

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 52

[FV-95-326]

#### United States Standards for Grades of Frozen Green and Frozen Wax Beans

**AGENCY:** Agricultural Marketing Service.

**ACTION:** Proposed rule.

**SUMMARY:** In response to a petition from the National Food Processors Association, the Agricultural Marketing Service (AMS) has reviewed and proposes to revise the United States Standards for Grades of Frozen Green and Frozen Wax Beans (hereinafter referred to as "frozen green beans"). The proposed rule would change the U.S. grade standards for frozen green beans by: Providing for the "individual attributes" lot acceptance procedure for product grading with sample sizes, acceptable quality levels (AQL's), tolerances and acceptance numbers (number of allowable defects); establishing AQL's and acceptance numbers based on a specified sample size of 13 sample units; and making minor editorial changes.

**DATES:** Comments must be received on or before April 17, 1995.

**ADDRESSES:** Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in duplicate to the Office of the Branch Chief, Processed Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Room 0709, South Building, P.O. Box 96456, Washington, D.C. 20090-4693. Comments should reference the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Branch Chief during regular business hours.

**FOR FURTHER INFORMATION CONTACT:** James R. Rodeheaver, Processed Products Branch, Fruit and Vegetable

Division, Agricultural Marketing Service, U.S. Department of Agriculture, Room 0709, South Building, P.O. Box 96456, Washington, D.C. 20090-6456, Telephone (202) 720-4693.

**SUPPLEMENTARY INFORMATION:** The United States Department of Agriculture (USDA) is issuing this proposed rule in conformance with Executive Order 12866.

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have retroactive effect. This proposed rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule.

The AMS Administrator has certified that this action will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act, P.L. 96-354 (5 U.S.C. 601 *et seq.*), because it reflects current marketing practices. In addition, these standards are voluntary. A small entity may avoid incurring any additional economic impact by not employing the standards.

USDA received a petition from the National Food Processors Association (NFPA), requesting that the U.S. grade standards for frozen green beans be revised. NFPA is a trade association representing over 450 food industry companies.

NFPA's grade standards review subcommittee is responsible for reviewing the existing U.S. grade standards for canned and frozen fruits and vegetables to ascertain whether the standards remain current and reflect processing and marketing practices. Based on the subcommittee's recommendation, NFPA requested that the U.S. grade standards for frozen green beans, which are currently based on "full attributes," where defects are grouped into four categories (minor, major, severe, and critical) with acceptable quality levels (AQL's) for each grouping, be revised.

Their recommendation was to convert the U.S. grade standards to statistically-based individual attributes grade standards, similar to the recently revised U.S. grade standards for canned green and wax beans (58 FR 4295,

January 14, 1993) where each defect has its own AQL. Canned green beans and frozen green beans standards would be similar in design and format.

This proposal is based on the discussion drafts provided to the industry in December 1993, March 1994, and April 1994 through their major trade associations, the American Frozen Food Institute (AFFI) and NFPA. The drafts incorporated a grading system where individual tolerances would be assigned to each individual defect. This proposal would provide statistically derived acceptable quality levels (AQL's) based on the tolerances in the current standards (except some tolerances were changed to be similar to the tolerances in canned green beans). The proposal also includes minor editorial changes and provides a uniform format consistent with recent revisions of other U.S. grade standards. The format is designed to provide industry personnel and agricultural commodity graders with simpler and more comprehensive standards. Definitions of terms and easy-to-read tables have been incorporated to assure a better understanding and uniform application of the standards. USDA believes that this proposed rule would facilitate trade between processors and buyers and improve the marketing of frozen green beans.

#### List of Subjects in 7 CFR Part 52

Food grades and standards, Food labeling, Frozen foods, Fruit juices, Fruits, Reporting and recordkeeping requirements, Vegetables.

