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SUBCHAPTER F—NAVAL STORES

PART 160—REGULATIONS AND STANDARDS FOR NAVAL STORES

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GENERAL

§ 160.1 Definitions of general terms.

The terms as defined in section 2 of the Naval Stores Act shall apply with equal force and effect when used in the provisions in this part. In addition, unless the context requires otherwise, the terms hereinafter set forth shall be defined respectively as follows:

(a) *Act.* The Naval Stores Act of March 3, 1923 (42 Stat. 1435; 7 U.S.C. 91–99).

(b) *Department.* The United States Department of Agriculture.

(c) *Administrator.* The Administrator of the Agricultural Marketing Service of the Department, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(d) *Official inspector.* Any person designated or licensed by the Secretary to sample, examine, analyze, classify or grade naval stores.

(e) *Licensed inspector.* A person licensed by the Administrator upon recommendation of an accredited processor to act as an official inspector with respect to naval stores produced at an eligible processing plant of such processor.

(f) *Eligible processing plant.* A plant which on examination by the Administrator has been found to be designed, operated, and staffed so as to permit proper samplings and inspections of the naval stores produced thereat, and where a substantial proportion of the output comes from oleoresin obtained from trees growing on land not owned or leased by the processor himself, or from oleoresin contained within felled trees or stumps removed from such land.

(g) *Accredited processor.* Any person owning or having charge of or jurisdiction over the operation of an eligible processing plant, to whom a permit has been issued under these regulations to have inspections of naval stores made by a licensed inspector.

(h) *Interested person.* Any person who is a party to a factual or prospective transaction in a specific lot of naval stores, whether as producer, seller, shipper, dealer, or purchaser thereof; or any person who in the opinion of the Administrator has sufficient and proper interest in the analysis, classification, grading, or sale of naval stores to merit the loan and use of duplicates of the United States Standards.

(i) *Dealer.* Any person who sells or ships in commerce any naval stores produced by a person other than himself.

(j) *Cooperative agreement.* A written agreement between the Department and any person specifying the conditions under which special inspection

personnel may be designated and procedures established, not otherwise available under existing inspection programs, in order to make possible a continuous, day-by-day inspection of naval stores for such person, or to provide facilities for carrying out experimental studies on authentic naval stores related to the inspection and marketing thereof.

(k) *Standards.* The official Naval Stores Standards of the United States for classification and grading of spirits of turpentine and rosin.

(l) *Analysis.* Any examination by physical, chemical, or sensory methods.

(m) *Classification.* Designation as to kind of spirits of turpentine or rosin.

(n) *Grading.* Determination of the grade of turpentine or rosin by comparison with the standards.

(o) *Certificate.* The official certificate issued under the provisions of the act and the provisions in this part to show the results of any examination, analysis, classification, or grading of naval stores by an official inspector.

(p) *Label.* Any word, combination of words, coined or trade name, picturization of any natural scene or article, or any limitation thereof, applied to, superimposed upon, impressed into, or in any other manner attached to a container of naval stores or other article coming within the scope of the act, by which the nature, kind, quality, or quantity of the contents of such container may be indicated.

(q) *Container.* Any receptacle in which naval stores are placed for inspection or distribution in commerce; includes barrel, drum, tank, tank car, bag, bottle, can, or other receptacle.

[11 FR 14665, Dec. 27, 1946, as amended at 17 FR 221, Jan. 9, 1952; 20 FR 6433, Sept. 1, 1955; 46 FR 47055, Sept. 24, 1981; 47 FR 3344, Jan. 25, 1982]

§ 160.2 Spirits of turpentine defined.

Spirits of turpentine, also commonly known as turpentine, is the colorless or faintly colored volatile oil consisting principally of terpene hydrocarbons of the general empirical formula C_{10} H_{16} and having a characteristic odor and taste. It occurs naturally in and may be recovered by distillation from the oleoresinous secretions obtained from living trees of the family *Pinaceae*, or present in the cellular structure, or wood, of species thereof.

§ 160.3 Rosin defined.

Except as provided in § 160.15, rosin is the vitreous, well-strained, transparent, solid resin which (a) remains after the volatile terpene oils are distilled from (1) the oleoresin collected from living trees or (2) the oleoresin extracted from wood; or (b) remains after distillation of the fatty acids from tall oil recovered from wood in the course of its chemical disintegration to produce cellulose. In addition to the free resin acids, rosin may contain relatively small proportions of fatty acids, resin esters and other esters, unsaponifiable resenes, and nonresinous foreign matter naturally occurring therein.

§ 160.4 Reclaimed rosin.

Reclaimed rosin is rosin that has been recovered or reclaimed by any means from waste or deteriorated material: *Provided,* That such reclaimed product may be graded as rosin under the act and the provisions in this part only if the concentration of rosin acids therein has not been reduced below the concentration normal for rosin, and any residual or contaminating component remaining from the waste material itself or from any article used in the recovery process is not sufficient to cause the physical or chemical properties of the reclaimed product to differ substantially from the normal properties of rosin.

§ 160.5 Standards for naval stores.

In addition to the standards of identity for spirits of turpentine and rosin and the grade designations for rosin specified in the act, certain standards for naval stores have been promulgated by the Administrator pursuant to the act as indicated in § 160.301 *et seq.*

§ 160.6 Standard designations for turpentine.

Spirits of turpentine within the meaning of the act and the provisions in this part shall be designated as ''gum spirits of turpentine,'' ''steam distilled wood turpentine,'' ''destructively distilled wood turpentine,'' or

''sulphate wood turpentine,'' as the case may be.

§ 160.7 Gum spirits of turpentine.

The designation ''gum spirits of turpentine'' shall refer to the kind of spirits of turpentine obtained by distillation of the oleoresin (gum) from living trees, and commonly known prior to the passage of the act as gum spirits, gum turpentine, spirits of turpentine, or oil of turpentine.

§ 160.8 Steam distilled wood turpentine.

The designation ''steam distilled wood turpentine'' shall refer to the kind of spirits of turpentine obtained by steam distillation from the oleoresinous component of wood whether in the presence of the wood or after extraction from the wood, and commonly known prior to the passage of the act as wood turpentine, steam distilled turpentine, steam distilled wood turpentine, or S. D. wood turpentine.

§ 160.9 Destructively distilled wood turpentine.

The designation ''destructively distilled wood turpentine'' shall refer to the kind of spirits of turpentine prepared from the distillate obtained in the destructive distillation (carbonization) of wood, and commonly known prior to the passage of the act as destructively distilled wood turpentine or D.D. wood turpentine.

