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PART I

(Part II begins on page 9705)

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

WORLD TRADE WEEK, 1972—Presidential proclamation	9663
SCHOOL GUIDES—Final FTC guides for private vocational and home study schools; effective 8-14-72	9665
ENVIRONMENT—Environmental Quality Council notice of impact statements received on a boll weevil control program in the Southwest, an experimental nuclear explosion in Wyoming, and other various projects	9689
RAIL AND WATER CARRIERS—ICC amends application procedures; effective 5-16-72	9672
POULTRY PRODUCTS—USDA revises inspection regulations	9705
NAVIGATION—Dept. of the Army revises regulations governing the use, administration, and navigation of the Chesapeake and Delaware Canal	9669
NATURAL GAS—FPC notice of "small producer" applications; hearing requests by 5-30-72	9692
MEDICARE—HEW proposal would permit refunds to beneficiaries from amounts withheld from providers; comments by 6-15-72	9674
EXPERIMENTAL SCHOOLS—HEW amends regulations for grant program; effective 5-16-72	9671

(Continued Inside)

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EARTH PHOTOGRAPHY —NASA announces general availability of photographic products acquired in the Earth Resources Survey Program.....	9695	CHEMICAL ADDITIVES —FDA approves supplemental use of a chemical (buquinolate) in chicken feed; effective 5-16-72.....	9669
SECURITIES BROKER-DEALERS —New SEC requirements for disclosure respecting personnel, facilities and financing to operate business; effective June 15, 1972.....	9668	ECONOMIC STABILIZATION —Price Commission determines formula for determining base prices for certain reimbursement plans provided by health services institutions.....	9696

Contents

THE PRESIDENT

PROCLAMATION

World Trade Week, 1972.....	9663
-----------------------------	------

EXECUTIVE AGENCIES

AGRICULTURAL MARKETING SERVICE

Rules and Regulations

Inspection of poultry and poultry products; cross reference.....	9665
--	------

AGRICULTURE DEPARTMENT

See Agricultural Marketing Service; Animal and Plant Health Inspection Service; Forest Service.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Rules and Regulations

Poultry products inspection regulations.....	9706
--	------

ARMY DEPARTMENT

See Engineers Corps.

CIVIL AERONAUTICS BOARD

Notices

Hearings, etc.:

Individual inclusive tour basing fares to Hawaii.....	9689
Northwest Airlines, Inc.....	9689

COMMERCE DEPARTMENT

See also International Commerce Bureau.

Notices

Office of Audits; organization and functions.....	9678
Public information services; notice of availability.....	9679

DEFENSE DEPARTMENT

See Engineers Corps.

EDUCATION OFFICE

Rules and Regulations

Federal financial assistance for research and related activities in field of education and for construction of national and regional research facilities; experimental facilities.....	9671
--	------

ENGINEERS CORPS

Rules and Regulations

Navigation regulations; Chesapeake and Delaware Canal (I.W.W.), Del. and Md.....	9669
--	------

ENVIRONMENTAL QUALITY COUNCIL

Notices

Environmental impact statements; public availability.....	9689
---	------

FEDERAL AVIATION ADMINISTRATION

Proposed Rule Making

Control zone and transition area; alteration.....	9676
Transition areas: Alteration.....	9675
Designations (2 documents).....	9675, 9676

FEDERAL COMMUNICATIONS COMMISSION

Rules and Regulations

Radio frequency devices; exclusion of certain bio-medical telemetry systems from duty cycle requirement.....	9672
--	------

FEDERAL MARITIME COMMISSION

Notices

Agreements filed:

American Export Isbrandtsen Lines, Inc., et al.....	9691
Concordia Line A/S-Niagara Line A/S et al.....	9691
Kaiser Aetna and Evergreen Terminals, Inc.....	9691
North Atlantic Westbound Freight Association.....	9692

FEDERAL POWER COMMISSION

Notices

Dorothy Suzanne Manziel et al.; applications for "small producer" certificates.....	9692
---	------

FEDERAL RESERVE SYSTEM

Notices

Dominion Bankshares Corp.; order approving acquisition of State Mortgage Corp.....	9693
MEI Corp. and IGI Successor, Inc.; order approving formation of bank holding companies.....	9694
Minnesota Mining and Manufacturing Co.; order approving exemption of nonbanking activities of bank holding company.....	9695
Orders approving acquisition of banks: Consolidated Bankshares of Florida, Inc.....	9693
First Tennessee National Corp.....	9694

FEDERAL TRADE COMMISSION

Rules and Regulations

Guides for private vocational and home study schools.....	9665
---	------

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

Food additives and new animal drugs; buquinolate and roxarsone.....	9669
---	------

FOREST SERVICE

Notices

Proposal for herbicide control of big sagebrush; availability of final environmental statement.....	9678
San Francisco Peaks land use plan proposal; availability of draft environmental statement.....	9678

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Education Office; Food and Drug Administration; Social Security Administration.

(Continued on next page)

INTERIOR DEPARTMENT

See Indian Affairs Bureau; Land Management Bureau.

INTERNATIONAL COMMERCE BUREAU**Notices**

Hameg France S.A.R.L.; notice of related party determination..... 9678

INDIAN AFFAIRS BUREAU**Proposed Rule Making**

Fort Hall Indian Irrigation Project, Idaho; termination of contracts covering small acreages... 9674

INTERNAL REVENUE SERVICE**Proposed Rule Making**

Income tax; reserves for losses on loans of banks and small business investment companies, etc.; correction 9674

Notices

Supervisory IRS employees; delegation of authority regarding designation of acting supervisory officials 9677

INTERSTATE COMMERCE COMMISSION**Rules and Regulations**

Railroad and water carrier consolidation procedures..... 9672

Notices

Assignment of hearings..... 9698
Fourth section application for relief 9699
Motor carriers:
Board transfer proceedings (2 documents) 9699
Temporary authority applications 9700

LAND MANAGEMENT BUREAU**Notices**

Arizona; order providing for opening of public lands..... 9677

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**Notices**

Earth resources survey imagery policy; availability of photographic products..... 9695

PRICE COMMISSION**Notices**

Institutional providers of health services; determination of base prices for prospective reimbursement plans..... 9696

SECURITIES AND EXCHANGE COMMISSION**Rules and Regulations**

Disclosures in broker-dealer registration application respecting personnel, facilities and financing required to operate business. 9668

Notices*Hearings, etc.:*

Columbia Gas System, Inc., et al 9696
Dreyfus Leverage Fund, Inc. 9697
First World Corp..... 9698
Pennsylvania Electric Co..... 9698

SOCIAL SECURITY ADMINISTRATION**Proposed Rule Making**

Federal health insurance for aged; agreements with and functions of providers, intermediaries, carriers, and State agencies; payment of offset amounts to beneficiary or other person 9674

TRANSPORTATION DEPARTMENT

See Federal Aviation Administration.

TREASURY DEPARTMENT

See Internal Revenue Service.

List of CFR Parts Affected

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

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1972, and specifies how they are affected.

3 CFR**PROCLAMATION:**

4135..... 9663

7 CFR

81..... 9665

9 CFR

381..... 9706

14 CFR**PROPOSED RULES:**

71 (4 documents)..... 9675, 9676

16 CFR

254..... 9665

17 CFR

240..... 9668

20 CFR**PROPOSED RULES:**

405..... 9674

21 CFR

121..... 9669

135e..... 9669

25 CFR**PROPOSED RULES:**

197..... 9674

26 CFR**PROPOSED RULES:**

1..... 9674

32 CFR

207..... 9669

45 CFR

151..... 9671

47 CFR

15..... 9672

49 CFR

1111..... 9672

Presidential Documents

Title 3—The President

PROCLAMATION 4135

World Trade Week, 1972

By the President of the United States of America

A Proclamation

From the earliest days of this Nation, the American people have been engaged vigorously in international trade. In this era of new competition, we intend to continue and expand such efforts.

The benefits of such activity are manifest in the numerous U.S. job opportunities that foreign trade creates and in the enriched standard of living flowing from the freedom of the American people to buy diverse products from many lands. This mutually beneficial exchange of goods stimulates economic growth not only in the United States but also in the other nations of the world and contributes to better international understanding and goodwill.

The world's trade and monetary system exists in a dynamic environment, as was shown in the major reforms we successfully launched last year. Recent changes provide new trade opportunities for United States industries, firms, and workers in the various sectors of the American economy. All must take steps to make our participation in international trading activities more effective in order that the United States economy may reap the maximum benefits from this development.

As our trade expands, production and employment in the American economy will be stimulated and our balance of payments placed in better equilibrium.

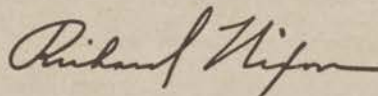
The major trading nations have declared that they are prepared to initiate and actively support multilateral and comprehensive negotiations in the framework of the General Agreement on Tariffs and Trade with a view to the expansion of world trade and improvement in the worldwide standard of living. These aims can be achieved through the progressive dismantling of obstacles to trade and the improvement of the international framework for the conduct of world trade.

The United States stands ready to do its fair share in international efforts to achieve these aims, and expects that other nations will do the same.

In addition to trade benefits, stronger international relationships based on mutual equity will do much to enhance world stability and thus will assist the world's constant search for new structures of peace.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim the week beginning May 21, 1972, as World Trade Week, and I call upon the American people, the business community, and Government officials to cooperate in observing that week and to consider the expansion of world trade as an important national objective which warrants their attention and their productive efforts.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of May, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.



[FR Doc. 72-7470 Filed 5-12-72; 2:57 pm]

Rules and Regulations

Title 7—AGRICULTURE

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

PART 81—INSPECTION OF POULTRY AND POULTRY PRODUCTS

CROSS REFERENCE: For a document transferring this Part 81 Inspection of Poultry and Poultry Products to Title 9—Animals and Animal Products, Chapter III—Animal and Plant Health Inspection Service (Meat and Poultry Inspection), Department of Agriculture, Subchapter C—Mandatory Poultry Products Inspection, Part 381—Poultry Products Inspection Regulations, see F.R. Doc. 72-7203, *infra*.

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 254—GUIDES FOR PRIVATE VOCATIONAL AND HOME STUDY SCHOOLS

Introduction. Guides for private vocational and home study schools as hereinafter set forth have been adopted by the Commission to afford guidance as to the legal requirements applicable to the business practices of the members of this industry. The guides proscribe the use of unfair and deceptive acts and practices which have been used in the past by members of this industry to obtain enrollments. The various forms of deception have frequently been characterized by misrepresentation of the nature and efficacy of the instruction offered by a school. Emphasis has been placed upon the necessity of providing the prospective student with accurate and truthful information in order that he may make an informed and intelligent decision whether or not to enroll.

The guides should result in a more widespread and equitable observance of the laws administered by the Commission with a view to protecting the public and to provide a basis for the industry-wide abandonment of unfair and deceptive acts and practices on the part of the proprietary schools.

Proposed guides for private vocational and home study schools were made public by the Commission on July 7, 1970, with an invitation for industry members and other interested parties to submit written comment and to present oral comments on the proposed guides

at a public hearing. After full consideration of all of the information received in the course of these proceedings, the Commission adopted the guides in their present form.

While the guides are interpretive of laws administered by the Commission and thus are advisory in nature, proceedings to enforce the requirements of law as explained in the guides may be brought under the Federal Trade Commission Act (15 U.S.C. secs. 41-58). Briefly stated, the Federal Trade Commission Act makes it illegal for one to engage in "unfair methods of competition in commerce and unfair or deceptive acts or practices in commerce", as commerce is defined therein.

In order to prevent deception the Commission may require the affirmative disclosure of material facts concerning a school or any of its courses, which if known to prospective students or students would influence their decision to purchase the course or to enroll. The failure to disclose such information as may be required is an unfair trade practice violative of the Federal Trade Commission Act. Virtually all of these guides provide for affirmative disclosures. Unless otherwise specified such disclosures should be made in a clear and conspicuous manner so as to be likely to be perceived by the student or prospective student prior to enrollment.

Industry members are cautioned that should they fail to comply with the provisions of the guides, proceedings may be initiated against them. Such proceedings might result in the issuance of an order imposing upon an industry member more stringent constraints or requirements than those described in the guides, if in the judgment of the Commission such provisions are necessary to stop the use of unfair or deceptive acts or practices on the part of that industry member.

Industry members should endeavor to conform to the provisions of the guides at the earliest practicable date. However, in order to provide a reasonable amount of time for industry members to make necessary revisions in their advertising, promotional materials and general business practices, the guides, except as indicated below will become effective August 14, 1972, at which time they will supersede the trade practice rules for the private home study schools as promulgated November 2, 1936. Industry members will be allowed until November 13, 1972, to reprint publications such as school catalogs.

Industry members subject to outstanding cease and desist orders pertaining to the subject matter of these guides will be expected to comply with such orders and with those provisions of these guides which impose additional requirements upon them.

Inquiries and requests for copies of the guides should be directed to the Division of Rules and Guides, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580.

Sec.	Definitions.
254.1	Deceptive trade or business names.
254.2	Misrepresentation of extent or nature of accreditation or approval.
254.3	Misrepresentation of facilities, services, qualifications of instructors, and status.
254.4	Misrepresentation of enrollment qualifications or limitations.
254.5	Deceptive use of diplomas, degrees, or certificates.
254.6	Deceptive sales practices.
254.7	Deceptive pricing and misuse of the word "free."
254.8	Deceptive or unfair collection and credit practices.
254.9	Affirmative disclosures prior to enrollment.
254.10	

AUTHORITY: The provisions of this Part 254 issued under 38 Stat. 717, as amended; 15 U.S.C. 41-58.

§ 254.1 Definitions.

(a) **Industry member.** Any person, firm, corporation, or organization engaged in the operation of a privately owned school which offers resident or correspondence courses or training or instruction purporting to prepare or qualify individuals for employment in any occupation or trade or in work requiring mechanical, technical, artistic, business, or clerical skills or which is for the purpose of enabling a person to improve his appearance, social aptitude, personality, or other attributes is considered to be an industry member. However, the term "industry member" shall not include resident primary or secondary schools or institutions of higher education which offer at least a 2-year program of accredited college level studies for resident students which is generally acceptable for credit toward a bachelor's degree.

(b) **Accredited.** For the purpose of this part the term "accredited" means that a course or school to which the term is applied has been evaluated and found to meet established criteria by an accrediting agency or association recognized by the U.S. Commissioner of Education of the U.S. Department of Health, Education, and Welfare, as reliable authority as to the quality of the training offered.

(c) **Approved.** For the purpose of this part, the term "approved" means that a school or course has been recognized by a State or Federal agency as meeting educational standards or other related qualifications as prescribed by that agency for the school or course to which the term is applied. It is not and should not be used interchangeably with "accredited," and the term "approved" is

not justified by the mere grant of a corporate charter to operate or license to do business as a school and should not be used unless the represented "approval" has in fact been affirmatively required or authorized by State or Federal law. [Guide 1].

§ 254.2 Deceptive trade or business names.

(a) An industry member should not use any trade or business name, label, insignia, or designation which has the capacity and tendency or effect of misleading or deceiving prospective students, or student with respect to the nature of the school, its accreditation, programs of instruction or methods of teaching, or any other material fact.

(b) An industry member should not falsely represent directly or indirectly by the use of a trade or business name or in any other manner that:

(1) It is a part of or connected with a branch, bureau, or agency of the U.S. Government, or of any State, or civil service commission;

(2) It is an employment agency or that it is an employment agent or authorized training facility for another industry or member of such industry, or otherwise deceptively conceal the fact that it is a school.

(c) If an industry member conducts its instruction wholly by correspondence or home study, a clear and conspicuous disclosure should be made in immediate conjunction with its trade or business name that it is a correspondence or home study school. An industry member which offers both resident and correspondence or home study instruction should clearly and conspicuously identify in all advertisements and promotional materials, except in those pertaining solely to its resident program, the programs or courses to be offered in whole or in part by correspondence or home study. [Guide 2]

§ 254.3 Misrepresentation of extent or nature of accreditation or approval.

(a) An industry member should not misrepresent directly or indirectly the extent or nature of any approval its school may have received from a State agency or the extent or nature of its accreditation by a nationally recognized accrediting agency, or association. Illustratively, an industry member should not:

(1) Unqualifiedly represent that its school is accredited unless all of its programs of instruction have in fact been accredited by an accrediting agency recognized by the U.S. Commissioner of Education of the U.S. Department of Health, Education, and Welfare. If an accredited school offers courses or programs of instruction which have not been accredited, all advertisements or promotional materials pertaining to such courses or programs should contain a clear and conspicuous disclosure that they are not accredited if any reference is made in the advertisements or promotional materials to the accreditation of the school.

(2) Represent that its school or a course is approved, unless the nature, extent, and purpose of that approval are disclosed.

(3) Represent that students successfully completing a course or program of instruction may transfer credit therefor to an accredited institution of higher education unless such is the fact.

(b) An industry member should not represent that a course of instruction has been approved by a particular industry, or that successful completion thereof qualifies the student for admission to a labor union or similar organization, or for the receipt of a State or Federal license to perform certain functions, unless such is the fact.

(c) An industry member should not represent that its courses are recommended by vocational counselors, high schools, colleges, educational organizations, employment agencies, or members or officials of a particular industry, or that it has been the subject of unsolicited testimonials or endorsements from former students or anyone else unless such is the fact. Testimonials or endorsements which do not accurately reflect current practices of the school, or current conditions or employment opportunities in the industry or occupation to which the training pertains, should not be used. [Guide 3]

§ 254.4 Misrepresentation of facilities, services, qualifications of instructors, and status.

(a) An industry member should not misrepresent directly or indirectly in its advertising, promotional materials, or in any manner the size, location, facilities, or equipment of its school or the number or educational qualifications of its faculty and other personnel. Illustratively, an industry member should not:

(1) Use or refer to fictional organization divisions or position titles or make any representation which has the tendency or capacity to mislead or deceive students or prospective students, as to the size or importance of the school, its divisions, faculty, personnel, or officials, or in any other material respect.

(2) Misrepresent directly or indirectly the size, importance, location, facilities, or equipment of the school through use of photographs, illustrations, or any other depictions in catalogs, advertisements, or other promotional materials. For example, photographs or illustrations which purport to show school equipment should not be used if the school does not use such equipment in the conduct of its courses.

(3) Represent that the school owns, operates, or supervises a dormitory, eating, or other living accommodations unless such is the fact.

(4) Falsely or deceptively represent the location or locations at which its courses will be conducted.

(5) Misrepresent the nature, or efficacy, of its courses, training devices, methods or equipment or the number, qualifications, training, or experience of its faculty or personnel, whether by means of endorsements or otherwise.

(6) Falsely represent that it will provide or arrange for part or full-time employment while the student is undergoing instruction; or misrepresent in any manner, directly or by implication, the availability of such employment or any other form of financial assistance.

(7) Deceptively represent the nature of any relationship which the school or any of its officers, employees, or instructors may have with the U.S. Government or any of its agencies or any agency of a State or local government, or that by virtue of such a relationship or any prior relationship its students will receive preferred consideration in obtaining employment with such a government or any of its agencies.

(8) Represent directly or indirectly that certain individuals or classes of individuals are bona fide working members of its faculty, or are members of its advisory board, or have played an active part in the preparation of its instruction materials, unless such is the fact, or misrepresent in any manner, directly or by implication, the extent or nature of the association of any person with the school or the courses offered.

(9) Misrepresent the nature and extent of any personal instruction, guidance, assistance, or other attention it will provide for its students either during a course or after completion of a course.

(b) An industry member should not represent directly or indirectly that it is a nonprofit organization unless such is the fact.

(c) An industry member should not falsely represent that it is affiliated with or otherwise connected with a public or private religious or charitable organization.

(d) An industry member should not falsely or deceptively represent that a course has been recently revised, or that it has a revision system or service, or misrepresent in any manner, its facilities, procedures, or ability to keep a course current. [Guide 4]

§ 254.5 Misrepresentation of enrollment qualifications or limitations.

(a) An industry member should not misrepresent the nature or extent of any prerequisites it has established for enrollment in a course or program of instruction. For example, it should not:

(1) Represent that a course is available only to those having a high school diploma or other specific educational qualifications, unless the sale of such a course is limited to persons possessing generally acceptable evidence of such a diploma or educational qualifications.

(2) Represent that only those who make an acceptable grade or complete successfully a certain test or examination will be admitted, if in fact enrollments are not thus limited.

(3) Falsely represent that it will accept for enrollment only a limited number of persons or a limited number of persons from a certain geographical area.

(4) Falsely represent that applications for enrollment will be considered

for only a limited period of time, or that they must be submitted by a certain date.

(b) An industry member should not falsely represent that the lack of a high school education or prior training or experience is not a handicap or impediment to successful completion of a course.

(c) An industry member should endeavor to establish the qualifications which an applicant should have to assimilate successfully the subject matter of the course. Applicants should be informed of these prerequisites, and those who are not so qualified should not be enrolled. [Guide 5]

§ 254.6 Deceptive use of diplomas, degrees, or certificates.

(a) An industry member should not issue a degree, diploma, certificate of completion, or any document of similar import, which misrepresents directly or indirectly the subject matter, substance or content of the course of study or any other material fact concerning the course for which it was awarded or the accomplishments of the student to whom it was awarded.

(b) An industry member should not offer or confer an academic, professional, or occupational degree, if the award of such degree has not been authorized by the appropriate State educational agency or approved by a nationally recognized accrediting agency, unless it clearly and conspicuously discloses in all advertising and promotional materials which contain a reference to such degree that its award has not been authorized or approved by such an agency.

(c) An industry member should not offer or confer a high school diploma unless the program of instruction to which it pertains is substantially equivalent to that offered by a resident secondary school, and unless the student is informed by means of a clear and conspicuous disclosure in writing prior to his enrollment, that the industry member cannot guarantee or otherwise control the recognition which will be accorded the diploma by institutions of higher education, other schools or by prospective employers, and that the degree to which it is recognized is a matter solely within the discretion of those agencies. [Guide 6]

§ 254.7 Deceptive sales practices.

(a) In obtaining leads to prospective students, an industry member should not use advertisements or promotional material which is classified, designated or captioned, "Men wanted to train for * * *", "Help Wanted", "Employment", "Business Opportunities" or by words or terms of similar import, so as to represent directly or by implication that employment is being offered.

(b) An industry member should not deceptively designate or refer to its sales representatives as "registrars", "counselors", "advisors", or by words of similar import or misrepresent in any other manner, the titles, qualifications, training, experience or status of its salesmen,

agents, employees, or other representatives.

(c) The advertising or promotional materials of an industry member which are used to provide leads to prospective students should include the full name and address of the school (a local address is permissible in the case of a multi-local school) and disclose the fact that it is a school if such is not apparent from its name. In addition, a person who responds to such an advertisement or promotional material should not be visited by a salesman unless the advertisement or material contains a clear and conspicuous disclosure that a salesman may call or unless consent to such a visit is first obtained by mail or telephone.

(d) In obtaining leads to prospective students, an industry member should not represent that it is conducting a talent hunt, contest, or similar test, unless such is the fact and such representation is accompanied by a clear and conspicuous disclosure of the industry member's name and address and the fact that it is a school if such is not apparent from its name. An industry member which conducts a talent hunt, contest, or similar test among prospective students should keep accurate records concerning the results thereof. [Guide 7]

§ 254.8 Deceptive pricing and misuse of the word "free."

(a) An industry member should not represent directly or indirectly in advertising or otherwise that a course or courses may be taken for a specified price, or at a saving, or at a reduced price, when such is not the fact; or otherwise deceive students or prospective students with respect to the cost of a course or any equipment, books, or supplies associated therewith or furnish any means or instrumentality by which others engaged in obtaining enrollments may make such representations. Illustratively, an industry member should not represent:

(1) That veterans or other stated classes of persons may be enrolled at a reduced or special rate unless such is the fact;

(2) That a specific amount is its usual and customary price for a course unless such amount is the price at which the course has been usually and customarily sold in the recent regular course of business;

(3) That any saving is afforded in the price of a course from the member's regular price unless the price at which the course is offered constitutes a reduction from the price at which the course has been usually and customarily sold in the recent regular course of business;

(4) That books, training materials, or training aids are furnished at reduced rates,

(i) Unless the prices therefor have been reduced from the prices at which they were usually and customarily sold by the member in the recent and regular course of business; or

(ii) Unless the prices therefor have been reduced from the prices at which

they were usually and customarily sold at retail by principal outlets in the trade area.

(b) An industry member should not misrepresent the total cost of the course to a prospective student or falsely represent that it offers scholarships which pay for all or part of the course.

NOTE: The Commission's Guides Against Deceptive Pricing (Part 233 of this chapter) afford further guidance in this area.

(c) An industry member which represents that any course material, training device, or service is free should comply with the provisions of the Commission's Guide Concerning Use of the Word "Free" and Similar Representations (Part 251 of this chapter). [Guide 8]

§ 254.9 Deceptive or unfair collection and credit practices.

(a) An industry member should not use any deceptive representations or deceptive means to collect or attempt to collect tuition or other charges from its students. For example, an industry member should not represent that a delinquent account has been or will be referred to an independent collection agency or to an attorney unless such is the fact.

(b) An industry member should not seek to enforce or obtain a judgment or otherwise attempt to collect on any contract or other instrument between itself and a student, or transfer or assign such contract or other instrument to a third party for the purpose of collection or of enforcing or obtaining a judgment on said contract or instrument, if the member or its employees or representatives misrepresented the nature or the terms of said contract or instrument at the time or prior to the time the contract or instrument was signed.

NOTE: The Commission's Guides Against Debt Collection Deception (Part 237 of this chapter) afford further guidance in this area.

[Guide 9]

§ 254.10 Affirmative disclosure prior to enrollment.

Before obtaining the signature of a prospective student or of his parent or guardian on an enrollment contract or contract of sale, an industry member should furnish in writing to that person or persons the following information:

(a) The member's policy and regulations relative to make-up work, delay or delinquency in meeting course requirements, and standards required of the student for achieving satisfactory progress, including class attendance if applicable.

(b) If the member recommends, suggests, or requires that the student have or secure any additional texts, equipment, or materials other than usual student supplies such as paper and pencils, or utilize any supplementary services offered by the member, and the cost thereof is not included in the contract price of the course, an itemized list of such items and services showing the price thereof.

(c) In the case of courses to be taught in residence, a description of the school's physical facilities, and equipment to be used in teaching the class, and the usual class size.

(d) If the member represents that it offers a placement service to its graduates or will otherwise secure or assist them to find employment, a detailed and explicit description of the extent and nature of this service or assistance.

(e) Any other material facts concerning the school and the program of instruction or course which are reasonably likely to affect the decision of the student to enroll therein. [Guide 10]

Promulgated by the Federal Trade Commission May 16, 1972.

[SEAL]

CHARLES A. TOBIN,
Secretary.

[FR Doc. 72-7278 Filed 5-15-72; 8:45 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 34-9594]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EX- CHANGE ACT OF 1934

Disclosures in Broker-Dealer Regis- tration Application Respecting Per- sonnel, Facilities, and Financing Required To Operate Business

The Securities and Exchange Commission today announced that it has amended Rule 15b1-2 (17 CFR 240.15b1-2) under the Securities Exchange Act of 1934 (the Act). Prior to the present amendment, that rule required persons who file applications to become registered as broker-dealers to furnish merely verified statements of their financial condition. The rule has now been expanded to require applicants to furnish information concerning the adequacy of the arrangements they have made with respect to the personnel, facilities, and financing required to operate their businesses.

On December 9, 1971, the Securities Exchange Act Release No. 9411, and published in the FEDERAL REGISTER for December 18, 1971 (36 F.R. 24076), the Commission published its proposal to amend Rule 15b1-2. It has considered the comments and suggestions received in response to that proposal and now amends that rule as set forth below.

While the failure of many broker-dealers in the recent past was the result of a number of causes, among the contributing factors in many cases was the lack of adequate personnel and facilities by persons who entered the business without adequate preparations. In its study of unsafe and unsound practices

of brokers and dealers¹ the Commission referred to the fact that a number of broker-dealers who were able to remain in business for only brief periods following registration had little or no background in the securities field and paid little or no attention to the need for adequate facilities, personnel and financing in order to engage in a viable business.

As amended, Rule 15b1-2 requires a person who files an application for registration as a broker-dealer to file with that application, in addition to the statement of financial condition which is presently required to be filed under Rule 15b1-2, (1) a computation of his aggregate indebtedness and net capital which must be in compliance with the requirements applicable to his business, (2) a statement describing the nature and source of his capital and representing that such amount of capital has been contributed to and will continue to be devoted to his business, (3) a statement representing that he has made adequate arrangements for the establishment and maintenance of the facilities and financing required for the operation of the business, and a detailed statement of the nature of the arrangements made with respect to personnel, physical facilities, books and records, and supervision procedures, and (4) a statement for the first year of operations (A) describing the arrangements made for the obtaining of the funds necessary to operate his business, (B) setting forth the anticipated expenses for such first year, and (C) providing information as to any arrangements which have been made to obtain additional financing if it becomes necessary.

The information described above in clauses (2), (3), and (4) would not be required of a broker-dealer who is succeeding to and continuing the business of another registered broker-dealer. In addition, there is a general exemptive provision which provides that the Commission may grant exemptions from the requirements of any of the provisions of the rule to a broker-dealer for whom a proper showing has been made that the filing of the required information would not be necessary in the public interest or for the protection of investors.

Commission action. The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, and particularly sections 15(b) (1), (2), and (3), 15(c) (3) and 23(a) thereof, and deeming it in the public interest and for the protection of investors, hereby amends § 240.15b1-2 of Chapter II of Title 17 of the Code of Federal Regulations (1) by revising the caption, (2) by amending paragraph (a), (3) by redesignating paragraph (c) as paragraph (f), and (4) by adding new paragraphs (c), (d), and (e) thereto. As amended § 240.15b1-2 reads as follows:

¹ House Doc. No. 92-231, 92d Cong. first sess., ch. VII, pp. 163-4.

§ 240.15b1-2 Statements to be filed with application for registration as a broker or dealer.

(a) Every broker or dealer who files an application for registration on Form BD (§ 249.501 of this chapter) shall file with such application, in duplicate original, a statement of financial condition as of a date within 30 days of the date on which such statement is filed and as of a later date reflecting any material change, if there has been a material change. Such statement of financial condition shall (1) be in such detail as will disclose the nature and amount of assets and liabilities and the net worth of such broker or dealer (securities of such broker or dealer or in which such broker or dealer has an interest shall be listed in a separate schedule and, if a ready market for the security exists, valued at the market price with an indication of the market on which such valuation is made), and (2) contain a computation of his aggregate indebtedness and net capital which shall comply with the requirements applicable to the business of such broker or dealer under § 240.15c3-1, or under the capital rule of the national securities exchange of which such broker or dealer is or has in good faith filed an application to become a member if the members of such exchange are exempt from compliance with § 240.15c3-1 pursuant to paragraph (b) (2) thereof. For purposes of this paragraph (a), if the broker or dealer is a sole proprietorship, the personal assets and liabilities of such broker or dealer shall be included in the computations of his net worth, aggregate indebtedness, and net capital pursuant to subparagraphs (1) and (2) of this paragraph in testing compliance with his net capital requirements under the applicable capital rule.

(c) Every broker or dealer who files an application for registration on Form BD (§ 249.501 of this chapter) shall file with such application, in duplicate original, a statement which shall include the following:

(1) A representation that the capital of such broker or dealer has been contributed, and that such amount of capital will continue to be devoted, to his business as a broker or dealer, and a description of the nature and source of such capital, and

(2) A representation that adequate arrangements have been made by such broker or dealer for the establishment and maintenance of adequate facilities and the financing required for the carrying on of his business as a broker or dealer, and an undertaking that such broker or dealer will continue to maintain facilities and financing adequate for his business, and a detailed statement thereof, including a discussion of the nature of such arrangements with respect to (i) personnel, (ii) physical facilities, (iii) the maintenance and preservation of books and records as required by applicable provisions of law and any

applicable rules of any national securities exchange or national securities association of which such broker or dealer is a member, including information concerning any arrangements made for the adequate performance of these functions and duties with a bookkeeping service company, or data processing service company, or otherwise, and (iv) the methods and procedures to be employed by such broker or dealer for the purpose of supervising the activities of persons associated with him, and

(3) A statement describing the arrangements made for the obtaining of the funds required for the operation of his business for the first year of operations, and the uses to which such funds will be put, stating in appropriate detail the expenses expected to be incurred for such first year of operations; and setting forth the arrangements made, if any, for the obtaining of additional funds if such funds should become necessary.

(d) Attached to each of the statements required by this rule shall be an oath or affirmation that the information contained therein is true and correct to the best knowledge and belief of the person making such oath or affirmation. The oath or affirmation shall be made before a person duly authorized to administer such oath or affirmation. If the broker or dealer is a sole proprietorship, the oath or affirmation shall be made by the proprietor; if a partnership, by a general partner; if a corporation, by a duly authorized officer.

(e) (1) The provisions of this section shall not apply to a broker or dealer succeeding to and continuing the business of another registered broker or dealer provided that such successor broker or dealer files with the application on Form BD (§249.501 of this chapter) a statement of financial condition as specified in paragraph (a) of this section.

(2) The Commission may, upon written request or upon its own motion, exempt from the provisions of this section any broker or dealer, either unconditionally or on specified terms or conditions, as it deems necessary or appropriate in the public interest or for the protection of investors.

(f) The statement of financial condition required by this section shall be deemed a part of such application for registration within the meaning of section 15(b) of the Act.

The foregoing action shall be effective on June 15, 1972.

(Secs. 15(b), 23(a), 48 Stat. 895, 901, secs. 3, 8, 49 Stat. 1377, 1379, secs. 6, 10, 78 Stat. 570, 580, 15 U.S.C. 78o(b), 78w)

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

MAY 12, 1972.

[FR Doc.72-7387 Filed 5-15-72;8:47 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

SUBCHAPTER C—DRUGS

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Buquinolate, Roxarsone

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (39-925V) filed by Nor-

wich Agricultural Products, division of Morton-Norwich Products, Inc., Norwich, N.Y. 13815, proposing an amendment to the regulations to provide for the safe and effective use of an additional level of buquinolate when used in combination with roxarsone in the feed of broiler or fryer chickens. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 121 and 135e are amended as follows:

1. Section 121.262 is amended in Table 1 in paragraph (c) by adding a new item 1.19 as follows:

§ 121.262 3-Nitro-4-hydroxyphenylarsonic acid.
* * * * *
(c) * * *

TABLE 1—3-NITRO-4-HYDROXYPHENYLARSONIC ACID IN COMPLETE CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1.19 3-nitro-4-hydroxyphenylarsonic acid.	22.7-34.0 (0.0025% 0.00375%)	Buquinolate.	75-100 (0.00825% 0.011%)	For broiler or fryer chickens; feed continuously as the sole ration; withdraw 5 days before slaughter; as sole source of organic arsenic; from buquinolate provided by sponsor No. 067, see § 135.501(c) of this chapter.	An aid in the prevention of coccidiosis caused by <i>E. tenella</i> , <i>E. maxima</i> , <i>E. necatrix</i> , <i>E. brunetti</i> , and <i>E. acervulina</i> ; growth promotion and feed efficiency; improving pigmentation.

2. Section 135e.34 is amended by adding a new item 6 to the table in paragraph (f), as follows:

§ 135e.34 Buquinolate.

* * * * *
(f) * * *

BUQUINOLATE IN ANIMAL FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
6. Buquinolate.	75-100 (0.00825% 0.011%)	Roxarsone.	22.7-34.0 (0.0025% 0.00375%)	For broiler or fryer chickens; feed continuously as the sole ration; withdraw 5 days before slaughter; as sole source of organic arsenic; from roxarsone provided by sponsor No. 031, see § 135.501(c) of this chapter.	An aid in the prevention of coccidiosis caused by <i>E. tenella</i> , <i>E. maxima</i> , <i>E. necatrix</i> , <i>E. brunetti</i> , and <i>E. acervulina</i> ; growth promotion and feed efficiency; improving pigmentation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (5-16-72).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: May 2, 1972.

FRED J. KINGMA,
Acting Director,
Bureau of Veterinary Medicine.

[FR Doc.72-7285 Filed 5-15-72;8:45 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army PART 207—NAVIGATION REGULATIONS

Chesapeake and Delaware Canal
(I.W.W.), Del. and Md.

Pursuant to the provisions of section 7 of the River and Harbor Act of August

8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.100 governing the use, administration, and navigation of an inland waterway (Chesapeake and Delaware Canal) from Delaware River to Chesapeake Bay, Del. and Md., is hereby revised in its entirety, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.100 Inland waterway from Delaware River to Chesapeake Bay, Del. and Md. (Chesapeake and Delaware Canal): use, administration, and navigation.

(a) *Applicability.* The regulations in this section are applicable to that part of the inland waterway from Delaware River to Chesapeake Bay, Del. and Md., between Reedy Point, Delaware River, and Old Town Point Wharf, Elk River.

(b) *Supervision.* The District Engineer, Corps of Engineers, Philadelphia, Pa., has administrative supervision over the waterway and is charged with the enforcement of these regulations. The District Engineer from time to time will prescribe rules governing the dimensions of vessels which may transit the waterway, and other special conditions and requirements which will govern the movement of vessels using the waterway. The District Engineer's representative is the Chesapeake City Resident Engineer. The Chesapeake City Resident Engineer through the dispatcher on duty will enforce these regulations and monitor traffic through the canal.

(c) *Safe navigation required.* Clearance for any vessel to enter or pass through any part of the waterway will be contingent on the vessel's having adequate personnel, machinery, and operative devices for safe navigation. In the event of question as to the ability of any vessel to navigate the waterway safely, a ruling will be made by the dispatcher. The owner, agent, master, pilot, or other person in charge of the vessel concerned may appeal the dispatcher's ruling to the District Engineer whose decision shall be final. A clearance by the dispatcher for a vessel's passage through the waterway shall not relieve the owners, agents, and operators of the vessel of full responsibility for its safe passage.

