

FEDERAL REGISTER

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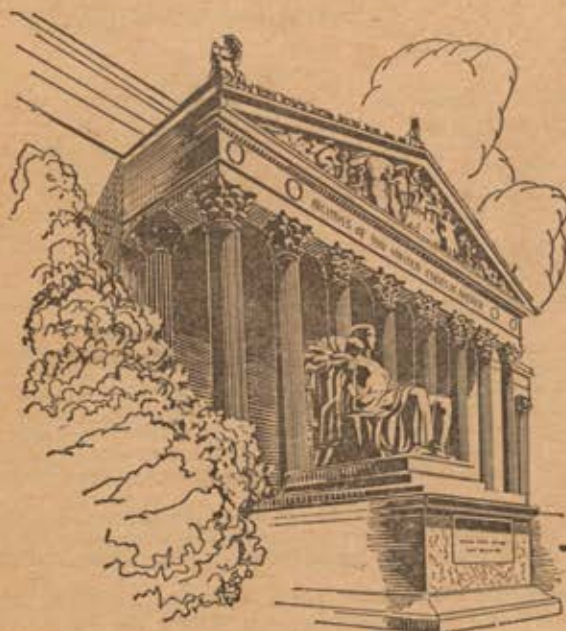
Wednesday, November 1, 1967 • Washington, D.C.

Pages 15059-15143

Agencies in this issue—

Agency for International Development
Agricultural Stabilization and
Conservation Service
Agriculture Department
Army Department
Atomic Energy Commission
Business and Defense Services
Administration
Civil Aeronautics Board
Consumer and Marketing Service
Defense Department
Federal Aviation Administration
Federal Communications Commission
Federal Maritime Commission
Federal Power Commission
Federal Register Administrative
Committee
Federal Reserve System
Federal Trade Commission
Fish and Wildlife Service
Food and Drug Administration
Housing and Urban Development
Department
Interior Department
International Commerce Bureau
Interstate Commerce Commission
Land Management Bureau
National Bureau of Standards
Navy Department
Packers and Stockyards
Administration
Post Office Department
Securities and Exchange Commission
Small Business Administration
Treasury Department

Detailed list of Contents appears inside.



Volume 80

UNITED STATES STATUTES AT LARGE

89th Congress, 2d Session
1966

Part 1—Contains the public laws and reorganization plans.

Price: \$10.25

Part 2—Contains the private laws, concurrent resolutions, and
Presidential proclamations.

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The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements are listed in the first FEDERAL REGISTER issue of each month.

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Contents

AGENCY FOR INTERNATIONAL DEVELOPMENT

Proposed Rule Making

- Rules and procedures applicable to commodity transactions financed by A.I.D. 15116

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules and Regulations

- Rice; determination of acreage allotments for 1964 and subsequent crops 15076

Notices

- Authority delegations:
Kansas City ASCS Commodity Office; Director or Acting Director 15125
Wheat Subsidy and Market Branch, Procurement and Sales Division; certain officials 15125

AGRICULTURE DEPARTMENT

See also Agricultural Stabilization and Conservation Service; Consumer and Marketing Service; Packers and Stockyards Administration.

Notices

- North Dakota; designation of area for emergency loans 15126

ARMY DEPARTMENT

Rules and Regulations

- Claims arising from activities of National Guard personnel while engaged in duty or training 15113
Military reservations; inspection of steam boilers 15115

ATOMIC ENERGY COMMISSION

Notices

- Chemical processing and conversion of spent fuels; proposed notice 15128
United Nuclear Corp.; extension of completion date 15130

BUSINESS AND DEFENSE SERVICES ADMINISTRATION

Notices

- Texas A. & M. University; decision on application for duty-free entry of scientific article 15127

CIVIL AERONAUTICS BOARD

Rules and Regulations

- Certificated air carriers; charter and special services revenue aircraft miles flown 15098
Military backhaul charters:
Charter trips and special services 15096
Supplemental air transportation; certificates 15097

Notices

Hearings, etc.:

- Jamestown Aviation Co. 15130
Live animals and birds, revised charges 15131

COMMERCE DEPARTMENT

See Business and Defense Services Administration; International Commerce Bureau; National Bureau of Standards.

CONSUMER AND MARKETING SERVICE

Rules and Regulations

- Fresh fruits, vegetables, and other products; inspection, certification, and standards:
Pecans in the shell 15073
Regulations 15066
Milk in certain marketing areas:
Connecticut 15090
Massachusetts-Rhode Island-New Hampshire 15076
Ozarks 15093

Proposed Rule Making

- Oranges, grapefruit, tangerines, and tangelos from Florida; expenses and rate of assessment 15116

Notices

- Humanely slaughtered livestock; identification of carcasses; establishments 15125

DEFENSE DEPARTMENT

See also Army Department; Navy Department.

Rules and Regulations

- Medical records; release of information 15111
Ready Reserve, involuntary order to active duty 15112

FEDERAL AVIATION ADMINISTRATION

Rules and Regulations

- Airworthiness directive; Sikorsky aircraft 15094
Control zones and transition areas; alterations (2 documents) 15094, 15095
Prohibited area; alteration 15096
Transition areas:
Alterations (2 documents) 15095
Designation 15095

Proposed Rule Making

- Alterations; control zones and transition areas (4 documents) 15117-15119
Designations:
Control zone 15119
Transition areas (4 documents) 15120, 15121

FEDERAL COMMUNICATIONS COMMISSION

Notices

- Guidelines for presunrise operating authority waiver requests; order revising memorandum opinion and order 15133
Standard broadcast application ready and available for processing 15132

Hearings, etc.:

- Brainerd Video 15131
City of Camden and L & P Broadcasting Corp. 15131
Cosmos Cablevision Corp. 15131
General Telephone Company of the Northwest, Inc. 15131
Grayson Television Co., Inc., and Hercules Broadcasting Co. 15132
Patriot State Television, Inc., and Boston Heritage Broadcasting, Inc. 15132
Robertson, Donald J. 15132
Shriner, T. J. 15132
Vestal Video, Inc., and Eastern Microwave, Inc. 15132

FEDERAL MARITIME COMMISSION

Notices

- Mediterranean-USA Great Lakes Westbound Freight Conference; agreement filed for approval 15133

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:

- Michigan Wisconsin Pipe Line Co. and Michigan Consolidated Gas Co. 15133
Northern Natural Gas Co. 15134
Samedan Oil Corp. et al. 15134
United Gas Pipe Line Co. 15134

FEDERAL REGISTER ADMINISTRATIVE COMMITTEE

- CFR Checklist 15065

FEDERAL RESERVE SYSTEM

Notices

- Barnett National Securities Corp.; approval of applications under Bank Holding Company Act 15135

FEDERAL TRADE COMMISSION

Rules and Regulations

- Prohibited trade practices:
American Cyanamid Co. et al. 15105
Jo Rich Originals, Inc., and Jack Rich 15106
S & S Pharmaceutical Co., Inc., et al. 15107

(Continued on next page)

FISH AND WILDLIFE SERVICE**Notices**

- Loan applications:
 Harris, Harry R. 15124
 Miller, Rodman A. and Lois
 Mae 15124

**FOOD AND DRUG
ADMINISTRATION****Rules and Regulations**

- Drugs; medicated premixes;
 manufacturing practices and
 controls 15109
 Food additives:
 Adhesives 15108
 Emulsifiers and/or surface-active
 agents 15108
 Partial phosphoric acid esters of
 polyester resins 15109
 Resinous and polymeric coatings
 for polyolefin films 15108
 Pesticide chemical tolerance;
 S-ethyl hexahydro-1H-azepine-
 1-carbothioate 15107

Proposed Rule Making

- Cherry pie; definition and stand-
 ard of identity and standard of
 quality 15116

Notices

- Morton Chemical Co.; food addi-
 tive petition 15128
 Upjohn Co.; withdrawal of ap-
 proval of new-drug application 15128

**HEALTH, EDUCATION, AND
WELFARE DEPARTMENT**

See Food and Drug Administra-
 tion.

**HOUSING AND URBAN
DEVELOPMENT DEPARTMENT****Notices**

- Assistant Regional Administrator
 for Renewal Assistance et al.,
 Region IV; redelegations of
 authority 15124

INTERIOR DEPARTMENT

See also Fish and Wildlife Serv-
 ice; Land Management Bureau.