§ 160.10 Sulphate wood turpentine.

The designation ''sulphate wood turpentine'' shall refer to the kind of spirits of turpentine prepared from the condensates that are recovered in the sulphate process of cooking wood pulp, and commonly known as sulphate turpentine or sulphate wood turpentine.

§ 160.11 Quality requirements.

The several standards for spirits of turpentine, as defined in §§160.8 to 160.10, inclusive, shall be deemed to mean the respective kinds of spirits of turpentine having properties that conform with the standard specifications adopted therefor by the American Society for Testing Materials, contained in appendix A to this part.

§ 160.12 Standard designations for rosin.

(a) Rosin within the meaning of the act and the provisions in this part shall be designated as ''gum rosin,'' ''wood rosin,'' or ''tall oil rosin,'' as the case may be.

(b) The designation ''gum rosin'' shall refer to the kind of rosin remaining after the distillation of gum spirits of turpentine from the oleoresin (gum) obtained from living pine trees.

(c) The designation ''wood rosin'' shall refer to the kind of rosin recovered after the distillation of the volatile oil from the oleoresin within or extracted from pine wood by any suitable process, followed by any necessary further refinement.

(d) The designation ''tall oil rosin'' shall refer to the kind of rosin remaining after the removal of the fatty acids from tall oil by fractional distillation, and having the characteristic form and appearance and other physical and chemical properties normal for other kinds of rosin.

§ 160.13 Grade designations for rosin.

The grades of rosin shall be designated, from highest to lowest, by the following letters, respectively: XC, XB, XA, X, WW, WG, N, M, K, I, H, G, F, E, D, B. In addition, the letters OP shall be used to designate the grade of opaque rosin, and the letters FF shall be used to designate the grade of normal wood rosin: *Provided*, That the product recovered in the refining of wood rosin, that is darker in color than the standard for FF grade, and that contains rosin acids in lesser quantity than is normal for such rosin, shall be graded and designated as B wood resin.

[11 FR 14665, Dec. 27, 1946, as amended at 17 FR 221, Jan. 9, 1952; 33 FR 8722, June 14, 1968]

§ 160.14 Opaque rosin.

The term ''opaque rosin'' shall apply to the article resulting when rosin undergoes internal modification indicated by a turbid, clouded, or opaque appearance, that is, loss of transparency, brought about by the occlusion of moisture or the formation of an excessive quantity of resin acid crystals in the rosin.

ESTABLISHMENT OF NEW AND MODIFIED STANDARDS

§ 160.15 New standards.

Whenever in the opinion of the Administrator a new standard for any naval stores is necessary in the interest of the trade, he shall announce a hearing thereon, to be held not less than 3 months subsequent to such announcement. Notice of the hearing stating the terms or description of the proposed new standard, or a summary thereof, shall be given by publication in the FEDERAL REGISTER and by such other means as may be practicable. The hearing shall be conducted by an official designated by the Administrator, and reasonable opportunity shall be afforded at the hearing to all interested persons to present their views, arguments and data, verbally or in writing, in favor of or in opposition to the proposed new standard. All relevant material presented at said hearing, or a summary thereof, and a recommendation as to adoption or rejection of the proposed new standard shall be transmitted to the Administrator for his consideration. A new standard established and promulgated by the Administrator shall become effective not less than 3 months after the promulgation thereof.

§ 160.16 Modification of existing standards.

Whenever in the opinion of the Administrator a modification of an existing standard for naval stores is necessary in the interest of the trade, he shall announce a hearing thereon, to be held not less than 6 months subsequent to such announcement. Notice of the hearing stating the terms or description of the proposed modification of any standard, or a summary thereof, shall be given by publication in the FEDERAL REGISTER and by such other means as may be practicable. The hearing shall be conducted by an official designated by the Administrator, and reasonable opportunity shall be afforded to all interested persons to present their views, arguments and data, verbally or in writing, in favor of or in opposition to the proposed modification. All relevant material presented at said hearing, or a summary thereof, and a recommendation as to adoption or rejection of the proposed modification shall be transmitted to the Administrator for his consideration. A modified standard established and promulgated by the Administrator shall become effective not less than 6 months after the promulgation thereof.

METHODS OF ANALYSIS, INSPECTION, SAMPLING AND GRADING

§ 160.17 Laboratory analysis.

The analysis and laboratory testing of naval stores shall be conducted, so far as is practicable, according to methods of the American Society for Testing Materials. When any such method is deemed to be insufficient or unsuitable or when no method has been so presented, the analysis shall be made according to any method deemed appropriate by the Administrator.

§ 160.18 Determining the grade of rosin.

The grade of rosin shall be determined by comparing a representative sample, taken and prepared in accordance with the provisions in this part, with the appropriate standard types. The grade shall be the grade designation of the standard type which the sample equals or excels in color, but below the next higher grade.

§ 160.19 Samples of rosin for grading.

Samples of rosin for grading shall be approximately cubical in shape, and shall be seven-eighths inch thick in the direction through which they are viewed or graded. Samples may be taken by any of the following methods:

(a) By cutting or cleaving the same from a lump of the rosin removed from the solid mass in the barrel or drum, the top side of which lump shall come from not less than 4 inches below the surface of the rosin.

(b) By placing a tin mold of suitable design inside the barrel or drum through an opening in the side, the center of which opening is approximately 9 inches from the top or 12 inches from the bottom so that when the container is filled, the rosin within the mold will have come from a position not less than 4 inches below the surface of the rosin. The mold thus

placed must be entirely within the barrel or drum and completely encased in the rosin.

(c) By suspending in the barrel or drum of molten rosin a clean tinplate mold, ⅞ inch square (inside) and 1½ inches or more in length, in such a manner that it will be in a horizontal position at least 2 inches below the surface of the rosin after it has thoroughly cooled. Such sample shall not be spiked from the barrel or drum until it is completely cooled.

(d) By withdrawing a quantity of molten rosin from a full container of 150 pounds content or less, pouring the rosin into a suitable mold, and allowing it to cool and solidify slowly: *Provided*, That samples taken to represent a single batch or charge made by intermittent distillation of oleoresin shall be taken from not less than two containers, one of which shall be selected when one fourth of the batch has been placed in the containers, and the other shall be from the last container filled.

(e) By withdrawing a quantity of molten rosin from a full drum that has been filled after a preliminary cooling period, pouring the rosin into a suitable mold, and allowing it to cool and solidify slowly: *Provided*, That such sample shall not be taken until at least one hour has elapsed after the drum was filled: *And provided further*, That the selection of drums to be sampled shall be in accordance with the method of selecting small containers as set forth in paragraph (d) of this section. Rosin in drums sampled in this manner will be graded and certified only when the sampling is performed by an official inspector. Rosin in open head barrels shall not be sampled by this method.