For the reasons set forth in the preamble, the U.S. Department of Agriculture proposes to revise Subpart—United States Standards for Grades of Frozen Green Beans and Frozen Wax Beans of 7 CFR Part 52 as follows:

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

1. The authority citation for Part 52 continues to read as follows:

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

2. Part 52, Subpart—United States Standards for Grades of Frozen Green Beans and Frozen Wax Beans is revised to read as follows:

## Subpart—United States Standards for Grades of Frozen Green Beans and Frozen Wax Beans

Sec.	
52.2321	Product description.
52.2322	Styles.
52.2323	Types.
52.2324	Kinds of pack.
52.2325	Definitions of terms.
52.2326	Grades.
52.2327	Factors of quality.
52.2328	Allowances for defects.
52.2329	Sample size.
52.2330	Quality requirements criteria.

### § 52.2321 Product description.

“Frozen green beans” and “frozen wax beans,” hereinafter called “frozen beans,” means the frozen product prepared from the clean, sound, succulent pods of the bean plant. The pods are stemmed, washed, blanched, sorted, and properly drained. The product is frozen in accordance with good commercial practice and maintained at temperatures necessary for the preservation of the product.

### § 52.2322 Styles.

(a) *Whole* means frozen beans consisting of whole pods, which after removal of either or both ends, are not less than 44 mm (1.75 in) in length.

(b) *Cut or cuts* means frozen beans consisting of pods that are cut transversely into pieces less than 70 mm (2.75 in) but not less than 19 mm (0.75 in) in length.

(c) *Short cut or short cuts* means frozen beans consisting of pieces of pods of which 75 percent or more are less than 19 mm (0.75 in) in length and not more than 1 percent are more than 32 mm (1.25 in) in length.

(d) *Mixed* means a mixture of two or more of the following styles of frozen beans: whole, cut, or short cut.

(e) *Sliced lengthwise, or French style* means frozen green beans consisting of pods that are sliced lengthwise.

### § 52.2323 Types.

The type of frozen beans is not incorporated in the grades of finished product, since it is not a factor of quality. The types of frozen beans are described as “round type” and “Romano or Italian type.”

(a) *Round type* means frozen beans having a width not greater than 1½ times the thickness of the beans.

(b) *Romano or Italian type* means frozen beans having a width greater than 1½ times the thickness of the beans.

### § 52.2324 Kinds of pack.

The kind of pack of frozen beans is not incorporated in the grades of finished product, since it is not a factor of quality. The kinds of pack of frozen

beans are described as “regular process,” “extended blanch process,” and “special pack.”

(a) *Regular process* means the frozen beans are processed in such a manner that the brightness is not affected by the process.

(b) *Extended blanch process* means the frozen beans are intentionally processed in such a manner that the brightness is affected by the process.

(c) *Special pack* means the frozen bean pack intentionally contains beans of two or more varietal characteristics (such as a mixture of green and wax beans).

### § 52.2325 Definitions of terms.

(a) *Acceptable Quality Level (AQL)* means the maximum percent of defective units or the maximum number of defects per hundred units of product that, for the purpose of acceptance sampling, can be considered satisfactory as a process average.

#### (b) *Blemish.*

(1) *Minor blemish* means any unit which is affected by scars, pathological injury, insect injury or other means in which the aggregate area affected exceeds the area of a circle 3 mm (0.125 in) in diameter or the appearance or eating quality of the unit is slightly affected.

(2) *Major blemish* means any unit which is affected or damaged by discoloration or any other means to the extent that the appearance or eating quality of the unit is more than slightly affected.

(3) *Total blemish* means the total of the major and minor blemishes.

(c) *Brightness* means the extent that the overall appearance of the sample unit as a mass is affected by dullness. (Applies to “regular process” only).

(1) Grade A: Not affected.

(2) Grade B: Slightly affected.

(3) Grade C: Materially affected.

(4) Substandard: Seriously affected.

#### (d) *Character.*

(1) *Round type—Green Beans.*

(i) *Good character* means the pods are full fleshed; after cooking, the pods are tender and the seeds are not mealy.

(ii) *Reasonably good character* means the pods are reasonably fleshy; after cooking, the pods are tender and the seeds are not mealy.

(iii) *Fairly good character* means the pods have not entirely lost their fleshy structure; after cooking, the pods are fairly tender and the seeds may be slightly mealy.

