

Presidential Documents

Title 3—

Proclamation 5030 of March 10, 1983

The President

Exclusive Economic Zone of the United States of America

By the President of the United States of America

A Proclamation

WHEREAS the Government of the United States of America desires to facilitate the wise development and use of the oceans consistent with international law;

WHEREAS international law recognizes that, in a zone beyond its territory and adjacent to its territorial sea, known as the Exclusive Economic Zone, a coastal State may assert certain sovereign rights over natural resources and related jurisdiction; and

WHEREAS the establishment of an Exclusive Economic Zone by the United States will advance the development of ocean resources and promote the protection of the marine environment, while not affecting other lawful uses of the zone, including the freedoms of navigation and overflight, by other States;

NOW, THEREFORE, I, RONALD REAGAN, by the authority vested in me as President by the Constitution and laws of the United States of America, do hereby proclaim the sovereign rights and jurisdiction of the United States of America and confirm also the rights and freedoms of all States within an Exclusive Economic Zone, as described herein.

The Exclusive Economic Zone of the United States is a zone contiguous to the territorial sea, including zones contiguous to the territorial sea of the United States, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands (to the extent consistent with the Covenant and the United Nations Trusteeship Agreement), and United States overseas territories and possessions. The Exclusive Economic Zone extends to a distance 200 nautical miles from the baseline from which the breadth of the territorial sea is measured. In cases where the maritime boundary with a neighboring State remains to be determined, the boundary of the Exclusive Economic Zone shall be determined by the United States and other State concerned in accordance with equitable principles.

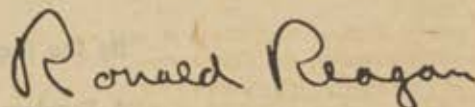
Within the Exclusive Economic Zone, the United States has, to the extent permitted by international law, (a) sovereign rights for the purpose of exploring, exploiting, conserving and managing natural resources, both living and non-living, of the seabed and subsoil and the superjacent waters and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds; and (b) jurisdiction with regard to the establishment and use of artificial islands, and installations and structures having economic purposes, and the protection and preservation of the marine environment.

This Proclamation does not change existing United States policies concerning the continental shelf, marine mammals and fisheries, including highly migratory species of tuna which are not subject to United States jurisdiction and require international agreements for effective management.

The United States will exercise these sovereign rights and jurisdiction in accordance with the rules of international law.

Without prejudice to the sovereign rights and jurisdiction of the United States, the Exclusive Economic Zone remains an area beyond the territory and territorial sea of the United States in which all States enjoy the high seas freedoms of navigation, overflight, the laying of submarine cables and pipelines, and other internationally lawful uses of the sea.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of March, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and seventh.



[FR Doc. 83-6727

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Editorial Note: A statement by the President on establishing the zone and a fact sheet on U.S. oceans policy, both dated Mar. 10, 1983, are printed in the *Weekly Compilation of Presidential Documents* (vol. 19, no. 10).

Rules and Regulations

Federal Register

Vol. 48, No. 50

Monday, March 14, 1983

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.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 58

Grading and Inspection, General Specifications for Approved Plants and Standards for Grades of Dairy Products

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This document revises the United States Standards for Grades of Dry Whole Milk. The revision removes the premium grade category and updates the quality criteria so that the standards accurately define the levels of quality of dry whole milk manufactured. This revision has been developed in cooperation with the American Dry Milk Institute.

EFFECTIVE DATE: May 13, 1983.

FOR FURTHER INFORMATION CONTACT: Richard W. Webber, Head, Standardization Section, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-7473.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum 1512-1 and has been classified a "non-major" rule under criteria contained therein.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that the revision will not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601-612), because it is a voluntary grade standard and the revision will not

increase the cost to those utilizing the standard.

In accordance with the United States Department of Agriculture policies for regulatory review, the Dairy Division's Standardization Section initiated a review of the U.S. Standards for Grades of Dry Whole Milk. A prior review had been started but had to be abandoned due to other program requirements. This current review commenced on October 24, 1980.

The review was organized to obtain both current and historical information to support the criteria of the standard as written, or to support any changes necessary for modernization of the standard that might become apparent from the review. It was the intent of the review to obtain as much information as possible from as many varied sources and interested parties as possible.

The review consisted of several phases. First, a computer search of the National Agricultural Library (NAL) resources pertaining to dry whole milk was conducted. From this search, a number of articles and texts were selected having a direct bearing on the standard review. Next, the dry milk industry was contacted for input via the American Dry Milk Institute. Also contacted were other interested parties who may use the product and, therefore, would have an interest in its quality criteria.