(f) By collecting in a suitable vessel a quantity of molten rosin from each successive batch or charge as it is delivered into a tank car, pouring the respective quantities of rosin into suitable molds, and allowing them to cool and solidify: *Provided*, That any darkening of the rosin subsequent to such sampling will not be recognized as affecting the correctness of the grades assigned to the rosin at the time it was loaded in the car. Rosin so sampled while in process of being placed in a tank car will be graded and certified only when the sampling is performed by an official inspector.

§ 160.20 More than one grade in a container.

When a sample from the bottom of a barrel or drum shows not more than one grade lower than that of a top sample taken in accordance with § 160.19, the grade of the rosin shall be that of such top sample: *Provided*, That if such ''bottom head'' sample shows more than one grade lower than the top sample, the grade assigned to the rosin shall be that of the darkest or lowest grade of rosin in the container.

§ 160.21 Rosin not fit for grading.

An article consisting of rosin with an excessive amount of trash or other visible extraneous foreign material, or an article that is of such color or appearance as not to permit its accurate classification and grading in accordance with the standards provided for rosin, shall not be classified, graded, marked, sold, or offered for sale in commerce as rosin.

§ 160.22 Collecting samples; issuing certificates.

The collection of official samples for the purpose of putting into effect any of the provisions of the act, and the issuance of certificates reporting the results of any analysis, classification, or grading shall be limited to official inspectors and to such other personnel of the Department as may be authorized.

§ 160.23 Disposition of samples.

All samples taken by an official inspector or submitted by an interested person shall become and remain the property of the Department, to be disposed of as the Administrator may determine.

Analysis, Inspection, and Grading on Request

§ 160.24 Inspection on request.

Insofar as it may be practicable, official inspectors shall sample, analyze, classify, or grade any naval stores at the request of any interested person, as provided for by the act and in accordance with the provisions in this part.

§ 160.24a Inspection as to condition of drums containing rosin and the quality and condition of the rosin therein upon request.

Before or after the shipment in commerce of any lot of rosin in drums from a processing or storage point, and upon request by an interested person, an inspection may be made by an official inspector of the external appearance of the drums, and a report may be made by such inspector, on the basis of such inspection, of the condition, including soundness, of the drums with reference to the effect thereof upon the quality, and preservation of the quality, of the rosin in the drums. In conjunction with such service, when practicable, the inspector may upon similar request determine and certify the grade, class, other quality, or condition of the rosin within the drums, and report the internal condition of the drums, under any applicable standards and procedural instructions issued to such inspector by the Administrator. Certificates and reports issued under this section will be furnished only to the interested person requesting the service. Fees and charges for service under this section shall be paid by such interested person in accordance with §§160.201, 160.202, and 160.204.

[20 FR 6433, Sept. 1, 1955]

§ 160.25 How requests shall be made.

An interested person desiring the analysis, classification, or grading of any naval stores, or of samples thereof, shall submit to the nearest official inspector a written request, in which he shall state the number and kind of containers of rosin, or the number and kind of containers and the number of gallons of turpentine, as the case may be, together with the name of the interested person for whose account such service is requested, his interest in the naval stores, and other information by which the identity of the naval stores in question and the propriety of its examination may be determined. Requests for seasonal or recurrent services shall so indicate, and the approximate quantity of naval stores to be graded and the duration of the desired service shall be stated. Fees for such service shall be paid in accordance with the provisions in this part.

§ 160.26 Withdrawal of request.

A request for service under the provisions in this part may be withdrawn at any time before the service has been completed, on notice to the official inspector: *Provided, however*, That the interested person shall reimburse the United States for the time spent and any expenses incurred prior to receipt of such withdrawal notice.

§ 160.27 Containers to be made ready.

The interested person shall cause the naval stores to be made available, and shall provide any held required to remove the bungs or heads, or otherwise open the containers for sampling, to spike the rosin or extract the sampler devices from the barrels or drums, to rebung or otherwise close the containers, to handle the commodity for weighing, and to mark the containers at the direction of the official inspector.

§ 160.28 Tank cars of turpentine.

A tank car loaded for shipment with spirits of turpentine shall, after the same has been sampled for analysis, classification, and certification, be sealed by the official inspector. Any certificate issued thereon prior to shipment shall be valid only for a reasonable time to permit arrival at destination, and only so long as the seals placed thereon by the inspector remain unbroken.

§ 160.29 Containers to remain intact.

The results of any analysis, classification, or grading of naval stores will be certifiable only if the containers holding such naval stores remain intact as sampled until the analysis, classification, or grading has been completed and the results reported, except when the container is a tank car subject to demurrage.

§ 160.30 Contents of containers to be designated.

Prior to inspection at the request of the producer, containers of naval stores, other than tank cars, shall have marked thereon a designation by such producer of the kind or identity of the

product in accordance with the standard of identity provided therefor by or under the act.

§ 160.31 Time and manner of sampling.

Except when batch sampling is authorized at an eligible processing plant using licensed inspectors, samples of naval stores to be used for official inspection and certification shall be taken direct from the commercial containers holding such naval stores by or under the immediate supervision of the inspector at the time of inspection.

§ 160.32 Marking containers.

The interested person shall provide any labor necessary for marking the containers, after the contents have been sampled and graded, at the direction of the official inspector. The container of an article which does not conform with any United States Standard for naval stores as to kind or grade, shall not be marked or certified, and any unauthorized marks appearing on the container shall be removed.

§ 160.33 Containers not acceptable for inspection.

Any container so filled or packed as to conceal the fact that it contains anything other than naval stores within the meaning of the act or the provisions in this part, and any naval stores in a container deemed by an official inspector to be unsuitable for use as a container of naval stores in commerce, shall not be accepted for classification or grading.

§ 160.34 Responsibility of interested person.

The sampling or acceptance of any sample of naval stores by an official inspector for use in grading and certifying the same at the request of an interested person, or the placing of any incorrect classification or grade marks upon the container thereof, or the issue of any incorrect certificate inadvertently to cover the contents, because of inability of the inspector to observe the true condition of the naval stores, shall not prevent the correction or recall of any such certificate, nor relieve the interested person from responsibility for the condition of the article or its container.

§ 160.35 Illegible inspection marks.

In case any mark placed on a container of rosin by or under the direction of an official inspector has become illegible, he will make such examination before remarking as may be necessary to establish the proper grade or identity of the rosin. No fee will be charged for this service, but the cost of handling, opening, spiking, and closing the container shall be borne by the interested person.