Notices

- George Everett Millican; state-
 ment of changes in financial
 interests 15125

**INTERNATIONAL COMMERCE
BUREAU****Notices**

- W. L. Tansley & Co. (Pty.), Ltd.,
 and Peter J. Courtenay; denial
 of export privileges for indefi-
 nite period 15126

**INTERSTATE COMMERCE
COMMISSION****Notices**

- Motor carriers:
 Alternate route deviation no-
 tices 15136
 Applications and certain other
 proceedings 15138
 Temporary authority applica-
 tions 15141
 Transfer proceedings 15143

LAND MANAGEMENT BUREAU**Rules and Regulations**

- Wyoming; public land order;
 withdrawal for reclamation
 project 15098

**NATIONAL BUREAU OF
STANDARDS****Rules and Regulations**

- Radiation physics; neutron
 physics 15104
 Standard reference materials; ra-
 dioactivity standards 15105

Notices

- NBS radio stations; standard fre-
 quency and time broadcasts 15128

NAVY DEPARTMENT**Rules and Regulations**

- Naval Honor Schools; nondis-
 crimination 15115

**PACKERS AND STOCKYARDS
ADMINISTRATION****Notices**

- Peoria Union Stock Yards Co.,
 Inc.; petition to vacate order
 and dismiss proceeding 15126

POST OFFICE DEPARTMENT**Rules and Regulations**

- Office of the Regional Director 15099

**SECURITIES AND EXCHANGE
COMMISSION****Notices****Hearings, etc.:**

- Gulf & Western Industries, Inc.
 (Delaware) 15135
 Interamerican Industries, Ltd. 15135
 Nuveen Tax-Exempt Bond
 Fund, Series 16 15136
 Penrose Industries Corp. 15136
 Power Oil Co. 15136

**SMALL BUSINESS
ADMINISTRATION****Rules and Regulations**

- Lease guarantee; miscellaneous
 amendments; correction 15065

STATE DEPARTMENT

See Agency for International De-
 velopment.

TRANSPORTATION DEPARTMENT

See Federal Aviation Administra-
 tion.

TREASURY DEPARTMENT**Notices**

- Authority delegation; Director,
 Office of Domestic Gold and
 Silver Operations 15122
 Offering of notes:
 5% percent Treasury Notes of
 Series A-1974 15123
 5% percent Treasury Notes of
 Series A-1969 15122

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1967, and specifies how they are affected.

7 CFR

51 (2 documents) 15066, 15073
 730 15076
 1001 15076
 1015 15090
 1067 15093

PROPOSED RULES:

905 15116

13 CFR

106 15065

14 CFR

39 15094
 71 (5 documents) 15094, 15095
 73 15096
 207 15096
 208 15097
 241 15098

PROPOSED RULES:

71 (9 documents) 15117-15121

15 CFR

204 15104
 230 15105

16 CFR

13 (3 documents) 15105-15107

21 CFR

120 15107
 121 (4 documents) 15108, 15109
 133 15109

PROPOSED RULES:

28 15116

22 CFR**PROPOSED RULES:**

201 15116

32 CFR

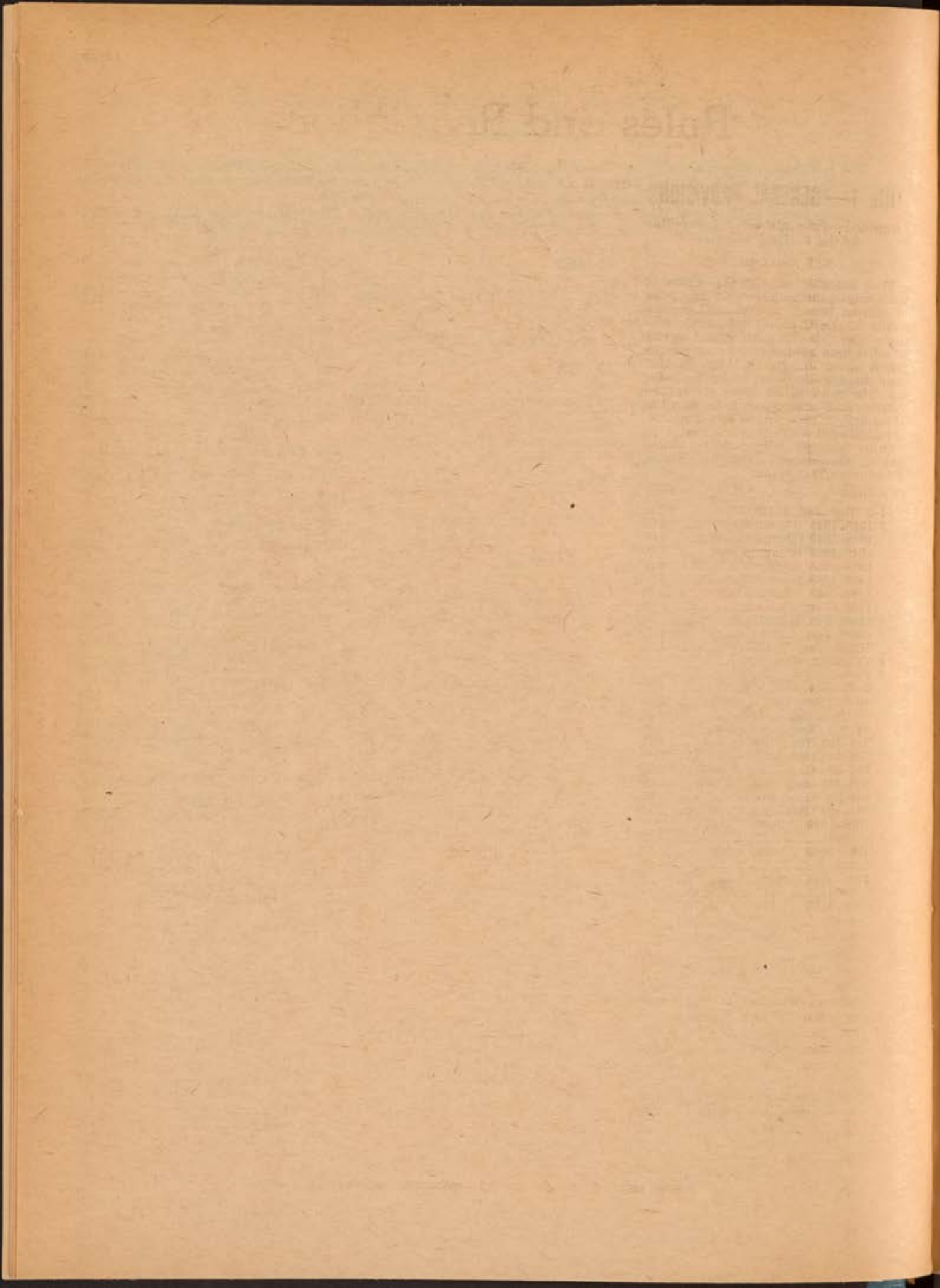
66 15111
 127 15112
 536 15113
 552 15115
 710 15115

39 CFR

823 15099

43 CFR**PUBLIC LAND ORDER:**

4301 15098



Rules and Regulations

Title 1—GENERAL PROVISIONS

Chapter I—Administrative Committee of the Federal Register

CFR CHECKLIST

This checklist, arranged in order of titles, shows the issuance date and price of current bound volumes and supplements of the Code of Federal Regulations. The rate for subscription service to all revised volumes and supplements issued as of January 1, 1967, is \$100 domestic, \$30 additional for foreign mailing. The subscription price for revised volumes and supplements to be issued as of January 1, 1968, will be \$125 domestic, \$35 additional for foreign mailing.

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CFR Unit:	Price
1-3 (Rev. Jan. 1, 1967) -----	1.75
3 1938-1943 (Compilation) -----	3.00
1943-1948 (Compilation) -----	7.00
1949-1953 (Compilation) -----	7.00
1954-1958 (Compilation) -----	4.00
1959-1963 (Compilation) -----	6.00
1964-1965 (Compilation) -----	3.75
1966 (Compilation) -----	1.00
4 (Rev. Jan. 1, 1967) -----	.40
5 (Rev. Jan. 1, 1964) -----	4.75
(Supp. Jan. 1, 1967) -----	1.00
6 [Vacated; Reserved]	
7 Parts:	
0-45 (Rev. Jan. 1, 1967) -----	1.75
46-51 (Rev. Jan. 1, 1967) -----	1.00
52 (Rev. Jan. 1, 1967) -----	2.00
53-209 (Rev. Jan. 1, 1967) -----	2.00
210-699 (Rev. Jan. 1, 1967) -----	1.50
700-749 (Rev. Jan. 1, 1967) -----	1.75
750-899 (Rev. Jan. 1, 1967) -----	1.50
900-944 (Rev. Jan. 1, 1967) -----	1.00
945-980 (Rev. Jan. 1, 1967) -----	.85
981-999 (Rev. Jan. 1, 1967) -----	.65
1000-1029 (Rev. Jan. 1, 1967) -----	1.00
1030-1059 (Rev. Jan. 1, 1967) -----	1.00
1060-1089 (Rev. Jan. 1, 1967) -----	.75
1090-1119 (Rev. Jan. 1, 1967) -----	.70
1120-1199 (Rev. Jan. 1, 1967) -----	1.00
1200-1499 (Rev. Jan. 1, 1967) -----	2.00
1500-end (Rev. Jan. 1, 1967) -----	1.00
8 (Rev. Jan. 1, 1967) -----	.60
9 (Rev. Jan. 1, 1967) -----	1.25
10 (Rev. Jan. 1, 1967) -----	1.00
11 [Reserved]	
12 Parts:	
1-399 (Rev. Jan. 1, 1967) -----	1.50
400-end (Rev. Jan. 1, 1967) -----	1.00
13 (Rev. Jan. 1, 1967) -----	.65