Dry Whole Milk (DWM) production for 1981 was 92.1 million pounds, approximately 7.0 percent of the production of nonfat dry milk (NDM) for the same period. However, unlike nonfat dry milk, the production and commercial sales of DWM are well balanced. For 1981 the commercial sales for DWM were 93.1 million pounds. This represents an 11 percent increase in production and a 29 percent increase in sales over year earlier figures. It is apparent that the DWM segment of the industry is viable and growing.

Traditionally, DWM has not been utilized as a beverage product in the United States. Many experiments and research projects have been conducted toward this objective, but the ready availability of fresh fluid milk and the excellent quality of NDM have not resulted in any consumer demand for DWM in this use. The primary use of DWM is as an ingredient in a variety of other foods such as ice cream, soups, candies and bakery products. A limited

quantity of DWM is produced for export as a beverage commodity.

The United States Standards for Dry Whole Milk currently in effect were established in December 1970. During the ensuing years, a number of technological advances have been accomplished within the dairy industry, new market trends and preferences have emerged, and improved milk quality has gained increased significance.

The DWM industry through its trade association, the American Dry Milk Institute, has worked closely with USDA on the preparation of this revision and supports the changes. This revision includes the following changes.

(a) The premium grade criteria and designation are eliminated. Premium grade was originally established as a quality level for DWM used as a beverage. DWM used as a beverage is not a normal item of commerce for the dairy industry.

(b) The Explanation of Terms section is expanded to provide clear definitions of the terminology used in the document and to be consistent with the format of other U.S. grade standards for dairy products.

(c) The reporting method for moisture content is changed to be consistent with the Food and Drug Administration (FDA) standard of identity for dry whole milk. This is not a substantive change in the allowable amount of moisture permitted by the standard.

(d) The solubility index criteria are increased for each grade level to be consistent with commercially produced DWM. This was requested by the American Dry Milk Institute.

(e) The oxygen content is eliminated as a grade criterion and its determination had been made optional. Determination of oxygen content is particularly important when DWM is used as a beverage. However, with the elimination of the premium grade criteria and designation, oxygen content as a grade criterion for the remaining grade designations is no longer appropriate.

USDA grade standards are voluntary standards that are developed to assist the orderly marketing process. Dairy plants are free to choose whether or not to use the grade standards. USDA grade standards for dairy products have been developed to identify the degrees of quality in the various products. Quality in general refers to the usefulness,

desirability, and value of a product—its marketability—but the precise definition of quality depends on the individual commodity. When dry whole milk is graded, the regulations governing the grading services of manufactured or processed dairy products, which require all graded dairy products to be produced in a USDA approved plant, would be in effect. These regulations also require a charge for grading services provided by USDA.

Public Comments

On November 16, 1982, the Department published a proposed rule to revise the United States Standards for Grades of Dry Whole Milk (47 FR 51581-51583).

The public comment period closed on January 17, 1983, with three parties submitting comments. The specific comments are as follows:

1. One respondent made four editorial change suggestions to improve consistency, to correct typographical errors and to improve readability for the users of the standards. All four suggested changes were accepted.

2. Two respondents requested the proposed revision be written to include dry whole milk produced from goat's milk. The Food and Drug Administration Standards of Identity for Dry Whole Milk (21 CFR 131.147) and Milk (21 CFR 131.110) do not include goat's milk. The Department, therefore, maintains that inclusion of goat's milk in the revision is not appropriate because the voluntary grade standard is based on a legally defined product.

3. One respondent requested the maximum butterfat criterion be removed to permit the higher butterfat found in goat's milk. Since the inclusion of goat's milk in the standards has been determined to be inappropriate, alteration of the butterfat criterion would also be inappropriate.

List of Subjects in 7 CFR Part 58

Food grades and standards, Dairy products.

PART 58—[AMENDED]

In consideration of the foregoing, 7 CFR Part 58 is amended by revising §§ 58.2701 through 58.2708 and the heading for Subpart S and by adding new §§ 58.2709 and 58.2710 to read as follows:

Subpart S—United States Standards for Grades of Dry Whole Milk

Definitions

- Sec.
58.2701 Dry whole milk.
58.2702 Milk.

U.S. Grades

- Sec.
58.2703 Nomenclature of U.S. grades.
58.2704 Basis for determination of U.S. grades.
58.2705 Specifications for U.S. grades.
58.2706 Basis for oxygen content determination.
58.2707 Optional tests.
58.2708 U.S. grade not assignable.
58.2709 Test methods.

Explanation of Terms

- 58.2710 Explanation of Terms.

Subpart S—United States Standards for Grades of Dry Whole Milk¹

Definitions

§ 58.2701 Dry whole milk.

