

for periods not to exceed one year upon the making of a new determination by the head of the Federal agency concerned.

(2) The Administrator may, by rule or regulation, exempt any or all Federal agencies from any or all of the provisions of this Order with respect to any class or classes of contracts, grants, or loans, which (A) involve less than specified dollar amounts, or (B) have a minimal potential impact upon the environment, or (C) involve persons who are not prime contractors or direct recipients of Federal assistance by way of contracts, grants, or loans.

(b) Federal agencies shall reconsider any exemption granted under subsection (a) whenever requested to do so by the Administrator.

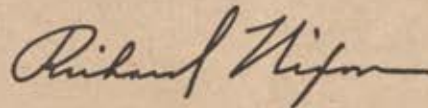
(c) The Administrator shall annually notify the President and the Congress of all exemptions granted, or in effect, under this Order during the preceding year.

SEC. 9. *Related Actions.* The imposition of any sanction or penalty under or pursuant to this Order shall not relieve any person of any legal duty to comply with any provisions of the Air Act or the Water Act.

SEC. 10. *Applicability.* This Order shall not apply to contracts, grants, or loans involving the use of facilities located outside the United States.

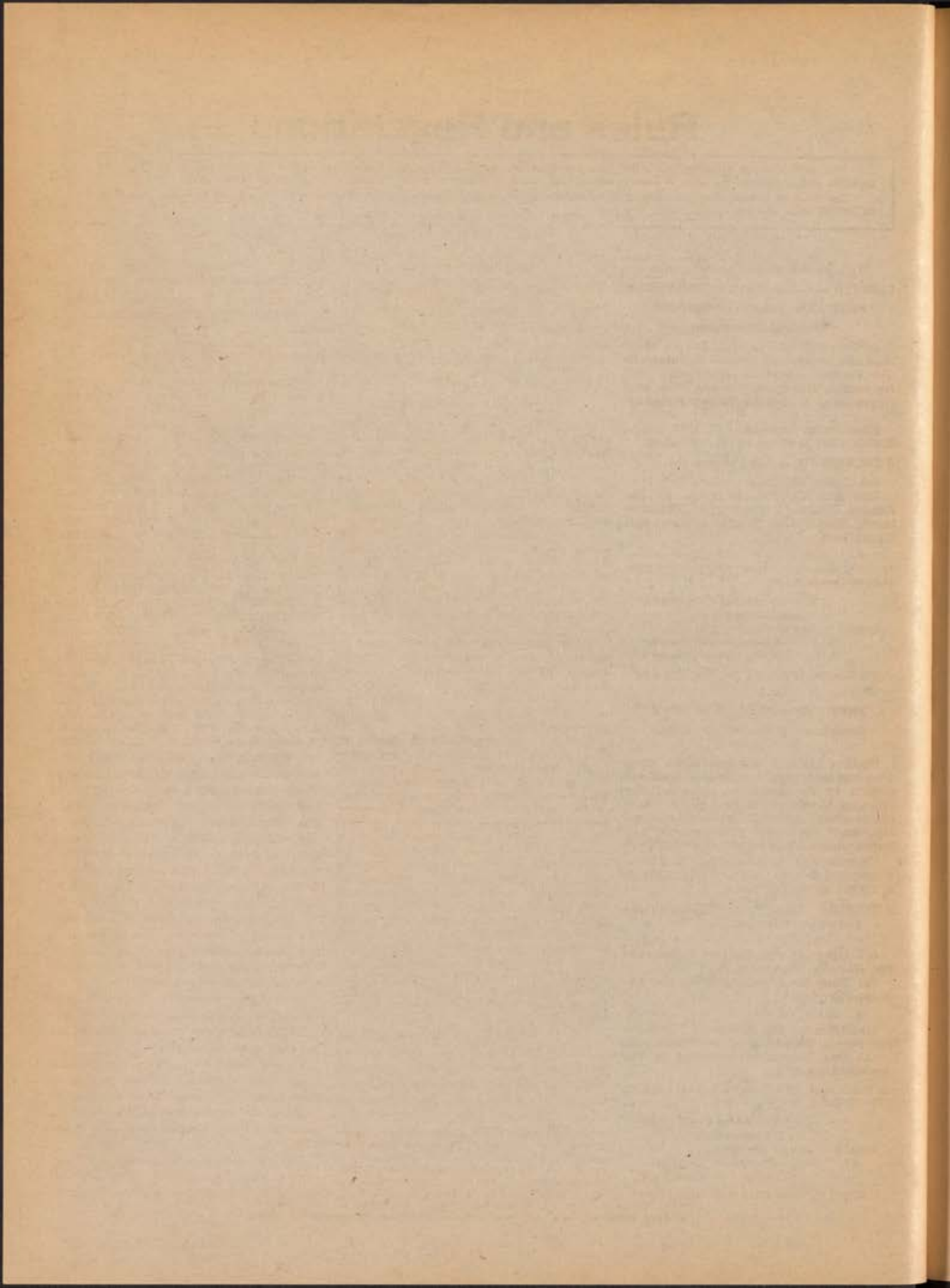
SEC. 11. *Uniformity.* Rules, regulations, standards, and guidelines issued pursuant to this order and section 508 of the Water Act shall, to the maximum extent feasible, be uniform with regulations issued pursuant to this order, Executive Order No. 11602 of June 29, 1971, and section 306 of the Air Act.

SEC. 12. *Order Superseded.* Executive Order No. 11602 of June 29, 1971, is hereby superseded.



THE WHITE HOUSE,  
September 10, 1973.

[FR Doc.73-19498 Filed 9-10-73; 4:35 pm]



# Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

## Title 5—Administrative Personnel

### CHAPTER I—CIVIL SERVICE COMMISSION

#### PART 213—EXCEPTED SERVICE

##### Treasury Department

Section 213.3305 is amended to show that one position of Special Assistant to the Deputy Assistant Secretary (Enforcement, Tariff and Trade Affairs, and Operations) is excepted under Schedule C.