(d) *Radio equipment.* Requirements for radio equipment on vessels transiting the waterway are as described in rules governing traffic through the waterway issued by the District Engineer. Vessels not having the mandatory radio equipment will not be permitted to transit the canal.

(e) *Anchorage and wharfage facilities.* The anchorage basin at Chesapeake City and free wharfage facilities on the west side of the anchorage basin are available for small vessels only. These facilities are of limited capacity, and permission to occupy them for periods exceeding 24 hours must be obtained in advance from the dispatcher at Chesapeake City.

(f) *Projections from vessels.* No vessel carrying a deck load which overhangs or projects beyond the sides of the vessel

will be permitted to enter or pass through the waterway. Vessels carrying rods, poles, or other gear extending above the top of the vessel's mast will be required to lower such equipment to a level with the top of the mast before entering the waterway.

(g) *Speed.* No vessel in the waterway shall be raced or crowded alongside another vessel. Vessels of all types, including pleasure craft, are required to travel at all times at a safe speed throughout the canal and its approaches so as to avoid damage by suction or wave wash to wharves, landings, riprap protection, or other boats, or injury to persons. Pilots and vessel operators transiting the canal and its approaches are warned that violation of this rule may result in having their privilege to transit the canal suspended. Repeated offenses will be followed by citation to the Coast Guard for reckless navigation. Passages of vessels through the canal will be monitored and specific cases will be investigated where damage by suction or wave wash does occur. Owners and operators of yachts, motorboats, rowboats, and other craft are cautioned that large deep draft ocean-going vessels and other large commercial vessels ply the canal, and such owners and operators should be particularly careful to moor or anchor well away from the main ship channels, with moorings and lines which are sufficient and proper.

(h) *Tows—(1) Integrated pusher-type tows.* The maximum overall length and extreme breadth of this type of tow which may transit the canal are as described in rules governing traffic through the waterway issued by the District Engineer.

(2) *All other types of tows.* All ships or tugs engaged in towing vessels not equipped with a rudder, whether light or loaded, shall use two towlines or a bridle on one towline. If the vessel in tow is equipped with a rudder, one towline without a bridle may be used. All towlines must be hauled as short as practicable for safe handling of the tows. No towboat will be permitted to enter the waterway with more than two loaded, or three light barges. Two or more barges or other vessels, not self-propelled, shall be towed abreast and not in tandem, using two towlines unless the towboat is made fast alongside the tow.

(i) *Right-of-way.* All vessels proceeding with the current shall have the right-of-way over those proceeding against the current. Large vessels or tows must not overtake and attempt to pass other large vessels or tows in the waterway. All small pleasure craft shall relinquish the right-of-way to deeper draft vessels, which have a limited maneuvering ability due to their draft and size.

(j) *Traffic lights.* Traffic lights are located at Reedy Point and Old Town Point Wharf. These traffic lights are described in the rules governing traffic through the waterway issued by the District Engineer.

(k) *Drawbridges.* Operation of the Penn Central vertical lift bridge across the canal will be in accordance with reg-

ulations promulgated by the U.S. Coast Guard, § 117.235a *Chesapeake and Delaware Canal, Del.*, of this chapter.

(l) *Stopping in waterway.* Vessels will not be permitted to stop or anchor in the ship channel.

(m) *Refuse and oil.* The depositing of trash, refuse, debris, oil, or other material in the waterway or upon the banks or right-of-way is prohibited. Violators are subject to penalties as prescribed by Federal law.

(n) *Damage to waterway property.* Damage to the waterway, lands, banks, bridges, jetties, piers, fences, buildings, trees, telephone lines, lighting structures, or any other property of the United States pertaining to the waterway is prohibited.

(o) *Fish and game.* The fish and game laws of the United States and of the States of Delaware and Maryland, within their respective bounds, will be enforced upon the waters and lands pertaining to the waterway owned by the United States.

(p) *Grounded, wrecked, or damaged vessels.* In the event a vessel is grounded or wrecked in the waterway or is damaged by accident or successive mechanical breakdown, the owner, agent, or operator shall take prompt action to prevent the vessel from becoming or remaining an obstruction to navigation, and such persons shall also respond to such instructions as may be issued by the District Engineer to prevent the vessel from becoming or remaining a menace to navigation. The lack of reasonable response from owner, agent, or operator may be deemed sufficient cause for the District Engineer to undertake repair or removal of the vessel as he may determine to be in the best interest to the Government.

(q) *Commercial statistics.* Owners, designated agents, or pilots of vessels transiting the waterway will furnish the District Engineer statistics on passengers, freight, and vessel data as described in the rules governing traffic through the waterway issued by the District Engineer. Failure of owners, agents, or pilots to submit these reports may result in suspension of the privilege to use the canal.

(r) *Water skiing.* Water skiing in the waterway is prohibited between Reedy Point and Welch Point.

(s) *Sailboats.* Transiting the canal by vessels under sail will not be permitted between Reedy Point and Welch Point.

(t) *Pilotage.* Any pilot who pilots in the canal shall comply with State laws or Coast Guard regulations and must be licensed for this waterway by the U.S. Coast Guard.

(u) *Vessels difficult to handle.* Vessels which are observed by the pilot or master in charge, to be difficult to handle, or which are known to have handled badly on previous trips, must transit the canal during daylight hours and must have tug assistance. Such vessels must obtain permission from the dispatcher to enter the canal and must be provided with the number of tugs sufficient to afford safe passage. Agents must make their

own arrangements for tug assistance. Such eastbound vessels must clear Reedy Point Bridge, and such westbound vessels the Chesapeake City Bridge, before dark.

[Regs. May 2, 1972, 1522-01. (Revised regulations, Chesapeake and Delaware Canal) DAEN-CWO-N] (Sec. 7, 40 Stat. 266, 33 U.S.C. 1)

For the Adjutant General.

R. B. BELNAP,
Special Advisor to TAG.

[FR Doc.72-7375 Filed 5-15-72;8:46 am]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 151—FEDERAL FINANCIAL ASSISTANCE FOR RESEARCH AND RESEARCH RELATED ACTIVITIES IN THE FIELD OF EDUCATION AND FOR CONSTRUCTION OF NATIONAL AND REGIONAL RESEARCH FACILITIES

Subpart E—Experimental Schools

MISCELLANEOUS AMENDMENTS

On page 5048 of the FEDERAL REGISTER of March 9, 1972 (Vol. 37, No. 47), there was published a notice of proposed rule making to amend Subpart E of 45 CFR Part 151 which are regulations established for the Experimental Schools Program under section 2 of the Cooperative Research Act (Public Law 83-531, as amended; 20 U.S.C. 331a). Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

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

Effective date. These regulations shall be effective on the date of their publication in the FEDERAL REGISTER (5-16-72).

Dated: April 10, 1972.

S. P. MARLAND, Jr.,
Commissioner of Education.

Approved: May 10, 1972.

ELLIOT L. RICHARDSON,
Secretary.

Subpart E of Part 151 of Title 45 of the Code of Federal Regulations is amended by revoking §§ 151.52(b), 151.54(a) (1), (2), (4), (7), and 151.55; and by amending §§ 151.51, 151.52(a), 151.53, 151.54 (a) (3) and (b), and 151.56(a), reading as follows:

Subpart E—Experimental Schools

§ 151.50 Scope.

The provisions contained in this subpart apply to the experimental schools program to be carried out by the Commissioner pursuant to the provisions of

the Cooperative Research Act, Public Law 83-531. Except as otherwise provided in this subpart, the program is also subject to the provisions contained in Subparts A and B of this part. (20 U.S.C. 331a)

§ 151.51 Purpose.

Payment of Federal funds under this subpart to eligible parties (as defined in § 151.3) shall be solely for the purpose of planning, development, and operation of experimental school projects which seek to achieve educational reform (a) through a comprehensive design that includes use of selected current promising educational practices, and products of educational research; or (b) through a comprehensive design that provides significant new approaches and alternatives to current educational structures, programs, practices, and performances. (20 U.S.C. 331a)

§ 151.52 Eligible applicants; applications.

(a) Assistance under this subpart will be made available only upon submission of an application (which may be in the form of a letter of interest) meeting the requirements of § 151.4 at such time or times, and in such manner, as the Commissioner deems necessary. One or more eligible parties may apply for assistance under a single application pursuant to a cooperative arrangement. In addition to such other information as the Commissioner may require, an application under this subpart shall set forth the goals of the project, including (1) the educational problems to be addressed, and (2) the kind and purpose of the learning experiences to be provided.

(b) [Revoked]

(c) An applicant for assistance under this subpart must demonstrate, to the satisfaction of the Commissioner, that such applicant is capable and competent to design and successfully implement a project thereunder. (20 U.S.C. 331a)

§ 151.53 Geographic scope of project.

Assistance may be available under this subpart for an experimental schools project which may be carried out in one or more school districts, counties, States, or other political subdivisions. (20 U.S.C. 331a)

§ 151.54 Project requirements.

(a) Federal financial assistance may not be made available for a project pursuant to this subpart unless the Commissioner determines that—

(1) [Revoked]

(2) [Revoked]

(3) The applicant has provided satisfactory assurance that the project will involve the broad participation of the affected community (or communities) in its design, implementation, and operation. Except in the case of an application for planning assistance, the application shall:

(i) Set forth such policies and procedures as will insure that the project to be assisted has been planned and developed, and will be operated, in consul-

tation with, and with the involvement of, parents of the children to be served by such project;

(ii) Contain satisfactory assurance that such parents have had an opportunity to present their views with respect to the application; and

(iii) Set forth policies and procedures for adequate dissemination of project plans and evaluations to such parents and the public;

(4) [Revoked]

(5) The applicant has provided satisfactory assurance that effective procedures, including provision for appropriate objective measurements of educational achievement, will be adopted for the continuing evaluation of the effectiveness of the project in meeting its stated goals;

(6) The applicant has provided satisfactory assurance that it will furnish to the Commissioner such information and reports as he may deem necessary for the administration of the program.

(7) [Revoked]

(20 U.S.C. 331a, 1231d)

(b) The project shall involve a comprehensive educational program whose elements are compatible with, and mutually reinforcing of, its goals. Such elements shall include, but not be restricted to:

(1) The nature and substance of the curriculum;

(2) The nature, role, and organization of staff and necessary staff training;

(3) The use of time and space, including possible variations in the length of the school day, school year, or the numbers of years required of participants in the project;

(4) An administrative and organizational structure consistent with and supportive of the program; and

(5) An evaluation design and a strategy for its implementation.

(20 U.S.C. 331a)

§ 151.55 [Revoked]

§ 151.55-1 Priorities.

In considering applications under this subpart, in addition to the criteria set forth in § 151.7, the Commissioner shall give priority to applications otherwise meeting the applicable requirements contained in this part which—

(1) Serve communities of learners who are from low income families (as determined by the Commissioner);

(2) Are designed to serve members of the community who are not achieving or have not achieved educational success. (20 U.S.C. 331a)

§ 151.56 Federal financial participation.

(a) Federal financial assistance to public agencies, institutions, or organizations under this subpart for any given period may not exceed the difference between (1) the total cost of the project and (2) the number of students in the project multiplied by the average per pupil expenditure (as determined by the Commissioner) for the area to be served with respect to such period. Assistance

to any other eligible party under this subpart may be limited by the Commissioner to an amount which is less than the total cost of the project. In making such a determination, the Commissioner may take into account such factors as the party's financial ability to contribute to the cost of the project.

(b) An applicant for assistance under this subpart must establish that it has, or will have, the resources to continue the project without Federal support at the expiration of the demonstration period. (20 U.S.C. 331a)

[FR Doc.72-7394 Filed 5-15-72; 8:47 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 19231; FCC 72-389]

PART 15—RADIO FREQUENCY DEVICES

Exclusion of Certain Bio-Medical Radio Telemetry Systems From Duty Cycle Requirement

Order. In the matter of amendment of Part 15 of the Commission's rules to exclude from the duty cycle requirement biomedical radio telemetry systems operating above 70 MHz, Docket No. 19231, RM 1727, RM 1739.

1. On March 8, 1972, the Commission adopted a report and order in the subject Docket amending Part 15 to exclude biomedical telemetry devices from the duty cycle limitation of § 15.211 of the rules and required operation of these devices under that part in only the frequency range 174-216 MHz.

2. The report and order extended the then existing waivers, which had been previously granted by the Commission to manufacturers, from an expiration date of March 15, 1972, until April 30, 1972, the effective date of the report and order.

3. On March 30, 1972, Mennen-Greatbatch, Inc. filed a petition requesting the Commission to extend the term of its waiver for an additional year. In its petition Mennen-Greatbatch suggests that Part 18 may be a more appropriate part of our rules to regulate such equipment. Petitioner further suggests that a field strength of 1,000 microvolts per meter at 100 feet be permitted.

4. The field strength suggested by Mennen-Greatbatch is more than 16 db over the present limit of 150 microvolts per meter and is suggested without any discussion of the potential interference this increase may cause. In any event, regardless of whatever representations are made in the petition, a 1 year extension of waiver is too long a period to be countenanced by the Commission as it would delay the manufacture of equipment which complies with the new rules.

5. On April 10, 1972, Laser Systems and Electronics, Inc. (hereafter Laser Systems), filed a petition for reconsideration requesting an extension of its waiver until July 1, 1972, to comply with the new

rules and cited several reasons, and also requested that the effective date of the report and order be extended until July 1, 1972.

6. The reasons for the need for extension of the waiver as presented by Laser Systems are summarized as follows:

(a) Procurement of parts normally requires 8-12 weeks from placement of an order to receipt. (The new parts are needed for redesign to the new frequency of operation required by the report and order.)

(b) Redesign has been completed; the purchasing department should have all orders placed by April 10. Under the most optimistic situation, many parts will not be received until June 15, 1972.

(c) A shift in frequency band by April 30 would impact delivery of several large outstanding orders to hospitals.

(d) Procurement of crystals for the frequency range 174-216 MHz requires a lead time of 10-12 weeks and possibly longer to correlate with the circuit design due to the higher frequency.

(e) A large inventory of transmitters, receivers, and transmitter and receiver crystals are required to support field service personnel.

(f) The company doubts its ability to complete tests required for compliance with the requirement for certification of the transmitter by April 30, 1972.

7. Section 15.316(f) of the newly adopted rule states:

(f) Biomedical telemetering equipment operating on frequencies above 70 MHz, except in the band 88-108 MHz, manufactured after April 30, 1972, must comply with the technical specifications in this section.

To permit extended manufacture of equipment which is not in compliance with the new rules, even for a 2-month period, as requested by Laser Systems, would derogate the intent of the Commission's ruling by loading the marketplace with newly manufactured equipment, not only noncomplying, but also subject to liberal amortized use for a period of 10 years as permitted by § 15.216 (g) of the rules.

8. In view of the foregoing reasons and in view of the informal telephone inquiries and comments received by a number of other biomedical telemetry manufacturers, all of whom are facing essentially the same problems, the Commission considers it desirable to grant in part the request of Laser Systems insofar as it will permit an additional 60 days to fill the needs of hospitals and medical laboratories with equipment presently in existence.

9. Accordingly, the request of Mennen-Greatbatch, Inc. for a 1 year extension of its present waiver is denied.

10. Additionally: *It is ordered*, That the current waivers of the following companies be extended until July 1, 1972, only to permit the sale of equipments manufactured prior to April 30, 1972. Also: *It is ordered*, That the effective date of the report and order in Docket No. 19231 remain insofar as biomedical telemetry devices manufactured after April 30, 1972, must comply with the new rules.

Medtronix, Inc., New Glarus, Wis.
American Optical Corp., Medical Division, Bedford, Mass.
Mennen-Greatbatch Electronics, Inc., Clarence, N.Y.
Care Electronics, Inc., Huntsville, Ala.
Spacelabs, Inc., Washington, D.C.
Laser Systems and Electronics Inc., Washington, D.C.
Bio Sentry Telemetry, Inc., Gardena, Calif.
Cardiac Electronics, Clarence, N.Y.
Statham Instruments, Inc., Oxnard, Calif.
Dallons Instruments, El Segundo, Calif.
Vanguard Medical Products, Co., Tariffville, Conn.
Travenol Laboratories, Inc., Morton Grove, Ill.
Abbott Medical Electronics Co., North Chicago, Ill.

11. The Commission wishes to go on record that no further extensions of these waivers will be granted.

Adopted: May 5, 1972.

Released: May 8, 1972.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-7392 Filed 5-15-72; 8:47 am]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER B—PRACTICE AND PROCEDURE [Ex Parte 282]

PART 1111—RAILROAD AND WATER CARRIER CONSOLIDATION PROCEDURES

Filing, Notice, and Service of Applications

Order. In the matter of regulations governing the filing, notice, and service of railroad and water carrier applications under section 5(2) of the Interstate Commerce Act. At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 4th day of April 1972.

These amendments to Part 1111 of the Commission's regulations governing rail and water carrier applications under section 5(2) provide that notice of the filing of such applications shall be by publication in the FEDERAL REGISTER in lieu of the more limited notice presently required. Accordingly, water carrier applicants will no longer be required to give notice to competitors. The amendments further provide that applicants will submit as an exhibit to the application a draft notice for such publication. Applicants will only be required to file with the Commission an original and five copies of the application. The amendments provide that copies of the application shall be served by applicant upon the Governor and State regulatory agencies, as hereinafter set forth. There is presently no service requirement for rail and water carrier applications filed under

¹ Commissioner Johnson concurring in the result.

section 5(2), although motor carrier applications filed under section 5(2), are subject to such a requirement.

In addition to providing notice to all interested persons, these amendments will effect more efficient and expeditious processing of applications, particularly during the preliminary stages, and a greater uniformity with respect to the notice and service requirements of the different applications filed under section 5(2).

The Commission finds that the amendments prescribed herein are in the public interest and are necessary and appropriate for the administration of the Interstate Commerce Act. Since the amendments grant relief from existing regulations and relate to matters of practice and procedure, further notice and public proceedings under 5 U.S.C. 553 are unnecessary, and good cause exists for making the amendments effective on the date they are published in the FEDERAL REGISTER.

Wherefore, and good cause therefor appearing:

It is ordered, That Part 1111, Title 49 of the Code of Federal Regulations be, and it is hereby, amended as follows:

The part heading is revised to read as set forth above.

Section 1111.2(b)(13) is revised to read as follows:

§ 1111.2 Required exhibits.

(b) * * *

(13) As Exhibit 13, a proposed notice of filing which shall contain a brief summary of the authority sought, including as applicable: (i) The name and address of applicant and applicant's attorney; (ii) the nature of the proposed transaction, whether a consolidation, merger, a purchase, lease, contract to operate properties, or any part thereof, of a carrier subject to Part I or Part III of the Act, or for acquisition of control of such carrier, or to acquire trackage rights over or joint ownership in, or joint use of, any railroad line or lines; (iii) a brief geographical description (including, as applicable, commodity and route descrip-

tions) of (a) the operations sought to be performed, and (b) the operations presently performed by the acquiring carrier; (iv) with respect to applications filed under section 5(2)(a)(ii), a brief description of the involved line (or lines) of railroad, including city or county and State location, termini, and approximate distance in miles; (v) with respect to water carriers, whether an application for temporary authority has been filed under section 311(b); and (vi) the final sentence of the draft notice should read as follows: "The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER."

Section 1111.4 (b) and (d) are revised to read as follows:

§ 1111.4 Procedures.

* * *

(b) There shall be filed with the Secretary of the Commission, Washington, D.C., the original application, and five copies thereof for the use of the Commission. A copy of the application shall also be furnished to each of the Regional Directors of the Bureau of Operations, Interstate Commerce Commission, in which are located the headquarters of the carriers involved in the application. Applicants should also be prepared to furnish copies of the application to State authorities and intervenors or extra copies to the Commission upon request. Each copy shall conform in all respects to the original and shall be complete in itself except that the signature in the copies may be stamped or typed and notarial seal omitted. In like manner where certified copies of documents are filed with the original application, conformed copies thereof, showing certification in stamped or typewritten form, will be sufficient to accompany the additional copies of the application.

* * *

(d) Notice and service of application: (1) Upon receipt of the application, the

Commission will review the draft notice submitted and enter the assigned docket number and date filed. Notice of the filing of applications will be given by publication of the notice in the FEDERAL REGISTER. Accordingly, applicants are not required to give notice to competitors or other persons. (2) At the time of filing, applicant shall serve, by first class-mail, and shall so certify to the Commission, a conformed copy of the application as follows: (i) With respect to applications filed under section 5(2)(a)(i) wherein the proposed transaction is the purchase of a part of the properties of a carrier, or a lease or contract to operate properties, and with respect to applications filed under section 5(2)(a)(ii), a copy shall be served upon the Governor and Public Service Commission (or other board or official having authority to regulate the business of transportation) in each State in which the properties affected are located; (ii) with respect to all other applications filed under section 5(2)(a)(i) (including, but not limited to, control, merger, consolidation, and purchase applications wherein all of a carrier's properties are sought to be acquired), a copy shall be served upon the Governor and Public Service Commission (or other board or official having authority to regulate the business of transportation) in each State in which each of the carriers involved in the application conduct operations.

* * *

It is further ordered, That this order shall become effective on the date of publication in the FEDERAL REGISTER (5-16-72).

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy of this notice in the Office of the Secretary of the Commission at Washington, D.C., for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

(Secs. 12, 5, 24 Stat. 380, as amended; 49 U.S.C. 12, 5)

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-7277 Filed 5-15-72; 8:45 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

**Reserves for Losses on Loans of Banks
and Small Business Investment
Companies, Etc.**

Correction

In F.R. Doc. 72-6867, appearing at page 9280, in the issue of Saturday, May 6, 1972, the following changes should be made:

1. In § 1.585-2(b) (1) (i) (c), in paragraph (iii) in the Example, change the figure in the third line now reading "\$85,000", to read "\$850,000".

2. In subdivision (iii) of § 1.585-2(b) (1), insert "the amount of eligible loans outstanding", before the word "at" in the fifth line from the bottom in column 3, page 9283.

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 197]

FORT HALL INDIAN IRRIGATION PROJECT, IDAHO

**Termination of Contracts Covering
Small Acreages**

MAY 9, 1972.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 F.R. 13938). Pursuant to the authority vested in the Secretary of the Interior by the Acts of March 1, 1907 (34 Stat. 1024), and August 1, 1914 (38 Stat. 583), notice is hereby given that it is proposed to add a new § 197.18a to Part 197, Subchapter R, Chapter I, of Title 25 of the Code of Federal Regulations, as set forth below. The purpose of the amendment is to provide procedures for the termination of irrigation water use and delivery contracts for small tracts executed under the provisions of § 197.18.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed

amendment to the Bureau of Indian Affairs, 1951 Constitution Avenue NW., Washington, DC 20242, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Part 197 of Chapter I, Title 25 of the Code of Federal Regulations is amended by adding a new § 197.18a reading as follows:

§ 197.18a Termination of contracts covering small acreages.

Any owner, with the written consent of the owners of a majority of the acreage under any contract, may voluntarily withdraw from the contract by filing a written notice of his intent to withdraw with the Superintendent of the Fort Hall Agency on or before February 1 of the year such withdrawal is to be effective, together with the consent of the owners of a majority of the acreage endorsed thereon: *Provided*, Such withdrawal does not reduce the acreage remaining under such contract to less than 10 contiguous acres and that all irrigation charges due under said contract have been paid. Upon receipt of such notice, the Superintendent, if the notice meets the requirements as herein provided, shall note his approval thereon and send a copy thereof to the agent of the owners; and thereafter, the land of such withdrawing owner shall no longer be subject to such contract. If one or more owners under any contract desire to withdraw and such withdrawal would reduce the total acreage remaining under such contract to less than 10 contiguous acres, the contract may be terminated with the written consent of the owners holding a majority of the acreage under such contract. To terminate the contract, the owners of a majority of the acres under such contract shall file a written notice of their desire to terminate the contract on or before February 1 of the year such termination is to be effective, and tender to the Superintendent the amount of any irrigation charges due under the contract. Upon receipt of such written notice to terminate, the Superintendent, if the notice meets the requirements as herein provided, shall note his approval thereon and send a copy thereof to the agent of the owners, and such contract shall be terminated as of the date of such approval by the Superintendent.

JOHN O. CROW,
Deputy Commissioner.

[FR Doc. 72-7382 Filed 5-15-72; 8:46 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 405]

[Reg. No. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED

**Agreements With and Functions of
Providers, Intermediaries, Carriers,
and State Agencies; Payment of
Offset Amounts to Beneficiary or
Other Person**

Notice is hereby given pursuant to the Administrative Procedure Act (5 U.S.C. 553) that amendments to the regulations as set forth below in tentative form are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments would allow the Social Security Administration to make direct refund to a beneficiary or other person from title XVIII (Medicare) payment amounts otherwise due a former participating provider of services which has failed to refund moneys incorrectly collected from the beneficiary (or other person) for items and services for which the beneficiary is entitled to have payment made under the health insurance program.

Prior to the final adoption of the proposed regulations, consideration will be given to any data, comments, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, DC 20201, within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 3193, 330 Independence Avenue SW., Washington, DC 20201.

The proposed amendments are to be issued under the authority contained in sections 1102, 1866, and 1871, 49 Stat.

647, as amended, 79 Stat. 327, 79 Stat. 314; 42 U.S.C. 1302, 1395 et seq.

Dated: April 21, 1972.

ROBERT M BALL,
Commissioner of Social Security.

Approved: May 10, 1972.

ELLIOT L. RICHARDSON,
Secretary of Health,
Education, and Welfare.

Subpart F of Part 405, Chapter III, Title 20, is amended by adding a new § 405.622 to read as follows:

§ 405.622 Incorrect collections; payment of offset amounts to beneficiary or other person.

(a) In order to carry out a provider of services' section 1866 agreement commitment to refund amounts incorrectly collected (see § 405.607(b)), the Secretary may determine that amounts offset in accordance with the provisions of § 405.620(a) are to be paid directly by the Administration to the beneficiary or other person from whom the provider received the incorrect collection, if:

(1) The Secretary finds that such provider has failed, following the Secretary's written request to the provider (see paragraph (b) of this section), to refund the amount of the incorrect collection to the beneficiary or other person from whom the provider collected the moneys; and

(2) The agreement between the provider and the Secretary has been terminated in accordance with the provisions of § 405.613 or § 405.614; or the provider has undergone a change of ownership as described in §§ 405.625 and 405.626.

(b) Before making any such determination to make payment under the provisions of paragraph (a) of this section, the Secretary shall give written notice to the provider (1) explaining that an incorrect collection was made and the amount thereof; (2) requesting that refund of the incorrect collection be made by the provider to the beneficiary or other person from whom the provider collected the moneys; and (3) advising of the Secretary's intention to make a determination under paragraph (a) of this section. The notice will afford an authorized official of the provider an opportunity to submit, within 15 days from receipt of such notice, such written statement or evidence as the provider may wish to make with respect to such incorrect collection and/or offset amounts. Such written statement or evidence shall be considered in making such determination.

(c) Payment to a beneficiary or other person under the provisions of paragraph (a) of this section shall not exceed the amount of the incorrect collection; and such payment shall be considered as payment made to the provider.

[FR Doc.72-7393 Filed 5-15-72; 8:47 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-GL-21]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area of Cincinnati, Ohio.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018.

Instrument approach procedures have been developed for Clermont County Airport, Batavia, Ohio, and Blue Ash Airport, Cincinnati, Ohio. Accordingly, it is necessary to alter the Cincinnati, Ohio, transition area to contain the Clermont County Airport requirement to adequately protect the aircraft executing the new approach procedures.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (37 F.R. 2143), the following transition area is amended as indicated:

CINCINNATI, OHIO

Add to the airspace extending upward from 700 feet above the surface "within a 5½-mile radius of Clermont County Airport, Batavia, Ohio (latitude 39°04'43" N., longitude 84°12'38" W.); within a 5-mile radius of the Blue Ash Airport, Cincinnati, Ohio (latitude 39°14'59" N., longitude 84°23'14" W.) and within 3 miles each side of the 046° bearing from the Blue Ash Airport from the 5-mile radius area to 7 miles northeast".

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Des Plaines, Ill., on April 27, 1972.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc.72-7371 Filed 5-15-72; 8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 72-GL-26]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Circleville, Ohio.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018.

A new public use instrument approach procedure has been developed for the Pickaway County Memorial Airport based on a non-Federal RBN. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Circleville, Ohio.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (37 F.R. 2143), the following transition area is added:

CIRCLEVILLE, OHIO

That airspace extending upward from 700 feet above the surface within a 12-mile radius of the Pickaway County Memorial Airport

(latitude 39°31'00" N., longitude 82°58'55" W.) excluding the portion which lies within the Lockbourne AFB transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Des Plaines, Ill., on April 27, 1972.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc. 72-7374 Filed 5-15-72; 8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 72-GL-25]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Findlay, Ohio.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018.

A new public use instrument approach procedure has been developed for the Findlay, Ohio Airport. Consequently, it is necessary to designate additional airspace to protect this procedure by altering the transition area and control zone at Findlay, Ohio.

In consideration of the foregoing, the Federal Aviation Administration pro-

poses to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.171 (37 F.R. 2056), the following control zone is amended to read:

FINDLAY, OHIO

Within a 5-mile radius of the Findlay Airport (latitude 41°00'40" N., longitude 83°40'30" W.) excluding that portion within a 1-mile radius of the Lutz Airport (latitude 40°57'42" N., longitude 83°35'43" W.) within 3 miles each side of the 179° bearing from the Findlay Airport extending from the 5-mile radius zone to 8.5 miles northeast of the airport; within a 5-mile radius of Bluffton Flying Service Airport (latitude 40°53'09" N., longitude 83°52'04" W.) and within 2 miles each side of the Findlay VORTAC 231° radial extending from the 5-mile radius zone to the Findlay, Ohio, Airport 5-mile radius zone.

In § 71.181 (37 F.R. 2143), the following transition area is amended to read:

FINDLAY, OHIO

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Findlay, Ohio Airport (latitude 41°00'40" N., longitude 83°40'30" W.) within 3 miles each side of the 063° bearing from the Findlay Airport extending from the 6.5-mile radius area to 8.5 miles northeast of the airport, within 3 miles each side of the 179° bearing from the Findlay Airport extending from the 6.5-mile radius area to the 8.5 miles south of the airport within 2 miles each side of the Findlay VORTAC 231° radial extending from the Bluffton Flying Service Airport (latitude 40°53'09" N., longitude 83°52'04" W.) 5-mile radius area to the 6.5-mile radius area of the Findlay Airport.

These amendments are made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Des Plaines, Ill., on April 27, 1972.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc. 72-7373 Filed 5-15-72; 8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 72-GL-23]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Lake Geneva, Wis.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018.

A new public use instrument approach procedure has been developed for the Playboy Airport, Lake Geneva, Wis., using the Burlington VOR as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Lake Geneva, Wis. The new procedure will become effective concurrently with the designation of the transition area.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (37 F.R. 2143), the following transition area is added:

LAKE GENEVA, WIS.

That airspace extending upward from 700 feet above the surface within an 8-statute-mile radius of the Playboy Airport (latitude 42°36'53" N., longitude 88°23'27" W.).

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act 49 U.S.C. 1655(c)).

Issued in Des Plaines, Ill., on April 27, 1972.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc. 72-7372 Filed 5-15-72; 8:45 am]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order 12; Rev. 5]

SUPERVISORY IRS EMPLOYEES

Delegation of Authority Regarding Designation of Acting Supervisory Officials

Pursuant to authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 177-19, Revision No. 1; Administration Circular No. 46 and Supplement 1 thereto; and Chapter 250, Treasury Personnel Manual; there is hereby delegated the authority to designate Acting Supervisory officials in the Internal Revenue Service, unless or until a higher authority having direct line supervision designates another employee to serve as Acting, as follows:

1. All Internal Revenue Service employees in supervisory positions other than positions specifically provided for in sections 2 through 10 of this order are authorized to designate an employee to serve as Acting during their absence and, in case a supervisory position under their supervision and control becomes vacant, to designate an employee to serve as Acting.

2. The Commissioner will designate an Acting Deputy Commissioner when necessary.

3. In an Office of Assistant Commissioner having a Deputy Assistant Commissioner or an officer designated to serve as Executive Assistant to the Assistant Commissioner, such Deputy Assistant Commissioner or Executive Assistant to the Assistant Commissioner will automatically become Acting Assistant Commissioner in case of the absence of the Assistant Commissioner or a vacancy in the office. The Assistant Commissioner shall designate an employee who shall serve as Acting Assistant Commissioner in the absence of both the Assistant Commissioner and Deputy Assistant Commissioner or Executive Assistant to the Assistant Commissioner. If the position of Deputy Assistant Commissioner or Executive Assistant to the Assistant Commissioner becomes vacant, the Assistant Commissioner shall designate an employee who shall serve as Acting Deputy Assistant Commissioner or Acting Executive Assistant to the Assistant Commissioner. In an Office of Assistant Commissioner where there is no Deputy Assistant Commissioner or an officer designated to serve as Executive Assistant to the Assistant Commissioner, the Assistant Commissioner shall designate an employee who shall serve as Acting Assistant Commissioner in the

absence of the Assistant Commissioner and the Commissioner shall designate an employee who shall serve as Acting Assistant Commissioner in case the position of Assistant Commissioner becomes vacant.

4. In the Office of the Assistant to the Commissioner (Public Affairs), the Assistant Director will serve as Acting Assistant to the Commissioner (Public Affairs) in the absence of the Assistant to the Commissioner (Public Affairs) or during a vacancy in the office. The Assistant to the Commissioner (Public Affairs) shall designate an employee to serve as Acting Assistant to the Commissioner (Public Affairs) when both he and the Assistant Director are absent.

5. Each Regional Commissioner shall designate an Assistant Regional Commissioner who shall serve as Acting Regional Commissioner during any absence of the Regional Commissioner. If the position of Regional Commissioner becomes vacant, the Commissioner shall designate an employee to serve as Acting Regional Commissioner.

6. Each Assistant Regional Commissioner shall designate an employee who shall serve as Acting Assistant Regional Commissioner during any absence of the Assistant Regional Commissioner. If the position of Assistant Regional Commissioner becomes vacant, the Regional Commissioner shall designate an employee to serve as Acting Assistant Regional Commissioner.

7. In a District Office having an Assistant District Director of Internal Revenue, such Assistant will automatically become Acting District Director in case of the absence of the District Director or a vacancy in the office. The District Director shall designate an employee who shall serve as Acting District Director in the absence of both the District Director and the Assistant District Director. If the position of Assistant District Director becomes vacant, the District Director shall designate an employee who shall serve as Acting Assistant District Director. In a District Office where there is no Assistant District Director, the District Director shall designate an employee who shall serve as Acting District Director in the absence of the District Director and the Regional Commissioner shall designate an employee who shall serve as Acting District Director in case the position of District Director becomes vacant.

8. In case of the absence of a Director, Internal Revenue Service Center, or a vacancy in office, the Assistant Director of the Service Center will automatically become Acting Director. The Service Center Director shall designate an employee who shall serve as Acting Service Center Director in the absence of both the Service Center Director and the Assistant Service Center Director. If the

position of Assistant Service Center Director becomes vacant, the Service Center Director shall designate an employee who shall serve as Acting Assistant Service Center Director.

9. In case of the absence of the Director, Internal Revenue Service Data Center, or the Director, National Computer Center, or a vacancy in the office, the Assistant Director of the Center will automatically become Acting Director. The Data Center Director and the National Computer Center Director shall designate an employee who shall serve as Acting Director in the absence of both the Director and the Assistant Director. If the position of Assistant Director becomes vacant, the Director shall designate an employee who shall serve as Acting Assistant Director.

10. The following designations as Acting shall be made a matter of record: Regional Commissioner; Assistant Regional Commissioner; District Director of Internal Revenue; Director, Internal Revenue Service Center; Director, Internal Revenue Service Data Center; and Director, National Computer Center.

11. The authority delegated herein may not be redelegated.

12. This order supersedes Delegation Order No. 12 (Rev. 4), issued January 13, 1972.

Issued: May 10, 1972.

Effective date: May 10, 1972.

[SEAL] JOHNNIE M. WALTERS,
Commissioner.

[FR Doc. 72-7388 Filed 5-15-72; 8:47 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Power Site Cancellation 300; Arizona 4731]

ARIZONA

Order Providing for Opening of Public Lands

MAY 8, 1972.

By published notice (37 F.R. 7009, April 7, 1972), the U.S. Geological Survey canceled Powersite Classification No. 26 dated February 25, 1922, as interpreted September 20, 1924, as to the lands described therein.

The purpose of this order is to restore to the operation of applicable public land laws the unreserved public lands involved in that notice.

Under the authority delegated by Bureau of Land Management Order No. 701 dated July 23, 1964 (29 F.R. 10526), as amended, it is ordered as follows:

1. The following described lands are hereby restored to disposition under applicable public land laws, subject to valid existing rights:

All portions of the following described lands lying within 50 feet of the centerline of the transmission line, permit for which was issued by the First Assistant Secretary of the Interior August 1, 1921 to the Ray Consolidated Copper Co.:

GILA AND SALT RIVER MERIDIAN, ARIZONA
T. 5 S., R. 15 E.,
Sec. 6, lot 6 and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 8, NE $\frac{1}{4}$ NW $\frac{1}{4}$; and
Sec. 9, SW $\frac{1}{4}$ NE $\frac{1}{4}$.

The areas described aggregate approximately 6 acres in Pinal County.

JOE T. FALLINI,
State Director.