(iv) *Poor character* means the beans fail the requirements for “fairly good character.”

(2) *Round type—Wax Beans.*

(i) *Good character* means the pods are full fleshed and may show slight

breakdown of the flesh between seed cavities; after cooking, the pods are tender and the seeds are not mealy.

(ii) *Reasonably good character* means the pods are reasonably fleshy and may show substantial breakdown of the flesh between the seed cavities; after cooking, the pods are tender and the seeds are not mealy.

(iii) *Fairly good character* means the pods may show total breakdown of the flesh between the seed cavities with no definite seed pocket, but still retain flesh on the inside pod wall; after cooking, the pods are fairly tender and the seeds may be slightly mealy.

(iv) *Poor character* means the beans fail the requirements for “fairly good character.”

(3) *Romano or Italian type.*

(i) *Good character* means the pods have a full inner membrane, typical of the variety and are tender after cooking.

(ii) *Reasonably good character* means the pods have a reasonably well developed inner membrane and are reasonably tender after cooking.

(iii) *Fairly good character* means the pods may lack an inner membrane; and are fairly tender after cooking.

(iv) *Poor character* means the beans fail the requirements for “fairly good character.”

(e) *Color defective* means a unit that varies markedly from the color that is normally expected for the variety and grade.

(f) *Defect* means any nonconformance of a unit of product from a specified requirement of a single quality characteristic.

(g) *Extraneous vegetable material (EVM)* means harmless vegetable material (other than the bean pods) including, but not limited to, stalk, vine material, [vine material with stem(s) attached], leaves of the bean plant, and leaves or portions of other harmless plants.

(h) *Flavor and odor.*

(1) *Good flavor and odor* means the product, after cooking, has a characteristic green bean or wax bean flavor and odor typical of the varietal type and is free from objectionable flavors and odors.

(2) *Fairly good flavor and odor* means the product, after cooking, may be lacking in characteristic flavor and odor for the varietal type but is free from objectionable flavors and odors.

(i) *Fiber.*

(1) *Edible fiber* means fiber developed in the wall of the bean pod that, after cooking, is noticeable upon chewing, but can be consumed with the rest of the bean material without objection.

(2) *Inedible fiber* means fiber developed in the wall of the bean pod

that, after cooking, is objectionable upon chewing and tends to separate from the rest of the bean material.

(j) *Mechanical damage* means a unit, in all styles except French, that is broken or split into two parts (equals 1 defect), is crushed, or is damaged by mechanical means to such an extent that the appearance is seriously affected; and for whole and cut styles has very ragged edges that are greater than 8 mm (<sup>5</sup>/<sub>16</sub> in).

(k) *Short piece* means a unit in cut style, that is less than 13 mm (0.50 in) in length, and a unit in whole style that is less than 44 mm (1.75 in) in length, measured along the longest dimension parallel to the bean suture line.

(l) *Single sample unit* means the amount of product specified (500 grams for French style and 400 units for all other styles) to be used for unofficial inspection. It may be:

- (1) The entire contents of a container;
- (2) A portion of the contents of a container; or
- (3) A combination of the contents of two or more containers.

(m) *Sloughing* means the separation of the outer surface layer of tissue from the pod.

(n) *Small pieces and odd cuts*, in French style only, mean pieces of pod less than 19 mm (0.75 in) in length or pieces of pod not conforming to the normal appearance of a sliced lengthwise bean unit.

(o) *Stem* means any part or portion (loose or attached) of the hard or tough fibrous material that attaches the bean pod to the vine.

(p) *Tolerance* means the percentage of defective units allowed for each quality factor for a specified sample size.

(q) *Unit* means a bean pod or any individual portion thereof.

**§ 52.2326 Grades.**

(a) *U.S. Grade A* is the quality of frozen beans that:

(1) Meets the following prerequisites in which the beans:

- (i) Have similar varietal characteristics (except special packs);
- (ii) Have a good flavor and odor;
- (iii) Have a good overall brightness that is not affected by dullness (regular process only);
- (iv) Are not materially affected by sloughing;
- (v) Are practically free from small pieces.