§ 160.36 Authority for changing marks.

No mark placed upon any container of naval stores by or at the direction of an official inspector shall be obliterated, covered up, defaced, or otherwise made illegible, except under authority of an official inspector.

§ 160.37 Prior marks to be removed.

Any marking appearing on a container to be used for naval stores, relating to the kind, classification, grade, certification, or method of inspection of naval stores shall be removed by the user whenever such marking does not in all respects describe the kind, classification, grade, certification, and method of inspection of the naval stores to be placed therein.

Request Inspection by Licensed Inspectors

§ 160.38 Permit to use licensed inspector.

Any naval stores produced at an eligible processing plant, as herein defined, may be inspected, classified, graded, and certified by a licensed inspector, after the accredited processor has applied to and has been granted a permit by the Administrator to use a licensed inspector.

§ 160.39 Form of application for license or permit.

Applications for licenses to inspect and permits to have inspections made by licensed inspectors shall be made to the Administrator upon forms provided for the purposes. Each such application shall fully and truly state the information therein required and shall be signed by the applicant.

§ 160.40 Applicant for license to be examined.

Each applicant for a license shall be required to demonstrate his qualifications and competency to perform the duties of an official inspector at such time and place and in such manner as may be determined by the Administrator.

§ 160.41 Issuance of temporary license.

In a case of special urgency, and in the discretion of the Administrator, a temporary license may be issued without reference to §160.40 upon presentation of satisfactory evidence by the accredited processor of the need therefor and the competency of the applicant for such temporary license. Such processor shall receive prompt notice of the issuance of any such temporary license. A temporary licensee shall be subject to all the provisions in this part. A temporary license shall be valid for a specified period not to exceed 30 days, except that if application is made for a permanent license by a person at the same time he applies for a temporary license, any temporary license issued to him shall not expire until a permanent license has been denied or granted.

§ 160.42 Limitation of license.

The license issued by the Administrator to a licensed inspector of naval stores shall state the name of the processing plant or plants at which the licensee may perform the duties of an official inspector, and shall be countersigned by such official as may be designated and authorized.

§ 160.43 Licensed inspector to be disinterested.

No person who determines or controls sales policies or methods of distribution of an eligible processing plant, or the selling prices of the naval stores processed at such plant, shall be licensed as an inspector.

§ 160.44 Other duties of licensed inspectors.

A licensed inspector may perform duties other than those of an official inspector, to the extent indicated by the accredited processor and not disapproved in writing by the Administrator: *Provided*, That such additional duties not pertaining to the official inspection work shall not be permitted to interfere with the proper performance of the duties of the licensee as an official inspector.

§ 160.45 Conditions governing licensed inspection.

The work performed by licensed inspectors under the provisions in this part shall be supervised and reviewed by authorized representatives of the Administrator, who shall issue to such licensed inspectors instructions for taking, preserving, and identifying samples; marking and maintaining the identity of containers when filled; preparing, issuing, and disposing of certificates; the keeping of adequate inspection records; and such other procedures as may be necessary in carrying out the licensed inspection. The handling, sampling, grading, marking, and certification of naval stores at an eligible processing plant by a licensed inspector shall be conducted in accordance with such instructions and the provisions in this part.

§ 160.46 Identification of containers.

Containers packed with naval stores which have been inspected, classified, graded, and certified by a licensed inspector at an eligible processing plant shall be marked to show the name and location or other acceptable identification of the plant, and the legend ''U.S. Graded'' or ''U.S. Inspected'', and, in the case of rosin, the batch number indicating the date of production.

§ 160.47 Periodic re-inspection.

Any eligible processing plant may from time to time be re-inspected and any rosin produced by such plant may be graded or re-graded by any official inspector authorized to make such examinations. The results of such examinations shall be made known only to the affected processor, the licensed inspector, and to such employees of the Department officially authorized to receive such information.

§ 160.48 Form of certificate.

The certificates issued under this part by licensed inspectors shall be on forms approved by the Administrator.

§ 160.49 Responsibility for inspection certificates and forms.

Certificate forms and other inspection record forms may be issued to an accredited processor, and the said processor shall be responsible for and accountable to the Department for all such material supplied to him. He shall require the licensed inspector to submit or otherwise make disposition of issued certificates in accordance with instructions received from the Administrator.

§ 160.50 Reports to be made by accredited processors.

Each accredited processor shall furnish the Administrator such reports and other information relative to the operation and output of his eligible processing plant as the Administrator may deem necessary or appropriate for the administration of the provisions in this part applicable to licensed inspection, subject to the approval of the Bureau of the Budget. Failure by an accredited processor to keep such records as may be necessary for him to submit correct reports, or failure by the processor to supply correct information to the Administrator shall be deemed a violation of the provisions in this part, and cause for suspension or revocation of his inspection permit.

§ 160.51 Report of non-conformance.

Each licensed inspector shall promptly report to his supervising inspector and to the accredited processor, any evidence of which he has knowledge indicating non-conformance with the provisions in this part, and shall also so report any attempt or effort to influence him to sample, grade, or certify any naval stores incorrectly or contrary to the provisions in this part.

§ 160.52 Suspension or revocation of licenses.

(a) Any license to inspect, grade, and certify naval stores may be suspended or revoked for repeated failure by the licensee correctly to inspect, grade, classify, or certify naval stores, or upon the persistence of any condition which renders him unfit to perform the duties of a licensed inspector, or for other continued non-conformance with any provision of the act or the provisions in this part. A license may be suspended for similar failures, conditions or non-conformance of shorter duration or less serious nature.

(b) A license to inspect, grade and certify naval stores may be summarily suspended or revoked by any official authorized to issue or countersign such licenses where the public health, interest, or safety so requires or for willful acts or omissions by the licensee which constitute grounds for suspension or revocation of his license under paragraph (a) of this section. In all other cases, prior to the institution of proceedings for the suspension or revocation of a license, such authorized official shall cause to be served upon the licensee, in person or by registered mail, a statement of the facts which appear to warrant such suspension or revocation, specifying a reasonable time, depending upon the circumstances in each case, within which the licensee may demonstrate or achieve compliance with the act, and the provisions in this part. The licensee may demonstrate compliance by the presentation of evidence in writing or, in the discretion of such authorized official, at an oral hearing. If, at the end of the time allowed for the licensee to demonstrate or achieve compliance, such authorized official finds he is in compliance, his license shall not be suspended or revoked. If such authorized official finds the licensee is not in compliance, the license may be suspended or revoked after service upon the licensee, in person or by registered mail, of a notice that such action is under consideration for reasons specified in the statement of facts previously served upon him and after reasonable opportunity is given the licensee to present further evidence in his behalf. Within 7 days after receipt of notice of the suspension or revocation of his license, the inspector by letter may appeal to the Administrator for its reinstatement and may attach to such letter any evidence he may wish to submit.