[FR Doc.72-7381 Filed 5-15-72;8:46 am]

DEPARTMENT OF AGRICULTURE

Forest Service

PROPOSAL FOR HERBICIDE CONTROL OF BIG SAGEBRUSH

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for Herbicide Control of Big Sagebrush, USDA-FS-FES (Adm) 72-22.

The environmental statement involves the control of big sagebrush (*Artemisia tridentata*) with the herbicide 2,4-dichlorophenoxyacetic acid on Beaverhead National Forest rangelands in Madison and Beaverhead Counties, Mont. The statement covers the planned program for fiscal year 1972 and fiscal year 1973. The purpose for control is to increase forage production for domestic livestock and improve the vegetative ground cover to prevent erosion.

This final environmental statement was filed with CEQ on May 10, 1972.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3230, 12th Street and Independence Avenue SW., Washington, DC 20250.

Regional Forester, USDA, Forest Service, Federal Building, Missoula, Mont. 59801.

Forest Supervisor's Office, Beaverhead National Forest, State Highway 41 and Skihi Street, Dillon, Mont. 59725.

A limited number of single copies are available upon request to Mr. Steve Yurich, Regional Forester, U.S. Forest Service, Federal Building, Missoula, Mont. 59801.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151 for \$3 each. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State,

and local agencies as outlined in the Council on Environmental Quality Guidelines.

THOMAS C. NELSON,
Deputy Chief, Forest Service.

MAY 11, 1972.

[FR Doc.72-7409 Filed 5-15-72;8:48 am]

SAN FRANCISCO PEAKS LAND USE PLAN PROPOSAL

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the San Francisco Peaks Land Use Plan, USDA-FS-DES(Adm) 72-35.

The environmental statement concerns a land use proposal for management of the San Francisco Peaks area north of Flagstaff, in Coconino County, Ariz.

This draft environmental statement was filed with CEQ on May 9, 1972.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3230, 12th Street and Independence Avenue SW., Washington, DC 20250.

USDA, Forest Service, Southwestern Region, Federal Building, 517 Gold Avenue SW., Albuquerque, NM 87101.

Coconino National Forest, Forest Supervisor's Office, 114 North San Francisco, Box 1268, Flagstaff, AZ 86001.

A limited number of single copies are available upon request to Mr. Don Seaman, Forest Supervisor, Coconino National Forest, 114 North San Francisco, Box 1268, Flagstaff, AZ 86001.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151 for \$3 each. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Mr. Don Seaman, Forest Supervisor, Coconino National Forest, 114 North San Francisco, Box 1268, Flagstaff, AZ 86001. Comments must be received within 30 days of the

date of publication of this notice in order to be considered in the preparation of the final environmental statement.

THOMAS C. NELSON,
Deputy Chief, Forest Service.

MAY 11, 1972.

[FR Doc.72-7410 Filed 5-15-72;8:48 am]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File No. 26(71)-7]

HAMEG FRANCE S.A.R.L.

Notice of Related Party Determination

An order dated February 22, 1972, effective February 29, 1972, was entered by the Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, against Roland Hagn of Fontenay-le-Fleury, France, denying him all privileges of participating in any manner or capacity in exportations from the United States of commodities or technical data for an indefinite period. This order was published in the FEDERAL REGISTER on February 29, 1972 (37 F.R. 4212).

Section 388.1(b) of the Export Control Regulations provides, in part, that to the extent necessary to prevent evasion of any order denying export privileges, said order may be made applicable to parties other than those named in the order with whom said named parties may then or thereafter be related by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or related services. It has been determined by the Office of Export Control that within the purview of said section that Hameg France S.A.R.L. located at 30 rue Notre Dame des Victoires 75 Paris 2(e), France, is a related party to Roland Hagn. Under this determination the terms and restrictions of the outstanding denial order against said Roland Hagn are effective against said related party.

The said related party is being notified of this determination and advised that if it contends that the ruling is not justified, it may make application to have the ruling reconsidered or terminated. Due notice will be given of any termination or change in this related party determination.

Dated: May 11, 1972.

RAUER H. MEYER,
Director,
Office of Export Control.

[FR Doc.72-7396 Filed 5-15-72;8:47 am]

Office of the Secretary

[Dept. Organization Order 20-2 Amdt. 1]

OFFICE OF AUDITS

Organization and Functions

This order amends the material appearing at 36 F.R. 21218 of November 4, 1971.

Department Organization Order 20-2, dated October 12, 1971, is hereby amended as follows:

In Section 5. *Organization*, the following is added to paragraph .03: "This Division will perform its functions with the assistance of three field offices located in San Francisco, Calif., Chicago, Ill., and Washington, D.C. The Director, Office of Audits, may from time to time assign other functions to these Field Offices."

Effective date: May 8, 1972.

LARRY A. JOBE,
Assistant Secretary
for Administration.

[FR Doc. 72-7403 Filed 5-15-72; 8:48 am]

[Dept. Administrative order 205-12,
Appendices B through N]

PUBLIC INFORMATION SERVICES

Notice of Availability

Department Administrative Order 205-12 of July 4, 1967, as amended and appended, is hereby further appended—as indexed below and attached hereto—to describe the public information services available in each of the Department's primary operating units. As applicable, these Appendices B through N supersede, respectively, public information appendices heretofore attached to Department organization orders.

INDEX OF PUBLIC INFORMATION APPENDICES TO
DAO 205-12, "PUBLIC INFORMATION"

Operating unit	Appendix
Bureau of Domestic Commerce.....	B
Economic Development Administration.....	C
Office of Foreign Direct Investments.....	D
Bureau of International Commerce.....	E
Maritime Administration.....	F
Office of Minority Business Enterprise.....	F
National Oceanic and Atmospheric Administration.....	G
National Bureau of Standards.....	H
National Technical Information Service.....	I
Patent Office.....	J
Social and Economic Statistics Administration.....	K
Office of Telecommunications.....	L
U.S. Travel Service.....	M
	N

Effective date: April 10, 1972.

LARRY A. JOBE,
Assistant Secretary
for Administration.

These order appendices, effective April 10, 1972, further amend the material appearing at 32 F.R. 9734 of July 4, 1967, 35 F.R. 6601 of April 24, 1970, and 36 F.R. 19096 of September 28, 1971. Appendices B, D, G, H, J, L, M, and N are being issued for the first time. Appendices C, E, F, I, and K, as individually indicated, supersede material previously published in the FEDERAL REGISTER.

APPENDIX B

PUBLIC INFORMATION SERVICES AT THE BUREAU OF DOMESTIC COMMERCE

A. *Purpose*. The purpose of this appendix is to describe, in general, the public information services of the Bureau of Domestic Commerce,

to describe the places at which, and the methods whereby, the public may obtain information, to inform the public as to the availability of its statistical reports, data files, unpublished materials, special tabulations, rules, regulations, procedures, instructions, forms, or other requirements established by the Bureau of Domestic Commerce which affect the public, and otherwise to comply with the requirements of 5 U.S.C. 552 (Public Law 90-23, 81 Stat. 54).

B. *Public information services*. .01 The Bureau of Domestic Commerce (BDC) collects, analyzes, and disseminates to the U.S. business community a wide range of information on domestic and foreign industry, domestic markets, and business opportunities. This includes periodic and special reports and studies covering national issues, market analyses and trends, foreign markets, industry reports, input-output relationships between industries, Government-industry relations, international business opportunities, and analyses of data bearing on production, sales, employment, profits, and distribution.

.02 Publications of the Bureau are listed in the Annual Catalog of Commerce Publications and the weekly Business Service Checklist, which are available from the field offices of the Office of Business Services (OBS), Department of Commerce, or the U.S. Department of Commerce, Washington, D.C. 20230; and listings of the Information Services, Announcement Services and Subscription Series of the U.S. Department of Commerce's National Technical Information Service, Springfield, Va. 22151. In addition, BDC publishes a catalog, Publications for Business, which can be obtained through OBS field offices and from the U.S. Department of Commerce. OBS field offices are listed in the U.S. Government Organizational Manual, published annually by the Office of the Federal Register and for sale by the Superintendent of Documents, Government Printing Office. Current listings are on page 277 of the 1971-72 edition.

.03 BDC's Office of Business Services (under Public Law 87-305) publishes Commerce Business Daily, through which it disseminates all proposed U.S. Government procurement actions over \$10,000 in value for defense and over \$5,000 for civilian purposes. The purpose is to advise all interested U.S. firms of such procurement opportunities and thereby reduce procurement costs through expanded competitive bidding. The publication also contains a daily listing of subcontracting leads, contract awards, sales of surplus property, and foreign business opportunities. Commerce Business Daily is published every day of the week except Saturday, Sundays, and Government holidays. The publication is available through Department of Commerce field offices or the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, at an annual subscription rate of \$25. Airmail service is an additional \$30.25 annually.

C. *Guide to published rules and regulations*—.01 *Defense Production Act*. Public orders and regulations issued in implementation of title I (priorities and allocation powers) under the Defense Production Act of 1950, as amended (64 Stat. 798; 50 U.S.C. 2061 et seq.), are found in Title 32A, Code of Federal Regulations, Chapter VI. Appeals procedures under these orders and regulations are through the normal Department of Commerce appeals procedures.

.02 *National Defense Executive Reserve*. Departmental responsibilities for the National Defense Executive Reserve, as exercised by BDC are outlined in Departmental Administrative Order 210-8 (30 F.R. 12957). Applications for participation in the NDER must be made on CD-174 which is available from the Director, Mobilization Readiness Division, BDC, U.S. Department of Commerce, Washington, D.C. 20230.

.03 *Trade adjustment assistance*. Rules and regulations for certification of eligibility to apply for trade adjustment assistance and for application for such assistance under the Trade Expansion Act of 1962 (76 Stat. 883; 19 U.S.C. 1901 et seq.) have been revised. The new regulations appear at volume 37 of the FEDERAL REGISTER; page 3726 et seq. (February 18, 1972), and will be published in 15 CFR Part 500.

.04 *Automotive Products Trade*. Rules, procedures, and criteria for determination of bona-fide motor vehicle manufacturers under the Automotive Products Trade Act of 1965 (79 Stat. 1023; 19 U.S.C. 3032) are found in 19 CFR 301.

D. *Submission of requests and applications*. The established places at which and the methods whereby the public may make any submittals, applications, or requests concerning the programs listed in section C of this appendix are found in the rules and regulations cited therein.

E. (Reserved)

F. *Inspection and copying of opinions and orders*. All final opinions and orders made in the adjudication of cases, statements of policy, and interpretations not published in the FEDERAL REGISTER, administrative staff manuals and instructions to staff that affect a member of the public; and any other materials required to be made available for public inspection and copying under section 552(a) (2) are made available for such purposes in the Central Reference and Records Inspection Facility of the Department of Commerce, Room 7043, Main Commerce Building, 14th Street between Pennsylvania Avenue and Constitution Avenue NW., Washington, D.C. 20230. Rules concerning the use of this Facility are contained in Part 4, Title 15, Code of Federal Regulations, or may be obtained from the Facility.

G. *Inspection of bureau records*. Rules for persons desiring, pursuant to section 552(a) (3), to inspect records not available to the public as part of the regular public information services of the Bureau of Domestic Commerce are contained in Part 4, Title 15, Code of Federal Regulations. Applications are available from the Central Reference and Records Inspection Facility of the Department of Commerce, or from the field offices of the Office of Business Services, Department of Commerce.

Dated: February 25, 1972.

DONALD R. MURDOCH,
Acting Director,
Bureau of Domestic Commerce.

APPENDIX C¹

PUBLIC INFORMATION SERVICES AT THE ECONOMIC DEVELOPMENT ADMINISTRATION

A. *Purpose*. The purpose of this appendix is to describe, in general, the public information services of the Economic Development Administration (EDA), to describe the places at which, and the methods whereby, the public may obtain information, to inform the public as to the availability of its statistical reports, data, files, unpublished materials, special tabulations, rules, regulations, procedures, instructions, forms or other requirements established by the Economic Development Administration which affect the public, and otherwise to comply with the requirements of 5 U.S.C. 552 (Public Law 90-23, 81 Stat. 54).

B. *Public information services*—.a. *Description of services*. The Office of Public

¹ This appendix supersedes the material appearing at 35 F.R. 16060 of Oct. 13, 1970.

Affairs, EDA, has available a variety of pamphlets, bulletins, and announcements describing EDA programs, accomplishments, and activities. This office maintains a reference file of photographs, news releases announcing grants, loans, and other projects, and material of general interest concerning EDA and economic development.

b. *Availability of services.* Requests for free publications, all general inquiries from the public, and initial inquiries from representatives of news or other media as well as information about the availability of reports of economic research studies and technical assistance projects, conducted or supported by EDA, should be directed to the Office of Public Affairs, which is located in Room 7327, Constitution Avenue and E Street NW., Commerce Building, 14th Street between Washington, D.C. 20230. The telephone number is 967-5113; Area Code 202.

For the convenience of the public, most of the materials available for public inspection and copying in the Publications Division, Office of Public Affairs, EDA, are also made available in the following Regional Offices:

EDA Atlantic Regional Office, 320 Walnut Street, Philadelphia, PA 19106. Telephone: 597-4603; Area Code 215.

EDA Southeastern Regional Office, Suite 555, 1401 Peachtree Street NE., Atlanta, GA 30309. Telephone: 526-6401; Area Code 404.

EDA Rocky Mountain Regional Office, Suite 505, Title Building, 909 17th Street, Denver, CO 80202. Telephone: 837-4714; Area Code 303.

EDA Midwestern Regional Office, 32 West Randolph Street, Chicago, IL 60601. Telephone: 353-7706; Area Code 312.

EDA Southwestern Regional Office, 702 Colorado Street, Austin TX 78701. Telephone: 397-5661; Area Code 512.

EDA Western Regional Office, 415 First Avenue N., Seattle, WA 98101. Telephone: 442-4740; Area Code 206.

c. *Publications of the Economic Development Administration.* EDA publications are listed in the annual Catalog of Commerce Publications and the weekly Business Service Checklist. In addition, EDA's monthly magazine, *Economic Development*, lists new EDA publications. These publications are available from the Superintendent of Documents, U.S. Government Printing Office, or from any Business Service Center of the Bureau of Domestic Commerce, Department of Commerce.

d. *Other information services.* Inquiries concerning specific EDA projects, or the status of individual project applications, should be directed to the appropriate Regional Director, at the address shown in paragraph B.b. of this appendix. The geographic areas covered by each Regional Office are shown in section 13 of Department Organization Order 45-1. Where appropriate, the Regional Director will transmit these inquiries to the Office of Public Affairs, Washington, D.C., in accordance with section D of this appendix.

C. *Guide to published rules and regulations.* Rules and regulations pertaining to the grant, loan, and technical assistance programs of the Economic Development Administration, issued to implement the Public Works and Economic Development Act of 1965, as amended, are contained in Title 13, Chapter III, Code of Federal Regulations. These rules, as published, contain the matters required by 5 U.S.C. 552.

D. *Submission of requests and applications.* 1. Instructions for making any request or application for assistance from EDA, including an identification of the established places at which such submissions should be made, are contained in the regulations cited in section C of this appendix.

2. Any member of the public desiring to make any other submittals, or to obtain information with regard to any of the activities or functions of the Economic Development Administration, should direct such submissions or requests to the Director, Office of Public Affairs, EDA, at the address indicated in paragraph B.b. of this appendix.

E. *Final delegation of authority.* EDA officers and employees have been delegated or redelegated the authority to take final actions or make final decisions, on project applications or other matters affecting the public; they are identified in the rules and regulations cited in section C of this appendix.

F. *Inspection and copying of opinions and orders.* 1. All final opinions of the Economic Development Administration made in the adjudication of cases, statements of policy and interpretations not published in the FEDERAL REGISTER, administrative staff manuals and instructions to staff that affect a member of the public, and any other materials required to be made available for public inspection and copying by 5 U.S.C. 552(a) (2), are made available for such purposes at the Publications Division, Office of Public Affairs, EDA, Room 6814-B, Commerce Building, Washington, D.C. (The postal address is Washington, D.C. Zip 20230; the telephone number is 967-3425, Area Code 202.) Rules concerning the use of this facility are contained in Part 301, Title 13, Code of Federal Regulations, and may also be obtained from the public reference facility.

G. *Inspection of records.* Rules for persons desiring, pursuant to 5 U.S.C. 552(a) (3), to inspect records of the Economic Development Administration, which are not available to the public as part of the regular public information services of the EDA, are contained in Part 301, Title 13, Code of Federal Regulations. Application forms and instructions are available from the Publications Division, Office of Public Affairs, EDA, or from any Business Service Field Office of the Bureau of Domestic Commerce, Department of Commerce.

Dated: February 14, 1972.

ROBERT A. PODESTA,
Assistant Secretary
for Economic Development.

APPENDIX D

PUBLIC INFORMATION APPENDIX—OFFICE OF FOREIGN DIRECT INVESTMENTS

A. *Purpose.* The purpose of this appendix is to describe, in general, the public information services of the Office of Foreign Direct Investments (OFDI), and the places at which, and the methods whereby, the public may obtain information; to inform the public as to the availability of its rules, regulations, procedures, instructions, forms, or other requirements established by the Office of Foreign Direct Investments which affect the public; and otherwise to comply with the requirements of 5 U.S.C. 552 (Public Law 90-23, 81 Stat. 54).

B. *Public information services.* .01 The Office of Foreign Direct Investments maintains an Information Office (Room 320, 2001 Wisconsin Avenue, Washington, D.C.; telephone Area Code 202, 343-7317/7318) under the administrative supervision of the Assistant Director.

.02 All material which has been published by the Office of Foreign Direct Investments may either be consulted or copies obtained at the Information Office. General inquiries relating to the Foreign Direct Investment Program are answered by the Information Office; questions involving interpretations of the regulations are referred to the

Legal Division; other questions relating to specific technical details of the program, such as the completion of required reports, are referred to appropriate divisional staff specialists. Assistance is also provided in arranging appointments for persons having business with OFDI, and in meeting requests for organizations for speakers to discuss the program. Copies of reporting forms and instructions may also be obtained directly from the Program Reports Branch, Office of Foreign Direct Investments or from Business Services Field Offices of the Department of Commerce.

.03 OFDI does not publish on any regular basis but only as circumstances warrant. Amendments to the regulations are published in both proposed and final form in the FEDERAL REGISTER; notices of other actions of public significance are distributed to all direct investors reporting to the Office and made available to the press and general public. In addition, OFDI from time to time issues composites of the rules and regulations currently in effect, general interpretive bulletins and supplements thereto, instructions for submitting applications for specific authorizations, specific exemptions or interpretations, and selected statistical surveys relating to the Program. For the benefit of those wishing only a brief overview of the program, OFDI has available a nontechnical summary.

C. *Guide to published rules and regulations.* .01 Executive Order 11387—Governing Certain Capital Transfers Abroad, January 1, 1968, 33 F.R. 47.

.02 Foreign Direct Investment Regulations, 15 CFR Ch. X, Part 1000.

.03 Foreign Direct Investment Rules of Practice and General Procedure, 15 CFR, Ch. X, Part 1020 (Investigative Procedures), Part 1025 (Settlement Procedures), Part 1030 (Procedures and Rules of Practice for Formal Administrative Proceedings), Part 1035 (Rules of Practice for Appeals in Proceedings Originating Under Part 1030), Part 1040 (Compliance Procedures; Reports; Advisory Opinions; and Enforcement), Part 1050 (Miscellaneous Rules).

D. *Submission of requests and applications.* .01 Detailed instructions for filing applications for a specific authorization to effect transactions that would otherwise be prohibited by the regulations, a specific exemption from complying with a requirement of the regulations, and/or for an interpretive opinion are available from the Information Office, OFDI.

.02 Applications for interpretive opinions should relate to a particular method of business, or to a particular transaction that the direct investor actually proposes to consummate with named parties or has previously consummated, or to an accounting practice that the direct investor is using or proposing to use. Requests for interpretive opinions involving hypothetical situations will not be considered.

.03 Procedures for submitting petitions for reconsideration of an administrative action and/or filing an appeal with the Foreign Direct Investment Appeals Board are set forth in 15 CFR Ch. X, Part 1000. Rules and procedures governing compliance actions are set forth in 15 CFR Ch. X, Parts 1020-1050.

.04 Any member of the public desiring to make any other submittals, or to obtain information with regard to any of the activities or functions of the Office of Foreign Direct Investments, should direct such submissions or requests to the Information Office, Office of Foreign Direct Investments, U.S. Department of Commerce, Washington, D.C. 20230.

E. *Final delegation of authority.* .01 Authority vests in the Director except as provided under 15 CFR Ch. X, Part 1000 and

Parts 1020-1050, and under Department Organization Orders 25-3A, January 1, 1968, 33 F.R. 54, and 25-3B, December 4, 1970, 35 F.R. 19139.

F. Inspection and copying of opinions, orders, and other records. .01 Completed Forms FDI-101, 102, 102F, 103, 104, 105, 106, or any other completed forms filed with the Office, applications and requests for specific authorizations, petitions for reconsideration, appeals, materials submitted thereunder, and decisions thereon, are considered to be matters covered in 5 U.S.C. 552(b). Other information, records, and material of the Office of Foreign Direct Investments, if required by 5 U.S.C. 552 to be made available to the public, will be available in accordance with the provisions of Department Administrative Order 205-12 of the Secretary of Commerce (originally published as Department Order 64, 32 F.R. 9643, July 4, 1967), upon written request to the Information Office at the address given in D.04.

.02 All documents (including transcripts) filed in formal administrative proceedings conducted under 15 CFR Ch. X, Part 1030 [except those documents placed in camera pursuant to § 1030.415(b)], and such other documents as the Office may from time to time designate, shall be made part of the public records of the Office. Copies thereof are maintained, for inspection and copying, by the Information Office. The foregoing is subject to certain conditions which are specified in Title 15, Chapter X, Part 1050.111.

Dated: February 22, 1972.

WILLIAM V. HOYT,
Director, Office of
Foreign Direct Investments.

APPENDIX E²

INFORMATION AVAILABLE TO THE PUBLIC CONCERNING THE BUREAU OF INTERNATIONAL COMMERCE

A. Purpose. The purpose of this appendix is to describe information available to the public relating to the Bureau of International Commerce (BIC) and where it may be obtained; to inform the public as to the sources or availability of rules, regulations, procedures, instructions, forms, or other requirements established by the Bureau of International Commerce which affect the public; and otherwise to comply with the requirements of the Freedom of Information Act, 5 U.S.C. 552 (Public Law 90-23, 81 Stat. 54).

B. Information and programs available to U.S. business and industry. .01 The Bureau of International Commerce collects, analyzes, and disseminates to business and industry a wide range of information on international business and trade. Included is information on:

- Foreign trade statistics.
- Information on foreign market potentials.
- Information developed from country studies.
- World markets for U.S. exports program.
- Global marketing plans and surveys.
- Tariffs, taxes, quotas, and customs regulations of foreign countries.
- Patent, trademark, and copyright laws of foreign countries.
- Transportation systems.
- Insurance activities.
- Foreign government procurement in the United States.
- Government export financing facilities.
- Insurance against commercial and political risks abroad.
- Studies and information on U.S. foreign direct investment.

² This appendix supersedes the material appearing at 32 F.R. 12114 and 12128 of Aug. 23, 1967.

Information on Domestic and International Sales Corporations (DISC's). Documentation and shipping requirements for U.S. exports and imports.

Procedures for obtaining import protection and reductions in trade restrictions of foreign countries.

In addition, BIC sponsors participation of U.S. industries in export promotion fairs and other events abroad.

.02 Publications of the Bureau are listed in the Annual Supplement to U.S. Department of Commerce Publications and the weekly Business Service Checklist, which are available from the field offices of the Office of Business Services (OBS), Department of Commerce, or directly from the Department of Commerce, Washington, D.C. 20230. In addition, BIC publishes the Checklist of International Business Publications available from the same sources.

.03 The Office of Export Control, BIC, provides informational services to assist the public with respect to the provisions of the Export Administration Act of 1969 and related rules, regulations, and procedures. A request for assistance may be directed, by telephone or correspondence, to the Office of Export Control, BIC, U.S. Department of Commerce. The Office of Export Control also prepares a number of publications concerning specific export control matters, most of which are available either free of charge or for a minimal fee from the Office of Export Control or from the Superintendent of Documents, U.S. Government Printing Office.

C. Guide to published rules and regulations. .01 *Export promotion programs.* Application procedures, selection criteria, and other rules and regulations pertaining to trade and industrial exhibits, trade centers, trade development centers, and trade missions abroad, and other promotional programs directed toward stimulation of the domestic business community to export, may be obtained from the Office of International Trade Promotion, BIC, U.S. Department of Commerce, Washington, D.C. 20230.

.02 *Export Control.* Rules and regulations issued under the Export Administration Act of 1969 are contained in Title 15, Code of Federal Regulations, Parts 368-399. They are also contained in the Export Control Regulations, which may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, or from the Office of Export Control, BIC. Amendments to the current rules and regulations are published in the FEDERAL REGISTER and in Export Control Bulletins which may be obtained from the above sources.

.03 *China Trade Act.* Rules and regulations for corporations organized under the China Trade Act (42 Stat. 854; 15 U.S.C. 141-62) are found in 15 CFR 363.

D. Submission of requests and applications. .01 The public may make submittals, applications, or requests concerning matters discussed in this appendix as provided in the respective rules and regulations which are cited.

.02 BIC's information address and telephone are: Bureau of International Commerce, U.S. Department of Commerce, 14th Street and Constitution Avenue, Washington, DC 20230. Phone: (202) 967-5261.

.03 Forms affecting the public in export control matters are identified in the Code of Federal Regulations, and facsimiles of these forms are reproduced in a supplement to the Export Control Regulations. Actual forms may be obtained from the Office of Export Control, or as otherwise provided in the regulations. The regulations also describe procedures to be followed in submitting forms and documents.

E. Final delegations of authority. The Director, Bureau of International Commerce, has made no delegations or redelegations of authority to offices or employees of the Bureau to take final actions or make final decisions, with respect to requirements, submittals, or other matters arising under its published rules and regulations; except that the Director, Office of Export Control, is delegated authority to exercise and perform all powers and functions provided by the Export Administration Act of 1969. This delegation is contained in Department Organization Order 40-2B, dated October 16, 1970.

F. Inspection and copying of opinions and orders. All final opinions and orders made in the adjudication of cases, statements of policy, and interpretations not published in the FEDERAL REGISTER, administrative staff manuals and instructions to staff that affect a member of the public, and any other materials required to be made available for public inspection and copying under section 552(a)(2) of the Freedom of Information Act are made available in the Central Reference and Records Inspection Facility of the Department of Commerce, Room 7043, Main Commerce Building, 14th Street between Pennsylvania Avenue and Constitution Avenue NW., Washington, D.C. 20230. Rules concerning the use of this facility are contained in Part 4, Title 15, Code of Federal Regulations, or may be obtained from the facility.

G. Inspection of Bureau records. Persons desiring to inspect records not available to the public as part of the regular public information services of the Bureau of International Commerce may apply for access to such records under rules contained in Part 4, Title 15, Code of Federal Regulations. Applications are available from the Central Reference and Inspection Facility of the Department of Commerce, or from the field offices of the Office of Business Services, Department of Commerce.

Dated: March 13, 1972.

M. VAN GESSEL,
Deputy Director, Bureau of
International Commerce.

APPENDIX F²

PUBLIC INFORMATION SERVICES AVAILABLE FROM THE MARITIME ADMINISTRATION

A. Purpose. The purpose of this appendix is to describe, in general, the public information services of the Maritime Administration (which term includes the Marine Subsidy Board and the National Shipping Authority), to describe the places at which, and the methods whereby, the public may obtain information, to inform the public as to the sources or availability of rules, regulations, procedures, instructions, forms, reports, or other requirements established by the Maritime Administration which affect the public, and otherwise to comply with the requirements of 5 U.S.C. 552 (Public Law 90-23, 81 Stat. 54).

B. Public information services—1. General. This Section describes the information services regularly provided by the Maritime Administration in the execution of its substantive program responsibilities. In general, these services will satisfy most of the informational needs of the maritime industry and the general public concerning the activities of the Administration. The special procedures referred to in Section G of this Appendix should not be resorted to unless these regular informational services have been found to be inadequate to meet a particular informational need.

² This appendix supersedes the material appearing at 35 F.R. 13149 of Aug. 18, 1970.

2. *Publications of the Maritime Administration.* a. A list of current publications of the Maritime Administration may be obtained from the Office of Public Affairs, Maritime Administration, Department of Commerce, Room 4893, 14th St. and Constitution Avenue, NW., Washington, D.C. 20235 (Telephone: Area Code 202, 967-2746). Certain publications are also listed in the annual supplement to the Catalog of Commerce Publications, and the weekly Business Service Checklist, available through the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Reports of a scientific or technical nature are available from the National Technical Information Service (NTIS), and are listed in the index provided by NTIS, which is located at the Sills Building, 5285 Port Royal Road, Springfield, VA 22151 (Telephone: Area Code 703, 321-8543).

b. Copies of all current Maritime Administration publications which are for sale by the U.S. Government Printing Office are available for examination by the public in the Office of Public Affairs. Orders to purchase such publications should be directed to the Superintendent of Documents. Orders for technical reports should be directed to NTIS. Limited numbers of other not-for-sale publications are available upon request to the Office of Public Affairs.

3. *Other informational services.* a. The Maritime section of the Department of Commerce Library contains an extensive collection of technical, legal, and miscellaneous publications relating to the development, operation, and control of the merchant marine, the training of seamen, ocean marine freight rates, tariffs, insurance, and the regulation of shipping rates, vessels, travelers, seamen, and others. The Library is located in the Department of Commerce, seventh floor, 3 and 0 Corridors, 14th Street and Constitution Avenue NW., Washington, D.C. 20235 (Telephone: Area Code 202, 967-3193).

b. The Office of Public Affairs has available reference files of newspaper clippings and other published articles relating to the merchant marine, photographs of U.S. merchant vessel types, press releases, speeches, or statements of particular newsworthiness, and periodic reports concerning the maritime industry. Copies of many of these materials are available upon request. Any oral or written inquiries of a general nature concerning the Maritime Administration or the U.S. merchant marine should be sent to this Office.

c. All official actions of the Maritime Administration are indexed and available for public inspection from the Secretary of the Maritime Administration and Maritime Subsidy Board, Department of Commerce, Room 3099-B, 14th Street and Constitution Avenue NW., Washington, D.C. 20235 (Telephone: Area Code 202, 967-2188).

d. Information on matters concerning the U.S. Merchant Marine Academy may be obtained from: Public Information Office, U.S. Merchant Marine Academy, Kings Point, Long Island, N.Y. 11204 (Telephone: Area Code 516, 482-8200).

C. *Guide to published rules and regulations.* 1. All published rules and regulations pertaining to programs of the Maritime Administration appear in the Code of Federal Regulations, as follows:

a. Maritime Administration and Maritime Subsidy Board—Title 46, Ch. II.
b. National Shipping Authority—Title 32A, Ch. XVIII.

c. Office of the Maritime Administrator—Title 32A, Ch. XIX.

2. For the convenience of the public, a guide entitled "Index of Current Regulations of the Maritime Administration-Maritime Subsidy Board—National Shipping Authority" is available from the Superintendent of

Documents, Government Printing Office, Washington, D.C. 20402, at a nominal price.

D. *Submission of requests and applications.* 1. The established places to which reports or information required or requested by the Maritime Administration are to be submitted are identified on the forms, schedules, or instructions specifying the information desired, and/or in the rules and regulations cited in section C of this appendix.

2. Requests for the preparation of special studies which relate to the functions of the Maritime Administration, and which serve the particular benefit of the requesting individual or group, are governed by the terms of General Order 85 (46 CFR Part 206, Subpart A).

3. Requests for general information, in addition to the offices cited in section B, may also be submitted to the following field offices:

a. Eastern Region Office, Maritime Administration, Federal Building, 26 Federal Plaza, 37th Floor, New York, NY 10007 (Telephone: Area Code 212, 264-1300).

b. Central Region Office, Maritime Administration, 701 Loyola Avenue, New Orleans, LA 70150 (Telephone: Area Code 504, 527-6556).

c. Western Region Office, Maritime Administration, 450 Golden Gate Avenue, San Francisco, CA 94102 (Telephone: Area Code 415, 556-3816).

E. *Final delegations of authority.* The officers and employees to whom there has been delegated or redelegated the authority to take final actions, or make final decisions, with respect to requirements, submissions, or other matters affecting the public, are identified in the following materials:

1. Department Organization Order 10-8 (36 F.R. 1223, January 26, 1971), which is the basic delegation of authority from the Secretary of Commerce to the Assistant Secretary for Maritime Affairs and Maritime Subsidy Board, respectively, and

2. Administrator's Orders and Management Orders in the Maritime Administration Manual of Orders, which set forth all redelegations of authority to officials and employees of the Maritime Administration, and which are available for public inspection and copying in the Office of Public Affairs, Maritime Administration, Department of Commerce, Room 4893, 14th Street and Constitution Avenue NW., Washington, D.C. 20235 (Telephone: Area Code 202, 967-2746).

F. *Inspection and copying of opinions and orders.* All final opinions of the Maritime Administration made in the adjudication of cases are available from the Secretary of the Maritime Administration and Maritime Subsidy Board, Department of Commerce, Room 3099-B, 14th Street and Constitution Avenue NW., Washington, D.C. 20235 (Telephone: Area Code 202, 967-2188). Statements of policy and interpretations not published in the FEDERAL REGISTER, administrative staff manuals and instructions to staff that affect a member of the public, and any other materials required to be made available for public inspection and copying by 5 U.S.C. 552(a)(2), and indices thereto, are made available for such purposes at the Office of Public Affairs, Maritime Administration, Department of Commerce, Room 4893, 14th Street and Constitution Avenue NW., Washington, D.C. 20235 (Telephone: Area Code 202, 967-2746). Rules prescribing public use of this facility are contained in Part 380, Title 46, Code of Federal Regulations, and may also be obtained from the Office of Public Affairs.

G. *Inspection of records.* Rules for persons desiring, pursuant to 5 U.S.C. 552(a)(3), to inspect records of the Maritime Administration which are not available to the public as part of the regular public information services of the Maritime Administration, are con-

tained in Part 380, Title 46, Code of Federal Regulations. Application forms and instructions are available from the several Region Offices at the addresses given in section D and the Office of Public Affairs, Maritime Administration, Department of Commerce, Room 4893, 14th Street and Constitution Avenue NW., Washington, D.C. 20235 (Telephone: Area Code 202, 967-2746).

Dated: February 22, 1972.

ROBERT J. BLACKWELL,
Acting Assistant Secretary
for Maritime Affairs.

APPENDIX G

PUBLIC INFORMATION SERVICES AT THE OFFICE OF MINORITY BUSINESS ENTERPRISE

A. *Purpose.* This appendix will describe, in general, the public information services of the Office of Minority Business Enterprise (OMBE). It will describe the places at which, and the methods whereby, the public may obtain information as well as inform the public to the availability of OMBE statistical reports, data files, unpublished materials, special tabulations, rules, regulations, procedures, instructions, forms, or other requirements established by OMBE which affect the public, and otherwise to comply with the requirements of 5 U.S.C. 552 (Public Law 90-23, 81 Stat. 54).

B. *Public information services—1. Description of services.* The Information Center within OMBE serves as a national clearinghouse for all information pertaining to minority enterprise. This includes the development, collection, summarization, and dissemination of this information. Documents, special reports, data files, and statistics regarding minority business development are generated and held in this office.

2. *Availability of services.* Information services are available to all persons or organizations undertaking or promoting the establishment and successful operation of minority business enterprises. Minority business enterprise means a business enterprise that is owned or controlled by one or more socially or economically disadvantaged persons. Such disadvantage may arise from cultural, racial, chronic economic circumstances or background or other similar cause. Such persons include, but are not limited to, Negroes, Puerto Ricans, Spanish-speaking Americans, American Indians, Eskimos, and Aleuts. Progress of these services and yearly statistical summaries are also available (section B-3-13).

3. *Publications of OMBE.* OMBE publications include:

1. OMBE Outlook.
2. Special Message to the Congress of the President on Minority Enterprise, Executive Order 11625, October 13, 1971.
3. Franchise Company Data for Equal Opportunity in Business.
4. Directory of Private Programs Assisting Minority Business.
5. Special Catalog of Federal Assistance Programs for Minority Business Enterprise.
6. Higher Education Aid for Minority Business.
7. MESBICs and Minority Enterprise.
8. Leveraging the MESBIC Dollar.
9. Minority-Owned Business: 1969—Special Census.
10. Progress of the Minority Business Enterprise Program.
11. National Roster of Minority Professional Consulting Services.
12. OMBE—Office of Minority Business Enterprise (Pamphlet).
13. Memorandum to Heads of Departments and Agencies, Federal Procurement and Minority Business Enterprise, December 6, 1969.

APPENDIX H

PUBLIC INFORMATION SERVICES OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

A. Purpose. The purpose of this appendix is to describe, in general, the public information services of the National Oceanic and Atmospheric Administration (NOAA), to describe the places at which, and the methods whereby, the public may obtain information, to inform the public as to the source or availability of rules, regulations, procedures, instructions, forms, reports, or other requirements established by NOAA which affect the public, and otherwise to comply with the requirements of 5 U.S.C. 552 (Public Law 90-23, 81 Stat. 54).

B. Public information services. a. NOAA gathers, processes, and issues information on weather conditions, ocean resources, oceanic and atmospheric environmental conditions, river water levels, coastal tides and currents, movement of ocean currents, structure and shape of ocean basins, seismic activity, the precise coordinates of geodetic control points, and conditions of the upper atmosphere and space. It issues warnings against hurricanes, tornadoes, floods, and seismic sea-waves to areas in danger.

b. NOAA information falls into three broad categories, namely:

(1) Current information and warnings on the dynamic or continually changing aspects of the environment, such as the weather and other geophysical phenomena; information on the natural status of living marine resources; and statistics on seafood and derivatives contained in commercial inventories.