(2) Is within the limits for defects as specified in § 52.2328, as applicable for the style.

(b) *U.S. Grade B* is the quality of frozen beans that:

(1) Meets the following prerequisites in which the beans:

- (i) Have similar varietal characteristics (except special packs);
- (ii) Have a good flavor and odor;
- (iii) Have a reasonably good overall brightness (regular process only);
- (iv) Are not materially affected by sloughing;
- (v) Are reasonably free from small pieces.

(2) Is within the limits for defects as specified in § 52.2328, as applicable for the style.

(c) *U.S. Grade C* is the quality of frozen beans that:

(1) Meets the following prerequisites in which the beans:

- (i) Have similar varietal characteristics (except special packs);
- (ii) Have a fairly good flavor and odor;
- (iii) Have a fairly good overall brightness (regular process only);
- (iv) Are not seriously affected by sloughing;
- (v) Are fairly free from small pieces.

(2) Is within the limits for defects as specified in § 52.2328, as applicable for the style.

(d) *Substandard* is the quality of frozen beans that fail the requirements of U.S. Grade C.

**§ 52.2327 Factors of quality.**

The grade of frozen beans is based on requirements for the following quality factors:

(a) *Prerequisite quality factors.*

- (1) Varietal characteristics (except special packs);
- (2) Flavor and odor;
- (3) Brightness (regular process only);
- (4) Sloughing; and
- (5) Small pieces.

(b) *Classified quality factors.*

- (1) Extraneous vegetable material (EVM);
- (2) Stems;
- (3) Major blemishes;
- (4) Total blemished;
- (5) Mechanical damage;
- (6) Short pieces;
- (7) Color defectives;
- (8) Character;
- (9) Inedible fiber; and
- (10) Edible fiber.

**§ 52.2328 Allowances for defects.**

TABLE I.—PREREQUISITE FACTORS FOR FROZEN GREEN BEANS AND WAX BEANS <sup>1</sup>

Factors	Grade A	Grade B	Grade C
Varietal Characteristics .....	Similar .....	Similar .....	Similar.
Flavor and Odor .....	Good .....	Good .....	Fairly Good.
Brightness .....	Good .....	Reasonably Good .....	Fairly Good.
Sloughing .....	Not Materially Affected .....	Not Materially Affected .....	Not Seriously Affected.
Small Pieces .....	Practically Free .....	Reasonably Free .....	Fairly Free.

<sup>1</sup> Determined container-by-container.

TABLE II.—ACCEPTANCE NUMBERS FOR WHOLE, AND CUT STYLE FROZEN GREEN BEANS AND WAX BEANS GRADE A

Sample Units × Sample Unit Size. Units of Product .....	.....	.....	1×400	1.5×400	3×400	6×400	13×400	21×400	29×400
			1 400	<sup>2</sup> 600	1200	2400	5200	8400	11600
TOL	AQL <sup>3</sup> .....	Quality Factors	Acceptance Numbers						
0.25 .....	0.162 .....	Extraneous Vegeta- ble Material.	2	2	4	7	13	19	26
0.75 .....	0.58 .....	Stems .....	5	6	11	20	39	60	81
1.25 .....	1.02 .....	Major Blemishes .....	7	10	18	33	65	101	136
3.75 .....	3.30 .....	Total Blemishes (Major+Minor).	19	27	50	94	193	304	415
3.00 .....	2.60 .....	Mechanical Damage	16	22	40	75	154	242	330

TABLE II.—ACCEPTANCE NUMBERS FOR WHOLE, AND CUT STYLE FROZEN GREEN BEANS AND WAX BEANS GRADE A—Continued

20.00	19.10	Short Pieces, Whole Style.	89	130	251	490	1040	1664	2285
8.50	7.90	Short Pieces, Cut Style.	41	59	111	212	444	706	966
1.75	1.48	Edible Fiber	10	14	25	45	91	142	193
0.10	0.05	Inedible Fiber	1	1	2	3	5	7	10
5.50	5.00	Color Defectives	27	39	73	138	286	454	620
10.75	10.10	Character—"B"	50	72	138	266	561	894	1225
1.25	1.02	Character—"C"	7	10	18	33	65	101	136
0.10	0.05	Character—"SStd"	1	1	2	3	5	7	10

<sup>1</sup> For unofficial samples.  
<sup>2</sup> For use with small container sizes only.  
<sup>3</sup> AQL calculated from tolerance (TOL) at 5200.