Effective on September 12, 1973, § 213.3305(a) (49) is added as set out below.

#### § 213.3305 Treasury Department.

(a) *Office of the Secretary* \* \* \*

(49) One Special Assistant to the Deputy Assistant Secretary (Enforcement, Tariff and Trade Affairs, and Operations).

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954-58 Comp. p. 218)

#### UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc.73-19385 Filed 9-11-73; 8:45 am]

#### PART 213—EXCEPTED SERVICE

##### Department of Housing and Urban Development

Section 213.3384 is amended to show that one additional position of Staff Assistant to the Assistant Secretary for Housing Management, and one position of Executive Assistant to the Assistant Secretary for Policy Development and Research are excepted under Schedule C.

Effective on September 12, 1973, § 213.3384(c) (5) is amended and § 213.3384(d) is added as set out below.

#### § 213.3384 Department of Housing and Urban Development.

(c) *Office of the Assistant Secretary for Housing Management* \* \* \*

(5) Four Staff Assistants to the Assistant Secretary.

(i) *Office of the Assistant Secretary for Policy Development and Research*.

(1) One Executive Assistant to the Assistant Secretary.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954-58 Comp. p. 218)

#### UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc.73-19386 Filed 9-11-73; 8:45 am]

## Title 7—Agriculture

### CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTION, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

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

##### Inspection and Certification

A proposal to revise the Regulations Governing Inspection and Certification was published in the FEDERAL REGISTER of May 7, 1973 (38 FR 11348). Interested persons were allowed until July 5, 1973, to submit written data, views, or arguments for consideration in connection with the proposal.

These regulations are issued under the authority of the Agricultural Marketing Act of 1946 (Sec. 205, 60 Stat. 1087 et seq., as amended; 7 U.S.C. 1621 et seq.). This act authorizes official inspection and certification of processed fruits and vegetables, processed products thereof, and certain other processed food products.<sup>1</sup>

Such inspection and certification is voluntary and is made available upon request of financially interested parties and upon payment of a fee. The Act requires such fees to be reasonable and, as nearly as possible, to cover the cost of rendering the service.

*Statement of consideration leading to the revision of regulations.*—Comments were received from seven sources—individuals, the food processing industry, trade associations, and related interests.

One comment, from Topco Associates, Inc., expressed opposition to permitting the use of a U.S. grade statement, such as, "U.S. Grade A", on products inspected under a lot inspection program. Topco's objection indicated their concern that the product might not be graded, and that proper sanitation practices might not be observed by the plant. Topco's objection, while pertinent, is not reflected in these revisions because:

(1) Product graded on a lot basis may use a U.S. grade statement only if it has been inspected and certified by a USDA inspector as meeting the labeled grade; and

(2) To use a U.S. grade label on a lot inspected product, a plant must be surveyed and meet the same sanitation standards as plants operating under continuous inspection. The plants will be

<sup>1</sup> Among such other processed food products are the following: Honey, molasses, except for stockfeed; nuts and nut products, except oil; sugar (cane, beet, and maple); sirups (blended), except from grain; tea; cocoa; coffee; spices; condiments.

checked periodically and must be maintained in a sanitary manner.

The American Frozen Food Institute stated they had no adverse comments to offer.

In its comments, the California Date Administrative Committee requested that the proposed definition for "lot inspection" be expanded to recognize all locations at which a lot inspection could take place. The point is well taken and is included in the final document by an expanded definition of "lot". The Committee requested that the (new) requirement to separately mark or identify specific portions of lots that are to be inspected and certified separately from the whole lot, not be included. This point was not accepted because, for years, AMS has issued inspection certificates on small segments of large lots that have been inspected and certified. This has permitted the certification of small shipments made from the lot without restriction as to a specific code or days production. The certification indicates all of the codes in the lot, pertinent product information, the grade of the lot as a whole, and the number of cases involved. It is not AMS' intention to alter this policy. The requirement to separately mark and identify portions of a lot for certification will apply only when an applicant stipulates that a specific code or a specific portion of a lot is to be certified. The Committee's request to exclude plant sanitation surveys and inspection from inspection contracts between AMS and administrative agencies is not acceptable to AMS and is, therefore, not incorporated, as such, into the revised Regulations. The section caption has been slightly revised to clarify the scope of the sanitation requirements. While the clarification does not specifically include or exclude the AMS sanitation criteria in contracts with administrative agencies, neither does it prejudice the Administrator's prerogative to stipulate the sanitation criteria in contracts with administrative agencies.

The other comments received either concurred in the proposal, and/or addressed themselves to areas outside the purview of the regulations.

A few editorial changes have been made which either relocate materials into more logical sections of the regulations, or clarify the text of the revisions. No substantive changes have been made to the proposed revisions.

The revisions to the Regulations Governing Inspection and Certification contained in this subpart, and reprinted as

follows, shall become effective October 1, 1973.

Dated September 5, 1973.

E. L. PETERSON,  
Administrator,  
Agricultural Marketing Service.

The revisions are as follows:

1. Section 52.1 is revised to read as follows:

**§ 52.1 Administration of regulations.**

(b) All services provided under the regulations of this part, including the hiring and licensing of inspection, grading, and sampling personnel shall be conducted without discrimination because of race, color, sex, religion, or national origin.

2. Section 52.2 is revised as follows:

**§ 52.2 Terms defined.**

*Approved plant.*—See "Plant, approved".

*Case or shipping case.*—"Case" or "shipping case" means a unit consisting of a given number of primary containers of the same size, the number and arrangement per unit conforming to customary trade practice. For products not physically assembled into a shipping case (i.e. stacked bright) case means simulating the containers in such lot into a unit consisting of the same number of primary containers corresponding to customary trade practice (or corresponding to the unit as defined above).

*Class.*—See "Grade".

*Grade or class.*—"Grade" or "class" designates a level or rank of quality.

*Grader.*—See "Inspector".

*Inspection service.*—[See *Inspection service, general*, below.]

*Inspection service, general.* . . .