§ 160.53 Stopping inspection by suspended inspector.

An accredited processor upon receipt of notice of the suspension or revocation of a license shall discontinue the

use of the licensee as an official inspector, and the marking of his products to indicate official inspection, until the suspension is lifted, or another inspector is licensed or assigned.

§ 160.54 Suspension or revocation of permits.

(a) Any permit issued to an accredited processor to have naval stores inspected, graded, and certified by a licensed inspector may be suspended or revoked for the failure of the processor, after official notice, to correct any condition which renders his plant unqualified for licensed inspection service, or for repeated or continued nonconformance with any other provision of the act or the provisions in this part. A permit may be suspended for similar non-conformance or failure of shorter duration or less serious nature.

(b) A permit for licensed inspection may be summarily suspended or revoked by any official authorized to issue or countersign such permits where the public health, interest, or safety so requires or for willful acts or omissions by the permittee which constitute grounds for suspension or revocation of his permit under paragraph (a) of this section. In all other cases, prior to the institution of proceedings for the suspension or revocation of a permit, such authorized official shall cause to be served upon the permittee, in person or by registered mail, a statement of the facts which appear to warrant such suspension or revocation, specifying a reasonable time, depending upon the circumstances in each case, within which the permittee may demonstrate or achieve compliance with the act and the provisions in this part. The permittee may demonstrate compliance by the presentation of evidence in writing or, in the discretion of such authorized official, at an oral hearing. If, at the end of the time allowed for the permittee to demonstrate or achieve compliance, such authorized official finds he is in compliance, his permit shall not be suspended or revoked. If such authorized official finds the permittee is not in compliance, the permit may be suspended or revoked after service upon the permittee, in person or by registered mail, of a notice that such action is under consideration for reasons specified in the statement of facts previously served upon him after reasonable opportunity is given the permittee to present further evidence in his behalf. Within 7 days after receipt of notice of the suspension or revocation of his permit, the processor by letter may appeal to the Administrator for its reinstatement, and may attach to such letter any evidence he may wish to submit.

§ 160.55 Voluntary discontinuance of licensed inspection.

An accredited processor desiring to discontinue the use of licensed inspectors for making official inspections, gradings, and certifications of naval stores, shall give not less than 30 days notice in writing to the Administrator of the intention to discontinue such service. At the termination of the service such processor shall surrender to the authorized representative of the Administrator the permit for licensed inspection, together with all unused certificates, forms, or other supplies and equipment furnished by the Department and held by the processor for the use of his licensed inspectors, other than standards or such other material as may be covered by a separate loan application or agreement.

§ 160.56 Compensation of licensed inspectors.

Each licensed inspector shall be paid directly by the accredited processor for his services as an official inspector and for such other services or duties to which he may be assigned in accordance with § 160.44: *Provided,* That whenever the Administrator shall deem it to be in the best interest of the Federal inspection service, he may require such processor to report to him the terms and amounts of compensation paid to a licensed inspector during any specified period.

§ 160.57 Fees for licensed inspection permits.

Each accredited processor shall pay to the Department annually such permit fee for each eligible processing plant for which a permit has been issued, as may be prescribed by the Administrator.

§ 160.58 Fees for inspection and certification by licensed inspectors.

Each accredited processor for whom naval stores have been inspected and certified hereunder by a licensed inspector during any calendar month shall on receipt of invoice pay to the Department the fee for each container of naval stores so inspected and certified as may be prescribed by the Administrator.

§ 160.59 Appeal inspections.

Any inspection certificate issued by a licensed inspector may be appealed in writing to the Administrator, such appeal to state the circumstances, the certificate number, and the quantity and certified grade of the naval stores covered thereby. A prompt regrade inspection shall be made by an official inspector other than the original inspector.

§ 160.60 Charge for appeal inspection.

If the findings in an appeal inspection confirm the original inspection, the accredited processor shall pay for such reinspection in accordance with the fees established for original inspections made by inspectors who are paid employees of the Department. If the findings do not confirm the original inspection, a corrected certificate will be issued and no charge will be made for re-inspection.

CERTIFICATES AND REPORTS

§ 160.61 Kinds of certificates issued.

A certificate as provided for by section 4 of the act shall be issued to the interested person in duplicate covering naval stores examined at his request, and additional copies, if desired, may be obtained from the inspector. The kind of certificates issued are as follows:

(a) Turpentine analysis and classification certificate.

(b) Turpentine field classification certificate.

(c) Rosin classification and grade certificate.

(d) Rosin grade and weight certificate.

(e) Loan and sale certificate for United States graded rosin.

(f) Classification and grade certificate for rosin in small containers.

§ 160.62 When a certificate may be issued.

A certificate showing the results of any analysis, classification, or grading shall be issued on any naval stores which conform with a United States Standard as to kind and grade and which have been sampled by or under the direction and supervision of an official inspector in accordance with the provisions in this part. The certificate shall be valid only so long as the naval stores described therein shall remain under seal or in the identical condition obtaining at the time of their examination.

§ 160.63 When a certificate may not be issued.

No certificate shall be issued for naval stores unless the naval stores have been packed, sampled, marked, and identified as required by the provisions in this part, and otherwise conform with the act and such provisions. The results of the examination of such naval stores or anything offered as such may be covered by a written report, which in no case shall be construed as a certificate.

§ 160.64 Issuance of loan and sale certificate.

On request of the owner, a ''Loan and Sale Certificate for United States Graded Rosin'' (designated ''L. S. Certificate'' in this part) may be issued to cover any rosin for which a Rosin Classification and Grade Certificate has previously been issued by an official inspector, and which remains in the original container. No inspector shall issue and L. S. Certificate until he has made certain that the rosin had previously been officially inspected and certified. The request for such certificate may be made to the nearest inspector.

§ 160.65 Prior certification required.

If an L. S. Certificate is desired for a quantity of rosin, a part of which has not been previously classified and graded by an official inspector and covered by a certificate, such part shall be so inspected, classified, graded, marked,

and certified, as provided by the provisions in this part.

FEES AND CHARGES FOR SERVICES RENDERED

§ 160.66 Fees for inspection services.