TABLE IIa.—ACCEPTANCE NUMBERS FOR WHOLE, AND CUT STYLE FROZEN GREEN BEANS AND WAX BEANS—GRADE B

Sample Units × Sample Unit Size. Units of Product			1×400	1.5×400	3×400	6×400	13×400	21×400	29×400
			<sup>1</sup> 400	<sup>2</sup> 600	1200	2400	5200	8400	11600
TOL	AQL <sup>3</sup>	Quality Factors	Acceptance Numbers						
.50	0.366	Extraneous Vegetable Material.	3	4	8	13	26	40	53
1.50	1.25	Stems	8	12	21	39	78	122	165
2.50	2.17	Major Blemishes	13	19	34	64	130	204	278
6.75	6.20	Total Blemishes (Major + Minor).	33	47	88	169	352	559	763
6.00	5.50	Mechanical Damage	30	42	79	151	314	498	680
N/A	N/A	Short Pieces, Whole Style.	N/A	N/A	N/A	N/A	N/A	N/A	N/A
12.50	11.80	Short Pieces, Cut Style.	58	84	160	309	652	1040	1426
4.50	4.00	Edible Fiber	22	32	59	112	232	366	500
1.50	1.25	Inedible Fiber	8	12	21	39	78	122	165
10.75	10.10	Color Defectives	50	72	138	266	561	894	1225
N/A	N/A	Character—"B"	N/A	N/A	N/A	N/A	N/A	N/A	N/A
10.75	10.10	Character—"C"	50	72	138	266	561	894	1225
1.25	1.02	Character—"SStd"	7	10	18	33	65	101	136

<sup>1</sup> For unofficial samples.  
<sup>2</sup> For use with small container sizes only.  
<sup>3</sup> AQL calculated from tolerance (TOL) at 5200.

TABLE IIb.—ACCEPTANCE NUMBERS FOR WHOLE, AND CUT STYLE FROZEN GREEN BEANS AND WAX BEANS—GRADE C

Sample Units × Sample Unit Size. Units of Product			1×400	1.5×400	3×400	6×400	13×400	21×400	29×400
			<sup>1</sup> 400	<sup>2</sup> 600	1200	2400	5200	8400	11600
TOL	AQL <sup>3</sup>	Quality Factors	Acceptance Numbers						
1.00	0.80	Extraneous Vegetable Material.	6	8	15	26	52	80	108
3.00	2.60	Stems	16	22	40	75	154	242	330
3.75	3.30	Major Blemishes	19	27	50	94	193	304	415
12.75	12.00	Total Blemishes (Major + Minor).	58	85	162	314	663	1057	1449
10.75	10.10	Mechanical Damage	50	72	138	266	561	894	1225
N/A	N/A	Short Pieces, Whole Style.	N/A	N/A	N/A	N/A	N/A	N/A	N/A
18.25	17.40	Short Pieces, Cut Style.	82	119	230	448	950	1519	2085
8.50	7.90	Edible Fiber	41	59	111	212	444	706	966
3.75	3.30	Inedible Fiber	19	27	50	94	193	304	415
17.75	16.90	Color Defectives	80	116	224	435	923	1476	2027
N/A	N/A	Character—"B"	N/A	N/A	N/A	N/A	N/A	N/A	N/A
N/A	N/A	Character—"C"	N/A	N/A	N/A	N/A	N/A	N/A	N/A
10.75	10.10	Character—"SStd"	50	72	138	266	561	894	1225

<sup>1</sup> For unofficial samples.  
<sup>2</sup> For use with small container sizes only.