(d) Performance by an inspector of any related services such as observing the preparation of the product from its raw state through each step in the entire process; observing conditions under which the product is prepared, processed, and packed; or observing plant sanitation as a prerequisite to the inspection of the processed product, either on a continuous or periodic basis, or checkloading the inspected processed product in connection with the distribution or marketing thereof.

*Inspection service; types of.*—(a) "Lot inspection" means the inspection and grading of specific lots of processed fruits and vegetables which may be located in plant warehouses, commercial storage, railway cars, trucks, or any other conveyance, storage facility, or other location consistent with industry practices. Generally under "lot inspection" the inspector does not have knowledge of conditions and practices under which the product is packed and his grading is limited to examination of the finished processed product only.

(b) "Continuous inspection" is the conduct of inspection and grading services in an approved plant whereby one or more inspector(s) are present at all times the plant is in operation to make in-process checks on the preparation, processing, packing, and warehousing of all products under contract and to assure compliance with sanitary requirements.

(c) Pack certification is the conduct of inspection and grading services in an approved plant whereby one or more inspector(s) perform inspection and grading services on designated lots. The inspector(s) may make in-process checks on the preparation and processing of products under contract but is not required to be present at all times the plant is in operation.

*Inspector or grader.*—"Inspector" or "grader" means . . .

*Inspector in charge.*—"Inspector in Charge" means any inspector designated on a plant working shift or in a field office laboratory as the inspector in charge of the inspection work when authorized by the Administrator to act in that capacity.

*Inspector, subordinate.*—"Subordinate inspector" means any inspector assigned to a plant or field office to work under the direction of an inspector-in-charge.

*Inspector's aide.*—"Inspector's aide" means any employee of the Department authorized to perform a limited number and type of duties under the close supervision of an inspector.

*Lot.*—"Lot" means any number of containers of the same size and type which contain a processed product of the same type and style located in the same warehouse or conveyance, and which is available for inspection service at any one time: *Provided*, That the number of containers comprising a lot may not exceed the maximum number specified for a sample size of 60 as outlined in the sampling plans in § 52.38: *And further provided*, That (a) if the applicant requests a separate inspection certificate covering a specific portion of a lot, such portion must be separately marked or otherwise identified in such a manner as to permit sampling, inspection, and certification of such portion as a separate lot; and (b) under in-plant (in-process) inspection, the inspector is authorized to limit the number of containers of a processed product that may be included in a lot to the production of a single working shift when such production is not in compliance with specified requirements.

*Plant.*—"Plant" means the premises, buildings, structure, and equipment (including, but not being limited to machines, utensils, vehicles, and fixtures located in or about the premises) used or employed in the preparation, processing, handling, transporting and storage of fruits and vegetables, or the processed products thereof.

*Plant, approved.*—"Approved plant" means any plant in which the facilities, sanitation, and methods of operation

have been surveyed and approved for specific product(s) by the Administrator as suitable and adequate for inspection or grading service in accordance with §§ 52.81 through 52.83.

*Sample unit.*—"Sample unit" means a container and/or its entire contents, a portion of the contents of one or more containers or other unit of commodity, or a composite mixture of a product used for inspection.

**§§ 52.11, 52.25 [Amended]**

3. In §§ 52.11 and 52.25, the reference to § 52.48 is changed to read § 52.42.

4. Section 52.38 is revised to read:

**§ 52.38 Sampling plans and procedures for determining lot compliance.**

(a) Except as otherwise provided for in this section in connection with in-plant inspection and unless otherwise approved by the Administrator, samples shall be selected from each lot in the exact number of sample units indicated for the lot size in the applicable sampling plans: *Provided*, That at the discretion of the inspection service the number of sample units selected may be increased to the exact number of sample units indicated for any one of the larger sample sizes provided for in the appropriate plans.

(b) Under the sampling plans with respect to any specified requirement:

(1) If the number of deviants (as defined in connection with the specific requirement) in the sample does not exceed the acceptance number prescribed for the sample size, the lot meets the requirement;

(2) If the number of deviants (as defined in connection with the specific requirement) in the sample exceeds the acceptance number prescribed for the sample size, the lot fails the requirement.

(c) If in the conduct of on-line in-plant inspection of a product covered by a grade standard which does not contain sampling plans, the sample is examined before the lot size is known and the number of sample units exceeds the prescribed sample size for such lot, but does not equal any of the prescribed larger sample sizes, the lot may be deemed to meet or fail a specific requirement in accordance with the following procedure:

(1) If the number of deviants (as defined in connection with the specific requirement) in the nonprescribed sample does not exceed the acceptance number of the next smaller sample size, the lot meets the requirement;

(2) If the number of deviants (as defined in connection with the specific requirement) in the nonprescribed sample equals the acceptance number prescribed for the next larger sample size, additional sample units shall be selected to increase the sample to the next larger prescribed sample size;

(3) If the number of deviants (as defined in connection with the specific requirement) in the nonprescribed sample

exceeds the acceptance number prescribed for the next larger sample size, the lot fails the requirement.

(d) In the conduct of on-line in-plant inspection, sampling may be performed on a time interval basis. The sampling frequency shall be specified in an applicable grade standard or other procedural instruction approved by the Administrator.

(e) In the event that the lot compliance determination provisions of a standard or specification are based on the number of specified deviations instead of deviants the procedures set forth in this section may be applied by substituting the word "deviation" for the word "deviant" wherever it appears.

(f) Sampling plans referred to in this section are those contained in Tables I, II, III, IV, and V and (g) (1) and (g) (2) of this section which follow or any other plans which are applicable. For processed products not included in these tables, the minimum sample size shall be the exact number of sample units prescribed in the table, container group, and lot size that, as determined by the inspector, most closely resembles the product, type, container, size and amount of product to be sampled.

(g) (1) *Sampling plan for dried figs.*—For each 10,000 pounds (or fraction of 10,000 pounds) of product—6 sample units of approximately 35 figs each accumulated into 1 composite (at least 200 figs). Each composite will be examined separately, and all must meet the requirement for the U.S. Grade.