"Dry whole milk" made by the Spray process or Roller process is the product obtained by removal of water only from pasteurized milk which may have been homogenized. Alternatively, dry whole milk may be obtained by blending fluid, condensed, or dried nonfat milk with liquid or dried cream or with fluid, condensed, or dried milk, as appropriate, provided the resulting dry whole milk is equivalent in composition to that obtained by drying. It contains the lactose, milk proteins, milkfat, and milk minerals in the same relative proportions as the milk from which it was made. It may be optionally fortified with either Vitamins A or D or both.

§ 58.2702 Milk.

The term "Milk", when used in this part, means milk produced by healthy cows and pasteurized at a temperature of 161° F. for 15 seconds or its equivalent in bacterial destruction before or during the manufacture of dry whole milk.

U.S. Grades

§ 58.2703 Nomenclature of U.S. grades.

The nomenclature of U.S. grades is as follows:

- (a) U.S. Extra grade.
(b) U.S. Standard grade.

§ 58.2704 Basis for determination of U.S. grades.

The U.S. grades of dry whole milk are determined on the basis of flavor, physical appearance, bacterial estimate, coliform estimate, direct microscopic count, milkfat content, moisture content, scorched particle content, and solubility index.

§ 58.2705 Specifications for U.S. grades.

(a) *U.S. Extra grade.* U.S. Extra grade dry whole milk shall conform to the following requirements (See tables I, II, and III):

(1) *Flavor.* (applies to the reconstituted product). Shall be sweet, pleasing and desirable. It may possess a slight feed flavor; and a definite cooked flavor. It shall be free from undesirable flavors.

(2) *Physical appearance.* Shall be white or light cream color, free from lumps that do not break up under slight pressure, and practically free from visible dark particles. The reconstituted product shall be free from graininess.

(3) *Bacterial estimate.* Not more than 50,000 per gram standard plate count.

(4) *Coliform estimate.* Not more than 10 per gram.

(5) *Milkfat content.* Not less than 26.0%, but less than 40.0%.

(6) *Moisture content.* Not more than 4.5% (as determined by weight of moisture on a milk solids not fat basis).

(7) *Scorched particle content.* Not more than 15.0 mg. for spray process, and 22.5 mg. for roller process.

(8) *Solubility index.* Not more than 1.0 ml. for spray process, and 15.0 ml. for roller process.

(b) *U.S. Standard grade.* U.S. Standard grade dry whole milk shall conform to the following requirements (See tables I, II, and III):

(1) *Flavor.* (applies to the reconstituted product) Shall be sweet and should have a pleasing flavor. It may possess the following flavors to a slight degree: bitter, oxidized, scorched, stale, and storage; and to a definite degree: feed and cooked. It shall be free from undesirable flavors.

(2) *Physical appearance.* Should be white or light cream color, but may possess a slight unnatural color; and shall be free from lumps that do not break up under moderate pressure; and reasonably free from visible dark particles. The reconstituted product shall be reasonably free from graininess.

(3) *Bacterial estimate.* Not more than 100,000 per gram standard plate count.

(4) *Coliform estimate.* Not more than 10 per gram.

(5) *Milkfat content.* Not less than 26.0%, but less than 40.0%.

(6) *Moisture content.* Not more than 5.0% (as determined by weight of moisture on a milk solids not fat basis).

(7) *Scorched particle content.* Not more than 22.5 mg. for spray process and 32.5 mg. for roller process.

(8) *Solubility index.* Not more than 1.5 ml. spray process, and 15.0 ml. for roller process.

§ 58.2706 Basis for oxygen content determination.

Oxygen content (if gas packed) is not a U.S. grade requirement. Percentage of oxygen content will be made available

¹ Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

only on a U.S. graded product and the results will be shown on the grading certificate as follows:

Oxygen Content

Not more than 2% Oxygen or,
Not more than 3% Oxygen or,
Oxygen content —%

TABLE I.—CLASSIFICATION OF FLAVOR

Identification of flavor characteristics	U.S. extra grade	U.S. standard grade
Cooked	Definite	Definite.
Feed	Slight	Definite.
Bitter		Slight.
Oxidized		Slight.
Scorched		Slight.
Stale		Slight.
Storage		Slight.

TABLE II.—CLASSIFICATION OF PHYSICAL APPEARANCE

Identification of physical appearance characteristics	U.S. extra grade	U.S. standard grade
Dry product:		
Unnatural color	None	Slight.
Lumps	Slight pressure	Moderate pressure.
Visible dark particles.	Practically free	Reasonably free.
Reconstituted product:		
Grainy	Free	Reasonably free.