CFR Unit:	Price
14 Parts:	
1-59 (Rev. Jan. 1, 1967) -----	\$1.75
60-199 (Rev. Jan. 1, 1967) -----	1.50
200-end (Rev. Jan. 1, 1967) -----	1.75
15 (Rev. Jan. 1, 1967) -----	1.25
16 Parts:	
0-149 (Rev. Jan. 1, 1967) -----	1.75
150-end (Rev. Jan. 1, 1967) -----	1.25
17 (Rev. Jan. 1, 1967) -----	2.00
18 (Rev. Jan. 1, 1967) -----	2.50
19 (Rev. Jan. 1, 1967) -----	2.00
20 (Rev. Jan. 1, 1967) -----	2.00
21 Parts:	
1-119 (Rev. Jan. 1, 1967) -----	1.00
120-129 (Rev. Jan. 1, 1967) -----	1.00
130-146e (Rev. Jan. 1, 1967) -----	1.75
147-end (Rev. Jan. 1, 1967) -----	1.00
22 (Rev. Jan. 1, 1967) -----	1.00
23 (Rev. Jan. 1, 1967) -----	.25
24 (Rev. Jan. 1, 1967) -----	1.00
25 (Rev. Jan. 1, 1967) -----	1.25
26 Parts:	
1 (§§ 1.0-1.1300) (Rev. Jan. 1, 1967) -----	2.00
1 (§§ 1.301-1.400) (Rev. Jan. 1, 1967) -----	.65
1 (§§ 1.401-1.500) (Rev. Jan. 1, 1967) -----	1.00
1 (§§ 1.501-1.640) (Rev. Jan. 1, 1967) -----	.70
1 (§§ 1.641-1.850) (Rev. Jan. 1, 1967) -----	1.00
1 (§§ 1.851-1.1200) (Rev. Jan. 1, 1967) -----	1.25
1 (§§ 1.1201-1.6000) (Rev. Jan. 1, 1967) -----	1.50
1 (§§ 1.6001-end) to Part 19 (Rev. Jan. 1, 1967) -----	.70
20-29 (Rev. Jan. 1, 1961) -----	4.25
(Supp. Jan. 1, 1966) -----	.40
30-39 (Rev. Jan. 1, 1967) -----	.75
40-169 (Rev. Jan. 1, 1967) -----	1.75
170-299 (Rev. Jan. 1, 1967) -----	2.25
300-499 (Rev. Jan. 1, 1961) -----	4.00
(Supp. Jan. 1, 1967) -----	.50
500-599 (Rev. Jan. 1, 1961) -----	4.25
(Supp. Jan. 1, 1967) -----	.35
600-end (Rev. Jan. 1, 1961) -----	3.00
(Supp. Jan. 1, 1967) -----	.45
27 (Rev. Jan. 1, 1961) -----	3.00
(Supp. Jan. 1, 1967) -----	.30
28 (Rev. Jan. 1, 1967) -----	.65
29 Parts:	
0-499 (Rev. Jan. 1, 1967) -----	.70
500-899 (Rev. Jan. 1, 1967) -----	2.00
900-end (Rev. Jan. 1, 1967) -----	.75
30 (Rev. Jan. 1, 1967) -----	1.00
31 (Rev. Jan. 1, 1967) -----	1.75
32 Parts:	
1-39 (Rev. Jan. 1, 1967) -----	2.75
40-399 (Rev. Jan. 1, 1967) -----	1.25
400-589 (Rev. Jan. 1, 1967) -----	1.50
590-699 (Rev. Jan. 1, 1966) -----	4.25
(Supp. Jan. 1, 1967) -----	.50
700-799 (Rev. Jan. 1, 1967) -----	2.00
800-999 (Rev. Jan. 1, 1967) -----	1.25
1000-1199 (Rev. Jan. 1, 1967) -----	1.25
1200-1599 (Rev. Jan. 1, 1967) -----	1.25
1600-end (Rev. Jan. 1, 1967) -----	.55

CFR Unit:	Price
32A (Rev. Jan. 1, 1967) -----	\$1.00
33 Parts:	
1-199 (Rev. Jan. 1, 1967) -----	1.00
200-end (Rev. Jan. 1, 1967) -----	1.75
34 [Reserved]	
35 (Rev. Jan. 1, 1967) -----	5.25
36 (Rev. Jan. 1, 1967) -----	.75
37 (Rev. Jan. 1, 1967) -----	4.00
38 (Rev. Jan. 1, 1967) -----	2.25
39 (Rev. Jan. 1, 1967) -----	2.00
40 [Reserved]	
41 Chapters:	
1 (Rev. Jan. 1, 1967) -----	2.00
2-4 (Rev. Jan. 1, 1967) -----	1.00
5-5D (Rev. Jan. 1, 1967) -----	.60
6-17 (Rev. Jan. 1, 1967) -----	2.00
18 (Rev. Jan. 1, 1967) -----	2.00
19-100 (Rev. Jan. 1, 1967) -----	.60
101-end (Rev. Jan. 1, 1967) -----	1.25
42 (Rev. Jan. 1, 1960) -----	4.00
(Supp. Jan. 1, 1967) -----	1.00
43 (Rev. Jan. 1, 1967) -----	2.75
44 (Rev. Jan. 1, 1967) -----	.40
45 (Rev. Jan. 1, 1967) -----	1.75
46 Parts:	
1-145 (Rev. Jan. 1, 1967) -----	3.00
146-149 (Rev. Jan. 1, 1967) -----	2.50
(Supp. July 1, 1967) -----	.40
150-199 (Rev. Jan. 1, 1967) -----	1.25
200-end (Rev. Jan. 1, 1967) -----	2.00
47 Parts:	
0-19 (Rev. Jan. 1, 1967) -----	1.00
20-69 (Rev. Jan. 1, 1967) -----	1.50
70-79 (Rev. Jan. 1, 1967) -----	1.00
80-end (Rev. Jan. 1, 1967) -----	1.50
48 (Rev. Jan. 1, 1967) -----	.60
49 Parts:	
0-70 (Rev. Jan. 1, 1967) -----	1.25
71-90 (Rev. Jan. 1, 1967) -----	2.25
91-164 (Rev. Jan. 1, 1967) -----	1.50
165-end (Rev. Jan. 1, 1964) -----	*6.25
(Supp. Jan. 1, 1967) -----	.65
50 (Rev. Jan. 1, 1967) -----	.75
General Index (Rev. Jan. 1, 1967) -----	.70
List of Sections Affected, 1949-1963 (Compilation) -----	6.75

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 1]

PART 106—LEASE GUARANTEE Miscellaneous Amendments

Correction

In F.R. Doc. 67-12556 appearing in the issue for Wednesday, October 25, 1967, at page 14759, the reference to § 106.6(g) (1) on page 14760 should read § 106.6(g) (2). As corrected it will read as follows:

- (g) Minimizing the risk:
(2) [Deleted]

* Out of print.

* Temporarily out of print.

Title 7—AGRICULTURE

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

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS^{1, 2} (INSPECTION, CERTIFICATION, AND STANDARDS)

Subpart—Regulations

On August 22, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 12052) regarding a revision of Regulations (Inspection, Certification, and Standards) Fresh Fruits, Vegetables and Other Products (7 CFR 51.1-51.61). A correction to the aforesaid proposal was published in the FEDERAL REGISTER on September 12, 1967 (32 F.R. 12953) and an extension of time to September 30, 1967 for submission of written data, views or arguments was published in the FEDERAL REGISTER on September 14, 1967 (32 F.R. 13077).

Statement of considerations leading to the revision of the regulations. Following publication of the proposal in the FEDERAL REGISTER on August 22, no written comments were received. The text is the same as published in the aforesaid notice of proposed rule making, as corrected, with the following exceptions:

(a) Under § 51.49 *Approved identifications* (d) the date on stamp illustration, Figure 6, is changed from "Aug. 27, 1956" to "Aug. 27, 1966"; and

(b) Under § 51.54 *Plant survey*, the section number reference, "51.62", which was inadvertently inserted in the proposal, is corrected to read "51.59".

The revised regulations incorporate the several amendments issued since 1957. The principal changes are in the interest of improved format, clarity, and the inclusion of up-to-date procedures in line with current practices.

New additions to the regulations include more detailed information for those who may be interested in using the Department's Continuous Inspection Program. This revision also gives the Administrator the authority to license firms to manufacture and sell color standards or defect guides.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following Regulations governing Inspection, Certification and Standards are hereby promulgated pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621 et seq.).

¹ Among such other products are the following: Raw nuts, Christmas trees and evergreens; flowers and flower bulbs; and onion sets.

² None of the requirements in the regulations of this part shall excuse failure to comply with any Federal, State, county, or municipal laws applicable to products covered in the regulations in this part.