(2) *Sampling plan for dried fruits other than dates and figs.*—For each 15,000 pounds (or fraction of 15,000 pounds) of product—sample units of approximately 16 ounces each accumulated into 1 composite (at least 100 ounces). Each composite will be examined separately and all must meet the requirements for the U.S. Grade.

SAMPLING PLANS AND ACCEPTANCE LEVELS

Table I.—Canned or similarly processed fruits, vegetables, and products containing units of such size and character as to be readily separable

| Container size group                                                                                                                 | Lot size (number of containers) <sup>1</sup>                                  |              |               |               |                |                 |                 |                 |
|--------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|--------------|---------------|---------------|----------------|-----------------|-----------------|-----------------|
| Group 1: Any type container of a volume not exceeding that of a No. 303 size can.                                                    | 3,000 or less...                                                              | 3,001-12,000 | 12,001-30,000 | 30,001-84,000 | 84,001-145,000 | 145,001-228,000 | 228,001-336,000 | 336,001-480,000 |
| Group 2: Any type of container of a volume exceeding that of a No. 303 size can but not exceeding that of a No. 3 cylinder size can. | 1,500 or less...                                                              | 1,501-6,000  | 6,001-19,500  | 19,501-42,000 | 42,001-72,500  | 72,501-114,000  | 114,001-168,000 | 168,001-240,000 |
| Group 3: Any type of container of a volume exceeding that of a No. 3 cylinder size can, but not exceeding that of a No. 12 size can. | 750 or less...                                                                | 751-3,000    | 3,001-9,750   | 9,751-21,000  | 21,001-36,250  | 36,251-57,000   | 57,001-84,000   | 84,001-120,000  |
| Group 4: Any type of container of a volume exceeding that of a No. 12 size can.                                                      | Convert to equivalent number of 6 pound net weight containers and use group 3 |              |               |               |                |                 |                 |                 |
| Lot inspection:                                                                                                                      |                                                                               |              |               |               |                |                 |                 |                 |
| Sample size (number of sample units) <sup>2</sup> ...                                                                                | 3                                                                             | 6            | 13            | 21            | 29             | 38              | 48              | 60              |
| Acceptance number.....                                                                                                               | 0                                                                             | 1            | 2             | 3             | 4              | 5               | 6               | 7               |
| On-line in-plant inspection:                                                                                                         |                                                                               |              |               |               |                |                 |                 |                 |
| Sample size (number of sample units) <sup>2</sup> ...                                                                                | 3                                                                             | 6            | 6             | 13            | 21             | 29              | 38              | 48              |
| Acceptance number.....                                                                                                               | 0                                                                             | 1            | 1             | 2             | 3              | 4               | 5               | 6               |

<sup>1</sup> Under on-line in-plant inspection, a 5 percent overrun in number of containers may be permitted by the inspector before going to the next larger sample size.

<sup>2</sup> When a standard sample unit size is not specified in the U.S. grade standards, the sample units for the various container size groups are

as follows: Groups 1, 2, and 3—1 container and its entire contents. Group 4 approximately 2 pounds of product. When determined by the inspector that a 2-pound sample unit is inadequate, a larger sample unit may be substituted.

Table II.—Frozen or similarly processed fruits, vegetables, and products containing units of such size and character as to be readily separable

| Container size group                                                           | Lot size (number of containers) <sup>1</sup>                        |             |              |               |                |                 |                 |                 |
|--------------------------------------------------------------------------------|---------------------------------------------------------------------|-------------|--------------|---------------|----------------|-----------------|-----------------|-----------------|
| Group 1: Any type of container of 1 pound or less net weight.                  | 2,400 or less...                                                    | 2,401-9,600 | 9,601-31,200 | 31,201-67,200 | 67,201-116,000 | 116,001-182,400 | 182,401-268,800 | 268,801-384,000 |
| Group 2: Any type of container over 1 pound but not over 2½ pounds net weight. | 1,200 or less...                                                    | 1,201-4,802 | 4,801-15,600 | 15,601-33,600 | 33,601-58,000  | 58,001-91,200   | 91,201-134,400  | 134,401-192,000 |
| Group 3: Any type of container over 2½ pounds.                                 | Convert to equivalent number of 2½-pound containers and use group 2 |             |              |               |                |                 |                 |                 |
| Lot inspection:                                                                |                                                                     |             |              |               |                |                 |                 |                 |
| Sample size (number of sample units) <sup>2</sup> ...                          | 3                                                                   | 6           | 13           | 21            | 29             | 38              | 48              | 60              |
| Acceptance number.....                                                         | 0                                                                   | 1           | 2            | 3             | 4              | 5               | 6               | 7               |
| On-line in-plant inspection:                                                   |                                                                     |             |              |               |                |                 |                 |                 |
| Sample size (number of sample units) <sup>2</sup> ...                          | 3                                                                   | 6           | 6            | 13            | 21             | 29              | 38              | 48              |
| Acceptance number.....                                                         | 0                                                                   | 1           | 1            | 2             | 3              | 4               | 5               | 6               |

<sup>1</sup> Under on-line in-plant inspection, a 5% overrun in number of containers may be permitted by the inspector before going to the next larger sample size.

<sup>2</sup> When a standard sample unit size is not specified in the U.S. standards, the sample units for the various groups are as follows: Groups 1 and 2—1 container and its entire

contents. Group 3 containers up to 10 pounds—approximately 3 pounds of product. When determined by the inspector that a 3-pound sample unit is inadequate, a larger sample unit of 1 or more containers and their entire contents may be substituted for 1 or more sample units of 3 pounds.