(2) Longer term information, such as navigation charts, compilations or summaries of historical environmental data, statistics on the harvest of fish and other seafood, earth and ocean surveys and measurements, and results of scientific research and development.

(3) Procedures relating to NOAA programs that are published as notices or regulations in the Federal Register.

c. NOAA information is available in many forms and from many sources throughout NOAA.

(1) Current information is disseminated in the form of forecasts, advisories, and warnings, directly by the local offices of NOAA, of which there are approximately 350, by telephone recordings and continuous VHF-FM radio broadcasts, or through relaying intermediaries, such as radio and TV stations. The addresses of local NOAA offices may be obtained by consulting local telephone directories, generally under the heading of Commerce Department—National Oceanic and Atmospheric Administration. The medium for disseminating recent weather analyses for the entire United States is the Daily Weather Maps—Weekly Series, which is available on a subscription basis. There is also published a Weekly Weather and Crop Bulletin, which narrates on a weekly basis the weather conditions and crop progress during the reporting period, generally on a State-by-State basis. Both the Daily Weather Maps—Weekly Series and the Weekly Weather and Crop Bulletin may be ordered from the Superintendent of Documents, Washington, D.C. 20402. Current information on living marine resources and related technology is disseminated through various publications and personal consultation.

(2) Longer term information is available in various forms, such as scientific and technical publications (including journals, books, technical reports, technical memoranda, and data periodicals), charts, maps, pamphlets, tabulations, individual data sheets, industry statistics, reproductions of original graphic recordings, and aerial photo-

graphs. These are available at varying prices, from various offices within NOAA. Also, navigation charts may be purchased from contract sales agents, generally airport and marina operators. Catalogs or price lists of items in this category are available on request. Navigation chart catalogs are available from the Chief, Distribution Division (C44) National Ocean Survey, NOAA, Washington, D.C. 20235. General information concerning historical climatological, oceanographic, geophysical, and aeronomy and space data, data products, and data services is available from the Director, Environmental Data Service (D) NOAA, Silver Spring, Md. 20910. Price lists of data on the national geodetic networks are available from the Director, National Geodetic Survey Information Center (C18) NOAA, Rockville, Md. 20852. Copies of original hydrographic, topographic, and certain NOS geophysical data and documents may be obtained for the cost of reproduction by addressing requests to Chief, Marine Chart Division (C3333) National Ocean Survey, NOAA, Rockville, Md. 20852. Photogrammetric data (aerial photographs, maps, shoreline surveys, and obstruction charts), including aerial and map indexes, a publication listing of the obstruction charts, and prices are available on request to the Director, National Ocean Survey, NOAA, Rockville, Md. 20852, or by telephone: Area Code 301-496-8601. Publications dealing with the fisheries, seafood, and fishing industry statistics are available upon request from the Director, National Marine Fisheries Service, Washington, D.C. 20235. Requests or inquiries concerning other information in the longer term category, but excluding scientific and technical publications, may be sent to the Administrative Documentation Officer (AD161) NOAA, Rockville, Md. 20852, for referral to the responsible office.

(3) Scientific and technical publications are disseminated in the form of professional papers, journals, monographs, technical reports, technical memorandums, and periodical data publications. These range over the broad spectrum of the physical environment. New publications available and their prices are announced regularly in NOAA Publications Announcement. Details on all NOAA scientific and technical publications may be obtained from the Director, Environmental Science Information Center (D8) NOAA, Rockville, Md. 20852. Many of NOAA's scientific and technical publications are sold by the National Technical Information Center, Springfield, Va. 22151, and by the Superintendent of Documents, Washington, D.C. 20402.

(4) Information on all current NOAA research projects may be obtained from the Director, Environmental Science Information Center (D8) NOAA, Rockville, Md. 20852.

d. Other information is handled as follows:

(1) General information on the mission and operation of NOAA or news releases: Address inquiries to the Director, Office of Public Affairs (PA) NOAA, Rockville, Md. 20852.

(2) Information on the filing of claims against NOAA: Address inquiries to the Claims Officer (AD1x15) NOAA, Rockville, Md. 20852.

(3) General administrative information, or for information not otherwise described herein: Address inquiries to the Administrative Documentation Officer (AD161) NOAA, Rockville, Md. 20852, for referral to the responsible office.

C. Guide to published rules and regulations. The rules and regulations of NOAA and its major elements are published in the Code of Federal Regulations as follows:

4. Other information services. The Information Center distributes publications prepared by other Federal and private organizations that relate to minority business development. OMBE also maintains files of localized business resources available to assist minority businessmen in their endeavors. OMBE Outlook, a monthly publication, is prepared to inform the public of current minority enterprise accomplishments and available resources. This publication is available free of charge upon request.

The OMBE Office of Public Affairs participates in convention exhibits and prepares press releases as necessary.

C. Guide to published rules and regulations. 1. Executive Order 11625, October 13, 1971, describes the general functions of the Secretary of Commerce and sets forth the definition of "minority business enterprise."

2. Department of Commerce Order No. 25-43, February 15, 1972, describes the organization and functions of the Office of Minority Business Enterprise.

3. Department of Commerce Order No. 25-44, February 15, 1972, delegates certain of the authorities of the Secretary of Commerce to the Director of the Office of Minority Business Enterprise.

4. Title III of the Public Works and Economic Development Act of 1965, 42 U.S.C. 3151, et seq., and the regulations promulgated thereunder, Code of Federal Regulations, Title 13, Chapter III, as amended to date, specify certain conditions and procedures for the provision of technical assistance under such act.

These materials and guidelines describing program elements may be obtained from the OMBE Information Center.

D. Submission of requests and applications. Address or contact: Office of Minority Business Enterprise, 14th Street and Constitution Avenue NW., U.S. Department of Commerce, Washington, DC 20230 (Telephone: 202-967-3046).

E. Final delegation of authority. The Director, Office of Minority Business Enterprise, has the final delegation of authority with respect to requirements, submissions, or other matters affecting the public or arising under Executive Order 11625.

F. Inspection and copying of opinions and orders. All final opinions made in the adjudication of cases, statements of policy and interpretations not published in the FEDERAL REGISTER, Administrative staff manuals and instructions to staff that affect a member of the public, and any other materials required to be made available for public inspection and copying by 5 U.S.C. 552(a)(2) are made available for such purposes at the Office of Minority Business Enterprise, U.S. Department of Commerce, Main Commerce Building, 14th and Pennsylvania Avenue, Washington, D.C. 20230. The telephone number is (202) 967-5061. OMBE is under the direction of Executive Order 11625.

G. Inspection of records. Persons desiring pursuant to 5 U.S.C. 552(a)(3), to inspect records of the Office of Minority Business Enterprise, which are not available to the public as part of the regular public information services, should be familiar with Executive Order 11625 and make requests in writing to the Director, Office of Minority Business Enterprise. Application forms and instructions are available from the Director's Office.

Dated: March 1, 1972.

JOHN L. JENKINS,
Director, Office of
Minority Business Enterprise.

Title 15, Chapter IX

Subchapter A, Parts 900-929—General Regulations, National Oceanic and Atmospheric Administration

Subchapter B, Parts 930-939—General Regulations, National Ocean Survey

Subchapter C, Parts 940-949—General Regulations, National Weather Service

Subchapter D, Parts 950-959—General Regulations, Environmental Data Service

Subchapter E, Parts 960-969—General Regulations, National Environmental Satellite Service

Subchapter F, Parts 970-979—General Regulations, Environmental Research Laboratories

Title 50, Chapter II

All of Chapter II—National Marine Fisheries Service.

D. *Submittals and requests.* The established places at which and the methods whereby the public may make any submittals, applications, or requests are identified in: sections B, F, and G of this appendix. Chapter IX, Title 15, and Chapter II, Title 50, Code of Federal Regulations; and on copies of the forms and instructions referred to in Chapter IX, Title 15, and Chapter II, Title 50.

E. *Final delegations of authority.* The Administrator, NOAA, has made no delegation or redelegation of authority to officers or employees of NOAA to take final actions, or make final decisions, with respect to requirements, submissions, or other matters arising under its published rules and regulations. Any such delegations hereafter made will be published in the FEDERAL REGISTER following their issuance.

5245 H. C. Bates May 13, 1972 Machine 52

F. *Inspection and copying of opinions and orders.* All final opinions of NOAA made in the adjudication of cases, statements of policy, and interpretations not published in the FEDERAL REGISTER, administrative staff manuals and instructions to staff that affect a member of the public, and any other materials required to be made available for public inspection and copying by 5 U.S.C. 552(a)(2), are made available for such purposes at the NOAA Public Reference Facility, Room 209, North Bethesda Office Center, Building No. 2, 11420 Rockville Pike, Rockville, MD. The mailing address of this facility is: Administrative Documentation Officer (AD161) NOAA, Rockville, MD. 20852. Rules prescribing public use of this facility are contained in Part 903, Chapter IX, Subchapter A, Title 15, Code of Federal Regulations, or may be obtained from the facility.

G. *Inspection of NOAA records.* Rules for persons desiring, pursuant to 5 U.S.C. 552(a)(3), to inspect records of NOAA which are not available to the public as part of the regular public information services of NOAA, are contained in Part 903, Chapter IX, Subchapter A, Title 15, Code of Federal Regulations. Application forms and instructions are available from the NOAA Public Reference Facility.

Dated: February 14, 1972.

JOHN W. TOWNSEND, Jr.,
Associate Administrator, National
Oceanic and Atmospheric Administration.

APPENDIX I^a

NATIONAL BUREAU OF STANDARDS—PUBLIC INFORMATION SERVICES

A. *Purpose.* The purpose of this appendix is to describe, in general, the public information services of the National Bureau of

Standards (NBS), to describe the places at which, and the methods whereby, the public may obtain information, to inform the public as to the sources or availability of rules, regulations, procedures, instructions, forms, reports, or other requirements established by the National Bureau of Standards which affect the public, and otherwise to comply with the requirements of section 552, title 5, United States Code, as amended by Public Law 90-23, June 5, 1967 (81 Stat. 54).

B. *Public information services—1. Publications of the Bureau of Standards.* a. The Journal of Research of the National Bureau of Standards is the chief periodical of the Bureau devoted to reporting the results of its scientific activities. It is published in three sections, each of which is available separately: Physics and Chemistry, Mathematics and Mathematical Physics, and Engineering and Instrumentation. The Bureau also publishes a monthly Technical News Bulletin, and an annual report, entitled Technical Highlights of the National Bureau of Standards.

b. The Bureau also publishes a number of nonperiodical series, covering its major fields of activity. These include the Applied Mathematics Series, National Standard Reference Data Series, Building Science Series, Technical Notes, Product Standards, Special Publications, Handbooks, Monographs, and Federal Information Processing Standards Publications.

c. The various publications of the Bureau are listed in NBS Circular 460, NBS Miscellaneous Publication 240, and the Catalog of Commerce Publications, and in the supplements to these volumes. They are also listed, as published, in the Business Services Checklist of the Department of Commerce.

d. Questions as to prices, frequency of issue, or other matters concerning NBS publications should be addressed to the Office of Technical Information and Publications, National Bureau of Standards, Washington, D.C. 20234. The telephone number of this Office is 921-2318; Area Code 301. Subscriptions to periodicals, and purchases of other NBS publications, should be directed to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Many NBS publications are available at or through the Business Services Field Offices of the Department of Commerce, which are located in some 40 major cities.

2. *Office of Standard Reference Data.* a. As the program management vehicle of the National Standard Reference Data System, the Office of Standard Reference Data is concerned with the production and dissemination of compilations of critically evaluated data in the physical sciences. The System contains a network of 28 information and data centers which provide referral, reference, documentation and data to the American technical community. Within the Office of Standard Reference Data, the Information Services Operation serves as the direct point of contact between the users and the Standard Reference Data System as a whole. (See Department Organization Order 30-2B.)

b. Based on a data file of compilations of critically evaluated data produced throughout the world, the Information Services Operation will ultimately provide (1) referral service, which refers requests for data on specific subjects to information or data centers specializing in those subjects; (2) reference service, which provides literature references indicating where requesters might locate relevant data; (3) document service, which provides copies of documents in response to inquiries; and (4) data service, which provides detailed data as required to respond fully to requests for information. The NSRDS News, a monthly newsletter, provides information about activities of the

data centers, periodic lists of new compilations of data, and announcements of conferences and meetings of interest to users of numerical data.

c. Most of the data compilations can be obtained directly from the Government Printing Office. Information on the System, lists of compilation titles, and details of the information services provided can be obtained by writing to: Information Services Operation, Office of Standard Reference Data, National Bureau of Standards, Washington, D.C. 20234. Telephone 921-2583; Area Code 301.

3. *Other information services—*a. *General Information on the mission and operation of NBS.* Address inquiries to the Special Assistant, Public Affairs, National Bureau of Standards, Washington, D.C. 20234. Telephone 921-2431; Area Code 301.

b. *Information on NBS technical programs and publications.* Address inquiries to the Office of Technical Information and Publications, National Bureau of Standards, Washington, D.C. 20234. Telephone 921-2318; Area Code 301.

c. *Information on Computer Sciences and Technology.* Address inquiries to the Office of Computer Information, Center for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234. Telephone (301) 921-3517.

d. *Information on Industrial Research Associate Program.* Address inquiries to the Industrial Liaison Officer, National Bureau of Standards, Washington, D.C. 20234. Telephone 921-3591; Area Code 301.

e. *Information on NBS activities at Boulder, Colo.* Address inquiries to the Program Information Office, National Bureau of Standards, Boulder, Colo. 80302. Telephone 499-3244; Area Code 303.

f. *Information on filing claims against NBS (Washington and Boulder).* Address inquiries to the Safety Office, National Bureau of Standards, Washington, D.C. 20234. Telephone 921-2600; Area Code 301.

C. *Guide to published rules and regulations.* 1. Rules with respect to National Bureau of Standards services available to the public are contained in Chapter II, Title 15 of the Code of Federal Regulations. Specifically, the following parts of Chapter II, 15 CFR, contain rules and regulations affecting the public:

a. Part 200 describes Bureau policies as to its measurement services, including calibrations and tests, and the procedures for requesting these services.

b. Parts 201, 202, 203, 205, 206, and 210 describe the various measurement services, including calibrations and tests, that are available and the costs thereof.

c. Part 230 lists standard reference materials issued by NBS and describes the procedure for ordering these materials.

d. Part 235 lists NBS motion picture films and prescribes the procedure for ordering them.

e. Part 240 describes the standards applicable to barrels and other containers for lime.

f. Part 241 describes the standards applicable to barrels for fruits, vegetables, and other dry commodities, and for cranberries.

g. Part 235 describes the types of NBS fellowships in laboratory standardization and testing, and lists the qualifications needed to obtain such fellowships.

h. Part 256 describes policies and procedures concerning the Research Associate Program at NBS.

1. Part 260 describes the standard for devices to permit the opening of household refrigerator doors from the inside.

2. Certain authority for administering the operations of the voluntary standards program of the Department of Commerce has

^a This appendix supersedes the material appearing at 34 F.R. 5751 of Mar. 27, 1969.

been delegated to the National Bureau of Standards. Part 10 of Title 15, CFR, sets forth procedures for the development of voluntary product standards.

D. Submission of requests and applications. 1. The rules and regulations of the National Bureau of Standards, as cited in section C of this appendix, describe the procedures and identify the established places to which all requests for the various services provided by the bureau are to be submitted.

2. Any member of the public desiring to make any other type of submittal or request should direct such submittal or request to the Director, National Bureau of Standards, Washington, D.C. 20234.

E. Final delegations of authority. The Director, National Bureau of Standards, has made no delegation or redelegation of authority to officers or employees of the bureau to take final actions, or make final decisions, with respect to requirements, submissions, or other matters arising under its published rules and regulations.

F. Inspection and copying of opinions and orders. All final opinions of the National Bureau of Standards made in the adjudication of cases, statements of policy and interpretations not published in the *FEDERAL REGISTER*, administrative staff manuals and instructions to staff that affect a member of the public, and any other materials required to be made available for public inspection and copying by 5 U.S.C. 552(a)(2), are made available for such purposes at the Central Reference and Records Inspection Facility of the Department of Commerce, Room 7043, Commerce Building, 14th Street between Constitution Avenue and E Street NW., Washington, D.C. 20230. Rules prescribing public use of this facility are contained in Part 4, Title 15, Code of Federal Regulations, and may also be obtained from the facility.

G. Inspection of Bureau records. Rules for persons desiring, pursuant to 5 U.S.C. 552 (a)(3), to inspect records of the National Bureau of Standards which are not available to the public as part of the regular public information services of the Bureau, are contained in Part 4, Subtitle A Title 15, Code of Federal Regulations. Application forms and instructions are available from the Central Reference and Records Inspection Facility of the Department of Commerce, or from any Business Services Field Office, Department of Commerce.

Dated: February 25, 1972.

LEWIS M. BRANSCOMB,
Director,
National Bureau of Standards.

APPENDIX J

PUBLIC INFORMATION SERVICES AT THE NATIONAL TECHNICAL INFORMATION SERVICE

A. Purpose. The purpose of this appendix is to describe, in general, the public information services of the National Technical Information Service, to describe places at which and the method whereby the public may obtain information, to inform the public as to the availability of its publications, data, rules, regulations, procedures, instructions, or other requirements established by the National Technical Information Service which affect the public, and otherwise to comply with the requirements of 5 U.S.C. 552 (Public Law 90-23, 81 Stat. 54).

B. Public information service. a. The National Technical Information Service is a clearinghouse for the collection and dissemination of scientific, technical, and economic information.

b. Service is available by personal visit at two NTIS sales offices in the Washington area, which are located in the Main Com-

merce Building, Room 1098, 14th and Constitution Avenue NW., and at 5285 Port Royal Road, Springfield, VA. NTIS products and services are available for sale and can be ordered by telephone or mail from either location.

c. NTIS is now obtaining information (reports and other material) from 225 Federal agencies and provides reference and referral information services, including subject searches, both demand and retrospective, document availability and pricing information, public information and assistance (including tours and exhibits at technical conferences) and maintains a file of document abstracts for search and retrieval purposes in support of a fee literature search. Services most in demand are Weekly Government Abstracts, Government Reports, Topical Announcements, Fast Announcement Service, and NTISearch, a service which provides a search for pertinent documents in a particular field.

d. In addition to usual publications and search services, NTIS also offers magnetic tapes with information concerning various business and scientific fields of interest.

C. Guide to published rules and regulations. Any organization or individual is eligible to purchase NTIS products and services.

D. Submission of requests and applications. The descriptions of the products and services which are available from NTIS may be obtained by writing to NTIS, U.S. Department of Commerce, Springfield, Va. 22151. Prepayment on all orders is recommended. However, NTIS will ship orders to domestic customers in advance of payment for a fee of 50 cents per item. Companies are asked to use purchase orders when requesting that documents be shipped in advance of payment. Individuals must clearly state in their letter orders that they desire to be billed. NTIS information phone: 703-321-8523.

E. Final delegation of authority. The Director of NTIS is the final authority in the taking of final actions or the making of final decisions with respect to requirements, submission, or other matters affecting the public or arising under NTIS regulations.

F. Inspection and copying of opinions and orders. Not applicable.

G. Inspection of records. Rules for persons desiring, pursuant to 5 U.S.C. 552(a)(3), to inspect records of NTIS, which are not available to the public as part of the regular public information services of NTIS, are contained in Part 4, Title 15, Code of Federal Regulations. Application forms and instructions are available from the public reference facility at NTIS.

Dated: February 18, 1972.

PETER F. URBACH,
Acting Director, National
Technical Information Service.

APPENDIX K*

PUBLIC INFORMATION SERVICES AT THE PATENT OFFICE

A. Purpose. The purpose of this appendix is to describe, in general, the public information services of the Patent Office, to describe the places at which and the methods whereby the public may obtain information, make submissions or requests or obtain decisions, to inform the public as to the sources or availability of rules, regulations, procedures, forms, instructions, or other requirements of the Patent Office, which affect the public, and otherwise to comply with the requirements of section 552 of Title 5, United States Code as amended by Public Law 90-23, June 5, 1967 (81 Stat. 54).

*This appendix supersedes the material appearing at 32 F.R. 13830 of Oct. 4, 1967.

B. Public information services. (a) The Patent Office provides the public with a wide range of information relating to the organization, structure, description, and functions of the Patent Office. This includes material published regularly on a weekly basis, such as the *Official Gazette*, and copies of the patents and trademark registrations identified therein. General information concerning the procedures for obtaining patents or registering trademarks, and for utilizing the search rooms and Scientific Library of the Patent Office is readily available.

(b) The Patent Office maintains a Public Search Room which contains copies of the more than 3.6 million issued patents arranged according to subject matter (class and subclass). The Scientific Library contains over 8 million foreign patents and over 120,000 volumes of scientific and technical books for use by the general public. The Search Room is open from 8 a.m. to 8 p.m. Monday through Friday. In addition, copies of U.S. patents, records of assignments, records of decisions, and other records may be ordered. Applications for patents are not open to the public and information can only be furnished persons with authority to receive such information.

(c) Publications of the Patent Office are listed in the catalog of publications sold by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. They are also listed in the introduction of the "Rules of Practice of the United States Patent Office in Patent Cases," and in the pamphlet "General Information Concerning Patents." The Patent Office also publishes a circular "Patent Office Publications," which lists the available publications, and provides information as to price and source. These publications include:

Annual Index of Patents,
Manual of Patent Examining Procedure,
Manual of Patent Classification, and Class
Definitions,
Patent Laws (pamphlet edition),
Directory of Registered Patent Attorneys and
Agents Arranged by States and Cities,
Guide for Patent Draftsmen.

(d) The Patent Office has an Office of Information Services where the public may obtain a list of current publications and general information concerning the functions and services of the Patent Office. Information relating to patents may be obtained from the Patent Search Division of the Office of Public Services, and information relating to trademarks may be obtained from the search room of the Trademark Examining Operation. The Office also maintains a Customer Relations Branch which responds to inquiries about pending orders for documents and furnishes related information and services to the public.

C. Guide to published rules and regulations. (1) Patent Office rules of procedure, descriptions of forms, substantive rules of general applicability, and statements of general policy are published in the *FEDERAL REGISTER*. Rules are currently codified in Title 37, Chapter I, Code of Federal Regulations, and are also available in pamphlet form entitled "Rules of Practice of the United States Patent Office in Patent Cases" and "Trademark Rules of Practice of the Patent Office with Forms and Statutes," each of which is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(2) The Patent Office maintains also an administrative staff manual, entitled "Manual of Patent Examining Procedure," and an index thereto, for the general guidance of its staff and the public. The manual, with its index, as amended, changed, and supplemented from time to time, is available in the Patent Office (the Public Search Room

and Scientific Library) for inspection and copying, and copies are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

D. *Submission of requests and applications.* The established places at which and the methods whereby the public may make requests concerning Patent Office functions, operations, and procedures are:

The Public Search Room is located on the first floor of Building 3-4, Crystal Plaza, 2021 Jefferson Davis Highway, Arlington, VA 22202.

The Scientific Library is located on the second floor of Building 3-4, Crystal Plaza, 2021 Jefferson Davis Highway, Arlington, VA 22202.

The Office of Information Services is located in Room 1D01, Building 3, Crystal Plaza, 2021 Jefferson Davis Highway, Arlington, VA 22202.

The Patent Search Division of the Office of Public Services is located in Room 1A03, Building 3, Crystal Plaza, 2021 Jefferson Davis Highway, Arlington, VA 22202.

The Search Room of the Trademark Examining Operation is located in Room 2D19, Building 2, Crystal Plaza, 2021 Jefferson Davis Highway, Arlington, VA 22202.

The Customer Relations Branch is located in Rooms A102 and A103, Building 4, Crystal Plaza, 2021 Jefferson Davis Highway, Arlington, VA 22202.

E. *Final delegation of authority.* Final decisions on applications, petitions, and submissions in connection with matters affecting the public or arising in published Patent Office rules and regulations have been delegated by the Commissioner of Patents to Assistant Commissioners and other officials. Such delegations are documented in regulations published in the CFR, in the Manual of Patent Examining Procedure, and in unpublished staff instructions.

F. *Inspection and copying of opinions and orders.* (1) Final opinions and orders in the adjudication of patent cases, statements of policy and interpretations, and other material required to be made available for public inspection and copying under 5 U.S.C. 552(a) (2) are made available for such purposes in the Records Branch, Patent Search Division, Office of Public Services, Room 1D01, Building 4, Crystal Plaza, Arlington, VA 22202. Instructions concerning the use of this facility are contained in the introductory portion to the pamphlet edition of the Rules of Practice in Patent Cases, and the pamphlet "General Information Concerning Patents."

(2) Final opinions and orders in the adjudication of trademark cases, statements of policy and interpretations, and other material required to be made available for public inspection and copying under 5 U.S.C. 552(a) (2) are made available for such purposes in the search room of the Trademark Examining Operation, Room 2D19, Building 2, Crystal Plaza, Arlington, VA 22202, from 8:30 a.m. to 5 p.m. on workdays only. Instructions concerning trademark operations are contained in the pamphlet "General Information Concerning Trademarks."

G. *Inspection of Bureau Records.* (1) Applications for patents are required by law to be kept in confidence by the Patent Office and no information concerning such applications may be divulged by the Patent Office without authority of the applicant or owner, unless necessary to carry out the provisions of any Act of Congress or in such special circumstances as may be determined by the Commissioner (35 U.S.C. 122).

(2) Special situations are recognized by the regulations (37 CFR 1.11 and 1.14; Manual of Patent Examining Procedure, section 103), which prescribe the procedures to

be followed in the opening of certain patent applications to inspection.

(3) Assignment records, digests, and indexes (37 CFR 1.12) relating to patent applications are not available to the public.

(4) Pending trademark applications are open to inspection upon written request (37 CFR 2.27).

(5) The procedures for requesting records not disclosed to the public as part of the regular informational activities of the Patent Office, or not included in the material described in section F, supra, or the disclosure of which is not provided for or precluded by the regulations cited in paragraphs (1), (2), and (3) of this section, are prescribed in 37 CFR 1.15.

ROBERT GOTTSCHALK,
Commissioner, Patent Office.

FEBRUARY 22, 1972.

APPENDIX L

PUBLIC INFORMATION SERVICES, SOCIAL AND ECONOMIC STATISTICS ADMINISTRATION

A. *Purpose.* The purpose of this appendix is to describe, in general, the public information services of the Social and Economic Statistics Administration, to describe the places at which, and the methods whereby, the public may obtain information, to inform the public as to the sources or availability of rules, regulations, procedures, instructions, forms, reports, statistical reports, data files, unpublished materials, special tabulations or other requirements established by the Bureau of the Census and the Bureau of Economic Analysis which affect the public, and otherwise to comply with the requirements of Title 5, U.S.C. 552 (Public Law 90-23, 81 Stat. 54).

B. *Public information services.*—1. *Description of services.* The Social and Economic Statistics Administration provides the following informational services to members of the public:

a. *Bureau of the Census.*—(1) *Statistical reports and related information.* The Bureau publishes statistical reports on a variety of subjects, including population, housing, agriculture, industry, business, foreign commerce and trade, transportation, governments, and construction. In addition to the published statistical reports containing only the most essential and most widely used data, the Bureau makes available unpublished tabulations with more detail, as well as data files in the form of punchcards and computer tape, which can be processed to provide almost unlimited subject cross-classifications and area tabulations. Some of these tape and punchcard files, which do not contain confidential individual records, may be used for making tabulations. Some unpublished non-statistical information is also available, including maps, computer programs, and address directories of public officials.

(2) *Age search and citizenship information.* Upon receipt of a properly executed request, the Bureau will provide an authenticated copy of an individual's personal census record. In many instances these documents are acceptable as proof of age or citizenship in lieu of a birth certificate. The documents have been used in establishing eligibility for social security benefits, for obtaining passports, and in proving relationships.

(3) *Special services and studies.* The Bureau is authorized to perform special services and studies, provided there is no undue interruption of the Bureau's regular work. These services include conducting special population censuses, furnishing unpublished information from the decennial population and housing censuses and from foreign trade

and shipping statistics, providing seasonal adjustments of time series, furnishing enumeration district maps, and other similar services that are in the public interest. The Bureau also collects, processes, and analyzes statistical data for other Federal and non-Federal Government agencies and private organizations on a reimbursable basis.

b. *Bureau of Economic Analysis.* (1) The major medium for dissemination of the product of the Bureau of Economic Analysis is its monthly publication, *Survey of Current Business*, the volumes of which cover the past 40 years. This magazine reflects the activity of the Bureau in the following fields:

(a) *Preparation of national income and product data.* Calculations are made of the gross national product, national income, personal income, and their components, providing an overall view of the state of the economy.

(b) *Analysis of business trends.* The business situation is assessed monthly, and the results of continuing analyses of the major factors underlying cyclical developments and long-range business trends are published regularly.

(c) *Computation of the balance of international payments.* The U.S. balance of international payments is determined and analyzed, and the official statistics of foreign expenditures by the U.S. Government are maintained.

(2) Publications issued as supplements to the *Survey of Current Business* range from a weekly 4-page statistical interim report (included in the annual subscription) to major volumes of varying subject matter, size and periodicity. Like the magazine itself, they are sold by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(3) The 1971/1972 and succeeding annual volumes of the United States Government Organization Manual, also available from the Superintendent of Documents, will list the current available publications of the Bureau of Economic Analysis. Publications are announced, as they go on sale, in the weekly *Business Service Checklist* issued by the Department of Commerce, Washington, D.C. 20230, and are listed in the Department's annual *Catalog of Commerce Publications*. They are also listed in *Government Reports Announcements*, a publication of the National Technical Information Service.

2. *Availability of services.*—a. *Bureau of the Census.*—(1) *The Bureau of the Census Catalog.* The Bureau of the Census Catalog is the principal means the Bureau employs to make known the availability of statistical reports it publishes and the availability of data files, unpublished materials and special tabulations. The Catalog is designed to give users of Census Bureau statistics a means of locating needed data. Each issue includes descriptions of the reports issued and other materials that become available during the period covered. The Catalog gives details as to what is available, the price, where the material may be obtained and how to order it. The Catalog is issued on a current basis each quarter, and cumulated to the annual volume. A monthly supplement to the Catalog, which lists new publications other than regular monthly and quarterly reports, enables users to be informed more currently on publications as they appear. The subscription price of the Catalog is \$3 (75 cents additional for foreign mailing) which includes a combination of four supplements. The Catalog may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

(2) *Fee structures.* Special services for which fees have been established are published in Title 15 of the Code of Federal Regulations, Part 50. Information is provided therein, as to what is included for

each item, and how and where to request each service. In addition, the Bureau publishes a widely distributed pamphlet entitled, "Your Name Is Somewhere in the Census Records," which gives more detail than is published in the Code of Federal Regulations as to its age and citizenship searches. This pamphlet is provided free of charge to those who request information on the subject.

Special services for which fees have not been established are performed on a full cost recovery basis. Those interested in seeking such services should write a letter to the Director, Bureau of the Census, Washington, D.C. 20233, describing in detail the nature of services requested with indications, when possible, of workload involved. The Director will reply giving an estimate of the cost and other pertinent information.

(3) *Requests for services.* Requests for Census informational services should be directed as stated below:

(a) *Statistical reports and related information.* Census publications should be ordered from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, or directly from the Bureau, as indicated in the Bureau of the Census Catalog. Inquiries regarding unpublished information should be addressed to the Director, Bureau of the Census, Washington, D.C. 20233.

(b) *Age search and citizenship information.* Requests for age search and citizenship information should be directed to: Bureau of the Census, Washington, D.C. 20233 or, Walnut and Pine Streets, Pittsburgh, Kans., 66762. Upon receipt of a request, an application form and an information pamphlet will be sent to the requestor. The fee, and the conditions and requirement under which personal census records may be furnished, are printed on the application form.

(c) *Data collection.* Public inquiries regarding the collection of data should be directed to the appropriate Data Collection Center or to Bureau headquarters in Washington, D.C.

b. *Bureau of Economic Analysis.* All Bureau of Economic Analysis publications can be examined at the library of the U.S. Department of Commerce in the Commerce Building, Washington, D.C., or by visiting the Bureau of Economic Analysis, in Washington. Since all of the Commerce Business Services Field Offices are accredited sales agencies of the Superintendent of Documents, they are in a position to sell copies when available as well as to make their library facilities and staff services available to persons seeking information originating in the Bureau of Economic Analysis. Their locations are to be found in local telephone directories, and are also shown on the inside front cover of each issue of the monthly Survey of Current Business, which is widely available in public, college and Chamber of Commerce libraries.

c. *Guide to published rules and regulations.*—1. *Bureau of the Census.*—a. *Foreign commerce and trade.* Rules and regulations governing the reporting of statistical information on U.S. trade with foreign countries, Puerto Rico, and the U.S. possessions, are published in Title 15, CFR Part 30. The regulations are binding upon carriers, as well as upon individuals and organizations making shipments from and/or into the United States. The regulations have been reproduced in booklet form and may be obtained from the Bureau of the Census, Washington, D.C. 20233. The subscription price includes supplemental changes for an indefinite period. The Bureau also issues a series of Foreign Trade Statistics Regulations Letters to Collectors of Customs, Department of Commerce, Office of Field Services, field offices, exporters, importers, and others concerned. Copies of FTSR Letters are furnished free

of charge upon request to Bureau headquarters.

b. *New surveys.*—(1) *Notice of consideration.* Before conducting any new survey with mandatory or nonmandatory reporting requirements, the Bureau publishes in the FEDERAL REGISTER a notice to inform the public in general as to its intent to conduct the survey. The notice of consideration provides information as to the legal authority for conducting the survey, description, scope, and need for the survey, and a statement that copies of the proposed forms and a description of the collection methods are available on request to the Director, Bureau of the Census, Washington, D.C. 20233. In addition, a statement is included that any suggestions or recommendations received in writing by the Director within 30 days after the date of the FEDERAL REGISTER publication will receive consideration.

(2) *Notice of determination.* After the 30-day period as stated above, and due consideration of any comments received, a notice of determination to conduct the survey is published in the FEDERAL REGISTER containing similar information to that in the notice of consideration. In addition, there are contained any significant changes in the description or scope of the survey from that published in the notice of consideration, and a statement that report forms will be furnished to those included in the survey and that additional forms are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

(3) *Determinations as to conduct of surveys.* The Director, Bureau of the Census makes all determinations as to the conduct of mandatory and nonmandatory surveys requiring the submission of information by the public.

c. *Actual notice to respondents.*—(1) *Furnishing information.* In addition to notices published in the FEDERAL REGISTER, each respondent is given actual notice as to the furnishing of information to the Bureau. Regardless of whether the information sought is required by law to be furnished or is requested on a voluntary basis, the respondent is informed in detail, by mail or personally by an interviewer, as to the information to be furnished and how to furnish it. The actual notice contains the rules for furnishing the requested information for all mandatory and nonmandatory censuses and surveys regardless of whether a notice is published in the FEDERAL REGISTER.

(2) *Confidentiality of data collected.* Each report form to be completed under Bureau of the Census legislation (Title 13, United States Code) contains statements assuring the respondent that his report is confidential, that it may be seen only by sworn Census employees and may be used only for statistical purposes, whether respondent participation is mandatory or voluntary. Where appropriate, the forms state that copies of such reports retained by the respondent are immune from legal process.

(3) *Reminders to respondents.* In case of inadvertence, undue delay, or failure to comply, a written notice is sent to the respondent. Sanctions are provided by sections 221-225 of Title 13, United States Code, in the event of continued refusal or neglect to respond to mandatory surveys, or the willful submission of false or misleading information to the Bureau.

2. *Bureau of Economic Analysis.* a. Data are periodically collected by the Bureau of Economic Analysis as authorized by the Secretary under and/or subject to the provisions of (a) the Bretton Woods Agreements Act (59 Stat. 51b, 22 U.S.C. 286 et seq.) and Executive Order 10033 of February 8, 1949 (14 F.R. 561), as amended, issued pursuant thereto; (b) the Federal Reports Act of 1942 (56 Stat. 1078, 5 U.S.C. 139 et seq.); and (c)

the statutes codified as 15 U.S.C. 171 et seq., as modified by Reorganization Plan No. 5 of 1950, set out in 44 U.S.C. 3501-3511.

b. Title 15, CFR, Parts 802, 803 contains regulations of the Bureau of Economic Analysis with regard to reporting requirements in the field of foreign economic transactions.

c. These rules contain all the matters required to be published by subsections 552(a) (1)(B) to 2(a)(1)(D) of the Act, except that copies of forms required, and instructions for their use, may be obtained from the Bureau of Economic Analysis, U.S. Department of Commerce, Washington, D.C. 20230.

D. *Submission of requests and applications.*—1. *Bureau of the Census.* Any submittals or requests concerning matters under the jurisdiction of the Bureau which are not specified for handling elsewhere should be directed to the Director, Bureau of the Census, Washington, D.C. 20233.

2. *Bureau of Economic Analysis.* Any member of the public desiring to make other submittals, or to obtain information with regard to the economic materials collected, analyzed, or distributed by the Bureau of Economic Analysis, or about any other functions or activities of the Bureau, should direct such submittals or requests to the Director, Bureau of Economic Analysis.

3. *Information telephone numbers.* Bureau of the Census: 301-763-7273. Bureau of Economic Analysis: 202-967-2100.

E. *Final delegation of authority.*—1. *Bureau of the Census.* The Director, Bureau of the Census, has made no delegation or redelegation of authority to officers or employees of the Bureau to take final actions, or make final decisions, with respect to requirements, submissions, or other matters arising under its published rules and regulations.