ADMINISTRATIVE	
Sec. 51.1	Administration of regulations.
DEFINITIONS	
51.2	Terms defined.
51.3	Designation of official certificates, memoranda, marks other identifications and devices for purposes of the Agricultural Marketing Act.
INSPECTION SERVICE	
51.4	Where inspection service is offered.
51.5	Who may obtain inspection service.
51.6	How to make application.
51.7	Form of application.
51.8	Filing of application.
51.9	When application may be rejected.
51.10	When application may be withdrawn.
51.11	Authority to request inspection.
51.12	Accessibility of products.
51.13	Basis of service.
51.14	Order of Inspection Service.
51.15	Financial interest of inspector.
51.16	Postponing inspection service.
51.17	Official sampling.
51.18	Certificate forms.
51.19	Issuance of certificates.
51.20	Issuance of corrected certificates.
51.21	Disposition of inspection certificates.
51.22	Disposition of samples.
51.23	Report of inspection results prior to issuance of formal report.
APPEAL INSPECTION	
51.24	When appeal inspection may be requested.
51.25	Where to file for an appeal inspection and information required.
51.26	Record of filing time.
51.27	When appeal inspection may be refused.
51.28	When an application for an appeal inspection may be withdrawn.
51.29	Order in which made.
51.30	Who shall perform appeal inspections.
51.31	Appeal inspection certificate.
LICENSING OF INSPECTORS	
51.32	Who may be licensed.
51.33	Application to become a licensed inspector.
51.34	Suspension or revocation of license of a licensed inspector.
51.35	Surrender of license.
51.36	Expiration and renewal of license.
SCHEDULE OF FEES AND CHARGES AT DESTINATION MARKETS	
51.37	Amount of fees, rates and charges.
51.38	Basis for charges.
51.39	Fees for appeal inspections.
51.40	Traveling and other expenses.
51.41	Fees for additional copies of inspection certificates.
51.42	Charges for inspection services on a contract basis.
51.43	How fees shall be paid.
51.44	Disposition of fees.
SCHEDULE OF FEES AND CHARGES AT SHIPPING POINT AREAS	
51.45	Fees and charges at shipping point areas.
MISCELLANEOUS	
51.46	Denial of inspection service.
51.47	Political activity.
51.48	Inspector's identification.
51.49	Approved identifications.
51.50	Custody of official inspection marking devices.
51.51	Prohibited uses of approved identification.
51.52	Licensing and identification of certain official devices.

REQUIREMENTS FOR PLANTS OPERATING UNDER CONTINUOUS INSPECTION ON A CONTRACT BASIS

Sec.	
51.53	Continuous inspections.
51.54	Plant survey.
51.55	Premises.
51.56	Buildings and structures.
51.57	Facilities.
51.58	Equipment.
51.59	Operations and operating procedures.
51.60	Termination of contracts.
51.61	Congressional interest in contracts.

AUTHORITY: The provisions of this subpart issued under secs. 203, 205, 80 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

ADMINISTRATIVE

§ 51.1 Administration of regulations.

The Administrator, Consumer and Marketing Service, U.S. Department of Agriculture, is charged with the administration of the regulations in this part, except at his discretion, he may delegate any or all such functions to any other officer or employee of the Consumer and Marketing Service of the Department.

DEFINITIONS

§ 51.2 Terms defined.

Words in the regulations in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand. For the purposes of the regulations in this part, unless the context otherwise requires, the following terms shall have the following meanings:

(a) *Act.* "Act" means the applicable provisions of the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq.) as amended; (7 U.S.C. 1621 et seq.) or any other act of Congress conferring like authority.

(b) *Administrator.* "Administrator" means the Administrator of Consumer and Marketing Service.

(c) *Applicant.* "Applicant" means any interested party who has applied for inspection service under the regulations in this part.

(d) *Condition.* (1) "Condition" means the relative degree of soundness of a product which may affect its merchantability and includes those factors which are subject to change and may result from, but not necessarily limited to, age, improper handling, storage or lack of refrigeration.

(2) Examples of condition factors include maturity or stage of ripeness; state of freshness, such as crispness, tenderness, or toughness; wilting; shriveling or flabbiness; mechanical injuries resulting from improper handling after packing; progressive pathological, physiological, and virus diseases, including fungal and bacterial rots; and freezing damage which may occur in transit or storage; or any other factor which may occur, develop, or progress in the marketing channels.

(e) *Consumer and Marketing Service.* "Consumer and Marketing Service" means the Consumer and Marketing Service of the Department.

(f) *Department.* "Department" means the U.S. Department of Agriculture.

(g) *Federal-State Inspection Agency.* "Federal-State Inspection Agency"

means any State agency, business association or trade organization, private firm, or other person or corporation with which the Department has entered into a cooperative agreement for inspection service.

(h) *Grade*. "Grade" means a class or rank of quality.

(i) *Inspector*. "Inspector" means any employee of the Department authorized by the Secretary or any other person licensed by the Secretary, to investigate, sample, inspect, and certify, in accordance with the regulations in this part, to any interested party the quality, quantity and/or condition of any fresh product covered in this part, and to perform related duties in connection with the inspection service.

(j) *Inspection service*. "Inspection service" means:

(1) The Service established and conducted under the regulations in this part for the determination and certification or other identification as to the grade, the quality and/or condition of fresh fruits or vegetables and related products including the condition of container.

(2) Performance by an inspector of any related services such as reporting the temperatures of loads or lots of fresh products.

(3) To observe conditions under which a product is being packed, to observe plant sanitation as a prerequisite to inspection of the packed product either on a continuous or periodic basis, or check-load the inspected product in connection with the marketing of the product.

(4) The issuance of inspection certificates or reports relating to subparagraphs (1), (2), and (3) of this paragraph.

(k) *Interested party*. "Interested party" means any person who has a financial interest in the product for which inspection is requested.

(l) *Lot*. "Lot" means any number of containers which contain a product of the same kind located in the same conveyance, warehouse, packing house, or on the same dock or platform and which are available for inspection at the same time: *Provided, That:*

(1) Products which are different from each other as to grade, variety, size, condition, identification marks, or other factors may be deemed to be separate lots;

(2) If the applicant requests more than one inspection certificate covering different portions of the same lot, the quantity of the lot covered by each certificate shall be deemed to be a separate lot; and,

(3) If said product is packed in more than one size or type of container, each such size or type may be deemed to be a separate lot.

(m) *Person*. "Person" means any individual, partnership, association, business trust, corporation, any organized group of persons (whether incorporated or not), the United States (including, but not limited to, any corporate agencies thereof), and any State, county, or municipal government, any common car-

rier, and any authorized agent of any of the foregoing.

(n) *Packing plant*. "Packing plant" means the premises, buildings, structures, and equipment including but not limited to, machines, utensils, fixtures, employed or used with respect to preparation and packing the product.

(o) *Quality*. "Quality" means the combination of the inherent properties or attributes of a product which determines its relative degree of excellence.

(p) *Regulations*. "Regulations" means the regulations in this subpart.

(q) *Sample*. "Sample" means any number of sample units to be used for inspection.

(r) *Sample unit*. "Sample unit" means a container and/or its entire contents, a portion of the contents of a container or other unit of a commodity, or a composite mixture of a commodity to be used for inspection.

(s) *Sampling*. "Sampling" means the act of selecting samples of a commodity for the purpose of inspection under the regulations in this part.

(t) *Secretary*. "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the Consumer and Marketing Service to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 51.3 Designation of official certificates, memoranda, marks, other identifications and devices for purposes of the Agricultural Marketing Act.

Subsection 203(h) of the Agricultural Marketing Act of 1946, as amended by Public Law 272, 84th Congress, provides criminal penalties for various specified offenses relating to official certificates, memoranda, marks or other identifications, and devices for making such marks or identifications, issued or authorized under section 203 of said act, and certain misrepresentations concerning the inspection or grading of agricultural products under said section. For the purpose of said subsection and the provisions in this part, the terms listed below shall have the respective meanings specified:

(a) *Inspection certificate*. "Inspection certificate" means any form of certification, either written or printed, used under this part to certify with respect to the inspection, identification, class, grade, quality, size, quantity, or condition of products (including the compliance of products with applicable specifications).

(b) *Official memorandum*. "Official memorandum" means any initial record of findings made by an authorized person in the process of grading, inspecting, or sampling pursuant to this part, any processing or plant-operation report made by an authorized person in connection with grading, inspecting, or sampling under this part, and any report made by an authorized person of services performed pursuant to this part.

(c) *Official mark*. "Official mark" means the grade mark, inspection mark, combined form of inspection and grade mark, and any other mark, or any variations in such marks, including those pre-

scribed in § 51.49, approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product, stating that the product was graded or inspected, or both, or indicating the appropriate U.S. grade or condition of the product, or for the purpose of maintaining the identity of products graded or inspected, or both, under this part.

(d) *Official identification*. "Official identification" means any United States (U.S.) standard designation of class, grade, quality, size, quantity, or condition specified in this Part or any symbol, stamp, label or seal indicating that the product has been graded or inspected and/or indicating the class, grade, quality, size, quantity, or condition of the product approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product.