The Administrator shall from time to time establish fees and charges for examination, sampling, classification, grading, analysis and certification of naval stores as he may deem fair and reasonable, and commensurate with the cost of the service rendered. Such fees and charges may be announced to the trade in such manner as the Administrator considers practicable.

§ 160.67 Fees under cooperative agreements.

Fees and charges for any inspection and grading service covered by the terms of any cooperative agreement with any interested person may be established by and incorporated into such agreement.

§ 160.68 Collection of fees.

Beginning October 1, 1981, all fees and charges assessed to interested parties for services rendered under the Naval Stores Act shall be collected by the Director, Tobacco Division, Agricultural Marketing Service, to cover insofar as practicable, all costs of providing such services. Such fees shall be credited to the Division in accordance with fiscal regulations of the Department.

[47 FR 3345, Jan. 25, 1982]

§ 160.69 Expenses to be borne by person requesting service.

All expenses incurred by the United States in connection with the sampling, analysis, classification, or grading of naval stores on request, not otherwise provided for by suitable regulation, shall be borne by the person making the request.

[11 FR 14665, Dec. 27, 1946, as amended at 17 FR 221, Jan. 9, 1952; 20 FR 6433, Sept. 1, 1955. Redesignated at 46 FR 47055, Sept. 24, 1981, as amended at 47 FR 3345, Jan. 25, 1982]

§ 160.70 Rendition of claims.

As soon as practicable after the end of each month, or sooner if deemed advisable, there shall be mailed to each interested person at whose request any services have been performed, a claim for payment of moneys due the United States for the services rendered or for the loan or repair of any standards.

[11 FR 14665, Dec. 27, 1946, as amended at 17 FR 221, Jan. 9, 1952; 20 FR 6433, Sept. 1, 1955. Redesignated at 46 FR 47055, Sept. 24, 1981, as amended at 47 FR 3345, Jan. 25, 1982]

§ 160.71 Delinquent claims.

Any claim remaining unpaid after 30 days from the date of its rendition shall be considered as delinquent, and notice thereof shall be brought to the attention of the interested person. After a claim becomes delinquent, the Administrator shall suspend or deny inspection and related services to any interested party who has failed to make timely payment of the fees and charges assessed, as well as any claims which have been rendered, and shall take such action as may be necessary to collect any amounts due. A deposit in advance sufficient to cover the fees and expenses for any subsequent service may be required of any person failing to pay his claim after issuance of such notice of delinquency.

[11 FR 14665, Dec. 27, 1946, as amended at 17 FR 221, Jan. 9, 1952; 20 FR 6433, Sept. 1, 1955. Redesignated and amended at 46 FR 47055, Sept. 24, 1981; 47 FR 3345, Jan. 25, 1982]

LOAN AND CARE OF UNITED STATES STANDARDS

§ 160.73 Availability of standards.

(a) *Standards available on loan.* Duplicates of the United States Standards provided by the Department for classifying and grading rosin in commerce, shall remain the property of the Department, and may be loaned, but not sold, to such interested persons as may be approved by the Administrator. Any interested person desiring the loan of duplicates of the United States Standards for rosin shall submit to the Administrator a form application, properly signed, which will show his interest in naval stores and his eligibility to receive and use such duplicates, in accordance with the provisions in this part. Standards so loaned shall be returned promptly on request.

(b) *Standards available for purchase.* Duplicate cubes for rosin standard

grades XA, XB, and XC are not available from the Department but may be obtained commercially.

[11 FR 14665, Dec. 27, 1946, as amended at 17 FR 221, Jan. 9, 1952; 20 FR 6433, Sept. 1, 1955; 33 FR 8722, June 14, 1968]

§ 160.74 Loan of standards without security.

Duplicates of the United States Standards for rosin may be loaned without deposit of security, insofar as the supply in the possession of the Department will permit, to:

(a) Any State, County, or Municipal official duly authorized to inspect and grade rosin, who is actually engaged in inspection and grading work, and who shall have been approved by the Administrator to act as custodian of such standards.

(b) Any bona fide dealer or distributor of rosin who shall have been approved by the Administrator to act as depositary for such standards, and who shall maintain and operate a regular naval stores yard which is available to and is regularly used by other persons for the purpose of having rosin inspected, graded, stored, or sold thereon: *Provided, however,* That a person whose principal use of such standards is the grading of rosin of his own production shall not be deemed to come within the scope of this paragraph, but shall be required to post the security provided for in § 160.75: *And provided, further,* That no person shall receive more than two sets of duplicates under this paragraph.

(c) Any trade organization or institution of higher learning having a direct relationship to the production or marketing of naval stores other than by reason of the private interests or operations of its individual members, when in the opinion of the Administrator such standards are necessary to the normal functioning of the organization or institution.

§ 160.75 Loan of standards under security deposit.

Duplicates of the United States Standards for rosin may be loaned to interested persons other than those specified in § 160.74, on deposit with the Department of security in the sum of $100, by remittance payable to the Treasurer of the United States.

§ 160.76 Annual charge for use of standards.

The cost of providing duplicates of the United States Standards for rosin, and of maintaining such duplicates in accurate and proper condition for use in grading rosin, and of keeping necessary records thereof, shall be borne by the interested persons to whom the duplicates have been issued under § 160.74 (a) or (b) or § 160.75, and shall be defrayed by an annual charge of $20.00 for each set of duplicates, payable at the end of each Government fiscal year, or on surrender of the duplicates, computed pro-rata for the number of quarters of the fiscal year during which the duplicates were held: *Provided,* That when any set of standards issued on loan shall need servicing more often than once in any fiscal year, in order to maintain them in accurate condition for grading, and the need for such extra servicing is deemed by the Administrator to be the result of improper handling and use of the standards by the interested person or his agent, such person shall pay an additional amount of $30.00 for each such additional servicing, plus the cost of any parts or components of the standards replaced in such servicing, and any postage charges incurred by the Department in connection therewith.

[11 FR 14665, Dec. 27, 1946, as amended at 17 FR 221, Jan. 9, 1952; 20 FR 6433, Sept. 1, 1955; 46 FR 47055, Sept. 24, 1981; 47 FR 3345, Jan. 25, 1982]

§ 160.77 Reporting on use of standards.

Each person to whom any duplicates of the United States Standards for rosin have been loaned under any provision in this part shall, from time to time, submit such reports on the use and condition thereof as may be required by the Administrator.

§ 160.78 Loss or damage of standards.

In case any duplicates become damaged or are missing, the person to whom they were loaned shall promptly inform the Administrator in writing, stating what damage or loss was sustained and how the same occurred. The cost of making necessary repairs to

any duplicates, or of replacing those damaged beyond repair, or missing, shall be paid promptly by the person to whom they were originally loaned.

