broken skins;
 - (3) Scars;
 - (4) Green berries; and
 - (5) Other means.
- (d) Tolerances as specified in §§ 51.3478 (a) and (b) and applied pursuant to § 51.3479.

Size Classifications

§ 51.3477 Size classifications.

The following size classifications may be used in specifying size of blueberries:

- (a) Extra large. Less than 90 berries per cup; ¹
 - (b) Large. 90 to 129 berries per cup; 1
- (c) *Medium.* 130 to 189 berries per cup; ¹ and,
 - (d) Small. 190 to 250 berries per cup.¹
 - (e) For tolerances see § 51.3478.

Tolerances

§51.3478 Tolerances.

In order to allow for variations incident to proper grading and handling, based on sample inspection, the following tolerances, by count, shall be allowed:

(a) For defects at shipping point.² Ten percent for blueberries which have attached stems. Additionally, not more than 8 percent of the blueberries may be below the remaining requirements of the grade: *Provided*, that included in this amount not more than 4 percent shall be allowed for defects causing serious

 $^{^1\,\}text{Cup}$ equals 237 ml, $^{1\!/_{\!2}}$ pint, or 2 gills.

²Shipping point, as used in the standards in this subpart, means the point of origin of the shipment in the producing area or at port of loading for ship stores or overseas shipment, or, in the case of shipments from outside the continental United States, the port of entry into the United States.