(e) *Official device*. "Official device" means a stamping appliance, branding device, stencil, printed label, or any other mechanically or manually operated tool that is approved by the Administrator for the purpose of applying any official mark or other identification to any product or the packaging material thereof; or any device approved and designated by the Administrator as a USDA official device for use as a color standard, defect guide, or other similar aid to interpret the U.S. Department of Agriculture grade standards and to facilitate conduct of the Inspection Service.

INSPECTION SERVICE

§ 51.4 Where inspection service is offered.

Products will be inspected at appropriate points indicated in paragraphs (a), (b), and (c) of this section whenever inspectors are available.

(a) *Shipping points*. Inspection service is available in all areas covered by cooperative agreements entered into on behalf of the Department with Cooperating Federal-State Inspection Agencies providing for this inspection work pursuant to authority contained in any Act of Congress, or may be provided in any other area which is not covered by a cooperative agreement if the Administrator determines that it is practicable to provide inspection service.

(b) *Destination markets*. Inspection is available in all central markets in which an inspection office is located.

(c) *Other destination points*. Inspection may be made at any point which may be conveniently reached from any terminal market in which an inspection office is located to the extent inspection personnel is available.

(d) *Addresses of offices*. Any prospective applicant may obtain an up-to-date list of inspection offices by addressing an inquiry to Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

§ 51.5 Who may obtain inspection service.

An application for inspection service may be made by any interested party, including, but not limited to, the United States and any instrumentality or agency thereof, any State, county, municipality, or common carrier, and any authorized agent in behalf of the foregoing.

§ 51.6 How to make application.

An application for inspection service may be filed in an office of inspection at any market referred to in § 51.4 (b), (c), or (d) or with any inspector. It may be made in writing, orally, by telegraph, or by telephone. If made orally or by telephone, the inspector may require that it be confirmed by applicant in writing or by telegraph. An application may be made for one or more lots, or it may be in the nature of a blanket application for inspection of all designated lots of a given commodity within a particular period, or for all designated lots loaded or received at a specified point.

§ 51.7 Form of application.

Each application for inspection service shall state (a) the name and address of the applicant and the name and capacity of the person, if any, making the application in his behalf; (b) the name and address of the shipper; (c) the kind and quantity of the products involved; (d) the interest of the applicant therein; (e) the identification of the products by (1) grade, brand, or other marks, if practicable, (2) car number of carrier or number of truck or name of boat, if practicable, and (3) the name and location of the store, warehouse, or other place where the products are located; (f) the particular quality or condition concerning which inspection is requested, to which may be added the time and place at which it is desired that the inspection be made; (g) when the lot is to be inspected in a receiving market, the name and address of the receiver; (h) the name of the shipping point and of the destination, when known; and (i) such other information as may be necessary for identification of the product, or as may be required by the inspector or the Administrator.

§ 51.8 Filing of application.

An application shall be regarded as filed only when made at the office of inspection nearest the place where the commodity is located. A record showing the date and time of filing shall be made and kept in such office.

§ 51.9 When application may be rejected.

An application may be rejected by the inspector in charge of the appropriate office of inspection if the applicant objects to the inspector cutting an adequate number of specimens to determine the interior quality or condition of the product to be inspected, or for failure of the applicant (a) to observe the regulations of this part, (b) to furnish necessary information or to make the commodity reasonably available or accessible for in-

spection, (c) to pay for previous inspection services rendered, or (d) when it appears that to perform the inspection and certification service would not be to the best interest of the Government. Such applicant shall be notified promptly of the reason for such rejection.

§ 51.10 When application may be withdrawn.

An application may be withdrawn by the applicant at any time before the inspection is performed: *Provided*, That the applicant shall pay any travel expenses, telephone, telegraph, or other expenses which have been incurred by the Inspection Service in connection with such application.

§ 51.11 Authority to request inspection.

Proof of the interest of an applicant in the product involved, or of the authority of any person applying for inspection in behalf of another may be required, at the discretion of the inspector.

§ 51.12 Accessibility of products.

The applicant shall cause the products for which inspection is requested to be made reasonably accessible for sampling or inspection and to be so placed as to disclose their quality or condition. Samples of the products drawn for examination shall be inspected only under such conditions as, in the opinion of the inspector, will permit a true and correct determination to be made of their quality or condition.

§ 51.13 Basis of service.

Inspection and certification service for quality and/or condition shall be based upon the appropriate standards promulgated by the U.S. Department of Agriculture, applicable standards prescribed by the laws of the State where the particular product was produced, specifications of any governmental agency, written buyer and seller contract specifications, or any written specification by an applicant which is approved by the Administrator: *Provided*, That if such product is regulated pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), or the comparable laws of any State, such inspection and certification shall be on the basis of the standards, if any, prescribed in, or pursuant to, the marketing order and/or agreement effective thereunder.

§ 51.14 Order of inspection service.

Inspection service shall be performed, insofar as practicable, in the order of which applications are received, except that precedence shall be given (a) to the inspection of lots involved in complaints filed pursuant to the Perishable Agricultural Commodities Act, 1930 (U.S.C. 449a et seq.), and (b) to appeal inspections. Precedence may also be given to applications made on behalf of the Federal or State Government.

§ 51.15 Financial interest of inspector.

No inspector shall inspect any product in which he is directly or indirectly financially interested.

§ 51.16 Postponing inspection service.

If the inspector has reason to believe that, because of latent defects due to climatic or other conditions, he is unable to determine the true quality or condition of the product, he shall postpone examination for such period as may, in his judgment, be reasonably necessary to enable him to determine its true quality or condition. Inspection shall also be postponed by the inspector, unless otherwise directed by the applicant, if in his judgment examination of the product when exposed to low temperatures may result in damage to the product.

§ 51.17 Official sampling.

Samples may be officially drawn by any duly authorized inspector and delivered, or shipped, for analysis and certification to the nearest designated market or to such market as shall be directed by the Administrator. The container in which such samples are delivered, or shipped, shall contain a statement, signed by the inspector who drew the samples, showing the time and place of the sampling and the brands or other identifying marks of the containers from which the samples were drawn. The certificate based on such samples shall show the time and place of drawing the samples, and the name of the inspector by whom they were drawn.

§ 51.18 Certificate forms.

Certificates shall be issued on forms approved by the Administrator.

§ 51.19 Issuance of certificates.

The inspector shall sign and issue a separate certificate for each lot inspected by him, except that when an application covers a number of lots a single certificate may be issued to cover all such lots: *Provided*, That (a) another employee of the Inspection Service may sign any such certificate covering any product inspected by an inspector when given power of attorney by such inspector and authorized by the Administrator, to affix the inspector's signature to an inspection certificate which has been prepared in accordance with the facts set forth in the notes, made by the inspector, in connection with the inspection; when (b) inspection is made by any person for the purpose of determining whether food products for use by such applicant comply with contract specifications therefor, a formal certificate need not be issued, but, the fact of such compliance or non-compliance may be indicated by affixing an appropriate stamp or mark on such products or the containers thereof, at the discretion of the inspector.

§ 51.20 Issuance of corrected certificates.

A corrected inspection certificate may be issued by the inspector who issued the original certificate after distribution of a certificate if errors, such as incorrect dates, grade statements, lot or car numbers, identification marks, types of containers, sizes, weights, quantities, or

errors in any other pertinent information require the issuance of a corrected certificate. Whenever a corrected certificate is issued, such certificate shall supersede the inspection certificate which was issued in error and the superseded certificate shall become null and void after the issuance of the corrected certificate.

§ 51.21 Disposition of inspection certificates.

(a) The original certificate, and not to exceed four copies (if requested by applicant prior to issuance), shall be delivered or mailed promptly to the applicant or to a person designated by him. One copy shall be filed in the office of the inspector when the inspection is made by a Federal Government employee, otherwise, it shall be filed in the appropriate office of the cooperating Federal-State Inspection Agency. Unless otherwise directed by the Administrator, two copies of each official certificate issued on products received in destination markets shall be forwarded to the Administrator to be kept on file in Washington and no copies of official certificates issued at shipping point need be so forwarded. In the case of any product covered by a marketing agreement and/or order effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), at least one copy of each certificate covering the inspection of such product shall, on request, be delivered to the administrative agency established thereunder, subject to such terms and conditions as the Administrator may prescribe. Copies may be furnished to other interested parties as outlined in § 51.41.

§ 51.22 Disposition of samples.

If it is necessary to take samples of the product to the inspection office for further examination, the inspector, after completion of inspection of such samples shall dispose of them or any usable portion as follows: (a) Ascertain from the applicant if the owner wants the samples returned to him at his expense, (b) if he does not want them returned at his expense, give them to a nonsectarian charitable organization or, (c) if they have a substantial monetary value, sell them and remit the proceeds to the Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, or if applicable, to the cooperating State Agency. Such proceeds shall be deposited to the credit of the Inspection Trust Fund, Federal or cooperating agency, whichever is applicable.

§ 51.23 Report of inspection results prior to issuance of formal report.

Upon request of an applicant, all or any part of the contents of a certificate covering an inspection requested by him may be telegraphed or telephoned to him, or to any person designated by him, at his expense. If the application for such information is received after the certificate has been issued, it will be considered as an application for an extra copy of the certificate, and the fees prescribed in § 51.41 shall apply.