§ 160.79 Request for additional standards.

Any person to whom any duplicates have been loaned without security deposit, who shall request and be granted the loan of additional duplicates to replace the original ones, shall be required to deposit the security provided for in § 160.75 prior to the loan of such additional duplicates. If the set of duplicates first loaned to such person, or any part thereof, is recovered, it shall be returned for inspection or repair. The cost of any repairs or replacements shall be paid, whereupon such original set may be returned to such person, and he shall surrender the second set, on receipt of which the security posted therefor shall be returned.

§ 160.80 Denial of loan of additional standards.

It shall be deemed impracticable under the act to loan additional duplicates to any person who has permitted duplicates previously loaned to him, without security, to become lost, damaged, or destroyed, if in the opinion of the Administrator, such loss, damage, or destruction resulted from any failure on the part of the interested person or his agent to take suitable precaution to prevent the loss, damage, or destruction, or when the available supply of duplicates is deemed insufficient to warrant the loan of additional duplicates to such person.

§ 160.81 Surrender of standards.

On the death of any person, or the dissolution or reorganization of any partnership, firm, or corporation, holding any duplicates of the United States Standards for rosin, they shall be promptly returned to the Administrator by the holder thereof.

§ 160.82 Return of security.

The security deposit received from any person to whom duplicates of the United States Standards for rosin have been loaned will be held in the special deposit account of the Department, and the same will be returned to the person from whom received, or his legal representative, on surrender of the duplicates secured thereby: *Provided,* That before refund is made the cost of any repairs or replacement shall be deducted.

§ 160.83 Miscellaneous receipts.

All moneys received or withheld to cover the cost of repairs, or of replacing any missing parts of duplicates, or as rental for duplicates, shall be paid into the United States Treasury as Miscellaneous Receipts.

SALES AND SHIPMENTS

§ 160.84 Identification of shipments.

The invoice or contract of sale of any naval stores in commerce shall identify and describe the article in accordance with the classification and the standard of kind and grade provided by the act or established by the Administrator.

§ 160.85 Sale of mixed turpentine not lawful.

Since no standard has been provided for a mixture of two or more kinds of spirits of turpentine, the sale in commerce of any such mixture is prohibited under any designation.

§ 160.86 Prohibited use of United States Standards.

It shall be deemed unlawful under any condition to sell, under or by reference to any United States Standard for naval stores, as provided by the act and defined in the regulations in this part, any article which fails to conform with such standard in all respects: *Provided,* That the phrase ''under or by reference to United States Standards'' as it appears in the act and the regulations in this part, shall include the use of any words, letters, brands, labels, or marks constituting any of the United States Standards for naval stores on any container of naval stores, on anything attached to or supplied therewith on delivery, or on any inspection, sale, or shipping record or invoice, in describing the kind, classification, or grade of the naval stores covered thereby.

§ 160.87 Prohibited use of word "turpentine" or derivatives thereof.

It shall be deemed unlawful to use in commerce the word ''turpentine'' or a compound, derivative or imitation thereof, or any word or combination of words which are a part of a United States Standard for any kind of spirits of turpentine, to describe in any manner a mixture of spirits of turpentine with any other oil or solvent.

§ 160.88 Permitted use of words "turpentine" and "rosin."

The use of the word ''turpentine'' or the word ''rosin'' is not prohibited in the name of an article made, prepared, or processed from spirits of turpentine or rosin, or to indicate the process whereby such article was made or prepared: *Provided,* That this section shall not apply to any article covered by § 160.87.

§ 160.89 Medicinal preparations.

A compound or mixture containing spirits of turpentine or rosin, or both, with other drugs, when sold for medicinal purposes, is not subject to the provisions of the Naval Stores Act or of the provisions in this part.

LABELING, ADVERTISING AND PACKING

§ 160.90 False, misleading, or deceitful practices.

No label or other means or practice used in connection with the sale of naval stores in commerce or of anything offered as such shall be false, misleading, or deceitful in any manner.

§ 160.91 Meaning of words "pine" and "pine tree."

The words ''pine'' or ''pine tree,'' when used to designate the source of spirits of turpentine, shall be deemed to mean a living, growing plant of the genus *Pinus,* family Pinaceae, unless the words ''wood of'' are used in connection therewith. The terms ''oleoresin of the southern pine'' or ''oleoresin from the southern pine'' shall be deemed to mean the gum or oleoresin exuded by such living, growing trees, the source of gum spirits of turpentine.

§ 160.92 Meaning of word "gallon."

The word ''gallon,'' when used on or impressed into any container of spirits of turpentine, or when used in an invoice referring to spirits of turpentine in containers of 10 gallons content or less, shall mean a United States standard gallon of 231 cubic inches of turpentine, regardless of any other definitive terms used therewith: *Provided,* That this shall not apply to the meaning of the words ''imperial gallon'', when placed on containers intended for foreign shipment. For the purpose of these regulations a measured gallon of turpentine, or any indicated multiple or fractional part thereof, shall be such quantity when measured at a temperature of not more than 75 °Fahrenheit, and a weighed gallon shall be construed to mean 7.2 pounds of turpentine.

§ 160.93 Powdered rosin.

The classification and grade of any rosin sold in commerce in a powdered or finely broken condition shall be stated in the invoice or contract of sale in accordance with the kind and grade of the rosin before it was powdered or broken. For the purpose of preventing coalescence there may be incorporated in such article a limited and necessary quantity of inert, nonresinous foreign material: *Provided,* That the nature and quantity of such inert material shall be stated on the label.

§ 160.94 Spirits of turpentine for medicinal use.

Spirits of turpentine so packed, described, labeled, or sold as to indicate that it is offered as a medicament shall nevertheless be subject to the requirements of the Naval Stores Act and of the provisions in this part, as well as any requirements under any other statute.

PROCEEDINGS IN CASE OF VIOLATION

§ 160.95 Proceedings prior to reporting violations of the act.

Whenever it shall appear to the Administrator that any violation of the act should be reported to the United States Department of Justice for appropriate action, he shall serve notice in writing upon the person apparently responsible for the alleged violation

and shall give such person an opportunity to show in duplicate to the Administrator within 20 days after the receipt of such notice why the alleged violation should not be reported to the Department of Justice. The person so notified may within the period stated apply for an opportunity to present his views in person, or by his attorney. If the Administrator deems the request appropriate he will designate a time and place for hearing the applicant.

§ 160.96 Report of violations for prosecution.