2. *Bureau of Economic Analysis.* The Director, Bureau of Economic Analysis, has made no delegation or redelegation of authority to officers or employees of the Bureau to take final actions, or make final decisions, with respect to requirements, submissions, or other matters arising under its published rules and regulations.

F. *Inspection and copying of opinions and orders.*—1. *Bureau of the Census.* All final opinions made in the adjudication of cases, statements of policy and interpretations not published in the FEDERAL REGISTER, administrative staff manuals and instructions to staff that affect a member of the public, and any other materials required to be made available for public inspection and copying by 5 U.S.C. 552(a)(2) are made available for such purposes at the public reference facility of the Library of the Bureau of the Census, Room 2455, Federal Building No. 3, Suitland, Md. (The postal address is Washington, D.C. 20233; the telephone number is 440-1314 (Area Code 301).) Rules concerning the use of this facility are contained in Part 60, Title 15, Code of Federal Regulations and may also be obtained from the public reference facility.

2. *Bureau of Economic Analysis.* All final opinions of the Bureau of Economic Analysis made in the adjudication of cases, statements of policy and interpretations not published in the FEDERAL REGISTER, administrative staff manuals and instructions to staff that affect a member of the public and any other materials required to be made available for public inspection and copying by 5 U.S.C. 552(a)(2), are made available for such purposes at the Central Reference and Records Inspection Facility of the Department of Commerce, Room 7043, Commerce Building, 14th Street between Constitution Avenue and E Street NW., Washington, D.C. 20230. Rules prescribing public use of this facility are contained in Title 15, CFR Part 4, and may also be obtained from the facility.

G. Inspection of SESA Records—1. *Bureau of the Census.* Rules for persons desiring, pursuant to 5 U.S.C. 552(a)(3), to inspect records of the Bureau of the Census, which are not available to the public as part of the regular public information services of the Bureau, are contained in Part 60, Title 15, Code of Federal Regulations. Application forms and instructions are available from the public reference facility of the Bureau of the Census.

2. *Bureau of Economic Analysis.* Rules for persons desiring, pursuant to 5 U.S.C. 552(a)(3), to inspect records of the Bureau of Economic Analysis which are not available to the public as part of the regular public information services of the Bureau, are contained in Part 4, Title 15, Code of Federal Regulations. Application forms and instructions are available from the Central Reference and Records Inspection Facility of the Department of Commerce, or from any Business Services Field Offices of the Bureau of Domestic Commerce, Department of Commerce.

Dated: February 25, 1972.

JOSEPH R. WRIGHT,
Deputy Administrator for Management,
Social and Economic Statistics Administration.

APPENDIX M

PUBLIC INFORMATION SERVICES AT THE OFFICE OF TELECOMMUNICATIONS

A. Purpose. The purpose of this appendix is to describe, in general, the public information services of the Office of Telecommunications (OT), to describe the places at which, and the methods whereby, the public may obtain information, to inform the public as to the availability of its technical reports, unpublished materials, rules, regulations, procedures, instructions, forms, or other requirements established by the Office of Telecommunications which affect the public, and otherwise to comply with requirements of the 5 U.S.C. 552 (Public Law 90-23, 81 Stat. 54).

B. Public information services—1. *Description of services.* The Office of Telecommunications provides through a formal and information publications series, the following information services to the public:

a. A Technical Research and Engineering Reports series which contain results of research and engineering programs conducted by OT's Institute for Telecommunication Sciences in Boulder, Colo.

b. An Analysis Reports series which contain the results of research and evaluation pertaining to specific telecommunication problems.

c. A Technical Memorandum series which consist of reports to sponsors or preliminary reports of research projects. The primary purpose of this series is to provide a mechanism for describing preliminary results to a limited audience, such as an interim report to a sponsor. (Copies of these memoranda are not readily available because of their informal nature and lack of editorial review. Therefore, any information requests are referred to the author for response.)

d. Other published materials: When appropriate, these materials are disseminated to the public by means of press releases, articles, etc., to technical journals, periodicals, and news media.

2. *Availability of services.* The Office of Telecommunications publications set forth in section B.1. a and b above of this appendix are listed in the Catalog of Commerce Publications and in the supplements thereto. They are also listed in the Government Printing Office and the National Technical Information Service periodic listings and copies are available from GPO and NTIS at a mod-

erate cost. Technical Memorandums (B.1.c above) are available from the individual author. Reprints of articles, press releases and other materials (B.1.d above) may be obtained from the Office of Telecommunications, 1325 G Street NW., Washington, DC 20005, or the OT's Institute of Telecommunication Sciences, Publications and Technical Information Office, Boulder, Colo. 80302.

3. *Other information services*—a. *General information on the mission and operation of OT.* Address inquiries to the Administrative Office, Office of Telecommunications, 1325 G Street NW., Washington, DC 20005; Telephone No. 967-5507, Area Code 202.

b. *Information on OT's technical programs and publications.* Address inquiries to the Administrative Office, Office of Telecommunications, 1325 G Street NW., Washington, DC 20005; Telephone No. 967-5507, Area Code 202.

c. *Information on OT's activities at Boulder, Colo.* Address inquiries to the Office of Telecommunications, Institute of Telecommunication Sciences, Publications and Technical Information Office, Boulder, Colo. 80302; Telephone No. 499-3444, Area Code 303.

d. *Information on filing claims against OT (Washington and Boulder).* Address inquiries to the Administrative Office, Office of Telecommunications, 1325 G Street NW., Washington, DC 20005; Telephone No. 967-5507, Area Code 202.

C. *Guide to published rules and regulations.* Rules with respect to the Office of Telecommunications services available to the public are contained in Part 4, Title 15, Code of Federal Regulations.

D. *Submission of requests and applications.* The established places at which, and the methods whereby, the public may make submittals, applications, or requests concerning the programs of the Office of Telecommunications are found in the rules referenced in sections C and B.3 of this appendix.

E. *Final delegation of authority.* The Director, Office of Telecommunications has made no delegation or redelegation of authority to officers or employees of the Office to take final actions, or make final decisions, with respect to requirements, submissions or other matters arising under its published rules and regulations.

F. *Inspection and copying of opinions and orders.* All final opinions made in the adjudication of cases, statements of policy and interpretations not published in the FEDERAL REGISTER, administrative staff manuals and instructions to staff that affect a member of the public, and any other materials required to be made available for public inspection and copying by 5 U.S.C. 552(a)(2) are made available for such purposes at the Central Reference and Records Inspection Facility of the Department of Commerce, Room 7043, Commerce Building, 14th Street between Constitution Avenue and E Street NW., Washington, D.C. 20230. Rules prescribing public use of this facility are contained in Part 4, Title 15, Code of Federal Regulations, and may be obtained from the facility.

G. *Inspection of records.* Rules for persons desiring, pursuant to 5 U.S.C. 552(a)(3), to inspect records of the Office of Telecommunications, which are not available to the public as part of the regular public information services of the Office, are contained in Part 4, Title 15, Code of Federal Regulations. Application forms and instructions are available from the Central Reference and Records Facility of the Department of Commerce, or from any Field Office of the Office of Business Services, Bureau of Domestic Commerce, Department of Commerce.

Dated: February 22, 1972.

ARMIG G. KANDOIAN,
Director,
Office of Telecommunications.

APPENDIX N

PUBLIC INFORMATION SERVICES AT THE U.S. TRAVEL SERVICE

A. Purpose. The purpose of this appendix is to describe, in general, the public information services of the U.S. Travel Service, to describe the places at which, and the methods whereby, the public may obtain information, to inform the public as to the sources or availability of rules, regulations, procedures, instructions, forms, reports, or other requirements established by the U.S. Travel Service which affect the public, and otherwise to comply with the requirements of section 552 of Title 5, United States Code, as amended by Public Law 90-23 (hereinafter referred to as the Act).

B. Public information services. .01 The U.S. Travel Service has two divisions and two offices in Washington which provide information to the public.

.02 The Office of Information Services prepares an annual program report, which is available from the U.S. Department of Commerce, Washington, D.C. 20230, at a nominal cost.

.03 The Visitor Services Division provides information on U.S. travel facilities and attractions to foreign visitors and prospective hosts of foreign visitors. It also supplies communities with material explaining how to set up visitor programs and host facilities and informs States, communities and non-profit organizations how to make application for USTS matching grants.

.04 The Office of Research and Analysis develops and disseminates market research reports, including a monthly Summary and Analysis of International Travel to the United States for travel industry firms specializing in VISIT USA business. Other information available from the Research Office includes an annual report, Arrivals and Departures by Selected Ports, and a Market Potential Index.

.05 The Marketing Division provides information on VISIT USA market opportunities abroad.

.06 Each of the eight USTS travel promotion offices abroad maintains a reference library for the use of foreign travel-sellers and to a lesser extent, the general public. The library contains material about individual States, transport services and facilities, accommodations, U.S. visa regulations, and tourist attractions. In foreign countries not covered by USTS, travel information is available in the commercial reading rooms of U.S. diplomatic and consular offices and in the libraries and information centers of U.S. Information Service offices.

.07 *Publications.* Periodicals:

Annual Program Report.
Summary and Analysis of International Travel to the United States (monthly).
Arrivals and Departures by Selected Ports.

Other:

A Study of British Travel Habits and Patterns.
A Study of Mexican Travel Habits and Patterns.
A Market Potential Index.
VISIT USA Outlets Abroad.
Analysis of International Travel to the United States by Region.
Major Metropolitan Market Area Study.
Stimulating Business and Pleasure Travel From Abroad.
The Culligan Story—How one company increased its business at home and abroad by sponsoring a VISIT USA incentive travel program.
Plant Tours for International Visitors to the United States.
Meet Americans at Home.
United States Conventions and Trade Shows 1972-73.

Travel Mission Handbook—how to plan a travel mission abroad.

C. *Guide to published rules and regulations.* Rules and regulations pertaining to the matching grant program of the U.S. Travel Service, issued to implement the International Travel Act of 1961, as amended Public Law 91-477 dated October 21, 1970, are contained in Title 15, Chapter III, Code of Federal Regulations and may be found in Vol. 36, No. 167 of the FEDERAL REGISTER. These rules, as published, contain the matters required by 5 U.S.C. 552.

D. Requests for information may be addressed to the appropriate USTS office or division at the U.S. Department of Commerce, Washington, D.C. 20230. Telephone: 202-967-4987.

E. The Assistant Secretary of Commerce for Tourism has not authorized any USTS personnel to take final actions or make final decisions with respect to requirements, submissions or other matters affecting the public or arising under the published rules and regulations of USTS.

F. *Inspection and copying of opinions and orders.* Any materials of the U.S. Travel Service required to be made available for public inspection and copying pursuant to 5 U.S.C. 552(a) (2), are made available for such purposes at the Central Reference and Records Inspection Facility of the Department of Commerce, Room 7043, Commerce Building, Washington, D.C. 20230. Rules concerning the use of this facility are contained in Part 4, Title 15, Code of Federal Regulations, or may be obtained from the facility.

G. *Inspection of bureau records.* Rules for persons desiring, pursuant to 5 U.S.C. 552(a) (3), to inspect any records of the U.S. Travel Service not available to the public as part of the regular public information services of USTS, are contained in Part 4, Title 15, Code of Federal Regulations. Application forms and instructions are available from the facility, or from any field office of the Bureau of Domestic Commerce, Department of Commerce.

Dated: February 21, 1972.

LANGHORNE WASHBURN,
Assistant Secretary for Tourism.

[FR Doc.72-7404 Filed 5-15-72; 8:48 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24281]

INDIVIDUAL INCLUSIVE TOUR BASING FARES TO HAWAII

Notice of Postponement of Prehearing Conference

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that prehearing conference in this proceeding, set for May 16, 1972 (37 F.R. 7942, April 21, 1972), is postponed indefinitely.

Dated at Washington, D.C., May 10, 1972.

[SEAL] HENRY WHITEHOUSE,
Hearing Examiner.

[FR Doc.72-7405 Filed 5-15-72; 8:48 am]

[Docket No. 23687; Order 72-4-143]

NORTHWEST AIRLINES, INC.

Order To Show Cause Regarding Public Convenience and Necessity Certificate

Correction

In F.R. Doc. 72-7031 appearing at page 9355 in the issue for Tuesday, May 9,

1972, the last sentence in the third paragraph of the last column on page 9356 is incomplete. It should read as follows: "As a result, the restrictions operate to impede the economics and efficiency of Northwest's service and prevent improvements in service to the traveling public."

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Availability

Environmental Impact Statements received by the Council on Environmental Quality, May 1-May 5, 1972.

NOTE: At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250, 202-388-7803.

ANIMAL AND PLANT HEALTH SERVICE

Final, May 2

Cooperative Boll Weevil Diapause Control Program. Proposed aerial spraying, in fall 1972, of 100,000 acres with 1 to 1.25 lbs. of malathion per acre. Four applications of aldicarb at 1 to 2 lbs. per acre, will be sprayed on 1,000 acres in the spring. Acreage involved is located in Texas, New Mexico, Nevada, Arizona, and California. The purpose of the action is the retardation of the spreading of the boll weevil. Malathion also affects some beneficial arthropods and other non-target organisms, and is toxic to bees. Comments made by EPA. (ELR Order No. 4338, 21 pages) (NTIS Order No. PB-208 733-F)

ATOMIC ENERGY COMMISSION

Contact: For Non-Regulatory Matters: Joseph J. DiNunno, Director, Office of Environmental Affairs, Washington, D.C. 20545, 202-973-5391.

For Regulatory Matters: Christopher L. Henderson, Assistant Director of Regulation for Administration, Washington, D.C. 20545, 202-973-7531.

Draft, April 27

Maine Yankee Atomic Power Station, Montsweag Bay, Maine. Proposed issuance of an operating license to the Maine Yankee Atomic Power Co. for the station. The plant uses a pressurized water reactor with net electrical output of 855 MW. (Salt) cooling water will be withdrawn from the Back River on Montsweag Bay, and discharged to Bailey Cove. These waters are part of the Sheepscot River estuary. Cooling water will be heated to 25° F. above ambient, and will enter Bailey Cove (to Montsweag Bay) at 950 cfs; sea worms and soft shell clams in the Cove will be killed. Approximately 350 additional hours of fog per year may result from the operation of the plant. (ELR Order No. 4301, 121 pages) (NTIS Order No. PB-208 647-D)

Final, April 28

Rio Blanco Gas Stimulation Project, Rio Blanco County, Colo. Proposed simultaneous detonation of three 30 kiloton nuclear explosives, 5000' to 7000' below the surface in a natural-gas-bearing geologic formation underlying a site 27 miles from Meeker, in Rio Blanco County. The purpose of the project is the gathering of data on the feasibility of using nuclear explosions to stimulate natural gas production from low-permeability reservoirs. The action will result in ground motion from the detonations, with architectural damage to nearby structures; release of radioactivity to the atmosphere during production testing of the gas and the possible resultant low-level exposures to some local residents; and entrapment in the gas formations of radioactive materials, at or near the points of detonation. Comments made by USDA, DOC, DOD, EPA, HEW, and the State of Colorado. (ELR Order No. 4318, 262 pages) (NTIS Order No. PB-205 782-F)

Wagon Wheel Gas Stimulation Project, Sublette County, Wyo. Proposed sequential detonation of five, 100-kiloton nuclear explosives, 9000' to 12,750' below the surface in a natural-gas-bearing geologic formation underlying a site in the Green River Basin 19 miles south of Pinedale and 18 miles east of Big Piney in Sublette County. The purpose of the project is the gathering of data on the feasibility of using nuclear explosions to stimulate natural gas production from low-permeability reservoirs. The action will result in ground motion from the detonations, with architectural damage to nearby structures; release of radioactivity to the atmosphere during production testing of the gas and the possible resultant low-level exposures to some local residents; and entrapment in the gas formations of radioactive materials, at or near the points of detonation. Comments made by USDA, DOC, DOD, DOT, the State of Wyoming, and concerned citizens. (ELR Order No. 4325, 207 pages) (NTIS Order No. PB-206 082-F)

Final, May 5

Elk River Reactor, Sherburne County, Minn. Proposed dismantling of the reactor, which was operated from 1962 until 1968 by the Rural Cooperative Power Association (RCPA). RCPA has since waived its option to buy the plant, and fuel and control materials have been removed. The site will be put to alternate use by RCPA. Comments made by USDA, DOC, DOD, EPA, FPC, HEW, DOI, DOT, and the State of Minnesota. (ELR Order No. 4381, 119 pages) (NTIS Order No. PB-205 234-F)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, 202-967-4335.

ECONOMIC DEVELOPMENT ADMINISTRATION

Draft, May 3

Lake Charles, Calcasieu Parish, La. Proposed construction of a diversion conduit to transport raw water from the Sabine River to the Lake Charles industrial area. Approximately 227 acres of farmland and woodland will be committed to the project. The potential effects upon marine life still being considered. (ELR Order No. 4351, 65 pages) (NTIS Order No. PB-208 728-D)

DEPARTMENT OF DEFENSE

Contact: Mr. John Busterud, Deputy Assistant Secretary, Environmental Quality, Room 3-D171, The Pentagon, Washington, D.C. 20301, 202-695-5030.

Final, May 5

Exercise EXOTIC DANCER V, Jones, Onslow, Fender, Duplin, Craven, Carteret, and Lenoir Counties, and Croatan National Forest, N.C. The proposed exercise is a Joint Chiefs of Staff directed military maneuver, to be conducted by the Atlantic Command. It will involve air, sea, and land forces. Increases in local ambient air and water pollutant levels, and in noise, solid waste, rubbish, sewage, and garbage production will result. The exercise will take place in May 1972. Arrangements have been made to minimize the possibilities of forest fires. Comments made by USDA, DOC, EPA, DOI, DOT. (ELR Order No. 4377, 111 pages) (NTIS Order No. PB-207, 741-F)

DEPARTMENT OF ARMY

Corps of Engineers

Contact: Col. William L. Barnes, Executive Director of Civil Works, Attention: DAEN-CWZ-C, Office of the Chief of Engineers, 1000 Independence Avenue SW., Washington DC 20314, 202-693-7168.

Draft, April 24

Norwalk Harbor, Fairfield County, Conn. Proposed periodic maintenance dredging of the inner 10-foot entrance channel and basin to authorized dimensions. An estimated 75,000 cubic yards of sediment would be removed and dumped in an approved spoil area. Temporary turbidity will damage marine ecosystems. (ELR Order No. 4305, 12 pages) (NTIS Order No. PB-208 650-D)

Draft, April 28

Milwaukee Diked Disposal Area, Milwaukee Harbor, Wis. Proposed establishment of a contained disposal area for spoil dredged from Lake Michigan. Forty-four acres of aquatic habitat within the existing harbor would be committed to the plan. (ELR Order No. 4322, 25 pages) (NTIS Order No. PB-208 655-D)

Final, May 5

Military Ocean Terminal, Sunny Point, N.C. Proposed dredging of 3.2 million cubic yards of material every 2 years from the basins and channels at Sunny Point. The material will be deposited in dike areas on Federal property. Ninety-three acres which serve as habitat for ospreys, American alligators, and other wildlife will be lost to the project; temporary turbidity will disturb marine ecosystems; salt water may pollute nearby freshwater and local soil. Comments made by USDA, DOC, EPA, DOI, DOT, State and local agencies. (ELR Order No. 4376, 229 pages) (NTIS Order No. PB-207 741-F)

DEPARTMENT OF INTERIOR

Contact: Office of Communications, Room 7214, Washington, D.C. 20240, 202-343-6416.

BUREAU OF RECLAMATION

Final, April 28

Tualatin River, Washington County, Oreg. Proposed construction of an earthfill dam on Scoggins Creek, with an irrigation system; and two pumping plants, and a fish ladder at an existing dam on the Tualatin River. The purpose of the project is flood control. Twelve miles of trout spawning area will be inundated along with 1,100 acres of private land which serves both for dairy farming and winter range for 150 deer; 12 miles of road and 8 miles of powerline will have to be relocated. Comments made by USDA, Army COE, DOC, EPA, FPC, HEW, DOI, DOT, State, and local agencies. (ELR Order No. 4321, 74 pages) (NTIS Order No. PB-199 327-F)

Final, May 3

East Mesa, Imperial Valley, Calif. Proposed drilling of a 4,000-8,000-foot deep geothermal test well, in order to recover steam and brine and determine its suitability for development of desalted water and electric power. Fourteen acres of land would be cleared for an access road and drilling operations. Comments made by USDA, EPA, FPC, DOI, State, local, and regional agencies. (ELR Order No. 4357, 81 pages) (NTIS Order No. PB-206 161-F)

NATIONAL PARK SERVICE

Draft, April 28

Springfield National Armory, Springfield, Mass. A legislative proposal that the armory be established as a National Historic Site. It is also proposed that adjacent lands owned by the Commonwealth of Massachusetts be subject to development limitations and design control. (ELR Order No. 4326, 15 pages) (NTIS Order No. PB-208 651-D)

Draft, May 1

Back Bay National Wildlife Refuge, Virginia Beach, Va. Proposed elimination of unauthorized motor vehicles from the refuge. The action is intended to preserve 4.2 miles of natural beach and wildlife habitat in an essentially natural condition. (ELR Order No. 4337, 45 pages) (NTIS Order No. PB-208 662-D)

OFFICE OF SALINE WATER

Draft, May 1

East Mesa, Imperial Valley, Calif. Proposed construction of a 96,000 g.p.d. desalting test facility at a geothermal test well, along with drilling of a 5,000-7,000-foot deep brine injection well 2 miles away. The test facility would be operated for the desalting of geothermal brine; waste brine would be disposed of in the second well. Twenty acres would be committed to the project; small amounts of gases would be released to the atmosphere; and brine would be released to settling ponds. (ELR Order No. 4336, 33 pages) (NTIS Order No. PB-208 661-D)

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Contact: Mr. Ralph E. Cushman, Special Assistant, Office of Administration, NASA, Washington, D.C. 20546, 202-962-8107

Draft, April 21

The Space Shuttle Program. The space shuttle is a piloted, recoverable, reusable space transportation system to provide rapid, easy, economical access to space. The shuttle can carry payloads of up to 65,000 pounds into orbit and return them to earth; it will replace most present launch vehicles and expand flexibility. (ELR Order No. 4243, 91 pages) (NTIS Order No. PB-208 535-D)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Program Co-ordination, 400 Seventh Street SW., Washington, DC 20590, 202-462-4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft, April 27

Lincoln Highway (U.S. 30), Cook County, Ill. Proposed reconstruction (widening) of 4.6 miles of U.S. 30. Eighteen families and 11 businesses would be displaced by the action. A 4(f) statement will be prepared, as land would be taken from a schoolyard and playground. (ELR Order No. 4299, 84 pages) (NTIS Order No. PB-208 644-D)

F.A.S. Route 1362, Palm Beach County, Fla. Proposed reconstruction of 2 miles of multilane divided highway. (ELR Order No. 4300, 8 pages) (NTIS Order No. PB-208 645-D)

Draft, April 28

I-5, King County, Wash. Proposed construction of an interchange on I-5 at South 272 Street, 10 miles south of the Seattle corporate limits. An unspecified number of residences and amount of land would be taken by the project, depending upon the route chosen. (ELR Order No. 4307, 17 pages) (NTIS Order No. PB-208 653-D)

Nebraska L-56C, Lincoln County, Nebr. Proposed reconstruction of a 1.6-mile segment of L-56C, between U.S. 30 and U.S. 80; and the construction of a new bridge over the South Platte River. An unspecified amount of land will be taken by the project; the South Platte River Valley flood plain, with several streams, will be crossed. (ELR Order No. 4308, 17 pages) (NTIS Order No. PB-208 654-D)

State Route 24, Davidson County, Tenn. Proposed widening of 0.8 mile of highway from two to four lanes. Eight residences and six businesses would be displaced by the action. (ELR Order No. 4319, 17 pages) (NTIS Order No. PB-208 656-D)

Project F-003-4(), Dyer and Obin Counties, Tenn. Proposed construction of 17 miles of new four-lane highway. Wetland of the Obin River Bottom area will be lost, along with 450 to 500 acres of productive agricultural land. The number of residences displaced will depend upon the route chosen. (ELR Order No. 4320, 13 pages) (NTIS Order No. PB-208 637-D)

U.S. 50, Clay, Richland, and Lawrence Counties, Ill. Proposed reconstruction of 40 miles of U.S. 50. The number of residences and businesses displaced depends upon the route decided upon. Some 4(f) land may be committed. Construction is not scheduled until 1977. (ELR Order No. 4323, 26 pages) (NTIS Order No. PB-208 646-D)

¹ Mr. Convisser's office will refer you to the regional office from which the statement originated.

U.S. 50, Marion and Clay Counties, Ill. Proposed reconstruction of 30 miles of U.S. 50. Approximately 25 farm units, 13 to 25 residences, and 1,800 acres of land will be committed to the project. (ELR Order No. 4324, 25 pages) (NTIS Order No. PB-208 658-D)

State Route 16, Spalding and Butts Counties, Ga. Proposed reconstruction, possibly on a new location, of approximately 10 miles of S.R. 16 between U.S. 41 and I-75. Several alternate routes are under consideration; each of them would displace some residences and have a detrimental impact upon the Cabin Creek Watershed. (ELR Order No. 4327, 102 pages) (NTIS Order No. PB-208 643-D)

Freeport Bypass, F.A.S. Route 401, Stephenson County, Ill. Proposed construction of 18 miles of four-lane highway. Twenty-six families, one business, and three farm units will be displaced. (ELR Order No. 4328, 81 pages) (NTIS Order No. PB-208 562-D)

FEDERAL AVIATION AGENCY

Final, May 3

Garner Field, Uvalde County, Tex. Proposed acquisition of land, extension and marking of a runway, and installation of medium intensity lighting. Comments made by USDA, Army COE, EPA, HEW, DOI, DOT, and State agencies. (ELR Order No. 4359, 59 pages) (NTIS Order No. PB-206 385-F)

Langdon Airport, Cavalier County, N. Dak. Proposed acquisition of land, extension and strengthening of the runway, construction of a turf landing strip, and lighting. Comments made by USDA, Army COE, DOC, EPA, FPC, HEW, HUD, DOI, and DOT. (ELR No. 4354, 50 pages) (NTIS Order No. PB-206 553-F)

Effingham Airport, Effingham County, Ill. Proposed acquisition of land and construction of a 3,400' x 60' runway; installation of runway lights and VASI-2, etc. Comments made by USDA, DOC, EPA, HEW, DOI, DOT, State and local agencies. (ELR Order No. 4355, 37 pages) (NTIS Order No. PB-205 790-F)

Ector County Airport, Ector County, Tex. Proposed reconstruction of two runways and extension of a third; construction of a taxiway, and installation of medium intensity lighting and VASI. Comments made by USDA, EPA, HEW, DOT, and State agencies. (ELR Order No. 4357, 35 pages) (NTIS Order No. PB-204 092-F)

BRIAN P. JENNY,
Acting General Counsel.

[FR Doc. 72-7370 Filed 5-15-72; 8:45 am]

Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

American Export Isbrandtsen Lines, Inc., Atlantic Container Line, Ltd., Dart Containerline Company Ltd., Hapag-Lloyd Aktiengesellschaft Sea-Land Service, Inc., Seatrain Lines, Inc., United States Lines, Inc.

Notice of agreement filed by:

A. A. M. Miggels, Conference Manager, Scandinavia Baltic/U.S. North Atlantic West-bound Freight Conference.
Atlantic Container Line, Ltd., 80 Pine Street, New York, NY 10005.

Agreement No. 9982, among the above named parties, establishes a Conference Agreement to be known as the Scandinavia Baltic/U.S. North Atlantic West-bound Freight Conference covering the trade between ports and points in Denmark, Finland, Norway, Poland, Sweden, and German Baltic/U.S.S.R. Baltic Ports to U.S. North Atlantic Ports in the Eastport, Maine/Hampton Roads, Va., Range, both inclusive either direct, by transshipment or transfer via land or sea.

Dated: May 11, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 72-7398 Filed 5-15-72; 8:47 am]

Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Concordia Line A/S-Niagara Line A/S
Fabre Line and Montship Capo Line.

Notice of agreement filed by:

Edwin Longcope, Esq., Hill, Betts & Nash,
26 Broadway, New York, NY 10004.

Agreement No. 9639-3, among the above-named parties, provides for: (1) Modification of the percentage participation of each party in profits and losses under the Agreement, (2) modification of the details of the annual reports filed with the Commission, (3) relocation of their Liason Office to Haugesund, (4) modification of the procedures for withdrawal from the trade or the sale of interest and assets in the trade, (5) the parties to establish rates in trades within the scope of the Agreement not covered by a conference to which the parties belong, and (6) self-policing procedures pursuant to the Commission's General Order 7, as revised October 27, 1970, in the event the above ratemaking authority is implemented.

Dated: May 11, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 72-7399 Filed 5-15-72; 8:48 am]

KAISER AETNA AND EVERGREEN
TERMINALS, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after

CONCORDIA LINE A/S-NIAGARA LINE
A/S ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary,

FEDERAL MARITIME COMMISSION

AMERICAN ISBRANDTSEN LINES, INC.,
ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San

publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Steven R. Schell, Esq., Black, Helterline, Beck & Rappleyea, 12th Floor, The Bank of California Tower, Portland, OR 97205.

Agreement No. T-2606, between Kaiser Aetna (Kaiser) and Evergreen Terminals, Inc. (Evergreen), provides for the creation of a partnership to be known as the Bradbury Terminal Co. (Bradbury) for the operation of a marine terminal facility at Port Westward, Oreg. The agreement provides that Evergreen will assign to Bradbury all rights, title, and interest that it or its parent organization (Brady-Hamilton Stevedore Co.) may have in contracts with third parties for the use of terminal facilities on the Columbia River. All profits and losses of the partnership are to be divided evenly between Kaiser and Evergreen. During the life of the partnership, neither Kaiser nor Evergreen will undertake any new marine terminal operations at any facility located within 25 miles of the facilities to be operated by Bradbury without the other's consent.

Dated: May 11, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-7400 Filed 5-15-72; 8:48 am]

NORTH ATLANTIC WESTBOUND FREIGHT ASSOCIATION

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary,

Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

D. K. Conway, Chairman, North Atlantic Westbound Freight Association, Atlantic Freight Secretariat, Cunard Building, Liverpool L3 1DS, England.

Agreement No. 5850-17 modifies Article 15 of the basic agreement to provide that the agreement can be terminated only by a unanimous vote of all members entitled to vote and sets forth new requirements pertaining to withdrawal from membership.

Dated: May 11, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-7401 Filed 5-15-72; 8:48 am]

FEDERAL POWER COMMISSION

[Docket No. CS72-1021 etc.]

DOROTHY SUZANNE MANZIEL ET AL.

Notice of Applications for "Small Producer" Certificates¹

MAY 3, 1972.

Take notice that each of the applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before May 30, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in ac-

¹ This notice does not provide for consolidation for hearing of the several matters covered herein.

cordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No.	Date Filed	Name of Applicant
CS72-1021..	4-20-72	Dorothy Suzanne Manziel, Post Office Box 3005, Station A, Tyler, TX 75701.
CS72-1022..	4-20-72	Vincent B. Hamilton, 815 First Ave., SE., Hampton, IA 50441.
CS72-1023..	4-20-72	Frank A. Morrison, 1216 Guaranty Bank Plaza, Corpus Christi, Tex. 78401.
CS72-1024..	4-20-72	Leo E. McCloskey, 1216 Guaranty Bank Plaza, Corpus Christi, Tex. 78401.
CS72-1025..	4-20-72	E. L. Poole, 1011 Wilson Bldg., Corpus Christi, Tex. 78401.
CS72-1026..	4-24-72	MACPET et al., 2100 First City National Bank Bldg., Houston, Tex. 77002.
CS72-1027..	4-24-72	J. C. Smith, 1314 Commercial National Bank Bldg., Shreveport, La. 71101.
CS72-1028..	4-24-72	Mary Claire Heyser, 403 Bank of Dallas Bldg., Dallas, Tex. 75219.
CS72-1029	4-19-72	Forrest B. Miller and Mabelle McElvaine Miller, Post Office Box 2143, Santa Fe, NM 87501.
CS72-1030..	4-24-72	Natural Resources Corp., 600 Denver Club Bldg., Denver, Colo. 81802.
CS72-1031..	4-26-72	F. William Carr, 1116 Guaranty Bank Plaza, Corpus Christi, Tex. 78401.
CS72-1032..	4-26-72	Beulah Irene Hanson, Post Office Box 1515, Roswell, NM 88201.
CS72-1033..	4-25-72	Mrs. H. C. Skidmore, 4736 Crescent Dr., Shreveport, LA 71106.
CS72-1034..	4-24-72	H. K. Keesee, Post Office Box 201, Farmington, NM 87401.
CS72-1035..	4-24-72	James E. Rogers (Operator) et al., Post Office Box 2168, Albuquerque, NM 87103.
CS72-1036..	4-24-72	J. F. Hickman, Post Office Box 2168, Albuquerque, NM 87103.

[FR Doc.72-7313 Filed 5-15-72; 8:45 am]

FEDERAL RESERVE SYSTEM

CONSOLIDATED BANKSHARES OF FLORIDA, INC.

Order Approving Acquisition of Banks

Consolidated Bankshares of Florida, Inc., Fort Lauderdale, Fla., a bank holding company within the meaning of the Bank Holding Company Act, has filed separate applications for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of First National Bank of Eau Gallie, Melbourne, Fla. (Eau Gallie Bank), and Indialantic Beach Bank, Indialantic, Fla. (Indialantic Bank).

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the applications in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant controls five banks with aggregate deposits of approximately \$280 million, representing 1.90 percent of total deposits in commercial banks in Florida and is the 13th largest banking organization and bank holding company in the State. (All banking data are as of June 30, 1971, adjusted to reflect holding company formations and acquisitions approved by the Board through April 25, 1972.) The acquisitions of Eau Gallie Bank (\$14 million deposits) and Indialantic Bank (\$6 million deposits) would increase Applicant's share of State deposits by 0.13 percentage points.

Indialantic Bank and Eau Gallie Bank serve the South Brevard banking market controlling 12.94 and 5.52 percent of the market's deposits as the fourth and seventh largest, respectively, of the market's eight banks. The largest of the four holding companies competing in this market holds over 35 percent of the market deposits. It appears that affiliation of these banks with Applicant would increase their ability to compete with the larger banks without adversely affecting any of the area banks.

Eau Gallie Bank was organized by stockholders and directors of Indialantic Bank in 1963, and the close affiliation between them has been continuous. The two banks are 6 miles apart and their service areas overlap, but due to their common control and management, there is no meaningful competition between them nor is any likely to develop. Applicant's closest subsidiary bank is located approximately 150 miles south of the Melbourne and Indialantic areas and does not compete with Banks. In view of the distances separating the banks and State laws restricting branching, it appears unlikely that any significant competition would develop in the future. Acquisition of Banks by Applicant would have no adverse effects on existing or potential competition.

The financial condition and managerial resources of applicant, its present subsidiaries and of Indialantic and Eau Gallie Banks are satisfactory, and the future prospects of each appear favorable. Considerations relating to banking factors are consistent with approval of the applications. Full banking services are available to the residents of the relevant areas at the present time, and applicant will introduce no new services to the Eau Gallie or Indialantic Banks. However, applicant proposes to improve the operating efficiency of the subject banks, to increase loan participations, and to assist in obtaining qualified personnel for the banks through applicant's training and recruiting program. Considerations relating to the convenience and needs of the communities to be served are consistent with and lend some support toward approval of the applications. It is the Board's judgment that consummation of the proposed transactions would be in the public interest and that the applications should be approved.

On the basis of the record, the applications are approved for the reasons summarized above. The transactions shall not be consummated (a) before the 30th calendar day following the effective date of this Order or (b) later than 3 months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,¹
effective May 9, 1972.

[SEAL]

TYNAN SMITH,
Secretary of the Board.

[FR Doc. 72-7376 Filed 5-15-72; 8:46 am]

DOMINION BANKSHARES CORP.

Order Approving Acquisition of State Mortgage Corp.

Dominion Bankshares Corp., Roanoke, Va., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of State Mortgage Corp. (State Mortgage), Martinsville, Va., a company that engages in the activity of making personal loans to individuals, principally upon the security of second mortgages on residential property. Such activity has been determined by the Board to be closely related to the business of banking (12 CFR 225.4(a)(1)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors has been duly published (37 F.R. 5979). The time for filing comments and views has expired, and none has been timely received.

¹ Voting for this action: Chairman Burns and Governors Robertson, Mitchell, and Sheehan. Absent and not voting: Governors Daane, Maisel, and Brimmer.

Applicant, parent holding company of The First National Exchange Bank of Virginia (Bank), Roanoke, has aggregate deposits of \$678.8 million, representing 7.9 percent of the total commercial deposits in Virginia.¹ Bank is the largest banking institution in the Roanoke Standard Metropolitan Statistical Area (SMSA), where it holds almost 43 percent of deposits in that market. Although Bank is active in the origination of first mortgage loans on real property, its second mortgage operations are nominal (total outstanding volume approximating \$63,000) and amount to approximately 1.2 percent of the estimated total second mortgage loans outstanding in the Roanoke market.

State Mortgage is engaged in the business of making or acquiring loans of individuals for its own account secured primarily by second mortgages on residential real estate. Contrary to the implication in its corporate title, the principal business of State Mortgage is not to make loans to purchase residential property, nor to originate such loans for delivery to others. Its customers generally are seeking funds of modest amounts for various family needs, such as debt consolidation, purchase of automobiles, medical expenses, home improvement, or education. Though the only office of State Mortgage is located in Martinsville, its business is derived not only from the Martinsville market, but from the Roanoke, Danville, and Lynchburg markets as well. At year end 1971, State Mortgage held total outstanding mortgage loans of \$906,000, of which \$272,000 came from the Roanoke market. Thus, State Mortgage and Bank's combined outstanding second mortgage loans represented less than 7 percent of the Roanoke market volume.