APPEAL INSPECTION

§ 51.24 When appeal inspection may be requested.

An application for appeal inspection may be made by any financially interested person who is dissatisfied with the results of an inspection as stated in an inspection certificate, if the lot can be positively identified by the Inspection Service as the lot which was previously inspected.

§ 51.25 Where to file for an appeal inspection and information required.

An appeal inspection may be obtained by the applicant, or other person financially interested in the product, by filing a request (a) with the Inspection Office nearest the point where the product is located, or (b) with the inspector who made the original inspection, or (c) with any district supervisory inspection office, or (d) with the Administrator. The application for the appeal inspection shall state the reasons therefor, and shall be accompanied by a copy of any previous inspection certificate or inspection report, and any other information which the applicant received regarding the quality or condition of the product at the time of the original inspection. Such application may be made orally (in person or by telephone), in writing, or by telegraph. If made orally, written confirmation shall be made promptly.

§ 51.26 Record of filing time.

A record showing the date and time of filing an application for appeal inspection shall be made promptly by the receiving office.

§ 51.27 When appeal inspection may be refused.

An application for an appeal inspection may be refused if: (a) The reasons for the appeal inspection are frivolous or not substantial; (b) the quality or condition of the product has undergone a material change since the inspection covering the product on which the appeal inspection is requested; (c) the lot in question is not, or cannot be, made accessible for the inspection; (d) the lot relative to which appeal inspection is requested cannot be identified positively by the inspector as the lot which was previously inspected; or (e) there is non-compliance with the regulations in this part. Such an applicant shall be notified promptly of the reason for refusal.

§ 51.28 When an application for an appeal inspection may be withdrawn.

An application for appeal inspection may be withdrawn by the applicant at any time before the appeal inspection is performed: *Provided*, That the applicant shall pay any travel expenses, telephone, telegraph or other expenses which have been incurred by the Inspection Service in connection with such application.

§ 51.29 Order in which made.

Appeal inspections shall be made, as soon as practicable, following the time requested by the applicant and in the order in which applications are received.

They shall take precedence over all other pending applications, except applications for inspections covering lots involved in complaints filed pursuant to the Perishable Agricultural Commodities Act, 1930 as amended (7 U.S.C. 499a et seq.).

§ 51.30 Who shall perform appeal inspections.

Appeal inspections shall be performed by an inspector or inspectors authorized for this purpose by the Administrator and whenever practical, such appeal inspections shall be made by two inspectors.

§ 51.31 Appeal inspection certificate.

After an appeal inspection has been completed, an appeal inspection certificate shall be issued showing the results of such appeal inspection; and such certificate shall supersede the inspection certificate previously issued for the product involved. Each appeal inspection certificate shall clearly identify the number and date of the inspection certificate which it supersedes. The superseded certificate shall become null and void upon the issuance of the appeal inspection certificate and shall no longer represent the quality described therein. The inspector or inspectors issuing an appeal inspection certificate shall sign the certificate and forward notice of such issuance to such persons as considered necessary to prevent misuse of the superseded certificate if the original and all copies of such superseded certificate have not previously been delivered to the inspector or inspectors issuing the appeal inspection certificate. The provisions in the regulations in this part concerning forms of certificates and issuance of certificates, shall apply to appeal inspection certificates, except that copies of such appeal inspection certificates shall be furnished all interested parties who receive copies of the superseded certificate.

LICENSING OF INSPECTORS

§ 51.32 Who may be licensed.

Persons who are employed by a cooperative Federal-State Inspection Agency and possess adequate qualifications, as determined by such examinations as the Administrator may consider to be appropriate, may be licensed as inspectors of products which may be inspected under the regulations in this part. Such license shall bear the printed signature of the Secretary and shall be countersigned by an authorized employee of the Department. A licensed inspector shall perform his duties pursuant to the regulations in this subpart as directed by the Administrator.

§ 51.33 Application to become a licensed inspector.

Application to become a licensed inspector shall be made to the Administrator on forms furnished for that purpose. Each such application shall be filled in and signed by the applicant in his own handwriting, and the application shall contain or be accompanied by:

(a) A statement of present address, age, height, and weight of the applicant;

(b) A statement showing education and present and previous occupations, together with names of all employers for whom he has worked with periods of service, during the last 5 years previous to the date of his application;

(c) A statement by the applicant that he agrees to comply with all terms and conditions of the regulations in this part relating to the duties of inspectors; and

(d) Such other information as may be required by the Administrator.

§ 51.34 Suspension or revocation of license of a licensed inspector.

Pending final action by the Secretary, the Administrator may, whenever he deems such action necessary, suspend the license of any licensed inspector issued pursuant to the regulations in this part by giving notice of such suspension to the respective licensee, accompanied by a statement of the reasons therefor. Within 10 days after the receipt of the aforesaid notice and statement of the reasons by such licensee, he may file an appeal, in writing, with the Secretary, supported by any argument or evidence that he may wish to offer as to why his license should not be suspended or revoked. After the expiration of the aforesaid 10-day period and consideration of such argument and evidence, the Secretary will take such action as he deems appropriate with respect to such suspension or revocation. When no appeal is filed within the prescribed 10 days, the license shall be automatically revoked.

§ 51.35 Surrender of license.

Upon termination of his services as a licensed inspector, or suspension or revocation of his license, a licensee shall surrender his license immediately to the office of inspection serving the area in which he is located. These same provisions shall apply in case of an expired license.

§ 51.36 Expiration and renewal of license.

An inspector's license issued pursuant to the regulations in this part shall expire on June 30 of each year following the date of issuance. The license of an inspector may be renewed by the issuance of a new license and the renewal shall subject the inspector to the terms and conditions of the regulations in this part.

SCHEDULE OF FEES AND CHARGES AT DESTINATION MARKETS

§ 51.37 Amount of fees, rates, and charges.

For each lot of products inspected, a fee and expenses, determined in accordance with §§ 51.38 to 51.40 shall be paid by the applicant.

§ 51.38 Basis for charges.*

(a) The fee for each lot of products inspected by an inspector acting exclusively for the Department, except for peanuts, pecans and other nuts, shall be on the following basis:

* Carlot equivalent shall be based on the customary quantity of a product loaded in common carrier rail cars.

(1) Quality and condition inspections:

(i) \$15.00 for each over one-half carlot equivalent of an individual product up to a full carlot.

(ii) \$12.00 for each half carlot equivalent or less of an individual product.

(iii) \$30.00 maximum for inspection of each carlot equivalent when more than one kind of product is involved.

(2) Condition inspection only:

(i) \$12.00 for each over one-half carlot equivalent of an individual product up to a full carlot.

(ii) \$10.00 for each half carlot equivalent or less of an individual product.

(iii) \$24.00 maximum for inspection of each carlot equivalent when more than one kind of product is involved.

(3) When any lot involved is in excess of a carlot equivalent, the quantity shall be calculated in terms of carlot and fractions thereof of the customary carlot quantity for such carlots and carlot inspection fee rates: *Provided*, That such fractions shall be calculated in terms of fourths or next higher fourths.

(b) The base fee for peanuts (shelled), pecans or other nuts shall be 60 cents per ton: *Provided*, That the minimum fee shall be \$12 per lot, the different grades and varieties of peanuts shall be considered separate lots, and the fee for Farmers' stock peanuts (unshelled) shall be \$1.65 per ton.

(c) When inspections are made and the products inspected cannot readily be calculated in terms of carlots, or when the services rendered are such that a charge on the carlot or other unit basis would be inadequate or inequitable, charges for inspection may be based on the time consumed by the inspector in connection with such inspections, computed at the rate of \$6 per hour.

(d) Notwithstanding the fee rates prescribed in the preceding paragraphs, fees and charges for the inspection of small lots where detailed reports of inspection are not normally required, the following rates may be applied:

1 to 25 packages inclusive.....	\$3.25
26 to 50 packages inclusive.....	4.25
51 to 150 packages inclusive.....	6.00
151 to 1/2 customary carlot equivalent.....	9.00

(e) Whenever inspections are performed at the request of the applicant on Saturdays, Sundays, holidays or at any other periods which are outside the inspector's regular scheduled workweek, the charge for inspection service shall be \$3 per hour or portion thereof per inspector in addition to the regular commercial lot or hourly fees specified in this subpart.

§ 51.39 Fees for appeal inspections.

The fee to be charged for appeal inspections on all products shall be at the same rate as those set forth in this part except that when it is found that there was a material error in the determination based upon the original inspection, no fee will be charged, and except that appeal inspection for Government agencies

* For example, the inspection of small lots for export to Canada or delivery to private and public institutions.

shall be on the hourly basis prescribed in this part, plus traveling and other expenses authorized to be charged by the provisions in this part.

§ 51.40 Traveling and other expenses.

Costs including travel incurred by the Consumer and Marketing Service in providing inspection service at a place where no inspector is located or costs in appeal inspections requiring a second inspector may be charged to the applicant. These charges shall be included with the fee for inspection on the bill furnished the applicant.