TABLE III.—CLASSIFICATION ACCORDING TO LABORATORY ANALYSIS

Laboratory tests	U.S. extra grade	U.S. standard grade
Bacterial estimate, SPC/gram.	50,000	100,000.
Coliform estimate/gram.	10	10.
Milkfat content, percent.	Not less than 26.0, But less than 40.0.	Not less than 26.0, but less than 40.0.
Moisture content, percent ¹ .	4.5	5.0
Scorched particle content, mg:		
Spray proc.	15.0	22.5.
Roller proc.	22.5	32.5.
Solubility index, mt:		
Spray proc.	1.0	1.5.
Roller proc.	15.0	15.0.

¹Milk solids not fat basis.

§ 58.2707 Optional tests.

There are certain optional test requirements in addition to those specified in section 58.2705. Testing for these requirements may be done occasionally at the option of the Department and will be done whenever they are requested by an interested party.

These optional requirements are as follows:

(a) *Copper content*. Not more than 1.5 p.p.m.

(b) *Iron content*. Not more than 10 p.p.m.

(c) *Titrate acidity*. Not more than 0-15 percent.

(d) *Vitamin addition*. When either or both Vitamin A or D is added, they shall be present in such quantity that, when prepared according to label directions, each quart of the reconstituted product shall contain:

Vitamin A. Not less than 2,000 I.U.
Vitamin D. 400 I.U.

§ 58.2708 U.S. grades not assignable.

Dry whole milk shall not be assigned a U.S. grade for one or more of the following reasons:

(a) Fails to meet the requirements for U.S. Standard grade.

(b) Has a direct microscopic clump count exceeding 100 million per gram.

(c) Fails to meet the requirements for any optional tests as specified in section 58.2707, when such tests have been performed.

(d) Produced in a plant found on inspection to be using unsatisfactory manufacturing practices, equipment, or facilities, or to be operating under unsanitary plant conditions.

(e) Produced in a plant which is not USDA approved.

§ 58.2709 Test methods.

All required tests, and optional tests when specified, shall be performed in accordance with "Methods of Laboratory Analysis", DA Instruction No. 918-103 (dry milk products series), Dairy Grading Branch, AMS, U.S. Department of Agriculture, Washington, DC 20250; and "Official Methods of Analysis of the Association of Official Analytical Chemists", 13th Ed. or latest revision.

Explanation of Terms

§ 58.2710 Explanation of terms.

(a) *With respect to flavor:*

(1) *Slight*. An attribute which is barely identifiable and present only to a small degree.

(2) *Definite*. An attribute which is readily identifiable and present to a substantial degree.

(3) *Undesirable*. Those flavors in excess of the intensity permitted or those not otherwise listed.

(4) *Bitter*. Similar to taste of quinine and produces a puckery sensation.

(5) *Cooked*. Similar to a custard flavor and imparts a smooth aftertaste.

(6) *Feed*. Feed flavors (such as alfalfa, sweet-clover, silage, or similar feed) in milk carried through into the dry whole milk.

(7) *Oxidized*. A flavor resembling cardboard and sometimes referred to as "cappy" or "tallowy".

(8) *Scorched*. A more intensified flavor than "cooked" and imparts a burnt aftertaste.

(9) *Stale, Storage*. Lacking in freshness and imparting a "rough" or "harsh" aftertaste.

(10) *Sweet*. The lack of detectable acidity.

(b) *With respect to physical appearance:*

(1) *Practically free*. Is barely identifiable upon examination and present to a very small degree.

(2) *Reasonably free*. Is easily identifiable upon examination and present to a small degree.

(3) *Slight pressure*. Lumps fall apart with only light touch.

(4) *Moderate pressure*. Only sufficient pressure to disintegrate the lumps readily.

(5) *Grainy*. Minute particles of undissolved powder appearing in a thin film on the surface of a glass or tumbler.

(6) *Unnatural color*. A color that is more intense than light cream and/or is brownish, dull or grey-like.

(7) *Lumps*. Loss of powdery consistency but not caked into hard chunks.

(8) *Visible dark particles*. The presence of scorched or discolored specks readily visible to the eye.

(Agricultural Marketing Act of 1946, Sec. 203, 205, 60 Stat. 1087, as amended, 1090, as amended; 7 U.S.C. 1622, 1624)

Effective Date: May 13, 1983.

Done at Washington, D.C. on March 8, 1983.

Eddie F. Kimbrell,

Deputy Administrator, Commodity Services.

[FR Doc. 83-6514 Filed 3-11-83; 8:45 am]

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7 CFR Part 907

[Navel Orange Reg. 560, Amdt. 1]

Navel Oranges Grown in Arizona and Designated Part of California; Minimum Size Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation continues through July 28, 1983, the current minimum diameter requirement of 2.32 inches for fresh shipments of navel oranges produced in Arizona and designated part of California. Such action is necessary to promote orderly marketing of suitable sizes of fresh