Table III.—Canned, frozen, or otherwise processed fruits, vegetables, related products of a comminuted, fluid or homogeneous state

| Container size group                                                           | Lot size (number of containers) <sup>1</sup>                       |              |               |                |                 |                 |                 |                 |
|--------------------------------------------------------------------------------|--------------------------------------------------------------------|--------------|---------------|----------------|-----------------|-----------------|-----------------|-----------------|
| Group 1: Any type of container of 1 pound or less.                             | 4,500 or less...                                                   | 4,501-18,000 | 18,001-58,500 | 58,501-126,000 | 126,001-217,000 | 217,001-342,000 | 342,001-504,000 | 504,001-720,000 |
| Group 2: Any type of container exceeding 1 pound but not exceeding 3 pounds.   | 3,000 or less...                                                   | 3,001-12,000 | 12,001-30,000 | 30,001-84,000  | 84,001-145,000  | 145,001-228,000 | 228,001-336,000 | 336,001-480,000 |
| Group 3: Any type of container exceeding 3 pounds but not exceeding 10 pounds. | 1,500 or less...                                                   | 1,501-6,000  | 6,001-19,500  | 19,501-42,000  | 42,001-72,500   | 72,501-114,000  | 114,001-168,000 | 168,001-240,000 |
| Group 4: Any type of container exceeding 10 pounds.                            | Convert to equivalent number of 6-pound containers and use group 3 |              |               |                |                 |                 |                 |                 |
| Lot inspection:                                                                |                                                                    |              |               |                |                 |                 |                 |                 |
| Sample size (number of sample units) <sup>2</sup> ...                          | 3                                                                  | 6            | 13            | 21             | 29              | 38              | 48              | 60              |
| Acceptance number.....                                                         | 0                                                                  | 1            | 2             | 3              | 4               | 5               | 6               | 7               |
| On-line in-plant inspection:                                                   |                                                                    |              |               |                |                 |                 |                 |                 |
| Sample size (number of sample units) <sup>2</sup> ...                          | 3                                                                  | 6            | 6             | 13             | 21              | 29              | 38              | 48              |
| Acceptance number.....                                                         | 0                                                                  | 1            | 1             | 2              | 3               | 4               | 5               | 6               |

<sup>1</sup> Under on-line in-plant inspection, a five percent overrun in number of containers may be permitted by the inspector before going to the next larger sample size.

<sup>2</sup> When a standard sample unit size is not specified in the U.S. grade standards, the sample units for the various container size groups are as follows: Groups 1, 2, and 3—1

container and its entire contents. A smaller sample unit may be substituted in group 3 at the inspector's discretion. Group 4—approximately 16 ounces of product. When determined by the inspector that a 16-ounce sample unit is inadequate, a larger sample unit may be substituted.

Table IV.—Dehydrated (low moisture) fruits and vegetables

| Container size group                                                          | Lot size (number of containers) <sup>1</sup>                       |             |              |               |               |                |                 |                 |
|-------------------------------------------------------------------------------|--------------------------------------------------------------------|-------------|--------------|---------------|---------------|----------------|-----------------|-----------------|
| Group 1: Any type of container of 1 pound or less, net weight.                | 1,800 or less....                                                  | 1,801-7,200 | 7,201-23,400 | 23,401-50,400 | 50,401-87,000 | 87,001-136,800 | 136,801-201,600 | 201,601-288,000 |
| Group 2: Any type of container over 1 pound but not over 5 pounds net weight. | 600 or less....                                                    | 601-2,400   | 2,401-7,800  | 7,801-16,800  | 16,801-29,000 | 29,001-45,600  | 45,601-67,200   | 67,201-96,000   |
| Group 3: Any type of container over 5 pounds.                                 | Convert to equivalent number of 5-pound containers and use group 2 |             |              |               |               |                |                 |                 |
| Sample size <sup>2</sup> .....                                                | 3                                                                  | 6           | 13           | 21            | 29            | 38             | 48              | 60              |
| Acceptance number.....                                                        | 0                                                                  | 1           | 2            | 3             | 4             | 5              | 6               | 7               |

<sup>1</sup> Under on-line in-plant inspection, a 5 percent overrun in number of containers may be permitted by the inspector before going to the next larger sample size.

<sup>2</sup> When a standard sample unit size is not specified in the U.S. grade standards,

the sample units for the various container size groups are as follows: Group 1—1 container and its entire contents. Groups 2 and 3—1 container and its entire contents or a smaller sample unit when determined by the inspector to be adequate.

Table V.—Dates

| Container size group                                                          | Lot size (number of containers) <sup>1</sup>                        |             |              |               |                |                 |                 |                 |
|-------------------------------------------------------------------------------|---------------------------------------------------------------------|-------------|--------------|---------------|----------------|-----------------|-----------------|-----------------|
| Group 1: Any type of container of 1 pound or less net weight.                 | 2,400 or less....                                                   | 2,401-9,600 | 9,601-31,200 | 31,201-67,200 | 67,201-116,000 | 116,001-182,400 | 182,401-268,800 | 268,801-384,000 |
| Group 2: Any type of container over 1 pound but not over 5 pounds net weight. | 800 or less....                                                     | 801-3,200   | 3,201-10,400 | 10,401-22,400 | 22,401-38,667  | 38,668-60,800   | 60,801-89,600   | 89,601-128,000  |
| Group 3: Any type of container over 5 pounds.                                 | Convert to equivalent number of 5-pound containers and use group 2. |             |              |               |                |                 |                 |                 |
| Sample size <sup>2</sup> .....                                                | 3                                                                   | 6           | 13           | 21            | 29             | 38              | 48              | 60              |
| Acceptance number.....                                                        | 0                                                                   | 1           | 2            | 3             | 4              | 5               | 6               | 7               |

<sup>1</sup> Under in-line in-plant inspection, a five percent overrun in number of containers may be permitted by the inspector before going to the next larger sample size.

<sup>2</sup> Samples consist of 25-ounce sample units, each of which may be a composite of product from a sufficient number of individual containers from 1 case to make up the weight. When previous inspection results from a particular source so indicate, 1-com-

posite sample of 25 ounces of product may be formed from the 3-sample units in the smallest sample size, and 2-composite samples of 25 ounces each may be formed from the 6-sample units in the next to smallest sample size. Sample units in larger sample sizes may not be further composited.

#### 5. Section 52.48 is added and reads:

#### § 52.48 Charges for plant survey and inspection.

(a) The fees to be charged for a plant survey and inspection shall be at the rates prescribed in §§ 52.42 and 52.51.