The minimal competition that presently exists between State Mortgage and Bank in the Roanoke market is not likely to increase to a significant degree, inasmuch as Federal banking law restricts the circumstances in which national banks may make loans secured by second mortgages on real property. Thus, Bank is not now and can not in the future be considered an active participant in the business of originating second mortgage loans. The Board concludes that consummation of the proposed acquisition would have no adverse effects on existing competition, nor foreclose the development of future competition.

Approval of the proposed acquisition will make available to State Mortgage the financial resources of Applicant and permit State Mortgage to satisfy a greater portion of the demand for second mortgage loans. As a result, State Mortgage should be in a position to better serve its customers and provide more effective competition in its market area. On balance, the Board concludes that these public benefits outweigh any possible adverse effect on competition.

Based upon the foregoing and other considerations reflected in the record,

¹ Deposit data as of Dec. 31, 1971.

the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,² effective May 9, 1972.

[SEAL]

TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-7377 Filed 5-15-72;8:46 am]

FIRST TENNESSEE NATIONAL CORP.

Order Approving Acquisition of Bank

First Tennessee National Corp., Memphis, Tenn., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of the successor by merger to Bank of Morristown, Morristown, Tenn. (Bank). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of the shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none have been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant controls four banks with aggregate deposits of approximately \$834 million and is the largest banking organization in Tennessee, controlling 10.7 percent of deposits in commercial banks in the State.¹ Acquisition of Bank (deposits of \$13 million) would increase applicant's percentage share of deposits in the State by less than two-tenths of 1 percent and would not result in a significant increase in the concentration of banking resources in Tennessee.

There is no present competition existing between Bank and any of applicant's banking subsidiaries. Moreover, due to the distances involved and Tennessee's

restrictive branching laws, there is little probability of substantial future competition developing between any of these subsidiaries and Bank. Bank is located in the eastern part of Tennessee, whereas applicant's lead bank, The First National Bank of Memphis, Memphis, Tenn. (deposits of \$777 million), is some 450 miles distant from Morristown, and no other subsidiary of applicant is within 45 miles of Bank. Moreover, applicant's acquisition of Bank could have procompetitive effects. Bank is the smallest of three banks located in the Morristown banking area and is approximately half the size of the two other institutions in the area, one of which is already affiliated with a bank holding company. The expertise and management depth that applicant can provide Bank should enable Bank to be a stronger competitor for these two larger organizations. Competitive consequences of the transaction are considered by the Board to be consistent with approval of the application.

Considerations relating to the financial condition, managerial resources, and prospects of applicant, its subsidiary banks, and Bank are satisfactory and consistent with approval of the application. Considerations relating to the convenience and needs of the community to be served lend some weight toward approval of the application since affiliation with applicant by Bank will permit Bank to offer more sophisticated services and larger loans which the Morristown area appears to require. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this Order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of St. Louis pursuant to delegated authority.

By order of the Board of Governors,¹ effective May 9, 1972.

[SEAL]

TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-7378 Filed 5-15-72;8:46 am]

MEI CORP. AND IGI SUCCESSOR, INC.

Order Approving Formation of Bank Holding Companies

MEI Corp., Minneapolis, Minn. (MEI), a bank holding company by virtue of its ownership of Olmsted County Bank & Trust Company, Rochester, Minn. (Olmsted Bank), proposes to acquire IGI Successor, Inc., Minneapolis (Successor), a proposed new company. IGI Successor

will succeed, through merger, to the interests of Investors Growth Industries, Inc., Minneapolis (IGI), a bank holding company by virtue of its indirect ownership of approximately 68 percent of the voting shares of First National Bank in Sioux City, Sioux City, Iowa (Bank). Before consummation of the proposal, MEI will divest itself of Olmsted Bank.¹ The direct acquisition of Bank by Successor, and the acquisition by MEI of Successor, require Board approval pursuant to section 3 of the Bank Holding Company Act (12 U.S.C. 1842).

Notice of receipt of the proposal has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the applications involved and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Bank (\$77.7 million in deposits) is the second largest of six banks in Sioux City, Iowa, and the ninth largest banking organization in Iowa (controlling 1.1 percent of the total commercial bank deposits in Iowa).² Bank is 68 percent owned by Minnesota Small Loan Co., Minneapolis, Minn., a subsidiary of IGI. IGI itself engages in soft drink bottling and distribution.

Consummation of the proposal would eliminate neither existing nor potential competition; nor does it appear that there would be any adverse effects on any bank in the area. The financial and managerial resources and future prospects of applicants and Bank are consistent with approval of the applications. No changes are contemplated by applicants which would affect the convenience and needs of the community involved.

Normally, the Board does not approve an application involving the formation of a bank holding company with nonbanking assets, unless the retention of those assets is permissible under the provisions of section 4(c) of the Act. However, under the circumstances presented by this transaction, the Board concludes that approval of the applications would be in the public interest. A result of approval would be to require separation of nonbanking activities from banking activities at a date earlier than might otherwise be the case. IGI became a bank holding company by operation of law on December 31, 1970. It has filed an irrevocable declaration with the Board pursuant to 12 CFR 225.4(d) that it would cease to be a bank holding company by January 1, 1981. Unless IGI is acquired by another company, the combination of banking and nonbanking in its organization might continue until that date. As bank holding companies organized subsequent to December 31, 1970, both MEI and Successor would be required under

¹ Bank Shares, Inc., Minneapolis, has been granted Board approval to acquire Olmsted Bank (1971 Fed. Res. Bulletin 681).

² Banking data are as of June 30, 1971, and reflect bank holding company acquisitions and formations approved by the Board through Mar. 31, 1972.

² Voting for this action: Chairman Burns and Governors Robertson, Mitchell and Sheehan. Absent and not voting: Governors Daane, Maisel and Brimmer.

¹ Banking data are as of June 30, 1971, and reflect holding company formations and acquisitions approved by the Board through Apr. 30, 1972.

¹ Voting for this action: Chairman Burns and Governors Robertson, Mitchell, and Sheehan. Absent and not voting: Governors Daane, Maisel, and Brimmer.

section 4(a)(2) of the Act (12 U.S.C. 1843(a)(2)) to divest the nonbanking assets acquired from IGI within 2 years after becoming a bank holding company, unless the activities are permissible under section 4(c) or the Board grants an extension of time pursuant to section 4(a)(2).

The applications are approved on condition that the transaction shall not be consummated (a) before MEI divests itself of Olmsted Bank, or before the 30th calendar day following the effective date of this order, whichever is later, or (b) later than 3 months after the later of these dates, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Minneapolis pursuant to delegated authority.

By order of the Board of Governors,³ effective May 9, 1972.

[SEAL]

TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-7379 Filed 5-15-72;8:46 am]

MINNESOTA MINING AND MANUFACTURING CO.

Order Approving Exemption of Non-banking Activities of Bank Holding Company

Minnesota Mining and Manufacturing Co., St. Paul, Minn. (3M), a bank holding company within the meaning of the Bank Holding Company Act of 1956 (12 U.S.C. 1841), by virtue of ownership of all but the directors' qualifying shares of Eastern Heights State Bank, St. Paul, Minn. (Bank), has applied to the Board of Governors, pursuant to section 4(d) of the Act, for an exemption from the prohibitions of section 4 (relating to non-banking activities and acquisitions).

Notice of receipt of the application was published in the FEDERAL REGISTER on January 5, 1972 (37 F.R. 118). Time for filing comments and views has expired and all those received have been considered. No request for a hearing has been received.

Section 4(d) of the Act provides that to the extent such action would not be substantially at variance with the purposes of the Act and subject to such conditions as the Board considers necessary to protect the public interest, the Board may grant an exemption from the provisions of section 4 of the Act to certain one-bank holding companies in order (1) to avoid disrupting business relationships that have existed over a long period of years without adversely affecting the banks or communities involved, or (2) to avoid forced sales of small or locally owned banks to purchasers not similarly representative of community interests, or (3) to allow retention of banks that are so small in relation to the holding company's total interests and so small in relation to the banking market

to be served as to minimize the likelihood that the bank's powers to grant or deny credit may be influenced by a desire to further the holding company's other interests.

The Board has considered the application in the light of the factors set forth in section 4(d) of the Act and finds that:

3M, with assets in excess of \$1.5 billion as of year-end 1970, is a diversified company engaged in the manufacture of a variety of consumer and industrial products within the United States and abroad. In the late 1950's 3M had begun the establishment, in a developing area on the outskirts of St. Paul, of what is now the company's headquarters. By 1958, approximately 1,000 employees of 3M were located at the new 3M facility, and further substantial employee growth at the plant and population growth in the surrounding area were expected. No banking facilities were available within a 3½-mile radius of 3M's headquarters.

In 1958, the Board denied the application of an existing bank holding company (the predecessor to First Bank System, Inc.) to acquire the voting shares of a proposed new bank to be located in the area (1958 Federal Reserve Bulletin 1061). According to 3M, no other organization was available to take over and supply the needed capital for the proposed bank and, since bank services were needed in the area, 3M provided the capital to establish the Bank and acquired substantially all of its stock at the time the Bank was organized, in 1958. At present, 3M owns all of Bank's stock except for directors' qualifying shares. It appears that Bank is well managed and in sound financial condition; and provides a substantial number of social and community services in addition to the usual services provided by commercial banks. The record contains nothing to suggest that 3M has abused its relationship with Bank or misused Bank's services for the benefit of 3M's other interests.

The record shows that Bank's total assets (\$29.3 million) at year-end 1970 were less than 2 percent of 3M's total assets; Bank's net income, for the same period, was equal to 0.16 percent of 3M's net income. 3M states that during 1970 alone, it borrowed \$55.5 million, including over \$23 million in short-term loans. In contrast, Bank's total loans outstanding as of year-end 1970 totaled under \$11 million, of which less than 10 percent represented commercial or industrial loans. It appears that 3M has never borrowed from Bank and 3M states that it is not aware of any instance in which a significant customer, supplier, dealer or distributor of 3M has done business with Bank.

Bank (approximately \$25 million in deposits) competes in the Minneapolis-St. Paul SMSA banking market and controls about 0.5 percent of the total deposits in that market.¹ In the same mar-

ket, two bank holding companies (First Bank System, Inc., and Northwest Bancorporation) control in the aggregate, 70 percent of total deposits. In Bank's immediate service area there are 12 other banks and Bank controls only 2 percent of the aggregate total deposits of these 13 banks.

The record contains nothing to suggest that 3M has misused Bank's services for the benefit of 3M's other interests and, in view of the size disparity between Bank and 3M, and the small size of Bank in relation to the surrounding banking market and to the credit needs of 3M, future misuse of Bank by 3M seems unlikely.

Based on the foregoing and other considerations reflected in the record, the Board has concluded, pursuant to section 4(d)(3), that Bank is so small in relation to the total interests of 3M and so small in relation to the banking market served by Bank as to minimize the likelihood that Bank's powers to grant or deny credit may be influenced by a desire to further 3M's other interests; and an exemption is warranted. Accordingly, an exemption is granted: *Provided, however*, That this determination is subject to revocation if the facts upon which it is based change in any material respect.

By order of the Board of Governors,² effective May 9, 1972.

[SEAL]

TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-7380 Filed 5-15-72;8:46 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 72-6]

EARTH RESOURCES SURVEY IMAGERY POLICY

Public Availability of Photographic Products

The following NASA policy with respect to earth resources survey imagery has been agreed to by the Departments of Interior, Commerce, Agriculture, and Navy, and the Environmental Protection Agency.

Photographic products acquired by NASA for research and experimental use in the Earth Resources Survey Program from surface, airborne, or space-borne platforms, will, except as may be prohibited by law or regulation, be freely available for purchase by private and public parties, both foreign and domestic. Such photographic products will be placed in the public domain as soon as practicable after acquisition and before other use is made thereof. All NASA photographic products, whether sold or provided without reimbursement, will be identified as being of NASA origin.

¹ Voting for this action: Chairman Burns and Governors Robertson, Mitchell, and Sheehan. Absent and not voting: Governors Daane, Maisel, and Brimmer.

² All banking data are as of June 30, 1971, and reflect bank holding company formations and acquisitions approved by the Board through Mar. 31, 1972.

³ Voting for this action: Chairman Burns and Governors Robertson, Daane, and Sheehan. Absent and not voting: Governors Mitchell, Maisel, and Brimmer.

Photographic products will be sold to the public by the Department of Interior's EROS Data Center at Sioux Falls, S. Dak., and the Department of Commerce's NOAA Environmental Data Service. The Department of Agriculture may also elect to sell photographic products through its established outlets. NASA will not establish a Federal outlet for public sale of its photographic products, but such products as are in the public domain may be sold to the public through the Technology and Utilization Program at prices not lower than those charged by the Department of the Interior.

The Departments of Commerce and Interior will make their responsibilities for the sale of photographic products widely known to the public through appropriate media. Both departments will publish regular announcements in the FEDERAL REGISTER covering the procedures for purchase of imagery. Both departments will maintain catalogs of, and price lists for, imagery available for sale. Interior's primary responsibility will be to serve land-oriented users and Commerce's primary responsibility will be to serve oceanic- and atmospheric-oriented users.

After the imagery is in the public domain (imagery is defined as being in the public domain at the point when a Federal outlet has received imagery from which copies for sale can be reproduced), photographic products from the Earth Resources Survey Program may be provided free of charge by NASA and the other Federal agencies engaged in the program under the following conditions:

- To a limited degree, for purely educational or informational activities in the public interest.
- Where a binding agreement exists between the Government and a foreign or domestic institution or individual in support of U.S. programs.
- Where foreign or domestic agreements exist calling for exchange of data.
- When determined to be in the national interest by a Government agency.
- When billing costs would exceed the return from charges.

Government agencies that provide imagery without reimbursement to investigators or participants have a responsibility to guard against propriety exploitation of the results of such investigations until such results have been generally available to the public.

JAMES C. FLETCHER,
Administrator, National Aeronautics
and Space Administration.

[FR Doc. 72-7402 Filed 5-15-72; 8:48 am]

PRICE COMMISSION

[Order 5]

INSTITUTIONAL PROVIDERS OF HEALTH SERVICES

Determination of Base Prices For Prospective Reimbursement Plans

Certain States require, under their statutes, that third party payers prospec-

tively reimburse institutional health providers for services.

Thus, budgets are submitted by health providers in advance of the period for which charges are to be made. The budgets are reviewed, and the final rate is determined either by a State Rate Setting Commission or other designated body. On the basis of such determinations, a fixed rate is set for an institution which it must adhere to for the period of at least 1 year.

The States involved in such rating either use a calendar year as their fiscal year, or use a fiscal year ending on September 30. The rate set up to the time of the price freeze in August 1971 could have been determined as much as 16 months prior to the beginning of Phase I. The institutions under this arrangement have no way to make any adjustments in the rate to take into consideration inflation prior to Phase I. The result is an inaccurate base price.

In order to provide an accurate basis for determining base prices for institutions in States where the above requirement is in effect, the Price Commission hereby orders each institution subject to such requirement to use the following calculation for determining their base prices. Take the fixed rate which became effective before August 14, 1971, but in no event later than January 1, 1971; adjust that rate, if desired, to reflect actual expense increases from their fiscal year midpoint through November 13, 1971, but not to exceed an increase of 6 percent over the fixed rate. This adjustment can only be made once to determine the correct base price to be used in future pricing.

Issued in Washington, D.C., on May 11, 1972.

C. JACKSON GRAYSON, JR.,
Chairman, Price Commission.

[FR Doc. 72-7550 Filed 5-15-72; 11:53 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5169]

COLUMBIA GAS SYSTEM, INC., ET AL.

Notice of Proposed Open Account Advances Between Nonutility Subsidiary Companies

MAY 10, 1972.

Notice is hereby given that The Columbia Gas System, Inc., 20 Montchanin Road, Wilmington, DE 19807 (Columbia), a registered holding company, and two of its wholly owned nonutility subsidiary companies, Columbia Gas Transmission Corp. (Transmission) and Columbia Gas Development of Canada Ltd. (Development), have filed an application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 9, 10 and 12(b) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transactions. All interested

persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Transmission is engaged in the production, storage, transportation and sale of natural gas at wholesale in Kentucky, Maryland, New York, Ohio, Pennsylvania, Virginia, and West Virginia, and in the purchase of natural gas in Louisiana. Recently, it has also entered into contracts for the development of natural gas reserves in Alaska (Holding Company Act Release No. 17213, August 2, 1971). Development, organized in August 1971 under the federal laws of Canada, is headquartered in Calgary, Canada. Its primary function is to acquire additional gas supplies and coordinate the development of gas sources in Canada for the Columbia system (See Holding Company Act Release No. 17290, September 27, 1971).

The proposed transactions relate to a program of Columbia to supplement the system's gas supplies through joint agreements for the development of natural gas reserves in the Canadian Arctic Islands. Columbia together with three nonaffiliated American companies—Northern Natural Gas Co., Tenneco Oil & Minerals, Ltd., and Texas Eastern Transmission Corp. (Group Partners)—entered into a memorandum of agreement on May 1, 1971, with Panarctic Oils, Ltd., of Calgary, Canada (Panarctic) with respect to a joint endeavor to discover and develop natural gas reserves on lands held by Panarctic in the Arctic Islands of Canada (Islands). Columbia's rights and obligations under this memorandum agreement, which is to be superseded by a Partnership Agreement (Agreement), have been assigned by Columbia to Transmission; and Transmission, in turn, has assigned such rights and obligations to Development.

The application-declaration describes Panarctic as a consortium of 19 Canadian mining and petroleum companies and the Canadian Federal Government, organized to find oil in the Islands. It is further stated that Panarctic has indicated that its land holdings in the Islands exceed 46 million net acres; that drilling operations pursuant to the drilling program called for in the Agreement have recently resulted in a new significant natural gas discovery on Ellef Ringnes Island at Kristoffer Bay and in confirmation of an earlier discovery made on King Christian Island; and that a third well is presently being drilled on Brock Island. It is represented that the Canadian Petroleum Association estimates that the potential gas reserves of the Canadian Arctic Islands region are 260.7 trillion cubic feet; that threshold gas reserves necessary to support a pipeline from the Canadian Arctic Islands are estimated at 20-30 trillion cubic feet of gas; and that it is believed that large reserves of natural gas sufficient to justify a pipeline outlet to market may be able to be developed in a relatively short period of time.

The Agreement will commit the Group Partners jointly and severally, over a period May 1, 1971 to August 31, 1976, to

spend an aggregate sum of up to \$75 million (Canadian: At May 3, 1972 the exchange rate in the New York market was Can.\$1-U.S.\$1.0084). After sufficient gas reserves have been proven to warrant construction of pipeline or other marketing facilities, the Group Partners are to undertake certain additional development at their expense. As successor to Transmission, Development's share of this Can.\$75 million aggregate commitment under the Agreement is 16% percent—i.e., Can.\$12,500,000, or approximately Can.\$2,500,000 per annum over the period mentioned above.

Among other things, Agreement will provide that the Group Partners shall be entitled, first, to recover the total amounts expended by them in connection with the above capital commitment, plus interest compounded annually. The source of these recoveries will be the following percentages of total well-head revenues from the sale of gas and/or oil accruing collectively to the interest of the Group Partners and Panarctic:

(i) 25 percent of revenues from the sale of gas and/or oil from any partnership well. If the gas referred to above is sold to others than the Group Partners, or to others than a transmission company for resale to one or more Group Partners, then the 25 percent would be increased to 33 1/3 percent.

(ii) 10 percent of revenues from the sale of oil produced from any well drilled by Panarctic on any prospect upon which the Partnership has conducted drilling operations which discover oil.

After such recovery of their initial investments, the Group Partners will have an aggregate 1 percent share of gross revenues from the partnership wells or partnership oil and gas rights, with the exception of revenues from oil wells contributed by Panarctic. In addition, the Agreement will be supplemented by a Gas Agreement which, among other things, will specify that Development, as successor to Transmission, will have a first right to contract for the purchase for export of 16 2/3 percent of the gas from Panarctic's interest in the gas reserves established prior to and during the term of the Agreement, including gas on which Panarctic may have a call. This right will also extend to all gas reserves in the Islands in which the Group Partners have an interest or any right to purchase, whether under the Agreement or otherwise.

To enable Development, as successor to Transmission, to perform its obligations under the Agreement, Transmission proposes to make open-account advances to Development (or to Panarctic in behalf of Development) from time to time as needed up to an aggregate of Can. \$12,500,000. Repayment of these advances, with interest thereon, will exactly parallel the repayment provisions contained in the Agreement for recovery of the Group Partners' initial investments, hereinabove described. Transmission will have the first right of purchase, or call, on all of the gas which Development, as assignee, will own or have a call under the Agreement. The filing states that Transmission, as a pipeline

company regulated by the Federal Power Commission under the Natural Gas Act, will handle accounting and rate treatment of all advance payments made by it to or on behalf of Development pursuant to the Agreement in accordance with the regulations of that Commission.

It is stated that the rights and obligations of the parties to the Agreement will be subject to receipt of all necessary governmental authorizations and approvals, including approvals of the National Energy Board of Canada and the Governor in Council of Canada, for sale of gas for export from Canada; and to authorization of the Federal Power Commission for importation of the gas into the United States. It is further represented that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. A statement of the fees and expenses to be incurred in connection with the proposed transactions will be filed herein by amendment.

Notice is further given that any interested person may, not later than May 26, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-7383 Filed 5-15-72; 8:46 am]

[812-3074]

DREYFUS LEVERAGE FUND, INC.

Notice of Filing of Application

MAY 9, 1972.

Notice is hereby given that the Dreyfus Leverage Fund, Inc., 767 Fifth Ave-

nue, New York, NY 10022 (Applicant), a Delaware corporation, registered under the Investment Company Act of 1940 (Act), as a management, open-end, diversified investment company, has filed an application pursuant to section 6(c) of the Act for an order exempting from the provisions of section 22(d) a transaction in which Applicant's redeemable securities would be issued at a price other than the current public offering price described in the prospectus in exchange for substantially all of the assets of the Gibraltar Growth Fund, Inc. (Gibraltar Fund). All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations which are summarized below.

Gibraltar Fund, a Delaware corporation, is registered under the Act as a management open-end, nondiversified, investment company. Pursuant to an agreement between Applicant and Gibraltar Fund, substantially all the cash and securities owned by Gibraltar Fund, with a market value of approximately \$27,843,244 on March 9, 1972, will be transferred to Applicant in exchange for shares of Applicant's stock. The Gibraltar shareholders will not immediately receive all of the Applicant's shares to which they ultimately may be entitled. Applicant is not assuming any of the liabilities of Gibraltar. Accordingly, approximately 5 1/2 percent of the assets of Gibraltar in the form of Applicant's shares will be retained by the trustee in liquidation, for a period of up to 6 years to make payment of certain liabilities of Gibraltar. The number of shares of Applicant's stock to be issued to Gibraltar Fund is to be determined by dividing the aggregate market value of the assets of Gibraltar Fund to be transferred to Applicant by the net asset value per share of Applicant (subject to certain adjustments set forth in the agreement) both to be determined as of the valuation date. When received by Gibraltar Fund, the shares of Applicant, except the shares to be retained by the trustee, are to be distributed to Gibraltar Fund shareholders and Gibraltar Fund will be dissolved.

Section 22(d) of the Act, provides in part that registered investment companies issuing redeemable securities may sell their shares only at the current public offering price as described in the Prospectus. Section 6(c) permits the Commission, upon application, to exempt a transaction from any provision of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant offers its shares to the public, pursuant to its Prospectus, for cash at a price equal to the net asset value per share plus varying sales charges dependent upon the quantity of shares purchased, the maximum sales charge being 8 3/4 percent. In support of its application, Applicant alleges that the proposed transaction will enable it to obtain portfolio securities at a better price than would otherwise be possible and also will increase the size of the Applicant which,

in the opinion of the Applicant, will result in improved services and eventually in economies to the shareholders on a per share basis. Applicant represents that the securities to be acquired meet its investment objectives. Applicant also states that no affiliation exists between Gibraltar Fund or its officers, directors or stockholders and Applicant, its officers or directors, and that the agreement was negotiated at arms' length by the two companies. Applicant further represents that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the general purposes of the Act.

Notice is further given that any interested person may, not later than May 30, 1972, at 5:30 p.m., submit to the Commission, in writing, a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further development in the matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.
[FR Doc.72-7384 Filed 5-15-72;8:46 am]

[File No. 500-1]

FIRST WORLD CORP.

Order Suspending Trading

MAY 10, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the Class A and Class B common stock, \$0.15 par value, of First World Corp. being traded otherwise than on a national securities ex-

change is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10 a.m., e.s.t., on May 10, 1972, through May 19, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.
[FR Doc.72-7385 Filed 5-15-72;8:47 am]
[70-5189]

PENNSYLVANIA ELECTRIC CO.

Notice of Proposed Issuance and Sale of Preferred Stock at Competitive Bidding

MAY 10, 1972.

Notice is hereby given that Pennsylvania Electric Co., 1001 Broad Street, Johnstown, PA 15907 (Penelec), an electric utility subsidiary company of General Public Utilities Corp., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Penelec proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 250,000 shares of its Cumulative Preferred Stock, ----- percent Series I, par value \$100 per share. The dividend rate of the preferred stock (which will be a multiple of one twenty-fifth of 1 percent) and the price, exclusive of accrued dividends, to be paid to Penelec (which will be not less than \$100 nor more than \$102.75 per share) will be determined by the competitive bidding. The terms of the preferred stock include a prohibition until June 1, 1977, against refunding the stock, directly or indirectly, with funds obtained from the issuance of debt securities at a lower effective interest cost or of preferred stock at a lower dividend cost.

The proceeds from the sale of the preferred stock will be applied to the repayment of \$33 million of short-term bank loans expected to be outstanding at the date of the sale. The proceeds from any premium resulting from the sale of the preferred stock will be used to finance the business of Penelec, including the payment of expenses of the financing.

It is stated that the fees and expenses to be incurred in connection with the proposed transaction are estimated at \$95,000, including legal fees of \$28,000 and accounting fees of \$7,700. The fees and expenses of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment. The

filing further states that the issuance and sale of the preferred stock is subject to the jurisdiction of the Pennsylvania Public Utility Commission, and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested persons may, not later than May 29, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.
[FR Doc.72-7386 Filed 5-15-72;8:47 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

MAY 11, 1972.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 130156, Wegiel Travel Service, Inc., now assigned May 15, 1972, at Boston, Mass., hearing postponed indefinitely.

MC-F-11321, Central Transport, Inc., et al. v. Red Line Express, Inc., et al., MC-F-11396, Short Freight Lines, Inc.—control and merger—Red Line Express, Inc., and MC 108382 Sub 13, Short Freight Lines, Inc., being assigned hearing June 14, 1972 (3 days), at Columbus, Ohio, in a hearing room to be later designated.

MC 124174 Sub 88, Mommson Trucking Co., now being assigned hearing June 12, 1972, at Columbus, Ohio, in a hearing room to be later designated.

MC 2202 Sub 401, Roadway Express, Inc., now being assigned hearing July 10, 1972, at Baltimore, Md., in a hearing room to be later designated.

MC-F-11212, Gallatin-Portland Freight Lines, Inc.—lease—Robert H. Bradshaw, doing business as Hartsville Freight Co., now being assigned hearing July 6, 1972 (2 days), at Nashville, Tenn., in a hearing room to be later designated.

MC 135812, Professional Driver Services, Inc., now being assigned hearing July 10, 1972 (1 week), at Nashville, Tenn., in a hearing room to be later designated.

MC 136380, Southern Cartage, Inc., now being assigned hearing July 25, 1972 (3 days), at Nashville, Tenn., in a hearing room to be later designated.

MC 87720 Sub 124, Bass Transportation Co., Inc., now being assigned hearing June 7, 1972, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 111812 Sub 438, Midwest Coast Transport, Inc., now being assigned hearing June 27, 1972, at the offices of the Interstate Commerce Commission, Washington, D.C.

FD 26784, The Philadelphia, Baltimore and Washington Railroad Co. and George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of the Penn Central Transportation Co., debtor. Abandonment between Crawfordville and Waveland, in Montgomery County, Ind., assigned June 1, 1972, at Indianapolis, Ind., will be in the Northeast Room, Indiana War Memorial, 431 North Meridian Street.

MC-F-11442, K. G. Moore, Inc.—purchase—Fleming's Express, Inc., application dismissed.

MC-F-11200, The Mason & Dixon Lines, Inc.—purchase—Econ, Inc., MC 59583 Sub 131, the Mason & Dixon Lines, Inc., MC-F-11290, Gordon's Transports, Inc.—control—J. B. Reed Motor Express, Inc., MC 98913 Sub 3, J. B. Reed Motor Express, Inc., and MC 119657 Sub 9, George Transit Line, Inc., now assigned June 12 through June 19, 1972, at Chicago, Ill., will be held in Room 1992, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 4405 Sub 489, Dealers Transit, Inc., and MC 109397 Sub 264, Tri-State Motor Transit Co., assigned June 13, 1972, MC 18738 Sub 41, Sims Motor Transport Lines, Inc., assigned June 12, 1972, and MC 107496 Sub 826, Ruan Transport Corp., assigned June 14, 1972, at Chicago, Ill., will be held in Room 1086A, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC-F-11316, Yellow Freight System, Inc.—purchase—Elgin-Chicago Express Co., and MC 112713 Sub 134, Yellow Freight System, Inc., assigned June 19, 1972, at Chicago, Ill., will be held at the La Salle Hotel, Madison and La Salle Street.

MC-F-11252, IML Freight, Inc.—purchase (portion)—Michigan Express Inc., and FD 26969, IML Freight, Inc. Notes now being assigned June 12, 1972, in Room 672, 536 South Clark Street, Chicago, Ill.

MC 106120 Sub 3, Badger Coaches, Inc., now assigned June 7, 1972, at Chicago, Ill., hearing will be held in Room 1680, Everett McKinley Dirksen Building, 219 Dearborn Street, Chicago, Ill.

MC 129038 Sub 7, Tri-State Coach Lines, Inc., now assigned June 21, 1972, at Chicago, Ill., hearing will be held in Room 1922, Illinois State Building, 160 North La Salle Street, Chicago, Ill.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-7412 Filed 5-15-72; 8:49 am]

FOURTH SECTION APPLICATION FOR RELIEF

MAY 11, 1972.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42425—Peanuts between points in Louisiana and points in Oklahoma and Texas. Filed by Southwestern Freight Bureau, agent (No. B-313), for interested rail carriers. Rates on peanuts, unshelled, raw, in bulk or in sacks, in boxes or in barrels, in carloads, as described in the application, between points in Louisiana, on the one hand, and points in Oklahoma and Texas, on the other.

Grounds for relief—Market competition.

Tariff—Supplement 106 to Southwestern Freight Bureau, agent, tariff ICC 4737. Rates are published to become effective on June 14, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-7411 Filed 5-15-72; 8:48 am]

[Notice 59]

MOTOR CARRIER BOARD TRANSPORT PROCEEDINGS

Synopses of orders entered by Division 3 of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending

its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73529. By order entered May 5, 1972, Division 3, acting as an Appellate Division, approved the transfer to Dealers Auto Transport, Inc., Hawthorne, Calif., of the operating rights set forth in certificates Nos. MC-84528, MC-84528 (Sub-No. 13), and MC-84528 (Sub-No. 16), issued by the Commission, June 26, 1956, April 7, 1960, and July 14, 1966, respectively, to Automobile Transport Company of California, Gardena, Calif., authorizing the transportation of: Used automobiles from, to, and between points in 33 States, and wrecked, embezzled, or stolen automobiles from points in the United States to Los Angeles, Calif. R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, CA 90017, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 72-7413 Filed 5-15-72; 8:49 am]

[Notice 59-A]

MOTOR CARRIER BOARD TRANSPORT PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73519. By order of March 22, 1972, the Motor Carrier Board approved the transfer to Fields Truck Line, Inc., 229 Wyoming St., Gooding, ID 83330 of certificate of registration No. MC-44154 (Sub-No. 4) issued to Lowell W. Fields, doing business as Fields Truck Line (above address), evidencing a right to engage in interstate or foreign commerce to the extent authorized in the underlying and supporting State Certificate issued by the State of Idaho, Idaho Public Utilities Commission, covering the transportation of commodities of a general commodity nature, serving designated points solely within the State of Idaho.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-7414 Filed 5-15-72; 8:49 am]

[Notice 68]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 10, 1972.

The following are notices of filing of applications¹ for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 1824 (Sub-No. 58 TA), filed April 28, 1972. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Boulevard, Preston, MD 21655. Applicant's representative: Frank V. Klein (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture and furniture parts, sheet steel articles, and commodities* used in the manufacture and sale and distribution thereof, between Dunkirk, and Landover, Md., for 180 days. NOTE: Applicant states it intends to tack this authority at Landover, Md., with general commodities authority held at MC 1824. Supporting shipper: Gerald Skalka, vice president, Victor Stanley, Inc., Dunkirk, Md. 20754. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 16682 (Sub-No. 84 TA), filed April 28, 1972. Applicant: MURAL TRANSPORT, INC., 2900 Review Avenue, Long Island City, NY 11101. Applicant's representative: W. C. Mitchell, 370 Lexington Avenue, New York, NY 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, and commercial and institutional furniture, fixtures and equipment*, from Walnut Ridge, Piggott, and Corn-

ing, Ark., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Darling Store Fixtures, Post Office Box 970, Paragould, Ark. 72450. Send protests to: Thomas W. Hopp, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 72442 (Sub-No. 37 TA), filed May 1, 1972. Applicant: AKERS MOTOR LINES, INCORPORATED, Post Office Box 579, New Hope Road, Gastonia, NC 28052. Applicant's representative: Watkins & Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Intravenous solutions and administration sets*, from the plantsite of McGaw Laboratories at Milledgeville, Ga., to warehouse of Long Island Delivery Co., Central Avenue, Farmingdale, Long Island, N.Y., and returned, rejected, or refused movements of above on return, for 180 days. Supporting shipper: McGaw Laboratories, Post Office Box K, Milledgeville, GA 31061. Send protests to: Frank H. Wait, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, NC 28202.

No. MC 76472 (Sub-No. 19 TA), filed April 27, 1972. Applicant: MATERIAL TRUCKING, INC., 924 South Heald Street, Wilmington, DE 19801. Applicant's representative: William Saienni (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude metallic iron*, from Wilmington, Del., to Coatesville, Pa., for 180 days. Supporting shipper: Lukens Steel Co., Coatesville, Pa. 19320. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 110420 (Sub-No. 653 TA), filed April 28, 1972. Applicant: QUALITY CARRIERS, INC., Bristol, Wis., Post Office Box 186, Pleasant Prairie, WI 53158. Applicant's representative: Fred H. Figge (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed ingredients*, liquid, in bulk, from Milwaukee, Wis., to Peoria, Ill., for 180 days. Supporting shipper: Pabst Brewing Co., 917 West Juneau Avenue, Milwaukee, WI 53201. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 117344 (Sub-No. 218 TA), filed April 24, 1972. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati, OH 45215. Applicant's representative: John C. Spencer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *Granular slag*, in bulk, in tank or hopper type vehicles, from Lawrenceburg, Ind., to Cincinnati, Ohio, for 180 days. Supporting shipper: Panacorn Corp., 320 South Wayne Avenue, Cincinnati, OH 45215. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main Street, Cincinnati, OH 45202.

No. MC 117395 (Sub-No. 22 TA), filed April 28, 1972. Applicant: SOUTHERN CEMENT TRANSPORT, INC., Post Office Box 5821, Bossier City, LA 71010. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Barite*, in bulk, from Malvern, Ark., to points in Louisiana, Mississippi, Oklahoma, and Texas, for 180 days. Supporting shipper: Dresser Industries, Inc., Post Office Box 6504, Houston, TX 77005. Send protests to: District Supervisor William H. Land, Jr., Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 117465 (Sub-No. 19 TA), filed April 26, 1972. Applicant: BEAVER EXPRESS SERVICE, INC., doing business as BEAVER EXPRESS, Post Office Box 151, 1215 Kansas, Woodward, OK 73108. Applicant's representative: Clyde Reeves (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except classes A and B explosives, moving in express service, (1) between Amarillo, Tex., and Borger, Tex., from Amarillo over Texas Highway 136 to Borger, serving no intermediate points, and return over the same route; (2) between the junction of Texas Highway 136 and Texas Highway 207 and Guymon, Okla.; from the junction of Texas Highway 136 and Texas Highway 207, over Texas Highway 136 to Oklahoma-Texas State line, thence over Oklahoma Highway 136 to Guymon, Okla., serving all intermediate points, and return over the same route; and (3) between Amarillo, Tex., and the junction of Texas Highway 136 and Texas FM 281, from Amarillo, Tex., over combined U.S. Highways 87 and 287 to its junction with Texas FM 281, thence over Texas FM 281 to its junction with Texas Highway 136, serving all intermediate points, and return over the same route, for 180 days. NOTE: Applicant intends to tack at Guymon, Borger, and Amarillo, and interline with Morgan Express at Amarillo (MC 120080). Supported by: There are approximately 25 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395 Her-ring Plaza, Amarillo, TX 79101.