TABLE IIIb.—ACCEPTANCE NUMBERS FOR SHORT CUT, AND MIXED CUT STYLE FROZEN GREEN BEANS AND WAX BEANS—GRADE C—Continued

N/A	N/A	Character—"C"	N/A						
10.75	10.10	Character—"SStd"	50	72	138	266	561	894	1225

<sup>1</sup> For unofficial samples.  
<sup>2</sup> For use with small container sizes only.  
<sup>3</sup> AQL calculated from tolerance (TOL) at 5200.

TABLE IV.—ACCEPTANCE NUMBERS FOR FRENCH STYLE FROZEN GREEN BEANS AND WAX BEANS—GRADE A

Sample Units × Sample Unit Size. Grams of Product			1×200 ×2.5 1 500	1.5×200 ×2.5 2 750	3×200 ×2.5 1500	6×200 ×2.5 3000	13×200 ×2.5 6500	21×200 ×2.5 10500	29×200 ×2.5 14500
TOL	AQL <sup>3</sup>	Quality Factors	Acceptance Numbers						
0.25	0.153	Extraneous Vegetable Material (No. of Pieces).	1	1	2	4	7	10	14
0.75	0.541	Stems (No. of stems).	3	4	6	11	20	30	41
1.25	0.961	Major Blemishes (Grams).	10	15	25	43	83	128	170
2.50	2.05	Total Blemishes [(Grams) Major +Minor].	18	25	45	83	163	253	343
5.50	4.80	Color Defectives (Grams).	38	50	95	175	358	563	765
N/A	N/A	Character—"B" (Grams).	N/A	N/A	N/A	N/A	N/A	N/A	N/A
6.75	6.00	Character—"C" (Grams).	45	63	115	215	440	695	945
1.75	1.40	Character—"SStd" (Grams).	13	18	33	58	115	178	240

<sup>1</sup> For unofficial samples.  
<sup>2</sup> For use with small container sizes only.  
<sup>3</sup> AQL calculated from tolerance (TOL) at 2600.

TABLE IVa.—ACCEPTANCE NUMBERS FOR FRENCH STYLE FROZEN GREEN BEANS AND WAX BEANS—GRADE B

Sample Units × Sample Unit Size. Grams of Product			1×200 ×2.5 500 <sup>1</sup>	1.5×200 ×2.5 750 <sup>2</sup>	3×200 ×2.5 1500	6×200 ×2.5 3000	13×200 ×2.5 6500	21×200 ×2.5 10500	29×200 ×2.5 14500
TOL	AQL <sup>3</sup>	Quality Factors	Acceptance Numbers						
0.50	0.325	Extraneous Vegetable Material (No. of Pieces).	2	2	4	7	13	20	26
1.50	1.16	Stems (No. of stems).	5	6	11	20	39	60	81
2.50	2.05	Major Blemishes (Grams).	18	25	45	83	163	253	343
3.75	3.20	Total Blemishes [(Grams) Major + Minor].	25	38	65	120	245	383	520
10.75	9.80	Color Defectives (Grams).	68	95	178	338	703	1113	1520
N/A	N/A	Character—"B" (Grams).	N/A	N/A	N/A	N/A	N/A	N/A	N/A
20.00	18.80	Character—"C" (Grams).	118	168	320	620	1305	2078	2848
5.50	4.80	Character—"SStd" (Grams).	38	50	95	175	358	563	765

<sup>1</sup> For unofficial samples.  
<sup>2</sup> For use with small container sizes only.  
<sup>3</sup> AQL calculated from tolerance (TOL) at 2600.