In the event of failure of the person notified of an apparent violation of the act to submit to the Administrator a written answer as provided in § 160.95, or if, after such person has filed his answer or in addition, been given an opportunity to present his views orally, no sufficient reason has been shown why the alleged violation should not be reported for prosecution, the General Counsel of the Department, acting for and on behalf of the Administrator, shall report the alleged violation to the Department of Justice for appropriate action.

§ 160.97 Publication.

Composite data regarding inspections, analyses, classifications, and grading of naval stores made under any provision of the act or the provisions in this part may be published from time to time in such mediums as the Administrator may designate for the purpose.

SPECIFIC FEES PAYABLE FOR SERVICES RENDERED

§ 160.201 Fees generally for field inspection and certification of naval stores and drum containers of rosin.

Except as provided in § 160.204, the following fees shall be paid to the United States for the field inspection and certification of naval stores and drum containers of rosin, not conducted under a cooperative agreement and where laboratory analysis or testing is not required:

(a) *Inspections by licensed inspectors at eligible processing plants.* (1) Rosin (grading and incidental certification as to class, condition and weight).

(i) In drums (see Note 1) per drum—$1.24.

(ii) In 100 pound bags (see Note 1) per bag—$.23.

(iii) In tank cars, per car—$67.50.

(iv) In tank trucks, per truck—$34.00.

(2) Turpentine (Grading and incidental certification as to class, condition and volume).

(i) In 55 gallon drums, per drum—$2.25.

(ii) In tank cars or trucks, per unit of 100 gallons—$1.41.

(iii) In bulk for delivery to tank steamer, per unit of 100 gallons—$2.25.

(b) Inspections by regularly employed, salaried Federal inspectors.

(1) Rosin.

(i) Grading and weighing at concentration and storage yards, per drum—$4.05.

(ii) Irregular inspection and grading at distillation or processing plants, up to 400 drums, per drum—$3.60; all over 400 drums, per drum—$2.25.

(iii) Weighing at concentration and storage yards, subsequent to grading, per drum—$2.25.

(iv) Examination of the external or internal appearance and condition of filled rosin drums, and of the rosin contained therein—See Note 2 and § 160.204.

(v) Re-certification under L.S. Certificate of rosin moving in commerce, per drum—$.23.

(2) Turpentine (inspection and certification as to kind, condition, volume, etc.).

(i) In drums of 55 gallons, per drum—$3.38.

(ii) In tank cars or trucks, per unit of 100 gallons—$2.81.

(iii) For bulk delivery to tank steamer, per unit of 100 gallons—$2.25.

NOTE 1: When the number of drums and bags inspected and certified at any plant during any calendar month is equivalent to a total of 2,400 or more drums (counting five bags as equivalent to one drum), the fee shall be computed at the rate of $1.01 per drum and $.18 per bag certified. For quantities less than the equivalent of 2,400 drums, the fee shall be computed at the prescribed rate of $1.24 per drum and $.23 per bag.

NOTE 2: The inspection or related examination of containers of rosin and their contents under Section B(1)(iv) shall be performed only after the inspector or the Chief of the Marketing Programs Branch has been advised regarding the location, nature, scope, and purpose of the service desired, and the

charge to be made therefore has been submitted to and accepted by the requesting person.

[47 FR 3345, Jan. 25, 1982]

§ 160.202 Fees generally for laboratory analysis and testing.

Except as provided in § 160.204, the following fees shall be paid to the United States for laboratory analysis and testing of naval stores, when not performed in the conduct of a cooperative agreement with respect to such products:

(a) *Rosin and turpentine.* (See Note 3).

(1) Comprehensive analysis to determine purity, specification compliance, or other chemical and physical properties related thereto:

(i) Single Sample—$40.00.

(ii) Two or more samples analyzed at same time per sample—$35.00.

(2) Limited testing to determine kind, grade, or other factors related to quality of utility.

(i) Single Sample:

(A) Rosin—$14.00.

(B) Turpentine—$10.00.

(ii) Two or more samples tested at same time:

(A) Rosin—per sample—$10.00.

(B) Turpentine—per sample—$8.00.

NOTE 3: The analysis and testing of rosin involves many different types of laboratory procedures, requiring variable time for performance, and including other cost factors. The charge for such analysis and testing will depend on the type and extent of the work required to supply the information desired by the interested person requesting the service. When it appears that the charges indicated in this section will not defray the costs of making the tests required, the interested person shall be informed before any work is performed and will be supplied with a cost estimate of the actual charges to be made. See also § 160.204.

[47 FR 3345, Jan. 25, 1982]

§ 160.203 Fees for inspection and certification of other naval stores material.

Whenever it shall be deemed practical and in the interest of the naval stores trade to sample, inspect, analyze and certify any naval stores material other than spirits of turpentine or rosin, at the request of an interested person, the fees for such inspection shall be the same as the fees prescribed for spirits of turpentine.

[17 FR 189, Jan. 8, 1952]

§ 160.204 Fees for extra cost and hourly rate service.

The fees specified in §§ 160.201 and 160.202 apply to the routine field inspection and usual laboratory work incident to the certification of commodities covered by those sections. Should additional work be required to provide special information desired by the person requesting service, or should it be necessary for an inspector to make a special trip or to deviate from his regular schedule of travel, or should the fees prescribed in §§ 160.201 and 160.202 otherwise be insufficient to defray the cost to the Government for rendering such service, then the person requesting the service shall pay, in lieu of the prescribed fees, an amount computed by the Department as sufficient to defray the total cost thereof, including allowances for time spent in collecting and preparing samples obtaining identification records, traveling, performing laboratory tests or other necessary work, and also any expense incurred for authorized transportation and subsistence of the inspector or analyst while in travel status. The charge for time so spent shall be computed at the rate of $17.80 per hour for laboratory and field inspection work. The overtime rate for services performed outside the inspector's regularly scheduled tour of duty shall be $21.30. The rate of $26.70 shall be charged for work performed on Sundays or holidays.

[47 FR 3345, Jan. 25, 1982]

§ 160.205 Permit fees for eligible processing plants under licensed inspection.

Initial permit fee—$20.00.

Annual renewal permit fee—$20.00.

NOTE: The renewal permit fee shall be reduced to $10 per year when the inspection fees paid by the eligible processing plant aggregate $200 or more during the preceding fiscal year ended September 30, and shall be waived when such fees aggregate $400 or more during such fiscal year. Such reduced permit fee shall apply only in case the eligible processing plant has made use of the licensed inspection service.

[47 FR 3346, Jan. 25, 1982]