(b) Fees charged for plant survey and inspection under section 52.42 of this part will be credited back to plants entering into an inspection contract with AMS within 60 days of the survey.

6. Section 52.52 is amended to read as follows:

#### § 52.52 Charges for inspection services on a contract basis.

(a) Irrespective of fees and charges prescribed in foregoing sections, or in this section, the Administrator may enter into contracts with applicants to perform continuous inspection services or other types of 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 service provided in such contracts shall be on such basis as will reimburse the Agricultural Marketing Service of the Department for the full cost of rendering such inspection service including an appropriate overhead charge to cover as nearly as practicable administrative overhead expenses as may be determined by the Administrator.

Irrespective of fees and charges prescribed in the foregoing sections, or in this section, the Administrator may enter into a written memorandum of understanding or contract, whichever may be appropriate, with any administrative agency charged with the administration of a marketing agreement or a marketing order effective pursuant to the Agricultural Marketing Agreement

Act of 1937, as amended (7 U.S.C. 601 et seq.) for the making of inspections pursuant to said agreement or order on such basis as will reimburse the Agricultural Marketing Service of the Department for the full cost of rendering such inspection service including an appropriate overhead charge to cover as nearly as practicable administrative overhead expenses as may be determined by the Administrator. Likewise, the Administrator may enter into a written memorandum of understanding or contract, whichever may be appropriate, with an administrative agency charged with an administration of a similar program operated pursuant to the laws of any State.

(c) Charges for year-round in-plant inspection services on a contract basis will be billed to the applicant at least once each 28 days for all hours worked with a minimum of 40 hours per week, holiday pay and night differential for each inspector and inspector's aide assigned to perform the inspection services in accordance with the following schedules:

(1) For personnel assigned on a year-round basis:

Inspector(s) in-charge—\$9.65 per hour.  
Subordinate inspector(s)—\$7.00 per hour.  
Inspector(s) in-charge—\$9.65 per hour.

(2) For personnel assigned on less than a year-round basis:

Inspector(s) in-charge—\$10.50 per hour.  
Subordinate inspector(s)—\$7.70 per hour.  
Inspector's aide(s)—\$5.30 per hour.

(3) *Travel expense.*—Since travel time and other travel costs in reporting to an assignment under this type agreement are covered in the hourly rate, no additional reporting charges will be made.

(4) *Holiday pay.*—Eight (8) hours will be charged each holiday for each person

assigned, whether or not work is performed. A 50 percent additional charge will be made for each hour worked up to 8 hours. For each hour worked above 8 hours the regular hourly rate will be charged.

(5) *Night differential.*—A 10 percent night differential charge will be made for all work performed between the hours of 6 p.m. and 6 a.m.

(6) *Overtime.*—All overtime hours will be charged at the regular rates specified herein rather than at an increased rate.

(d) Charges for less than year-round in-plant inspection services on a contract basis will be billed to the applicant at least once each 28 days for all hours with a minimum of 40 hours per week, holiday pay and night differential for each inspector and inspector's aide assigned to perform the inspection services in accordance with the following schedules:

(1) Each inspector assigned—first 280 hours—\$15.00 per hour.  
Each inspector assigned—in excess of 280 hours—\$11.00 per hour.  
Each inspector's aide—all hours—\$5.30 per hour.

(2) *Travel expense.*—The above rates apply to hours worked on the assignment. The salary for inspectors enroute and other travel expenses including per diem will not be billed for inspectors assigned on this contract.

(3) *Holiday pay.*—In addition to the above charges, 8 hours will be charged for each person assigned each holiday whether or not work is performed. An additional 50 percent, not to exceed \$5.50 per hour, will be charged for each hour worked up to 8 hours. The regular rate will be charged for all hours worked over 8 hours.

(4) *Night differential.*—A 10 percent differential, not to exceed \$1.10 per hour, will be charged for all work performed between the hours of 6 p.m. and 6 a.m.

(5) *Overtime.*—All overtime hours will be charged at the regular rates specified herein rather than at an increased rate.

(e) No Member of, or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of any contract provided for in this section 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.

7. Section 52.53 is revised to read:

§ 52.53 Approved identification.

(a) *General.*—Use of the approved identification marks described and illustrated in figures 1 through 8 of this section is restricted to processed products that:

- (1) Are clean, safe, and wholesome;
- (2) Have been produced in an approved plant;
- (3) Are truthfully and accurately labeled;

(4) Meet the quality requirements for U.S. Grade C or better;

(5) Meet applicable fill weight and/or drained weight, condition of container criteria, Brix or other characteristics of a commodity related to market value.

(6) Have been certified, or have been inspected and are eligible for certification, by an inspector; and, in addition, meet the specific requirements stated in paragraphs (b), (c), and (d) of this section.

(b) *Inspection (continuous) grade and inspection marks.*—The grade and inspection marks approved for use by plants operating under USDA continuous inspection service contracts shall be similar in form and design to the examples in figures 1 through 8 of this section. The inspection marks illustrated in figures 1 through 4 may only be used on products packed by plants operating under USDA continuous inspection.



FIGURE 1.



FIGURE 2.



Statement enclosed within a shield.

FIGURE 3.  
PACKED UNDER  
CONTINUOUS  
INSPECTION  
OF THE  
U. S. DEPT. OF  
AGRICULTURE

Statement without the use of the shield.

FIGURE 4.

(c) *Contract in-plant inspection (other than continuous) grade marks.*—The grade marks approved for use by plants operating under USDA contract inspection service (other than continuous) requiring a resident inspector shall be similar in form and design to the examples in figures 5 through 8 of this section.



Shield using red, white, and blue background or other colors appropriate for label.

FIGURE 5.



Shield with plain background.

FIGURE 6.



Shield with plain background.

FIGURE 7.