TABLE IVb.—ACCEPTANCE NUMBERS FOR FRENCH STYLE FROZEN GREEN BEANS AND WAX BEANS—GRADE C

Sample Units × Sample unit Size. Grams of Product ....	.....	.....	1×200 ×2.5 1500	1.5×200 ×2.5 2750	3×200 ×2.5 1500	6×200 ×2.5 3000	13×200 ×2.5 6500	21×200 ×2.5 10500	29×200 ×2.5 14500
TOL	AQL <sup>3</sup>	Quality Factors	Acceptance Numbers						
1.00 .....	0.733 .....	Extraneous Vegeta- ble Material (No. of Pieces).	3	4	8	13	26	40	53
3.00 .....	2.50 .....	Stems (No. of stems).	8	12	21	39	78	122	165
3.75 .....	3.20 .....	Major Blemishes (Grams).	25	38	65	120	245	383	520
10.75 .....	9.80 .....	Total Blemishes [(Grams)Major + Minor].	68	95	178	338	703	1113	1520
17.75 .....	16.60 .....	Color Defectives (Grams).	105	150	285	550	1158	1843	2523
N/A .....	N/A .....	Character—"B" (Grams).	N/A	N/A	N/A	N/A	N/A	N/A	N/A
N/A .....	N/A .....	Character—"C" (Grams).	N/A	N/A	N/A	N/A	N/A	N/A	N/A
12.50 .....	11.50 .....	Character—"SStd" (Grams).	75	108	205	390	813	1293	1768

<sup>1</sup> For unofficial samples.

<sup>2</sup> For use with small container sizes only.

<sup>3</sup> AQL calculated from tolerance (TOL) at 2600.

**§ 52.2329 Sample size.**

The sample size used to determine whether the requirements of these standards are met shall be as specified in the sampling plans and procedures in the "Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products" (7 CFR 52.1 through 52.83).

**§ 52.2330 Quality requirement criteria.**

(a) *Lot inspection.* A lot of frozen beans is considered as meeting the requirements for quality if:

(1) The prerequisite requirements specified in § 52.2326 and § 52.2328, Table I, are met; and

(2) None of the allowances for the individual quality factors specified in Tables II, IIa, IIb, III, IIIa, IIIb, IV, IVa, and IVb of § 52.2328, as applicable for the style, are exceeded.

(b) *Single sample unit.* Each unofficial sample unit submitted for quality evaluation will be treated individually and is considered as meeting the requirements for quality if:

(1) The prerequisites requirements specified in § 52.2326 and § 52.2328, Table I, are met; and

(2) The Acceptable Quality Levels in Tables II, IIa, IIb, III, IIIa, IIIb, IV, IVa, and IVb of § 52.2328, as applicable for the style, are not exceeded.

Dated: February 8, 1995.

**Lon Hatamiya,**

*Administrator.*

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**DEPARTMENT OF AGRICULTURE**

**Agricultural Marketing Service**

**7 CFR Part 1230**

**RIN 0581-AB36**

**[No. LS-94-010]**

**Pork Promotion, Research, and Consumer Information Act of 1985—  
Increase in Assessment Rate**

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** Pursuant to the Pork Promotion, Research, and Consumer Information Act of 1985 (Act) and the Pork Promotion, Research, and Consumer Information Order (Order) thereunder, this proposed rule would increase the rate of assessment of 0.35 percent of market value of porcine animals to 0.45 percent; and adjust the amount of assessment per pound due on imported pork and pork products to reflect the proposed 0.10 percent increase in the assessment rate and the decrease in the 1994 average price for domestic barrows and gilts. The proposed assessment increase and the

proposed adjustment in assessments on imported pork and pork products would increase annual funding of the promotion, research, and consumer information program by an estimated \$10 million to \$12 million over a 12-month period.

**DATES:** Written comments must be received by March 17, 1995.

**ADDRESSES:** Send two copies of comments to Ralph L. Tapp, Chief; Marketing Programs Branch; Livestock and Seed Division; Agricultural Marketing Service (AMS), USDA; P.O. Box 96456, Room 2624-S; Washington, DC 20090-6456. Comments will be available for public inspection during regular business hours at the above office in Room 2624 South Agricultural Building, 14th and Independence Avenue SW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Ralph L. Tapp, Chief, Marketing Programs Branch, 202/720-1115.

**SUPPLEMENTARY INFORMATION:**

**Executive Order 12866 and Regulatory Flexibility Act**

The Department is issuing this rule in conformance with Executive Order 12866.

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. This proposed rule is not intended to have a retroactive effect. The Act states that the statute is intended to occupy the field of promotion and consumer education involving pork and pork products and of