§ 51.41 Fees for additional copies of inspection certificates.

Additional copies of any inspection certificate other than those provided for in § 51.21, may be supplied to any interested party upon payment of a fee of \$2.25 for each set of five, or less, copies.

§ 51.42 Charges for inspection services on a contract basis.

Irrespective of fees and charges prescribed in the foregoing sections, the Administrator may enter into contracts with applicants to perform inspection services pursuant to the regulations in this part and other requirements as prescribed by the Administrator in such contract, and the charges for such inspection services provided for in such contracts shall be on such basis as will reimburse the Consumer and Marketing Service of the Department for the full cost of conducting such inspection service, including an appropriate overhead charge to cover as nearly as practicable administrative overhead expenses, as may be determined by the Administrator.

§ 51.43 How fees shall be paid.

Fees shall be paid by the applicant in accordance with the directions on the fee bill furnished him by the billing office, and in advance, if required by the inspector.

§ 51.44 Disposition of fees.

(a) The fees collected for services rendered shall be disposed of as follows:

(1) Fees for inspections made by inspectors acting exclusively for the Consumer and Marketing Service shall be remitted promptly to the Consumer and Marketing Service.

(2) Fees for inspections made by an inspector acting under a cooperative agreement with a State or other organization shall be disposed of in accordance with the terms of such agreement. Such portion of the fees collected under a cooperative agreement with a State or other cooperating bodies as may be due the United States shall be remitted to the Consumer and Marketing Service.

(b) Fees and charges collected pursuant to §§ 51.40 to 51.41 shall be remitted to the Consumer and Marketing Service.

(c) Fees and charges collected pursuant to § 51.42 shall be disposed of in accordance with the terms of the contract.

SCHEDULE OF FEES AND CHARGES AT SHIPPING POINT AREAS

§ 51.45 Fees and charges at shipping point areas.

Fees for inspection performed under cooperative agreements pursuant to authority contained in any Act of Congress shall be those provided by such agreements.

MISCELLANEOUS

§ 51.46 Denial of inspection service.

Any or all benefits of the act may be denied any person for any of the following reasons: (a) Any willful misrepresentation or deceptive or fraudulent practice made or committed by any person in connection with the making or filing of an application for inspection service; (b) any fraudulent or unauthorized use, alteration, or imitation of any certificate issued pursuant to the regulations in this subpart; (c) any interference with or obstruction of any inspector or official sampler in the performance of his duties, by intimidation, threat, assault or any other improper means; or (d) any willful violation of the regulations in this subpart may be deemed sufficient cause for debarment of the person found guilty thereof from any or all benefits of the acts, after notice and opportunity for hearing has been accorded him. The rules of practice governing withdrawal of inspection and Grading Services, Part 50 of this chapter, shall govern the proceedings pursuant to this section.

§ 51.47 Political activity.

All inspectors are forbidden, during the period of their respective appointments or while holding a valid inspectors' license to take an active part in political campaigns and a violation by a licensee shall constitute grounds for revocation of his license. All Federal employees are subject to the applicable provisions of the Department's administrative regulations relating to political activity.

§ 51.48 Inspector's identification.

Each inspector shall have in his possession at all times, and pursuant upon request, while on duty, the means of identification furnished by the Department to such person.

§ 51.49 Approved identifications.

(a) *Grade marks.* The approved shield mark with the appropriate U.S. grade designation may be used on containers, labels or otherwise indicated on the package when: (1) The product has been packed under continuous inspection as provided by the Inspection Service, (2) the plant in which the product is packed is maintained under good commercial sanitary practices, and (3) the product has been certified by an inspector as meeting the requirements of U.S. Grade A, U.S. Grade No. 1, or a higher U.S. grade as shown within the shield. The shields with approved grade designation for use shall be similar in form and design to the examples in figures 1 and 2 of this section.



← BLUE
← WHITE
← RED

Shield using red, white and blue background.

FIGURE 1.



Shields with plain background.

FIGURE 2.

(b) *Inspection legends.* The approved continuous inspection legends may be used on containers, labels or otherwise indicated on the package when: (1) The product has been packed under continuous inspection provided by the Inspection Service, (2) the plant in which the product is packed is maintained under good commercial sanitary practices, and (3) the product meets the requirements of such quality, grade, or specification as may be approved by the Administrator. The continuous inspection legends approved for use shall be similar in form and design to the examples in figures 3 and 4.

PACKED UNDER
CONTINUOUS
INSPECTION
OF THE
U. S. DEPT. OF
AGRICULTURE

FIGURE 3.

PACKED BY

UNDER CONTINUOUS
FEDERAL-STATE
INSPECTION

FIGURE 4.

(c) *Combined grade and inspection legends.* The grade marks set forth in paragraph (a) of this section and illustrated by figures 1 and 2 of this section and the inspection legends set forth in paragraph (b) of this section and illustrated by figures 3 and 4 of paragraph (b) of this section may be combined into a consolidated grade and inspection legend for use on products which meet the requirements of both of these paragraphs. See figure 5.



PACKED BY

UNDER CONTINUOUS
FEDERAL-STATE
INSPECTION

FIGURE 5.

(d) *Other identification marks.* Products may be inspected on a lot inspection basis as provided in this part and identified by an official inspection mark similar in form and design to figure 6 of this paragraph. The use of this mark or other comparable identification marks may be required by the Administrator whenever he determines that such identification is necessary in order to maintain the identity of lots which have been inspected and certified.

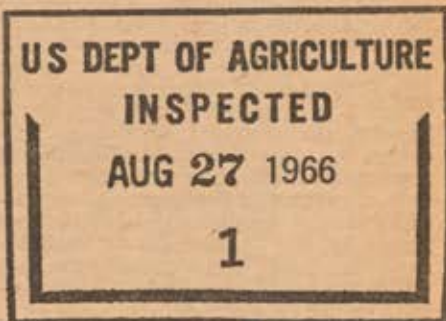


FIGURE 6.

§ 51.50 Custody of official inspection marking devices.

All official inspection marking devices as shown in figure 6 of § 51.49 shall be kept in the custody of the Consumer and Marketing Service and accurate records shall be kept of these devices. Each inspection office shall keep a record of the devices assigned to it. Such devices shall be distributed only to authorized

employees of the Department who shall keep the devices in their official possession or control at all times and keep complete records of such devices.

§ 51.51 Prohibited uses of approved identification.

No label or advertising material used on, or in conjunction with any product, shall bear a brand name, trademark, product name or any other descriptive material that incorporates, resembles, simulates, or alludes to any official U.S. Department of Agriculture grade mark, grade statement, continuous inspection legend, sampling mark or sampling statement, or combination of one or more thereof.

§ 51.52 Licensing and identification of certain official devices.

The Administrator may issue licenses permitting the manufacture, identification, distribution, and sale of any official device designated as a USDA color standard, defect guide or other similar aid under such terms and conditions as may be specified by the Administrator. Licenses shall be available to all persons meeting conditions prescribed by the Administrator, shall be nonexclusive, and shall be revocable for cause. No person shall manufacture, identify, distribute or sell any such official device except at the direction of or under license from the Administrator. Such official devices may be marked, tagged or otherwise designated with the prefix "USDA" together with other identifying words or symbols, as prescribed by the license.

REQUIREMENTS FOR PLANTS OPERATING UNDER CONTINUOUS INSPECTION ON A CONTRACT BASIS

§ 51.53 Continuous inspections.

Continuous inspection service which is associated with the use of the approved shield showing the U.S. grade, the approved continuous inspection legend, or both, on the container may be furnished whenever inspectors are available, the facilities and conditions are satisfactory for the conduct of the service, and there is a signed contract between the applicant and the Department or a cooperative Federal-State Inspection Agency in which it is agreed that such service will be conducted subject to regulations governing the inspection and certification of fresh fruits, vegetables, and other products, contained in this part and any additional and supplemental instructions issued by the Department or such instructions issued by a cooperating agency which are not inconsistent with those issued by the Department.

§ 51.54 Plant survey.

Prior to the inauguration of continuous Federal or Federal-State Inspection Service on a contract basis, the Administrator will make or cause to be made a survey and inspection where such service is to be performed to determine whether the premises, plant and facilities are suitable and adequate for the performance of such service in accordance

with the regulations in this part, including, but not limited to requirements contained in §§ 51.54 through 51.59.

§ 51.55 Premises.

The premises shall be free from conditions objectionable to packing operations, including, but not limited to litter, waste and refuse within the immediate vicinity of the plant buildings, excessively dusty roads, yards or parking lots, and poorly drained areas.

§ 51.56 Buildings and structures.