(d) *Approved plant-lot inspection grade mark.*—Processed products that are produced in an approved plant and inspected and certified by an inspector on a lot basis may be labeled with the official mark illustrated in figure 8. Failure to have all lots, bearing such official marks, inspected and certified shall be cause for the debarment of services and such other actions as provided for in the Agricultural Marketing Act of 1946.

U. S. GRADE A

U. S. CHOICE

Statement without the use of the shield.

FIGURE 8.

(e) *Sampling marks.*—Processed products which have been packed under inspection as provided for in this section and products sampled for inspection on a lot inspection basis as provided in this part may, at the option of the Department, be identified by an authorized representative of the Department by stamping the shipping cases and inspection certificate(s) covering such lot(s) with an officially drawn sampling mark similar in form and design to the example

in figure 9 of this section: *Provided:* That the stamp will not be placed on shipping cases where any grade designation is on the case or packages unless the product has been inspected and meets such grades.



FIGURE 9.

(f) *Removal of labels bearing approved grade or inspection marks (figures 1 through 8).*—(1) At the time a lot of processed products, bearing approved grade or inspection marks (figures 1 through 8) is found to be mislabeled, the processor shall separate and retain such lot for relabeling. Removal and replacement of labels shall be done, under the supervision of a USDA inspector within ten (10) consecutive calendar days or within such period of time as may be mutually agreed by the processor and USDA.

(2) The processor shall be held accountable to the Department for all mislabeled products until the products have been properly labeled.

(3) Clearance for the release of the relabeled product shall be obtained, by the processor, from the inspector.

(g) *Licensing and identification of certain official devices.*—The Administrator may issue licenses permitting the manufacture, identification, 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 recoverable 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.

(h) *Prohibited uses of approved identification.*—Except as specified in this section, no label or advertising material used upon, or in conjunction, with a processed product, as defined by these Regulations, shall bear a brand name, trademark, product name, company name, or any other descriptive material that incorporates, resembles, simulates, or alludes to, any official U.S. Department of

Agriculture certificate of quality or loading, grade mark, grade statement (except honey and maple syrup which may bear such grade mark or statement), continuous inspection mark, continuous inspection statement, sampling mark or sampling statement, or combinations of one or more thereof.

8. Section 52.54 is revised to read as follows:

§ 52.54 Debarment of service.

(a) The following acts or practices, or the causing thereof, may be deemed sufficient cause for the debarment, by the Administrator, of any person, including any agents, officers, subsidiaries, or affiliates of such person, from any or all benefits of the Act for a specified period. The rules of practice governing withdrawal of inspection and grading services set forth in 7 CFR Part 50 shall be applicable to such debarment action.

(1) *Fraud or misrepresentation.*—Any misrepresentation or deceptive or fraudulent practice or act found to be made or committed in connection with:

(i) The making or filing of an application for any inspection service;

(ii) The submission of samples for inspection;

(iii) The use of any inspection report or any inspection certificate, or appeal inspection certificate issued under the regulations in this part;

(iv) The use of the words "Packed under continuous inspection of the U.S. Department of Agriculture," any legend signifying that the product has been officially inspected, any statement of grade or words of similar import in the labeling or advertising of any processed product;

(v) The use of a facsimile form which simulates in whole or in part any official U.S. certificate for the purpose of purporting to evidence the U.S. grade of any processed product.

(2) *Willful violation of the regulations in this subpart.*—Willful violation of the provisions of this part of the Act.

(3) *Interfering with an inspector, inspector's aide, or licensed sampler.*—Any interference with, obstruction of, or attempted interference with, or attempted obstruction of any inspector, inspector's aide, or licensed sampler in the performance of his duties by intimidation, threat, assault, bribery, or any other means—real or imagined.

§ 52.56 [Revoked]

9. Section 52.56 is revoked.

10. Sections 52.81 through 52.87 are consolidated into new §§ 52.81–52.83 and revised to read as follows:

REQUIREMENTS FOR PLANTS TO BE APPROVED AND FOR PLANTS USING CONTRACT IN-PLANT INSPECTION SERVICES\*

§ 52.81 Plant survey.

Prior to a plant being approved, or the inauguration of in-plant inspection

\* Compliance with the above requirements does not excuse failure to comply with all applicable sanitary rules and regulations of city, county, State, Federal, or other agencies having jurisdiction over such plants and operations.

services, and at such intervals as may be deemed necessary or appropriate, the Administrator will make, or cause to be made, a survey and inspection of the plant where such inspection services are to be performed to determine whether the plant and methods of operation are suitable and adequate for the performance of such service in accordance with:

(1) The regulations in this part, including, but not limited to, the requirements contained in §§ 52.81 through 52.83; and

(2) The terms and provisions of any contract pursuant to which the service is to be performed: *Provided*, That, such survey(s) shall be repeated at least yearly.

§ 52.82 Basis of survey and plant inspection.

The plant survey and inspection will be based on the Regulations issued under the Federal Food, Drug, and Cosmetic Act—Human Foods; Good Manufacturing Practice (Sanitation) in Manufacture, Processing, Packing, or Holding (21 CFR, Part 128)—as may be modified or augmented by the Federal Food and Drug Administration, U.S. Department of Health, Education, and Welfare or the Administrator of the Agricultural Marketing Service.

§ 52.83 Reporting results of the plant survey and inauguration of inspection services.

(1) Results of the plant survey shall be reported in writing to a designated plant official.

(2) When the plant meets the requirements for the survey, inspection services may be inaugurated at a time mutually satisfactory to the plant management and USDA.

(3) When the plant fails the requirements of the survey, contract services shall be withheld until corrective action is completed to the satisfaction of the USDA.

[FR Doc.73-19178 Filed 9-11-73; 8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 73-SW-58; Amdt. 39-1714]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Model 206A, 206B, 206A-1, and 206B-1 Helicopters

There have been several reports of corrosion and plating breakdown on the main rotor strap fittings, P/N 206-010-155-11 and -15 and also on the mating pins, P/N 206-010-123-3. These surface imperfections could possibly result in fatigue cracks developing. Since this condition is likely to exist or develop in other helicopters of the Model 206 series design, an airworthiness directive is being issued in the interest of safety to reduce the service life of the main rotor strap fittings and pins from 2,400 hours to 1,200 hours and to require appropriate sealing during installation of the strap assemblies to prevent corrosion of the fittings and pins.