No. MC 119634 (Sub-No. 5 TA), filed April 25, 1972. Applicant: DICK IRVIN,

¹Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

INC., 218 First Avenue, Post Office Box F, Shelby, MT 59474. Applicant's representative: Dick Irvin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Gilsonite glacier talc and diatomaceous earth*, from the plant of Gilsonite at Bonanza, Utah; (2) *glacier talc*, from Three Forks, Mont.; and (3) *diatomaceous earth*, from Sweetgrass, Mont., to ports of entry in Montana on the boundary line between the United States and Canada; for 180 days. Supporting shipper: Harrisons & Crosfield (Canada), Ltd., 5711 First Street SE., Calgary 27, AB, Canada. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 251, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 124071 (Sub-No. 7 TA), filed April 26, 1972. Applicant: LIVESTOCK SERVICE, INC., 1413 Second Avenue South, Post Office Box 944, St. Cloud, MN 56301. Applicant's representative: James Neutzling (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats*, frozen or not frozen, from St. Cloud, Minn., to Oklahoma City, Okla., and Pueblo, Colo., for 180 days. Supporting shipper: Robel Beef Packers, Inc., 14th Street and Third Avenue South, St. Cloud, Minn. 56301. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 128075 (Sub-No. 19 TA), filed May 1, 1972. Applicant: LEON JOHNSRUD, Post Office Box 447, Highway 9 West, Cresco, IA 52136. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Fresh or frozen dressed poultry, poultry products, and frozen foods*, and (b) *commodities* the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with (a) above, from the plantsite and storage facilities of Louis Rich Foods, Inc., West Liberty, Iowa, to points in Delaware, Connecticut, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, and the District of Columbia, for 180 days. Supporting shipper: Louis Rich Foods, Inc., Post Office Box 288, West Liberty, IA 52776. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 129111 (Sub-No. 2 TA), filed April 27, 1972. Applicant: FIGENSHOW TRANSPORTATION, INC., Post Office Box 649, U.S. Highway 97, Tonasket, WA 98855. Applicant's representative:

Donald A. Ericson, Old National Bank Building, Suite 708, Spokane, Wash. 99201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood, timbers, and furniture and mill work stock*, from points in Okanogan County, Wash., to the port of entry on the United States-Canadian border at or near Oroville, Wash., for 180 days. Supporting shippers: Landreth Timber Co., Inc., Post Office Box 505, Tonasket, WA 98855; Bico Kinzua, Omak, Wash. 98841. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 129657 (Sub-No. 12 TA), filed April 27, 1972. Applicant: KEN McCARVILLE DISTRIBUTING COMPANY, INC., 436 Rainbow Road, Spring Green, WI 53588. Applicant's representative: Michael J. Wynaard, 125 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and advertising equipment, premiums, materials, and supplies* when shipped therewith, from St. Louis, Mo., to points in Wisconsin except those points located in Trempealeau, Jackson, La Crosse, Monroe, Juneau, Vernon, Richland, Sauk, Crawford, Grant, Iowa, and Lafayette Counties, and Sturgeon Bay, Wis.; and (2) *empty malt beverage containers* used in the transportation of the commodities in part (1) of this application from the destination points set forth in part (1) of this application to St. Louis, Mo., for 180 days. Supporting shipper: Falstaff Brewing Corp., 5050 Oakland Avenue, St. Louis, MO 63166. Send protests to: Barney L. Hardin, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 139 West Wilson Street, Room 206, Madison, WI 53703.

No. MC 133478 (Sub-No. 6 TA), filed April 25, 1972. Applicant: HEARIN TRANSPORTATION, INC., Post Office Box 25387, 4854 Southwest Scholls Ferry Road, Portland, OR 97225. Applicant's representative: Nick I. Goyak, 404 Oregon National Building, Portland, Ore. 97205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plywood, lumber, particleboard, and wood beams*, between the plantsite of Hearin Forest Industries at Vancouver, Wash., on the one hand, and, on the other, points in Oregon and Washington; and (2) *materials* used in connection with the manufacturing of wood products, from points in Oregon and Washington to the plantsite of Hearin Forest Industries at Vancouver, Wash., for 180 days. Supporting shipper: Hearin Forest Industries, Post Office Box 25387, Portland, OR 97225. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 133528 (Sub-No. 3 TA), filed April 28, 1972. Applicant: UPTON FUEL

& CONSTRUCTION CO., INC., Maple Avenue, West Upton, Mass. 01587. Applicant's representative: Arthur A. Wentzell, Post Office Box 764, Worcester, MA 01613. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock salt*, in bulk and/or in bags, from Upton, Mass., to points in Connecticut, Maine, Massachusetts, New Hampshire, and Rhode Island, for 180 days. Supporting shipper: Cargill, Inc., Cargill Building, Minneapolis, Minn. 55402. Send protests to: Gerald H. Curry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 187 Westminster Street, Providence, R.I. 02903.

No. MC 133604 (Sub-No. 1 TA), filed April 28, 1972. Applicant: LYNN'S POULTRY, INC., 712 South 11th Street, Oskaloosa, IA 52577. Applicant's representative: Kenneth F. Dudley, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machined castings*, from Oskaloosa, Iowa, to Bay Minette and Mobile, Ala., for 180 days. Supporting shipper: Oskaloosa Engineering & Manufacturing Co., 1107 11th Avenue West, Oskaloosa, IA 52577. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 135236 (Sub-No. 4 TA), filed April 27, 1972. Applicant: LOGAN TRUCKING, INC., 801 Erie Avenue, Logansport, IN 46947. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, used empty malt beverage containers on return*, from Cranston, R.I., to points in Ohio, Michigan, Indiana, Kentucky, Illinois, Wisconsin, and St. Louis, Mo., for 180 days. Supporting shipper: Falstaff Brewing Corp., 5050 Oakland Avenue, St. Louis, MO 63166. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, IN 46802.

No. MC 135743 (Sub-No. 1 TA), filed April 28, 1972. Applicant: HAROLD WILLIAMS, doing business as WILLIAMS MOVING CO., Post Office Box 209, City Highway 60 West, Dexter, MO 63841. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Ripley, Carter, Wayne, Madison, Bollinger, Perry, Cape Girardeau, Butler, Stoddard, Scott, Mississippi, New Madrid, Pemiscot, and Dunklin Counties, Mo.; Clay, Randolph, Greene, and Mississippi Counties, Ark.; Obion, Lake, Dyer, and Lauderdale Counties, Tenn.; Fulton, Hickman, Carlisle, Ballard, and McCracken Counties, Ky.; Alexander, Pulaski, Union, Jackson, Randolph, Monroe, and Massac Counties, Ill., on the one

hand, and, on the other, points in Missouri, on and north of U.S. Highway 64 in Arkansas, on and west of Interstate Highway 24 in Tennessee; on and west of U.S. Highway 31 in Kentucky; on and south of U.S. Highway 36 in Illinois, for 180 days. Supporting shippers: Adams & McCord, Post Office Box 86, Dexter, MO 63841; IXL Manufacturing Co., Inc., Bernie, Mo. 63822; Stites Concrete Modular Systems, Inc., Highway 60 East, Dexter, Mo. 63841; Monarch Feed Mills, Inc., Dexter, Mo. 63841; Home-Pack Transport, Inc., Maspeth, N.Y. 11378; Imperial Household Shipping Co., Inc., Post Office Box 20124, St. Petersburg, FL 33742. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 North 12th Street, St. Louis, MO 63101.

No. MC 136508 (Sub-No. 1 TA), filed May 1, 1972. Applicant: GALE B. ALEXANDER, 120 South Ward Street, Ottumwa, IA 52501. Applicant's representative: Kenneth F. Dudley, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbonated beverages*, in containers, from Ottumwa, Iowa, to points in Minnesota, for 180 days. Supporting shipper: Dad's Clicquot Club Bottling Co., Inc., 4 Industrial Park, Ottumwa, IA 52501. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 136587 (Sub-No. 2 TA), filed April 26, 1972. Applicant: ALFRED J. WELLER, doing business as A. J. WELLER, 396 Clairmont Road, Willowick, OH 44095. Applicant's representative: George S. Maxwell, Cleveland, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Green salted cattle hides and green salted sheep pelts*, from Chicago, Ill., to Boston metropolitan area; North Adams, Mass., and New York metropolitan area and on return the same commodities, from New York to Chicago, for 180 days. Supporting shipper: M. Ashchheim Co., Inc., 271 Fifth Avenue, New York, NY 10016. Send protests to: R. P. Amerine, Acting District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, Cleveland, Ohio 44199.

No. MC 136661 TA, filed April 28, 1972. Applicant: ROBERT J. GRALL, Post

Office Box 313, Manitowoc, WI 54220. Applicant's representative: William C. Dineen, 412 Empire Building, 710 North Plankinton Avenue, Milwaukee, WI 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum siding and accessories*, from Oconomowoc and Watertown, Wis., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, and Pennsylvania for the account of Mirro Aluminum Co. of Manitowoc, Wis., for 180 days. Supporting shipper: Mirro Aluminum Co., Manitowoc, Wis. 54220 (Mr. D. C. Hauschulz). Send protests to: District Supervisor, Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 136663 TA, filed April 28, 1972. Applicant: CHARLOTTE VAN AND STORAGE COMPANY, INC., Post Office Box 3544, Charlotte, NC 28203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials, and supplies*, including tools, used in the construction and maintenance of telephone systems and communications, between Charlotte, N.C., and points in Mecklenburg, Anson, Montgomery, Union, Stanly, and Cabarrus Counties, N.C., under contract with Western Electric Co., for 180 days. Supporting shipper: Western Electric Co., 6701 Roswell Road NE., Atlanta, GA 30328. Send protests to: Frank H. Wait, Jr., District Supervisor, Interstate Commerce Commission, 316 East Morehead, Suite 417 (BSR Building), Charlotte, NC 28202.

No. MC 136664 TA, filed April 28, 1972. Applicant: NORTH AMERICA MOVERS OF N.C., INC., 16 Piney Park Road, Asheville, NC 28806. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, material, and supplies, including tools* used in the construction and maintenance of telephone systems and communication, between Asheville, N.C., and points in Buncombe, Haywood, Henderson, Madison, Transylvania, Jackson, Cherokee, Clay, Macon, Graham, and Swain Counties, N.C., under a contract with Western Electric Co., for 180 days. Supporting shipper: Western Electric Co., 6701 Roswell Road NE., Atlanta, GA 30328. Send protests to: Frank

H. Wait, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 316 East Morehead, Suite 417 (BSR Building), Charlotte, NC 28202.

No. MC 136665 TA, filed April 27, 1972. Applicant: HENRY A. NIEDERMEIER, doing business as NIEDERMEIER'S DRIVE AWAY SERVICE, Route 5, Box 221, Milton, FL 32570. Applicant's representative: James A. Johnston, 1 North Palafox Street, Pensacola, FL 32501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobile and trucks* in a driveway and or towaway service, for private owners, finance companies, insurance companies, and other persons or firms, from points in the United States (excluding Hawaii), to Pensacola, Fla., for 180 days. Supporting shippers: Ford Motor Credit Co., Post Office Box 8006, Pensacola, FL 32505; General Finance Corp. of Florida, 730 West Garden Street, Pensacola, FL 32502; Chrysler Credit Corp., Pensacola, Fla. 32505. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 136666 TA, filed April 27, 1972. Applicant: G & C TRUCKING, INC., 4501 North Galvez Street, New Orleans, LA 70117. Applicant's representative: Carol B. Hart, 1304 National Bank of Commerce Building, New Orleans, La. 70112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from New Orleans, La., to points in Louisiana and Mississippi on and south of U.S. Highway 80, restricted to shipments having a prior rail movement in interstate commerce, for 180 days. Supporters: There are approximately 10 statements of support attached to the application which may be examined here at the Interstate Commerce Commission, Washington, D.C., or copies thereof which may be examined at the field offices named below. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, T-9038 Federal Building, 701 Loyola Avenue, New Orleans, LA 70113.

By the Commission.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.72-7415 Filed 5-15-72; 8:45 am]

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during May.

3 CFR	Page	7 CFR—Continued	Page	14 CFR	Page
PROCLAMATIONS:		1205	9016	39	8866, 9209, 9384, 9385, 9620, 9621
3044 (see EO 11669)	9013	1421	8863, 9016, 9558	71	8944, 9022, 9104, 9105, 9210, 9461, 9621, 9622
3279 (amended by Proc. 4133)	9543	1488	9383	73	8867, 9462, 9622
4126	8857	1804	9618	75	9022, 9386, 9462
4127	8937	1890t	9206	95	8944, 9023
4128	9009	PROPOSED RULES:		97	9209, 9462
4129	9011	52	9128	202	9314
4130	9199	54	9325	208	8947, 9315
4131	9311	55	9325	214	894
4132	9455	56	9325	287	8948
4133	9543	70	9325	374a	9386
4134	9607	760	9224	PROPOSED RULES:	
4135	9663	910	9042	17	9044
EXECUTIVE ORDER:		915	9401	61	9225
11669	9013	916	9485	67	9225
PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:		917	9327, 9634	71	9138, 9226, 9489-9495, 9637, 9675, 9676
Memorandum of April 19, 1972	9101	918	9564	73	9495
		944	9403	77	9405
		987	8952	121	9225
		1006	9565	127	9225
		1012	9565	183	9225
		1013	9565		
		1030	9128, 9634		
		1065	9634		
		1127	9042		
		1824	9485		
4 CFR		9 CFR		16 CFR	
331	9609	11	9018	13	9107-9110
351	9609	71	8864, 9460	254	9665
400	9609	76	8864, 9103, 9460	423	9210
401	9609	82	8943	PROPOSED RULES:	
402	9609	92	9019	300	9498
		97	9384	301	9498
		Ch. III	9460	303	9498
		381	9706		
		PROPOSED RULES:			
		92	9328		
5 CFR		10 CFR		17 CFR	
213	8939, 9015, 9383	30	9207	240	9390, 9391, 9668
733	9609	50	9619	249	9391
PROPOSED RULES:		150	9207	PROPOSED RULES:	
2411	9138	170	8943	249	9045
2470	9141	PROPOSED RULES:			
2471	9141	2	9331		
		50	9331		
		140	9227		
6 CFR		12 CFR		18 CFR	
101	8939, 9457	225	9022	250	9559
300	8941, 9120, 9313	528	8865	PROPOSED RULES:	
PROPOSED RULES:		563	9314	2	9347
401	8951	PROPOSED RULES:		157	9497
		207	9243		
		220	9243		
		221	9243		
		225	9044		
		330	8888		
		545	9496		
		721	8952		
7 CFR		13 CFR		19 CFR	
47	9201	107	8865	1	9210, 9559
54	9458	121	9104	10	8867
55	9458	PROPOSED RULES:		12	9560
56	9458	107	9243	16	8948, 9316
68	8859	207	9243	PROPOSED RULES:	
70	9458	220	9243	10	9564
81	9665	221	9243	153	9125
220	9609	225	9044		
271	9313	330	8888		
301	8860	545	9496		
401	9458	721	8952		
409	9458				
722	9202				
729	8860				
811	8861				</

21 CFR—Continued

135g	9317
141a	9317
146a	9317
146c	9317
146e	9317
149b	9392
149d	9320
191	9623
308	9545

PROPOSED RULES:

1	9128
2	9128
4	9128
8	9128
121	9128
130	9128
135	9128
146	9128
191	9128

22 CFR

41	9023
1002	9320

23 CFR

204	9212, 9623
-----	------------

PROPOSED RULES:

204	9227
-----	------

24 CFR

242	9111
390	9320
420	9320
490	9320
491	9320
1914	9111, 9625, 9626
1915	9113, 9626, 9627

PROPOSED RULES:

235	9401
-----	------

25 CFR

251	9628
-----	------

PROPOSED RULES:

197	9674
231	9038

26 CFR**PROPOSED RULES:**

1	9030,
	9278, 9280, 9287, 9289, 9295, 9325,
	9405, 9674
20	9295
25	9295

28 CFR

0	9214, 9628
---	------------

29 CFR

525	9214
601	8871
613	8872
616	8873
688	8873
690	8873
1601	9214
1602	9214

29 CFR—Continued

1912	8873
1926	9024

PROPOSED RULES:

5	9043
1910	9440
1926	9440

30 CFR

75	8949
----	------

PROPOSED RULES:

58	9125
271	8994

32 CFR

163	9629
207	9669
211	9457
1606	9114
1608	9114
1670	9117

PROPOSED RULES:

1626	9566
1627	9566
1660	9567
1661	9566
1710	9405

32A CFR**PROPOSED RULES:**

Ch. XI	9347
--------	------

33 CFR

117	8950
-----	------

PROPOSED RULES:

117	9404
-----	------

37 CFR

1	9475
2	9475

PROPOSED RULES:

1	9225, 9488
2	9488

39 CFR

261	9392
-----	------

40 CFR

2	9629
164	9476
180	9482, 9483

PROPOSED RULES:

180	9228, 9229, 9496
-----	------------------

41 CFR

5A-1	9105
5A-2	8874
5A-16	9105
5A-72	8875
5A-73	8875
24-1	9105
60-7	8950
101-26	8875
101-32	8875, 8879
101-39	9631
101-43	8881
101-46	8881

41 CFR—Continued

PROPOSED RULES:	
3-30	9043

42 CFR

91	9188
----	------

PROPOSED RULES:

57	8885
----	------

45 CFR

116	9536
151	9671
234	9025

46 CFR

146	9631
-----	------

PROPOSED RULES:

30	9404
31	9404
35	9404
151	9404

47 CFR

0	8950
2	8882, 9560
15	9672
64	9392
73	9117, 9220, 9484
81	9026
83	9026
87	8884

PROPOSED RULES:

21	9229
25	9229

49 CFR

1	9321
172	9632
173	9221
571	9222, 9322, 9394
1002	9027
1005	9027
1033	8950,
	9028, 9029, 9118, 9119, 9632, 9633
1111	9672
1115	9119
1300	9398
1303	9398
1304	9398
1306	9398
1307	9399
1308	9399
1309	9399

PROPOSED RULES:

571	9138
Ch. X	8952
1048	8952
1115	9405
1124	9044

50 CFR

16	9223
28	9110, 9323
32	8950
33	9110
240	9399
250	9400

PROPOSED RULES:

260	9328
-----	------

LIST OF FEDERAL REGISTER PAGES AND DATES—MAY

Pages	Date	Pages	Date	Pages	Date
8853-8929	May 2	9095-9191	May 5	9449-9538	May 11
8931-9002	3	9193-9303	6	9539-9599	12
9003-9093	4	9305-9375	9	9601-9658	13
		9377-9448	10	9659-9747	16

federal register

TUESDAY, MAY 16, 1972
WASHINGTON, D.C.

Volume 37 ■ Number 95

PART II



DEPARTMENT OF AGRICULTURE

**Animal and Plant Health
Inspection Service**



POULTRY PRODUCTS INSPECTION REGULATIONS

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter III—Animal and Plant Health Inspection Service (Meat and Poultry Inspection), Department of Agriculture

SUBCHAPTER C—MANDATORY POULTRY PRODUCTS INSPECTION

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

Statement of considerations. The Poultry Products Inspection Act (71 Stat. 441) was extensively revised by the Wholesome Poultry Products Act (82 Stat. 791). Such revision of the legislation necessitates or makes appropriate numerous changes in, and additions to, the Federal poultry inspection regulations.

On May 27, 1971, a notice was published in the FEDERAL REGISTER (36 F.R. 9716-9754) in accordance with the administrative procedure provisions in 5 U.S.C., section 553, that pursuant to the Poultry Products Inspection Act (71 Stat. 441, as amended by the Wholesome Poultry Products Act, 82 Stat. 791; 21 U.S.C. 451 et seq.), and other laws, the Department of Agriculture proposed to revise the Federal poultry inspection regulations in 7 CFR Part 81.

Comments on the proposal were received from 35 persons. Consumers, consumer organizations, the affected industries, trade organizations, and Federal, State, and municipal governments were represented in the responses received.

The opinions expressed related predominantly to (1) withholding of inspection service, (2) restrictions on the use of substances in poultry products, (3) standards of identity of poultry products, (4) form and wording of labels, and (5) inspection and disposition in cases of suspicion of biological residues.

Certain other comments relating to the environmental impact were given consideration, but it is concluded that they do not require changes in the regulations as proposed. The proposed amendment relating to the disposition of poultry carcasses because of airsacculitis is not included in the revision because it is being given further consideration. Amendments will be made in the regulations as hereinafter adopted if it is finally determined that they are necessary. Proposed provisions relating to political activities of inspectors are omitted from the regulations as adopted since such activities are regulated by Federal laws, and repetition of the legal restrictions in the regulations is deemed unnecessary and could be confusing.

The comments received on the withholding of service for the most part questioned the authority of the Department to withhold service when personnel of the inspection program were forcibly assaulted, intimidated, or otherwise interfered with while engaged in or on account of the performance of their official duty under the Act.

The Secretary of Agriculture has the responsibility under the Act to provide inspection for poultry and poultry products processed for interstate commerce or otherwise subject to the Act. This vital function can only be carried out if inspection personnel work under circumstances in which they can concentrate fully on their inspection duties without having their attention diverted. This situation does not exist where tension and other mental distractions are occurring, whether they result from acts such as forcible assaults or from threats of such assaults, and inspection should be stopped until these distractions are removed. There is no intent on the part of the Department to withhold inspection service from any official establishment without cause. It does not appear that public participation in connection with the adoption of the provisions for withholding inspection because of threats of forcible assault would make additional information available to the Department.

With respect to the comments relating to the restrictions on the use of substances in poultry products, the following considerations are relevant. Section 4(g) of the Poultry Products Inspection Act provides, in clauses (B), (C), and (D) of subparagraph (2), that any poultry product is adulterated if it bears or contains any food additive or color additive which is unsafe under section 409 or 706 of the Federal Food, Drug and Cosmetic Act, or if it is a raw agricultural commodity and bears or contains a pesticide chemical which is unsafe under section 408 of the Federal Food, Drug, and Cosmetic Act. Further, the proviso following clause (D) in said subparagraph (2) provides that an article not classed as adulterated under any of those clauses shall nevertheless be deemed adulterated if use of the substance is prohibited by regulation of the Secretary of Agriculture in official establishments (i.e., those where inspection is provided under the Act). Therefore, the Secretary has authority to prohibit, by regulation, the use in or on any poultry products in official establishments of any food additive, color additive, or pesticide chemical not barred under said sections of the Federal Food, Drug, and Cosmetic Act. Also, under clause (A) of subparagraph (2) in section 4(g) of the Poultry Products Inspection Act, the Secretary has discretionary authority to decide whether in his judgment any added poisonous or added deleterious substance (other than a pesticide chemical, in or on a raw agricultural commodity, or a food additive or color additive) borne by or contained in any poultry product may render such article unfit for human food and therefore adulterated. Also, poultry products are classed as adulterated under subparagraph (1) of section 4(g) of the Act if they bear or contain any added poisonous or added deleterious substance which may render them injurious to health. The Act makes the Department responsible for ascertaining that products to which the official

inspection legend is applied are not adulterated (e.g., section 8(a)). The Department is also responsible for enforcing the prohibitions in the Act (e.g., section 9) against the distribution in commerce or otherwise under the Act of adulterated poultry products.

Further, the Department is responsible for enforcing the provisions of the Act relating to misbranding. For example, section 8 of the Act requires that inspected and passed poultry products bear all information required by the definition of "misbranded" in paragraph 4(h) of the Act when they leave official establishments, including an appropriate product name, and the Act (e.g., sections 4(h) and 8) forbids the distribution under the Act of products that have false or misleading labeling or are otherwise misbranded.

It would be impossible to fulfill these responsibilities without effective control over the use of all substances in the preparation of poultry products at official establishments, and such control can only be maintained by a general prohibition on the use of any substance at such establishments unless it is specifically permitted. Such permission may, of course, be given in a published regulation, but it is also deemed appropriate to provide for determining in certain specific cases whether a particular substance may be used, in order to enable a decision to be made on a temporary basis with respect to a particular applicant while more extended general rule making procedure is in progress. There is no requirement in the Poultry Products Inspection Act that any procedures prescribed in the Federal Food, Drug, and Cosmetic Act be followed in issuing regulations or taking other actions under the Poultry Products Inspection Act.

The Secretary of Agriculture is authorized by section 14 of the Poultry Products Inspection Act to make such regulations as are necessary to carry out the provisions of the Act. Clearly, this authorizes him to issue regulations prohibiting the use in official establishments of any pesticide chemical, food additive, color additive, or other added poisonous or deleterious substance or any other substance in or on poultry products that would cause such articles to be adulterated or misbranded under any provision in the definitions of "adulterated" and "misbranded"; e.g., any substance that would render an article adulterated by concealing damage or inferiority or making the article appear better than it is. Accordingly, the revised regulations (§ 381.147) broadly prohibit the use of any substance in poultry products subject to the Act unless such use has been approved by the responsible official in the Department, either in the regulations or in specific cases, and they provide for appropriate inspection procedures to determine whether products processed under inspection are adulterated. Section 6 of the Act requires that poultry products found to be adulterated shall be condemned and destroyed for human food purposes, if they cannot

be made not adulterated by reprocessing. The regulations (§ 381.95) implement this requirement. Further, under the Federal Food, Drug, and Cosmetic Act, poultry carcasses or parts or products thereof are prohibited from distribution in interstate commerce (as defined in that Act) for animal food if they are adulterated within the meaning of that Act; e.g., by reason of the presence of good additives, pesticide residues, or other substances prohibited under that Act.

With respect to the comments relating to the authority of the Secretary to regulate the form and wording of labels and to prescribe standards of identity or composition for poultry products, the Act clearly provides such authority. Section 8(a) of the Act requires certain information to appear on labels of containers of poultry products inspected and found to be not adulterated under the Act and gives the Secretary discretionary authority to require such information on nonconsumer-packaged poultry carcasses. Section 8(b) authorizes the Secretary, when he determines such action is necessary for protection of the public, to prescribe (1) styles and sizes of type to be incorporated in required labeling material, and (2) definitions and standards of identity or composition of articles subject to the Act. The Act (e.g., sections 8(c) and 9) authorizes the Secretary to review labeling and containers of poultry products subject to the Act in order to assure that they are not false or misleading, and prohibits the distribution under the Act of misbranded poultry products capable of use as human food. Poultry products are classed as misbranded by section 4(h)(6) of the Act if any required information is not prominently placed on the labeling with such conspicuousness and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use. The requirements of Subpart N of the regulations are deemed necessary to assure compliance with section 4(h)(6) and other provisions of the Act. Section 14 of the Act authorizes the issuance of regulations necessary to carry out the provisions of the Act.

The regulations as set forth herein differ in various aspects from the provisions in the above-cited notice of rule making. The differences are due primarily to changes made pursuant to comments received from interested persons, or to reflect heretofore unpublished policies and interpretations, or recent administrative determinations that use of certain substances would result in adulteration of the poultry products involved, or to incorporate amendments proposed in other rule making proceedings (36 F.R. 13331) or separate amendments of the regulations heretofore adopted (36 F.R. 22053, 37 F.R. 4174). In § 381.35, the charge for frivolous appeal inspection service is changed to conform to recent amendments of the provisions specifying charges for overtime or holiday inspection service, in order to cover the cost of rendering such service. Information

as to such cost is solely within the knowledge of this Department.

Certain other separately proposed amendments not reflected in this revision are being considered and will be determined separately.

These regulations will implement the amendments made in the Poultry Products Inspection Act by the Wholesome Poultry Products Act. It is essential that implementing regulations be adopted and published as soon as possible in order to afford sufficient time for the affected industries to adjust their programs and operations to comply with the revised requirements when they become effective.

Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further notice and other public rule making procedure on the regulations are impracticable and unnecessary.

There were recently published in the FEDERAL REGISTER (37 F.R. 6327, 6505) orders of the Secretary of Agriculture and the Assistant Secretary for Marketing and Consumer Services whereby the responsibility for inspection of poultry and poultry products was transferred from the Consumer and Marketing Service to the Animal and Plant Health Service, which was redesignated as the Animal and Plant Health Inspection Service.

Therefore, after due consideration of all comments received with respect to the notice of rule making and all other relevant information in the Department, the regulations in 7 CFR Part 81 are hereby transferred to 9 CFR Chapter III, as new Subchapter C, Part 381, and are revised to read as follows, pursuant to section 14 of the Poultry Products Inspection Act, as amended by the Wholesome Poultry Products Act (21 U.S.C. 451 et seq.); the Talmadge-Aiken Act of September 28, 1962 (7 U.S.C. 450); and subsection 21(b) of the Federal Water Pollution Control Act, as amended by Public Law 91-224 and by other laws (33 U.S.C. 1171(b)).

Subpart A—Definitions

- Sec.
381.1 Definitions.

Subpart B—Administration; Application of Inspection and Other Requirements

- 381.3 Administration.
381.4 Inspection in accordance with methods prescribed or approved.
381.5 Publications.
381.6 Establishments requiring inspection.
381.7 Coverage of all poultry and poultry products processed in official establishments.

Subpart C—Exemptions

- 381.10 Exemptions for specified operations.
381.11 Exemptions based on religious dietary laws.
381.12 Effect of religious dietary laws exemptions on other persons.
381.13 Suspension or termination of exemptions.
381.14 Inspection concerning purportedly exempted operations.
381.15 Exemption from definition of "poultry product" of certain human food products containing poultry.

Subpart D—Application for Inspection; Grant or Refusal of Inspection

- 381.16 How application shall be made.

- Sec.
381.17 Filing of application.
381.18 Authority of applicant.
381.19 Application for inspection; required facilities.
381.20 Survey and grant of inspection.
381.21 Refusal of inspection.

Subpart E—Inauguration of Inspection; Official Establishment Numbers; Separation of Establishments and Other Requirements; Withdrawal of Inspection

- 381.25 Official establishment numbers.
381.26 Separation of establishments.
381.27 Inauguration of service; notification concerning regulations; status of uninspected poultry products.
381.28 Report of violations.
381.29 Suspension or other withdrawal of inspection service.

Subpart F—Assignment and Authorities of Program Employees; Appeals

- 381.30 Licensed or otherwise authorized inspectors.
381.31 Expiration, suspension or revocation and surrender of licenses.
381.32 Access to establishments.
381.33 Identification.
381.34 Financial interest of inspectors.
381.35 Appeal inspections; how made.

Subpart G—Facilities for Inspection; Overtime and Holiday Service; Billing Establishments

- 381.36 Facilities required.
381.37 Time of inspection.
381.38 Schedule of operation of official establishment.
381.39 Overtime inspection service.
381.40 Holiday inspection service.
381.41 Supervisor overtime or holiday service.
381.42 Basis of billing establishments.

Subpart H—Sanitation

- 381.45 Minimum standards for sanitation, facilities and operating procedures in official establishments.
381.46 Buildings.
381.47 Rooms and compartments.
381.48 Floors, walls, ceilings, etc.
381.49 Drainage and plumbing.
381.50 Water supply.
381.51 Lavatories, toilets, and other sanitary facilities.
381.52 Lighting and ventilation.
381.53 Equipment and utensils.
381.54 Accessibility of equipment.
381.55 Restrictions on use of equipment and utensils.
381.56 Maintenance of sanitary conditions and precautions against contamination of poultry products.
381.57 Cleaning of rooms and compartments.
381.58 Cleaning of equipment and utensils.
381.59 Vermin.
381.60 Use of compounds.
381.61 Cleanliness and hygiene of official establishment personnel.

Subpart I—Operating Procedures

- 381.65 Operations and procedures, generally.
381.66 Temperatures and chilling and freezing procedures.

Subpart J—Ante Mortem Inspection

- 381.70 Ante mortem inspection; when required; extent.
381.71 Condemnation on ante mortem inspection.
381.72 Segregation of suspects on ante mortem inspection.
381.73 Quarantine of diseased poultry.
381.74 Poultry suspected of having biological residues.
381.75 Poultry used for research.

Subpart K—Post Mortem Inspection; Disposition of Carcasses and Parts

Sec.	
381.76	Post mortem inspection; when required; extent.
381.77	Carcasses held for further examination.
381.78	Condemnation of carcasses and parts; separation of condemned articles.
381.79	Passing of carcasses and parts.
381.80	General; biological residues.
381.81	Tuberculosis.
381.82	Diseases of Leukosis complex.
381.83	Septicemia or toxemia.
381.84	[Reserved]
381.85	Special diseases.
381.86	Inflammatory processes.
381.87	Tumors.
381.88	Parasites.
381.89	Bruises.
381.90	Cadavers.
381.91	Contamination.
381.92	Overscald.
381.93	Decomposition.

Subpart L—Handling and Disposal of Condemned or Other Inedible Products at Official Establishments

381.95	Disposal of condemned poultry products.
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Subpart M—Official Marks, Devices and Certificates; Export Certificates; Certification Procedures

381.96	Wording and form of the official inspection legend.
381.97	Official dressed poultry identification mark.
381.98	Official seal.
381.99	Official retention and rejection tags.
381.100	Official detention tag.
381.101	Official U.S. Condemned mark.
381.102	Official import inspection marks and devices.
381.103	Official poultry condemnation certificates; issuance and form.
381.104	Official export certificates, marks and devices.
381.105	Export certification; marking of containers.
381.106	Form of official export certificate.
381.107	Special procedures as to certification of poultry products for export to certain countries.
381.108	Official poultry inspection certificates; issuance and disposition.
381.109	Form of official poultry inspection certificate.
381.110	Erasures or alterations made on certificates.
381.111	Data to be entered in proper spaces.

Subpart N—Labeling and Containers

381.115	Containers of inspected and passed poultry products required to be labeled.
381.116	Wording on labels of immediate containers.
381.117	Name of product.
381.118	Ingredients statement.
381.119	Declaration of artificial flavoring or coloring.
381.120	Antioxidants; chemical preservatives; and other additives.
381.121	Quantity of contents.
381.122	Identification of manufacturer, packer or distributor.
381.123	Official inspection mark; official establishment number.
381.124	Dietary food claims.
381.125	Special handling label requirements.
381.126	Date of processing; contents of cans.
381.127	Wording on labels of shipping containers.
381.128	Labels in foreign languages.

Sec.

381.129	False or misleading labeling or containers.
381.130	False or misleading labeling or containers; orders to withhold from use.
381.131	Preparation of labeling or other devices bearing official inspection marks without advance approval prohibited; exceptions.
381.132	Approval required for labeling and other devices bearing official inspection marks.
381.133	Requirement of formulas and analyses.
381.134	Label approvals by the inspector in charge.
381.135	Modifications of approved labeling or devices.
381.136	Affixing of official identification.
381.137	Evidence of labeling and devices approval.
381.138	Unauthorized use or disposition of approved labeling or devices.
381.139	Removal of official identifications.
381.140	Relabeling poultry products.
381.141	Reporting of obsolete labels.

Subpart O—Entry of Articles Into Official Establishments; Processing Inspection and Other Re-inspections; Processing Requirements

381.145	Poultry products and other articles entering or at official establishments; examination and other requirements.
381.146	Sampling at official establishments.
381.147	Restrictions on the use of substances in poultry products.
381.148	Processing and handling requirements for frozen poultry products.
381.149	Processing and handling requirements for canned poultry products.
381.150	Cooking temperature requirements for poultry rolls and certain other poultry products.
381.151	Procedures in case of water pollution.
381.152	Preparation in an official establishment of articles not for human food.

Subpart P—Definitions and Standards of Identity or Composition

381.155	General.
381.156	Poultry meat content standards for certain poultry products.
381.157	Canned boned poultry and baby or geriatric food.
381.158	Poultry dinners (frozen) and pies.
381.159	Poultry rolls.
381.160	(Kind) burgers; (kind) patties.
381.161	(Kind) A La Kiev.
381.162	"(Kind) steak or fillet."
381.163	"(Kind) baked" or (Kind) roasted."
381.164	"(Kind) barbecued."
381.165	"(Kind) barbecued prepared with moist heat."
381.166	Breaded products.
381.167	Other poultry dishes and specialty items.
381.168	Maximum percent of skin in certain poultry products.
381.169	Ready-to-cook poultry products to which solutions are added.
381.170	Standards for kinds and classes, and for cuts of raw poultry.

Subpart Q—Records, Registration, and Reports

381.175	Records required to be kept.
381.176	Place of maintenance of records.
381.177	Record retention period.
381.178	Access to and inspection of records, facilities and inventory; copying and sampling.

Sec.

381.179	Registration.
381.180	Information and reports required from official establishment operators.
381.181	Reports by consignees of allegedly adulterated or misbranded products; sale or transportation as violations.
381.182	Reports of inspection work.

Subpart R—Cooperation With States and Territories; Certification of State and Territorial Programs as at Least Equal to Federal Program

381.185	Assistance to State and Territorial programs.
381.186	Cooperation of States and other jurisdictions in Federal programs.
381.187	Certification of States with programs at least equal to Federal program.

Subpart S—Transportation; Exportation; or Sale of Poultry or Poultry Products

381.190	Transactions in slaughtered poultry and other poultry products restricted.
381.191	Distribution of inspected products to small lot buyers.
381.192	Penalties inapplicable to carriers.
381.193	Poultry carcasses, etc. not intended for human food.

Subpart T—Imported Poultry Products

381.195	Requirements for importation into United States.
381.196	Eligibility of foreign countries for importation of poultry products into the United States.
381.197	Imported products; foreign inspection certificates required.
381.198	Importer to make application for inspection of imported poultry products.
381.199	Inspection of imported poultry products.
381.200	Imported poultry products, retention in customs custody; delivery under bond; movement prior to inspection; sealing; handling; facilities and assistance.
381.201	Means of conveyance and equipment used in handling imported poultry products to be maintained in sanitary condition.
381.202	Poultry products offered for entry; reporting of findings to customs; handling of articles refused entry.
381.203	Imported products; charges for storage, cartage and labor with respect to products which are refused entry.
381.204	Marking of poultry products offered for entry.
381.205	Labeling of immediate containers of imported poultry products.
381.206	Labeling of shipping containers of imported poultry products.
381.207	Small importations for consignee's personal use, display, or laboratory analysis.
381.208	Imported poultry products to be handled and transported as domestic; entry into official establishments; transportation.
381.209	Returned United States inspected and marked poultry products; exemption.