The packing plant buildings shall be properly constructed and maintained in a sanitary condition, including, but not limited to the following requirements:

(a) There shall be sufficient light consistent with the use to which the particular portion of the building is devoted and to permit efficient cleaning. The grading belts and bins shall be provided with sufficient proper nonglaring light to insure adequacy of grading and inspection operations;

(b) If the product is washed there shall be ample supply of water of a safe and sanitary quality with adequate facilities for its distribution throughout the plant and washing machinery;

(c) There shall also be an efficient waste disposal and plumbing system maintained in good repair;

(d) Each room in which the product is graded or stored shall be designed and constructed as to insure operating conditions of a clean and orderly character and shall be maintained in a clean and sanitary manner; and

(e) Every practical precaution shall be taken to exclude dogs, cats, rodents and other vermin from the rooms in which the products are to be graded or stored.

§ 51.57 Facilities.

Each packing plant shall be equipped with adequate sanitary facilities and accommodations, including but not being limited to the following:

(a) There shall be a sufficient number of adequately lighted toilet rooms, ample in size and conveniently located. Toilet rooms shall be adequately screened and equipped with self-closing doors, and shall have independent outside ventilation;

(b) Adequate lavatory accommodations and supplies shall be placed at such locations in or near toilet rooms as to insure the cleanliness of each person who grades or handles the product to be inspected; and

(c) Suitable facilities for cleaning shall be provided at convenient locations in the plant.

§ 51.58 Equipment.

All equipment used for receiving, washing, grading, packaging or storing shall be of such design, material and construction that it may be kept clean.

§ 51.59 Operations and operating procedures.

(a) The inspector shall refuse to permit the use of the official shield with

grade mark or continuous inspection legend on packages if the produce is from a field or orchard having a disease or other condition which may not be apparent on individual specimens at packing time but which may cause the product to materially decrease in quality after packing.

(b) All products which are certified shall be subjected to continuous inspection throughout the packing operations.

(c) The inspectors are available for consultation purposes but shall not become involved in plant operations.

(d) The Inspection Service will not be responsible for damages occurring through any act of commission or omission on the part of its inspectors when engaged in rendering continuous inspection service; for packing errors or misbranding of products; or for failure to supply enough inspectors during any period of service provided under the contract.

(e) The applicant for continuous inspection shall:

(1) Conform to all applicable regulations under which the continuous inspection service is conducted.

(2) Use only raw material which has been handled or stored under conditions which insures its suitability for packing; maintain the plant designated herein in such sanitary condition and to employ such methods of handling raw materials for packing as may be necessary to conform to the sanitary requirements prescribed in this part.

(3) Not permit any of his marks or labels or buyers' and distributors' marks or labels applied by him on which reference is made to continuous inspection to be used on any product not packed under this continuous inspection service; or permit any of his marks or labels or buyers' and distributors' marks or labels applied by him on which reference is made to any U.S. Grade to be used on any product which does not meet the requirements of such grade; or to supply labels bearing reference to continuous inspection service to another plant unless the products to which such labels are to be applied have been packed under continuous inspection.

(4) Furnish any reports of packaging and output of products inspected, as may be requested by the inspection agencies.

(5) Make available to inspectors adequate office space in the designated plant and furnish suitable desks and office equipment for the proper care of inspection records.

(6) Make his laboratory or other facilities and necessary equipment available for the use of inspectors in making inspection of samples.

(7) Furnish if required, such stenographic and clerical assistance as may be necessary in the typing of certificates and reports and the handling of official correspondence, as well as the labor incident to drawing of samples and facilitating adequate inspection procedure when necessary.

(8) Submit to the Consumer and Marketing Service, through the inspector

assigned to the plant or other representative of the Inspection Service for approval prior to use, copies or proof of each packer's or distributor's label bearing or referring in any manner to official identification of the designated packaged products hereunder.

(9) Not make deceptive, fraudulent, or unauthorized use in his advertising, or otherwise, of the continuous inspection service, the inspection certificates or reports issued, or the containers on which the shield of the Department is identified, in connection with the sale of any of the packaged products; and to submit to the Consumer and Marketing Service through the inspector assigned to the plant or other representative of the Inspection Service, for approval to use any proposed advertising in which reference is made to the Inspection Service.

§ 51.60 Termination of contracts.

In case the applicant wishes to terminate the contract he agrees either to continue the service until all unused containers, labels and advertising material on hand or in the possession of his supplier bearing the Department shield, or reference to continuous inspection service have been used, or to destroy such containers, labels and advertising material, or to obliterate the Department shield and all other reference to the continuous inspection service on said containers, labels, and advertising material, or otherwise furnish assurance satisfactory to the Consumer and Marketing Service that such containers, labels and advertising material will not be used in violation of the terms and conditions of this agreement. In case the continuous inspection service is terminated for cause by the Consumer and Marketing Service, the applicant agrees to destroy all unused containers, labels and advertising material on hand bearing the Department shield, or reference to continuous inspection service, or to obliterate the Department shield, and all reference to the continuous inspection service on said containers, labels and advertising material or otherwise furnish assurance satisfactory to the Consumer and Marketing Service that such containers, labels and advertising material will not be used in violation of the terms and conditions of the agreement.

§ 51.61 Congressional interest in contracts.

No member of, or delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of any contract provided for in the regulations in this subpart or to any benefit that may arise therefrom, but this provision shall not be construed to extend to such contract if made with a corporation for its general benefit, and shall not extend to any benefits that may accrue from the contract to a member of, or delegate to Congress, or a Resident Commissioner in his capacity as a farmer.

The Regulations Governing the Inspection, Certification, and Standardization of Fresh Fruits, Vegetables and other Products contained in this sub-

part shall become effective December 1, 1967.

Dated: October 24, 1967.

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

[P.R. Doc. 67-12760; Filed, Oct. 31, 1967;
8:45 a.m.]

**PART 51—FRESH FRUITS, VEGETABLES
AND OTHER PRODUCTS (INSPEC-
TION, CERTIFICATION AND STAND-
ARDS)**

**Subpart—U.S. Standards for Grades
of Pecans in the Shell¹**

On September 7, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 12799) regarding a proposed revision of the U.S. Standards for Grades of Pecans in the Shell (7 CFR 51.1400-51.1418).

Statement of considerations leading to the revision of the grade standards. Several communications have been received relative to the revised standards since their publication under notice of proposed rule making. A number of recommendations for changes were made by the industry.

In the light of the available information and the recommendations and comments from the industry, it is determined that some adjustments are needed in the proposed revised standards. The provisions of the standards as published herein are the same as proposed, except for the following changes:

In § 51.1403, the counts of the numbers of pecans per pound in the four size classifications are increased by approximately 5 percent. For example, the requirement for "Extra Large" size has been 53 to 60 nuts per pound, and is now 56 to 63 nuts per pound. These changes are made because of the gradual slight decrease in recent years of the average weight of individual nuts of a given diameter.

In § 51.1405 *Tolerances*, paragraph (a) (2) (U.S. No. 1 kernel defects) has been rearranged and reworded for clarification. Also, that portion of the total tolerance which may be applied to defective kernels of all classes is increased from 10 to 12 percent. This change has been made as a result of convincing evidence that the proposed 10-percent limitation on defects other than damage by skin discoloration was unreasonably restrictive.

In order to balance the increase from 10 to 12 percent permitted for general kernel defects, the separate tolerance for skin color defects is reduced from 10 to 8 percent. This tolerance applies only to kernels which are one color classification darker than the specified minimum skin

¹Packing 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.

color but which otherwise are of U.S. No. 1 quality.

Paragraph (b) (2) of § 51.1405 is changed in two respects to make the tolerances for kernel defects in the U.S. Commercial grade more restrictive. The total tolerance for kernel defects is reduced from 35 to 30 percent. Also a provision is added which restricts to 6 percent the number of defective kernels of the so-called "inedible" class which may be permitted within the 10 percent tolerance for "serious defects." These changes were requested by the industry in order to reflect a trade demand for a somewhat higher minimum quality requirement in the Commercial grade.

The "Small" size classification, inadvertently omitted from the published proposal, is added, and reflects the count adjustment.

All other provisions of the revision of the standards as published on September 7, 1967 remain unchanged.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following U.S. Standards for Grades of Pecans in the Shell are hereby promulgated pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1921-1927).

GRADES	
Sec.	
51.1400	U.S. No. 1.
51.1401	U.S. Commercial.
UNCLASSIFIED	
51.1402	Unclassified.
SIZE CLASSIFICATION	
51.1403	Size classification.
KERNEL COLOR CLASSIFICATION	
51.1404	Kernel color classification.
TOLERANCES	
51.1405	Tolerances.
APPLICATION OF STANDARDS	
51.1406	Application of standards.
DEFINITIONS	
51.1407	Fairly uniform in color.
51.1408	Loose extraneous or foreign material.
51.1409	Well developed.
51.1410	Fairly well developed.
51.1411	Poorly developed.
51.1412	Well cured.
51.1413	Light color.
51.1414	Light amber color.
51.1415	Amber color.
51.1416	Dark amber color.
51.1417	Damage.
51.1418	Serious damage.

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

§ 51.1400 U.S. No. 1.

"U.S. No. 1" consists of pecans in the shell which meet the following requirements:

- (a) Free from loose extraneous or foreign material
- (b) Shells are:
 - (1) Fairly uniform in color; and,
 - (2) Free from damage by any cause.