Since a situation exists that requires an immediate adoption of this regulation, it is found notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

**BELL.** Applies to Bell Model 206A, 206B, 206A-1 and 206B-1 helicopters certificated in all categories. Compliance required as indicated.

To prevent possible fatigue cracks in the main rotor retention strap fittings P/N 206-010-155-11 and -15, and the main rotor retention strap pin, P/N 206-010-123-3, accomplish the following:

a. Remove and replace retention strap fittings, P/N 206-010-155-11 and -15 and pins, P/N 206-010-123-3, with 1,100 or more hours total time in service on the effective date of this AD within the next 100 hours time in service.

b. Remove and replace fittings, P/N 206-010-155-11 and -15 and pins, P/N 206-010-123-3 with less than 1,100 hours total time in service on the effective date of this AD, prior to accumulating 1,200 hours total time in service.

c. Install replacement fittings and pins in accordance with the appropriate model maintenance and overhaul information manuals and provide corrosion protection as specified in Bell Helicopter Company, Technical Bulletin No. 206-(04-1)-73-1, dated March 9, 1973, or later FAA approved revision or as specified in an equivalent procedure approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, Federal Aviation Administration.

This amendment becomes effective September 15, 1973.

This amendment is made under the authority of secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Texas, August 31, 1973.

HENRY L. NEWMAN,  
Director, Southwest Region.

[FR Doc.73-19300 Filed 9-11-73;8:45 am]

[Airspace Docket No. 73-CE-8]

# **PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS**

## **Alteration of Transition Area**

On Pages 19413 and 19414 of the FEDERAL REGISTER dated July 20, 1973, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Dubuque, Iowa.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., November 8, 1973.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c).)

Issued in Kansas City, Missouri, on August 29, 1973.

JOHN M. CYROCKI,  
Director, Central Region.

In § 71.181 (38 FR 435), the following transition area is amended to read:

## **Dubuque, Iowa**

That airspace extending upward from 700 feet above the surface within an 8½ mile radius of the Dubuque Municipal Airport (latitude 42°24'10" N., longitude 90°42'32" W.; and within 3 miles on either side of the Dubuque VORTAC 321° radial, extending from the VORTAC to 8 miles northwest of the airport reference point; and within 3½ miles on either side of the Dubuque VORTAC 131° radial, extending from the VORTAC to 15½ miles southeast of the airport reference point, and that airspace extending upward from 1,200 feet above the surface, bounded by a line beginning at latitude 42°05'00" N., longitude 91°00'00" W., thence W. along latitude 42°05'00" N., to and N. along longitude 92°15'00" W., to and counterclockwise along the arc of a 29-mile radius circle centered on the Waterloo, Iowa VORTAC, to and E. along the S. edge of V-100, to and clockwise along the arc of a 29-mile radius circle centered on the Dubuque VORTAC, to and SE. along the SW. edge of V-218, to and S. along longitude 89°55'00" W., to and SW. along the NW edge of V-216, to 90°08'00" W., and S. to the N. edge of V-172, to and N. along longitude 91°00'00" W., to the point of beginning, excluding the portion which overlies the State of Illinois.

[FR Doc.73-19301 Filed 9-11-73;8:45 am]

[Airspace Docket No. 73-WA-37]

# **PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES**

## **Correction of Waypoint Location**

The purpose of this amendment to Part 75 of the Federal Aviation Regulations is to correct the "State" designation of waypoint Belle Terre. In the description of J807R, waypoint Belle Terre is designated as being located in the state of Connecticut, whereas it is actually located in the state of New York. Action is taken herein to correct that discrepancy.

Since this amendment is a minor editorial change on which the public would have no particular reason to comment, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 GMT, November 8, 1973, as hereinafter set forth.

§ 75.400 (38 FR 700) is amended as follows:

In J807R "Belle Terre, Conn." is deleted and "Belle Terre, N.Y." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c).)

Issued in Washington, D.C., on August 20, 1973.

CHARLES H. NEWPOL,  
Acting Chief, Airspace and  
Air Traffic Rules Division.

[FR Doc.73-19302 Filed 9-11-73;8:45 am]

## **Title 19—Customs Duties**

# **CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY**

[T.D. 73-258]

## **DESIGNATION OF THE BUREAU OF CUSTOMS AS UNITED STATES CUSTOMS SERVICE**

Treasury Department Order No. 165-23 provides that as of August 1, 1973, the Bureau of Customs is designated as the United States Customs Service. This necessitates amending the Customs Regulations to reflect the change in designation.

Accordingly, Chapter I, title 19 of the Code of Federal Regulations, the Customs Regulations, is amended to conform to Treasury Department Order No. 165-23 by substituting "United States Customs Service" for "Bureau of Customs" wherever the latter appears.

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C. 66, 1624)

Because this amendment merely conforms the Customs Regulations with a Treasury Department Order and requires no public initiative, notice and public procedure thereon is found to be unnecessary, and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

**Effective date.**—This amendment shall be effective on September 12, 1973.

[SEAL] VERNON D. ACREE,  
Commissioner of Customs.

Approved September 4, 1973.

EDWARD L. MORGAN,  
Assistant Secretary  
of the Treasury.

[FR Doc.73-19390 Filed 9-11-73;8:45 am]

## **PART 1—GENERAL PROVISIONS**

[T.D. 73-257]

## **Customs Stations, Region IX**

As the result of an urban renewal program the riverfront area of St. Clair, Michigan, that accommodated the St. Clair ferry operations has been converted into a waterfront park protected by a common seawall. Therefore, the St. Clair Customs station in the Detroit, Michigan, district (Region IX), no longer exists.

Accordingly, the designation of St. Clair, Michigan, as a Customs station is hereby revoked. To reflect this revocation, the table in § 1.3(d) of the Customs