Subpart U—Detention; Seizure and Condemnation; Criminal Offenses

381.210	Poultry and other articles subject to administrative detention.
381.211	Method of detention; form of detention tag.

- Sec.
381.212 Notification of detention to the owner of the article detained, or his agent, or person having custody.
381.213 Notification of governmental authorities having jurisdiction over article detained; form of written notification.
381.214 Movement of poultry or other article detained; removal of official marks.
381.215 Poultry or other articles subject to judicial seizure and condemnation.
381.216 Procedure for judicial seizure, condemnation, and disposition.
381.217 Authority for condemnation or seizure under other provisions of law.
381.218 Criminal offenses.

Subpart V—Special Provisions for Designated States and Territories; Criteria and Procedure for Designating Establishments With Operations Which Would Clearly Endanger the Public Health; Disposition of Poultry Products Therein

- 381.220 Definition of "State".
381.221 Designation of States under paragraph 5(c) of the Act.
381.222 States designated under paragraph 5(c) of the Act; application of regulations.
381.223 Control and disposition of nonfederally inspected poultry products in States designated under paragraph 5(c) of the Act.
381.224 Designation of States under section 11 of the Act; application of sections of the Act and the regulations.
381.225 Criteria and procedure for designating establishments with operations which would clearly endanger the public health; disposition of poultry products therein.

AUTHORITY: The provisions of this Part 381 issued under section 14 of the Poultry Products Inspection Act, as amended by the Wholesome Poultry Products Act (21 U.S.C. 451 et seq.); the Talmadge-Aiken Act of September 28, 1962, (7 U.S.C. 450); and subsection 21(b) of the Federal Water Pollution Control Act, as amended by Public Law 91-224 and by other laws (33 U.S.C. 1171(b)).

Subpart A—Definitions

§ 381.1 Definitions.

(a) For the purposes of the regulations in this part, unless otherwise required by the context, the singular form shall also import the plural and the masculine form shall also import the feminine, and vice versa.

(b) For the purposes of such regulations, unless otherwise required by the context, the following terms shall be construed, respectively, to mean:

(1) **Acceptable.** "Acceptable" means suitable for the purpose intended and acceptable to the Administrator.

(2) **Act.** "Act" means the Poultry Products Inspection Act (71 Stat. 441, as amended by the Wholesome Poultry Products Act, 82 Stat. 791; 21 U.S.C. 451 et seq.).

(3) **Administrator.** "Administrator" means the Administrator of the Animal and Plant Health Inspection Service of the Department or any other officer or employee of the Department to whom

there has heretofore been delegated, or to whom there may hereafter be delegated the authority to act in his stead.

(4) **Adulterated.** "Adulterated" applies to any poultry product under one or more of the following circumstances:

(i) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such article shall not be considered adulterated under this clause if the quantity of such substance in or on such article does not ordinarily render it injurious to health;

(ii) (a) If it bears or contains (by reason of administration of any substance to the live poultry or otherwise) any added poisonous or added deleterious substance (other than one which is a pesticide chemical in or on a raw agricultural commodity; a food additive; or a color additive) which may, in the judgment of the Administrator, make such article unfit for human food;

(b) If it is, in whole or part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical which is unsafe within the meaning of section 408 of the Federal Food, Drug, and Cosmetic Act;

(c) If it bears or contains any food additive which is unsafe within the meaning of section 409 of the Federal Food, Drug, and Cosmetic Act;

(d) If it bears or contains any color additive which is unsafe within the meaning of section 706 of the Federal Food, Drug, and Cosmetic Act;

Provided, That an article which is not otherwise deemed adulterated under (b), (c), or (d) of this subdivision shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive, or color additive in or on such article is prohibited by the regulations in this part in official establishments;

(iii) If it consists in whole or in part of any filthy, putrid, or decomposed substance or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food;

(iv) If it has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;

(v) If it is, in whole or in part, the product of any poultry which has died otherwise than by slaughter;

(vi) If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

(vii) If it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act; or

(viii) If any valuable constituent has been in whole or in part omitted or abstracted therefrom; or if any substance has been substituted, wholly or in part therefor; or if damage or inferiority has been concealed in any manner; or if any substance has been added thereto

or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

(5) **Animal food manufacturer.** "Animal Food Manufacturer" means any person engaged in the business of manufacturing or processing animal food derived wholly or in part from carcasses, or parts or products of the carcasses, of poultry, except manufacturers of livestock and poultry feeds with respect to any activity of acquiring or using processed poultry byproducts (such as poultry byproducts meal) in the manufacture of such feeds.

(6) **Applicant.** "Applicant" means any person who requests inspection service, exemption, or other authorization under the regulations.

(7) **Biological residue.** "Biological Residue" means any substance, including metabolites, remaining in poultry at the time of slaughter or in any of its tissues after slaughter, as the result of treatment or exposure of the live poultry to a pesticide, organic compound, metallic or other inorganic compound, hormone, hormone-like substance, growth promoter, antibiotic, anthelmintic, tranquilizer, or other agent that leaves a residue.

(8) **Capable of use as human food.** The term "capable of use as human food" applies to any carcass, or part or product of a carcass of any poultry, unless it is denatured or otherwise identified as required by the regulations, or it is naturally inedible by humans.

(9) **Carcass.** This term means all parts, including viscera, of any slaughtered poultry.

(10) **Commerce.** "Commerce" means commerce between any State, any territory, or the District of Columbia, and any place outside thereof; or within any territory not organized with a legislative body, or the District of Columbia.

(11) **Consumer package.** "Consumer package" means any container in which a poultry product is enclosed for the purpose of display and sale to household consumers.

(12) **Container.** The term "container" includes any box, can, tin, cloth, plastic, or any other receptacle, wrapper, or cover.

(13) **Department.** "Department" means the United States Department of Agriculture.

(14) **Dressed poultry.** "Dressed poultry" means poultry which has been slaughtered for human food with head, feet, and viscera intact and from which the blood and feathers have been removed.

(15) **Dressed poultry identification mark.** "Dressed poultry identification mark" means the symbol prescribed in § 381.97 stating that the dressed poultry is eligible for further processing in official establishments under inspection.

(16) **Edible.** This term means that an article is intended for use as human food.

(17) **Egg Products Inspection Act.** "Egg Products Inspection Act" means the Act so entitled, approved December 29, 1970 (84 Stat. 1620, 21 U.S.C. 1031 et seq.).

(18) *Federal Food, Drug, and Cosmetic Act*. "Federal Food, Drug, and Cosmetic Act" means the Act so entitled, approved June 25, 1938 (52 Stat. 1040), and acts amendatory thereof or supplementary thereto (21 U.S.C. 301 et seq.).

(19) *Federal Meat Inspection Act*. "Federal Meat Inspection Act" means the Act so entitled, approved March 4, 1907, 34 Stat. 1260, as amended by the Wholesome Meat Act, 81 Stat. 584 (21 U.S.C. 601 et seq.).

(20) *Free from protruding pinfeathers*. "Free from protruding pinfeathers" means that the carcass is free from protruding pinfeathers which are visible to an inspector during an examination of the carcass at normal operating speeds. However, a carcass may be considered as being free from protruding pinfeathers if it has a generally clean appearance (especially on the breast), and if not more than an occasional protruding pinfeather is in evidence during a more careful examination of the carcass.

(21) *Giblets*. "Giblets" means the liver from which the bile sac has been removed, the heart from which the pericardial sac has been removed, and the gizzard from which the lining and contents have been removed: *Provided*, That each such organ has been properly trimmed and washed.

(22) *Immediate container*. "Immediate container" includes any consumer package; or any other container in which poultry products, not consumer packaged, are packed.

(23) *Inedible*. This term means any carcass or any part of a carcass that is either naturally inedible by humans or is rendered unfit for human food by reason of adulteration or denaturing.

(24) *Inspected for wholesomeness*. This term means that the poultry product so identified has been inspected and was found at the time of such inspection to be not adulterated.

(25) *Inspection*. "Inspection" means any inspection required by the regulations to determine whether any poultry or poultry products comply with the requirements of the Act and the regulations.

(26) *Inspection Service*. "Inspection Service" means the organizational unit within the Department having the responsibility for carrying out the provisions of the Act.

(27) (i) *Inspection Service employee*. This term refers to any employee of the Inspection Service who is authorized to perform any function under the regulations.

(ii) *Inspection Service supervisor*. This term refers to any employee of the Inspection Service who is delegated authority to exercise supervision over certain phases of the inspection program at a designated level.¹

¹ Information identifying the employees who have been delegated such authority at various levels may be obtained from an inspector or from the Administrator, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250.

(28) (i) *Inspector*. "Inspector" means (a) an employee or official of the U.S. Government authorized by the Administrator to inspect poultry and poultry products under the authority of this Act, or (b) any employee or official of the government of any State or Territory or the District of Columbia authorized by the Administrator to inspect poultry and poultry products under the authority of this Act, under an agreement entered into between the Administrator and the appropriate State or other agency.

(ii) *Inspector in Charge*. This term means the inspector primarily responsible for the conduct of inspection at any particular official establishment.

(29) *Label*. This term applies to any display of written, printed, or graphic matter upon any article or the immediate container (not including package liners) of any article.

(30) *Labeling*. This term applies to all labels and other written, printed, or graphic matter (i) upon any article or any of its containers or wrappers, or (ii) accompanying such article.

(31) *Misbranded*. This term applies to any poultry product under one or more of the following circumstances:

(i) If its labeling is false or misleading in any particular;

(ii) If it is offered for sale under the name of another food;

(iii) If it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word "imitation" and immediately thereafter, the name of the food imitated;

(iv) If its container is so made, formed, or filled as to be misleading;

(v) If in a package or other container, unless it bears a label showing:

(a) The name and place of business of the manufacturer, packer, or distributor; and

(b) An accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; except as otherwise provided in § 381.121(a) with respect to the quantity of contents;

(vi) If any word, statement, or other information required by or under authority of the Act to appear on the label or other labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

(vii) If it purports to be or is represented as a food for which a definition and standard of identity or composition is prescribed by the regulations in Subpart P of this part unless:

(a) It conforms to such definition and standard; and

(b) Its label bears the name of the food specified in the definition and standard, and insofar as may be required by such regulations, the common names of optional ingredients (other than spices, flavoring, and coloring) present in such food.

(viii) If it purports to be or is represented as a food for which a standard or standards of fill of container have been prescribed by regulations of the Secretary,² and falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard;

(ix) If it is not subject to the provisions of subdivision (vii) of this subparagraph, unless its label bears:

(a) The common or usual name of the food, if any there be, and

(b) In case it is fabricated from two or more ingredients, the common or usual name of each ingredient, except as otherwise provided in § 381.118(c);

(x) If it purports to be or is represented for special dietary uses, unless the label bears such information concerning its vitamin, mineral, and other dietary properties as is required by § 381.124;

(xi) If it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears a label stating that fact; except as otherwise provided in § 381.119, or

(xii) If it fails to bear, directly thereon or on its containers, when required by § 381.123, the official inspection legend and the official establishment number of the establishment where the product was processed; and unrestricted by any of the foregoing; such other information as the Administrator may require in the regulations to assure that it will not have false or misleading labeling and that the public will be informed of the manner of handling required to maintain the article in a wholesome condition.

(32) *Nonfood compound*. This term means any agent proposed for use in official establishments but not intended as an ingredient of a poultry product.

(33) *Official establishment*. "Official establishment" means any establishment as determined by the Administrator at which inspection of the slaughter of poultry, or the processing of poultry products, is maintained pursuant to the regulations.

(34) *Official mark*. This term means any symbol prescribed in Subpart M of this part to identify the status of any article or poultry under the Act.

(35) *Official inspection legend*. This term means the official inspection mark prescribed in § 381.96 or the official poultry identification mark prescribed in § 381.97, showing that an article was inspected for wholesomeness and passed in accordance with the Act.

(36) *Official certificate*. This term means any certificate prescribed in Subpart M of this part relating to poultry or poultry products.

(37) *Official device*. This term means any label or other device prescribed in Subpart M of this part for use in applying any official mark.

² No such standards are currently in effect. However, § 381.129 prohibits the use of false or misleading containers.

(38) *Pesticide chemical, food additive, color additive, raw agricultural commodity.* These terms shall have the same meanings for the purposes of the Act and the regulations as under the Federal Food, Drug, and Cosmetic Act.

(39) *Potable water.* "Potable water" means water that has been approved by the State health authority or other agency or laboratory acceptable to the Administrator as safe for drinking and suitable for food processing.

(40) *Poultry.* "Poultry" means any domesticated bird (chickens, turkeys, ducks, geese, or guineas), whether live or dead.

(41) *Poultry product.* This term means any poultry carcass or part thereof; or any product which is made wholly or in part from any poultry carcass or part thereof, excepting those exempted from definition as a poultry product in § 381.15. Except where the context requires otherwise (e.g., in subparagraph (42) of this paragraph), this term is limited to articles capable of use as human food.

(42) *Poultry products broker.* "Poultry products broker" means any person engaged in the business of buying or selling poultry products on commission, or otherwise negotiating purchases or sales of such articles other than for his own account or as an employee of another person.

(43) *Process.* Process used as a verb means to conduct any operation or combination of operations, whereby poultry is slaughtered, eviscerated, canned, salted, stuffed, rendered, boned, cut up, or otherwise manufactured or processed. The term "process" does not refer to freezing of poultry products, except when freezing is incidental to operations otherwise classed as "processing" under this paragraph.

(44) *Ready-to-cook poultry.* "Ready-to-cook poultry" means any dressed poultry free from protruding pinfeathers, vestigial feathers (hair or down as the case may be) and from which the head, feet, crop, oil gland, trachea, esophagus, entrails, mature reproductive organs, and lungs have been removed, and with or without the giblets, and which is suitable for cooking without need of further processing. Ready-to-cook poultry also means any cut-up or disjointed portion of poultry or other parts of poultry such as reproductive organs, head, or feet that are suitable for cooking without need of further processing.

(45) *Regulations.* "Regulations" means the provisions of this entire part.

(46) *Renderer.* "Renderer" means any person engaged in the business of rendering carcasses, or parts or products of the carcasses, of poultry, except rendering conducted under inspection or exemption pursuant to the regulations.

(47) *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or his delegate.

(48) *Shipping container.* "Shipping container" means any container used or intended for use in packaging the product packed in an immediate container.

(49) *Slaughter.* "Slaughter" means the act of killing poultry for human food.

(50) *State.* Except as otherwise provided in § 381.220 *State* means any State of the United States and the Commonwealth of Puerto Rico.

(51) (i) *Supervision.* This term means the controls, as prescribed in instructions to Inspection Service employees, to be exercised by them over particular operations to insure that such operations are conducted in compliance with the Act and the regulations in this part.

(ii) *Circuit supervisor.* This term refers to the official of the Inspection Service who is assigned responsibility for supervising the conduct of inspection at a specific group of official establishments.

(52) *Territory.* The term "territory" means Guam, the Virgin Islands of the United States, American Samoa, and any other territory or possession of the United States, excluding the Canal Zone.

(53) *United States.* This term means the States, the District of Columbia, and the territories of the United States.

(54) *U.S. Detained.* This term is applicable to poultry, poultry products, and other articles which are held in official custody in accordance with section 19 of the Act and § 381.210, pending disposal as provided in said section 19.

(55) *U.S. Condemned.* This term means that the poultry carcass, or part or product of a poultry carcass, so identified was inspected and found to be adulterated and is condemned.

(56) *U.S. Refused Entry.* This term means that the slaughtered poultry or other poultry product so identified was presented for inspection for entry into the United States and was found not to comply with the requirements of the Act.

(57) *U.S. Rejected.* This term means that the equipment or facility so identified is prohibited from being used in the processing of any poultry or poultry product until such equipment or facility is found by an inspector to be sanitary and otherwise eligible for use under the regulations.

(58) *U.S. Retained.* This term means that the poultry or carcass, or part or product of a carcass, of poultry so identified is held at an official establishment by the inspection service for further determination as to its disposal.

(c) For the purposes of the standard for cooked, smoked sausage (§ 319.180 of this chapter), the term "poultry byproduct" means the skin, fat, gizzard, heart, or liver, or any combination thereof, of any poultry.

Subpart B—Administration; Application of Inspection and Other Requirements

§ 381.3 Administration.

(a) General authority to administer the Act has been delegated to the Administrator (29 F.R. 16210, as amended; 37 F.R. 6327, 6505).

(b) The Administrator may in specific classes of cases waive for limited periods any provisions of the regulations in order to permit appropriate and necessary action in the event of a national emergency or to permit experimentation so that new procedures, equipment, and processing techniques may be tested to facilitate

definite improvements: *Provided*, That such waivers of the provisions of the regulations are not in conflict with the purposes or provisions of the Act.

§ 381.4 Inspection in accordance with methods prescribed or approved.

Inspection of poultry products shall be rendered pursuant to the regulations and under such conditions and in accordance with such methods as may be prescribed or approved by the Administrator.

§ 381.5 Publications.

Publications under the Act and the regulations shall be made in the FEDERAL REGISTER and in such other media as the Administrator may designate.

§ 381.6 Establishments requiring inspection.

Inspection under the regulations is required at:

(a) Every establishment, except as provided in § 381.10(a) and (b) or § 381.11, in which any poultry is slaughtered for transportation or sale in commerce, or in which any poultry products are wholly or in part, processed for transportation or sale in commerce, as articles intended for use as human food;

(b) Every establishment, except as provided in § 381.10 (a) and (b), (c), or (d), or § 381.11, within any State or organized territory which is designated in § 381.221 pursuant to section 5(c) of the Act, at which any poultry is slaughtered or any poultry products are processed, for use as human food solely for distribution within such jurisdiction; and

(c) Except as provided in § 381.10 (a) and (b), or (c), or § 381.11, every establishment designated by the Administrator pursuant to section 5(c) of the Act as one producing adulterated poultry products which would clearly endanger the public health.

§ 381.7 Coverage of all poultry and poultry products processed in official establishments.

All poultry and poultry products processed in an official establishment shall be inspected, handled, processed, marked, and labeled as required by the regulations.

Subpart C—Exemptions

§ 381.10 Exemptions for specified operations.

(a) The requirements of the Act and the regulations for inspection of the processing of poultry and poultry products shall not apply to:

(1) Any retail dealer with respect to poultry products sold in commerce directly to consumers in an individual retail store, if the only processing operation performed by such retail dealer is the cutting up of poultry products on the premises where such sales to consumers are made: *Provided*, That such operation is conducted under such sanitary standards, practices, and procedures as result in the preparation of poultry products that are not adulterated: *And provided*, further, That the poultry products sold in commerce are derived from poultry

inspected and passed under the Act and such poultry products are not adulterated or misbranded at the time of sale (except that the official inspection legend shall not be used). (For the purposes of this subparagraph, a retail dealer is any person who sells poultry products directly to consumers as defined in paragraph (d)(2)(vi) of this section and whose sales of poultry products to household consumers constitute, in terms of dollar value, at least 75 percent of his total sales of poultry products.);

(2) The slaughter of poultry, and the processing of poultry products, by any person in any territory not organized with a legislative body, solely for distribution within such territory: *Provided*, That such poultry is sound and healthy and is slaughtered under such sanitary standards, practices, and procedures as result in the preparation of poultry products that are not adulterated: *And provided, further*, That the poultry products are not adulterated or misbranded when so distributed (except that the official inspection legend shall not be used).

(3) The slaughtering by any person of poultry of his own raising, and the processing by him and transportation in commerce of the poultry products exclusively for use by him and members of his household and his nonpaying guests and employees: *Provided*, That in lieu of complying with all the adulteration and misbranding provisions of the Act, such poultry is healthy and is slaughtered and processed under such sanitary standards, practices, and procedures as result in the preparation of poultry products that are sound, clean, and fit for human food, and the shipping containers of such poultry products bear the producer's name and address and the statement "Exempted—P.L. 90-492."

(4) The custom slaughter by any person of poultry delivered by the owner thereof for such slaughter, and the processing by such slaughterer and transportation in commerce of the poultry products exclusively for use, in the household of such owner, by him and members of his household and his nonpaying guests and the employees: *Provided*, That such custom slaughterer does not engage in the business of buying or selling any poultry products capable of use as human food: *And provided, further*, That in lieu of complying with all the adulteration and misbranding provisions of the Act, such poultry is healthy and is slaughtered and processed under such sanitary standards, practices, and procedures as result in the preparation of poultry products that are sound, clean and fit for human food, and the shipping containers of such poultry products bear the owner's name and address and the statement "Exempted—P.L. 90-492."

(5) The slaughtering of sound and healthy poultry and processing of poultry products therefrom in any State or territory or the District of Columbia by any poultry producer on his own premises with respect to poultry raised on his premises, and the distribution by any person solely within such jurisdiction

of the poultry products derived from such operations: *Provided*, That (i) in lieu of complying with all the adulteration provisions of the Act, such poultry is slaughtered and otherwise processed and handled under such sanitary standards, practices, and procedures as result in the preparation of poultry products that are sound, clean, and fit for human food when so distributed; (ii) such poultry products when so distributed, bear (in lieu of labeling that would otherwise be required) the producer's name and address and the statement "Exempted—P.L. 90-492" and such poultry products are not otherwise misbranded; (iii) such producer and distributor do not engage in the current calendar year in the business of buying or selling any poultry or poultry products other than as specified in this subparagraph (5) or in subparagraph (6) of this paragraph; and (iv) neither such producer or distributor slaughters or processes the products of more poultry than allowed by paragraph (b) of this section.

(6) The slaughtering of sound and healthy poultry or the processing of poultry products of such poultry in any State or territory or the District of Columbia by any poultry producer or other person for distribution by him solely within such jurisdiction directly to household consumers, restaurants, hotels, and boardinghouses, for use in their own dining rooms, or in the preparation of meals for sales direct to consumers: *Provided*, That (i) in lieu of complying with all the adulteration provisions of the Act, such poultry is slaughtered and otherwise processed and handled under such sanitary standards, practices, and procedures as result in the preparation of poultry products that are sound, clean, and fit for human food when distributed by such processor; (ii) such poultry products when so distributed bear (in lieu of labeling that would otherwise be required) the processor's name and address and the statement "Exempted—P.L. 90-492" and such poultry products are not otherwise misbranded; (iii) such processor does not engage in the current calendar year in the business of buying or selling any poultry or poultry products other than as specified in this subparagraph (6) or in subparagraph (5) of this paragraph; and (iv) such processor does not exceed the volume limitation prescribed in paragraph (b) of this section.

(7) The operations and products of small enterprises (including poultry producers) not exempted under subparagraphs (1) through (6) of this paragraph that are engaged in any State or territory or the District of Columbia in slaughtering and/or cutting up poultry for distribution as carcasses or parts thereof solely for distribution within such jurisdiction: *Provided*, That (i) such poultry is sound and healthy when slaughtered and is slaughtered and/or cut up and handled under such sanitary standards, practices and procedures as result in the preparation of poultry products that are not adulterated when so distributed; and (ii) when so distrib-

uted, such poultry products are not misbranded (except that the official inspection legend shall not be used).

(b) No person qualifies for any exemption specified in paragraph (a) (5), (6), or (7) of this section if he slaughters or processes the products of more than 5,000 turkeys or an equivalent number of poultry of all species in the current calendar year (four birds of other species being deemed the equivalent of one turkey).

(c) The provisions of the Act and the regulations do not apply to any poultry producer with respect to poultry, of his own raising on his own farm, which he slaughters if:

(1) Such producer slaughters not more than 250 turkeys, or not more than an equivalent number of birds of all species, during the calendar year for which this exemption is being determined (four birds of other species being deemed the equivalent of one turkey);

(2) Such poultry producer does not engage in buying or selling poultry products other than those produced from poultry raised on his own farm; and

(3) None of such poultry moves in "commerce" (as defined in § 381.1).

(d) (1) The requirements of the Act and the regulations for inspection of the processing of poultry and poultry products do not apply to operations of types traditionally and usually conducted at retail stores and restaurants, in any State or organized territory, when conducted at any retail store or restaurant or similar retail-type establishment for sale in normal retail quantities or service of such articles to consumers at such establishments if such establishments would be subject to such inspection provisions only because the State or territory is designated under paragraph 5(c) of the Act. (This exemption does not apply to establishments at which poultry products are processed for commerce.)

(2) For the purposes of subparagraph (1) of this paragraph:

(i) Operations of types traditionally and usually conducted at retail stores and restaurants include any processing of poultry products except canning of poultry products and except slaughtering of poultry unless such slaughtering is conducted at a retail store with respect to live poultry purchased by the consumer at the retail store and processed by the retail store operator in accordance with the consumer's instructions.

(ii) A normal retail quantity is any quantity of a poultry product purchased by a consumer other than a household consumer from a retail supplier that in the aggregate does not exceed 75 pounds. A normal retail quantity sold by a retail supplier to other than a household consumer is any quantity that in the aggregate does not exceed 150 pounds.

(iii) A retail store is any place of business where sales of poultry products are made to consumers only; at least 75 percent, in terms of dollar value, of total sales of poultry products represents sales to household consumers and the total dollar value of sales of poultry products

to consumers other than household consumers does not exceed \$10,000 per year; only federally or State inspected and passed, or exempted (or, as provided in § 381.223, State or local agency inspected and passed or exempted) poultry products are handled or used in the preparation of any poultry products; no sale of poultry products is made in excess of a normal retail quantity as defined in subdivision (ii) of this subparagraph; and the processing of poultry products for sale is limited to traditional and usual operations as defined in subdivision (i) of this subparagraph.

(iv) A restaurant is any establishment where poultry products are processed only for sale or service, in meals, or as entrees, directly to individual consumers at such establishment; only federally inspected and passed, or exempted (or, as provided in § 381.223, State or local agency inspected and passed or exempted) poultry products are handled or used in the preparation of any poultry products; no sale of poultry products is made in excess of a normal retail quantity as defined in subdivision (ii) of this subparagraph; and the processing of poultry products is limited to traditional and usual operations as defined in subdivision (i) of this subparagraph.

(v) A similar retail-type establishment is any establishment which is a combination retail store and restaurant; any delicatessen which meets the requirements for a retail store or restaurant as prescribed in subdivision (iii) or (iv) of this subparagraph; or other establishment as determined by the Administrator in specific cases.

(vi) A consumer is any household consumer, hotel, or restaurant, or similar institution as determined by the Administrator in specific cases.

(3) Whenever any complaint is received by the Administrator from any person alleging that any retail establishment or restaurant claiming exemption under this paragraph (d) in any designated State or organized territory listed in § 381.221 that is also identified in § 381.224 as a jurisdiction that does not have or is not exercising adequate authority with respect to recordkeeping requirements, has been operated in violation of the conditions prescribed in this paragraph (d) for such exemption, and the Administrator, upon investigation of the complaint, has reason to believe that any such violation has occurred, he shall so notify the operator of the retail establishment or restaurant and afford him reasonable opportunity to present his views informally with respect to the matter. Thereafter, if the Administrator determines that such a violation has occurred, and that a requirement that the operator keep records concerning the operations of the retail establishment or restaurant would effectuate the purposes of the Act, the Administrator shall order the operator to maintain complete, accurate, and legible records of his total monthly purchases and of his total monthly sales of poultry and poultry products. Such records shall separately show total sales

to household consumers and total sales to other consumers, and shall be maintained for the period prescribed in § 381.177. If the operator maintains copies of bills of lading, receiving and shipping invoices, warehouse receipts, or similar documents which give the information required herein, additional records are not required by this subparagraph.

(4) The adulteration and misbranding provisions of the Act and the regulations other than the requirement of the official inspection legend, apply to articles which are exempted from inspection under this paragraph (d).

§ 381.11 Exemptions based on religious dietary laws.

(a) Any person who slaughters, processes, or otherwise handles poultry or poultry products which have been or are to be processed as required by recognized religious dietary laws may apply for exemption from specific provisions of the Act or regulations which are in conflict with such religious dietary laws. Any person desiring such an exemption shall apply in writing to the Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, Department of Agriculture, Washington, D.C. 20250, setting forth the specific provisions of the Act and the regulations from which exemption is sought and setting forth the provisions of the religious dietary laws in support of the requested exemption. In addition, the applicant for such an exemption shall submit a statement from the clerical official having jurisdiction over the enforcement of the religious dietary laws with respect to the poultry or poultry products involved, which identifies the requirements of such laws pertaining to the slaughter of the poultry and the processing or other handling of the poultry products involved, and certifies that such requirements are in conflict with specific provisions of the Act and regulations from which the exemption is sought.

(b) The Administrator, upon a determination that an exemption should be granted, will grant such exemption to the extent necessary to avoid conflict with the religious requirements while still effectuating the purposes of the Act. He may impose such conditions as to sanitary standards, practices, and procedures in granting such exemption as he deems necessary to effectuate the purposes of the Act. Any person who processes poultry or poultry products under exemption from certain requirements as provided in this section shall be subject to all of the other applicable provisions of the Act and the regulations. Processing plants shall meet the sanitary requirements set forth in this part and unless exempted from inspection under the provisions of this subpart, shall be required to qualify for inspection and operate as official establishments. Slaughtered poultry which is prepared under an exemption authorizing the sale of noneviscerated poultry in commerce shall be individually identified with a label approved by the

Administrator which identifies the clerical official under whose supervision the poultry was slaughtered.

§ 381.12 Effect of religious dietary laws exemptions on other persons.

Whenever a slaughterer or processor is granted an exemption under § 381.11 with respect to the slaughtering or processing of any poultry or poultry products under this part, under specified conditions, the sale, offer for sale, transportation and other handling in commerce by any person of such poultry and poultry products in accordance with such conditions is hereby authorized, except as restricted by the Act.

§ 381.13 Suspension or termination of exemptions.

(a) The Administrator may, by order, in accordance with the applicable rules of practice suspend or terminate any exemption under § 381.10(a) with respect to any person whenever he finds that such action will aid in effectuating the purposes of the Act. Failure to comply with the conditions of the exemption, including, but not limited to, failure to process poultry and poultry products under clean and sanitary conditions may result in termination of an exemption, in addition to any other penalties provided by law.

(b) Except as provided in § 381.10(c), the Administrator may extend the requirements of the Act to any establishment in any State or organized territory at which poultry products are processed for distribution solely within such jurisdiction if he determines in accordance with the provisions of subparagraph 5 (c) (1) of the Act that the establishment is producing adulterated poultry products which would clearly endanger the public health.

§ 381.14 Inspection concerning purportedly exempted operations.

Inspectors of the Inspection Service are authorized to make inspections in accordance with law to ascertain whether any of the provisions of the Act or the regulations applying to producers, retailers, or other persons purporting to be exempted from any requirements under this subpart have been violated.

§ 381.15 Exemption from definition of "poultry product" of certain human food products containing poultry.

The following articles contain poultry ingredients only in a relatively small proportion or historically have not been considered by consumers as products of the poultry food industry. Therefore said articles are exempted from the definition of "poultry product" and the requirements of the Act and the regulations applicable to poultry products, if they comply with the conditions specified in this section.

(a) Any human food product (in a consumer package) not provided for in paragraph (c) of this section, if: (1) it contains less than 2 percent cooked poultry meat (deboned white or dark poultry meat, or both); (2) it contains less than 10 percent of cooked poultry skins, gib-

lets, or fat, separately, and less than 10 percent of cooked poultry skins, giblets, fat, and meat (as meat is limited in subparagraph (1) of this paragraph) in any combination; (3) the poultry ingredients used in the product were prepared under inspection as defined in § 381.1, or were inspected under a foreign inspection system approved under § 381.196(b) and imported in compliance with the Act and the regulations; (4) the immediate container of the product bears a label which shows the name of the product in accordance with this section; and (5) the product is not represented as a poultry product. The aforesaid percentages of ingredients shall be computed on the basis of the moist, deboned, cooked poultry in the ready-to-serve product when prepared according to the serving directions on the consumer package.

(b) Any human food product (in an institutional pack), not provided for in paragraph (c) of this section, if: (1) It is prepared for sale only to institutional users, such as hotels, restaurants, and boardinghouses, for use as a soup base or flavoring; (2) it contains less than 15 percent cooked poultry meat (deboned white or dark poultry meat, or both), computed on the basis of the moist deboned, cooked poultry meat in such product; and (3) it complies with the provisions of paragraphs (a) (3), (4), and (5) of this section in all respects.

(c) Bouillon cubes, poultry broths, gravies, sauces, seasonings, and flavorings if: (1) They contain poultry meat or poultry fat only in condimental quantities; and (2) they comply with the provisions of paragraphs (a) (3), (4), and (5) of this section in all respects; and (3) in the case of poultry broth, it will not be used in the processing of any poultry product in any official establishment.

(d) Fat capsules and sandwiches containing poultry products if they comply with the provisions of paragraphs (a) (3), (4), and (5) of this section in all respects.

(e) Products of the types specified in this section except those specified in paragraphs (c) and (d) of this section will be deemed to be represented as poultry products if the kind name of the poultry (chicken, turkey, etc.) is used in the product name of the product without appropriate qualification. For example, a consumer-packaged noodle soup product containing less than 2 percent chicken meat on a ready-to-serve basis may not be labeled "Chicken Noodle Soup" but, when appropriate, could be labeled as "Chicken Flavored Noodle Soup." Products exempted under this section are subject to the requirements of the Federal Food, Drug, and Cosmetic Act.

Subpart D—Application for Inspection; Grant or Refusal of Inspection

§ 381.16 How application shall be made.

The operator of each establishment of the kind required by § 381.6 to have inspection shall make application to the Administrator for inspection service. In cases of change of name, ownership, or location, a new application shall be made.

§ 381.17 Filing of application.

Every application for inspection at any establishment shall be made by the operator on a form furnished by the Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, and shall include all information called for by that form, including the name of any subsidiary corporation that will prepare any poultry product or conduct any other operation at the establishment for which inspection is requested. The applicant for inspection will be held responsible for compliance by all its subsidiaries with the requirements of the regulations at such establishments if inspection is granted. Processing of poultry products and other operations at the establishment for which inspection is granted may be conducted only by the applicant, except that such a subsidiary of the grantee, may conduct such operations at such establishment.

§ 381.18 Authority of applicant.

Any person applying for inspection service may be required at the discretion of the Administrator to demonstrate that the operator of the establishment authorized him to do so.

§ 381.19 Application for inspection; required facilities.

An application for inspection service under this part shall be made according to the following procedure:

(a) *Prints of drawings and specifications to be furnished.* (1) Applicants for inspection service may obtain information or assistance from the Inspection Service with respect to the requirements before submitting prints of drawings and specifications.

(2) Four prints of drawings showing the features specified in this section shall be submitted to the Administrator. Photostats of drawings are not acceptable. The drawings and prints shall be legible, made with sharp, clear lines, and properly drawn to scale and shall consist of complete floor plans and a plot plan. Submissions consisting of more than one sheet shall be bound together at the left margin in sets.

(3) The plot plan shall show such features as the limits of the establishment premises, location in outline of buildings on the premises, one point of the compass, and the location of roadways, railroads, and water and sewer lines or sewage facilities serving the establishment.

(4) The floor plan shall show all space to be included in the official establishment. If rooms or compartments shown on the drawings are not to be included as part of the official establishment, this shall be clearly indicated thereon.

(5) The sheets of paper on which prints of drawings are made shall not exceed a size of 34" x 44". The drawings, other than of the plot plan, shall be made to a scale of one-eighth inch per foot. The plot plan may be drawn to a scale of not less than one thirty-second inch per foot. The drawings shall indicate the scale used and shall also indi-

cate the floor shown (e.g. basement, first or second).

(b) *Features required to be shown on floor plan.* The following features shall be shown on the floor plan:

(1) The principal pieces of equipment drawn to scale in the proper locations; (2) The name of the operator and address of the establishment by street and street number, or by other means properly identifying the location of the establishment. (This information shall be shown on each drawing the same as shown on the application for service (Form MP-401));

(3) One point of the compass; (4) The doors and openings for passageways, designating those which are self-closing or permanently closed;

(5) All floor drain openings and gutter drains, and for all buildings constructed after September 1, 1959, the approximate location of all underfloor and under-ground piping;

(6) Lavatories in toilet and processing rooms (lavatories which are other than hand operated shall be so designated on the blueprints);

(7) All steam and hot and cold water outlets for cleanup purposes;

(8) Ice making and storage facilities;

(9) The point at which live poultry is hung on the conveyor line, the point where dressed poultry is removed, and the point of transfer to the eviscerating line;

(10) The routes of the edible and inedible products;

(11) The location of fresh air inlets, exhaust fans and hoods.

(c) *Specifications.* Specifications covering the following shall accompany the drawings:

(1) Height of ceilings;

(2) Type of ceilings—open or closed;

(3) Finish of ceilings; for example—cement plaster, metal, marine plywood, cement, asbestos board, etc.;

(4) Finish of walls; for example—cement plaster, glazed tile, glazed brick, glass blocks, etc.;

(5) Screens—indicate whether all outside openings are screened or provided with other suitable devices against entrance of flies or other insects;

(6) Finish of floors—concrete, brick, mastic material, etc.;

(7) Drainage—indicate amount of slope of floors to the drains in processing rooms, coolers, toilets, and refuse rooms, and give description of trapping and venting of drainage lines, and of floor drain openings. Indicate size of drainage lines and whether house drainage lines and toilet soil lines are separate to a point outside of buildings;

(8) Heating—indicate type;

(9) Water supply—indicate whether public or private water supply, or both, and specify in terms of gallons per minute of water available for the processing needs of the plant. Also indicate whether or not a nonpotable water supply is used for any purpose in the plant and, if so, specify such uses;

(10) Hot water facilities—specify facilities such as boilers, storage tanks,

mixing valves, etc., and indicate the size;

(11) Specify number of men and number of women who will use each toilet room;

(12) Sewage disposal — indicate whether city sewer, cesspool, sedimentation tank, etc.;

(13) Approximate rate of production—for slaughtering and/or eviscerating establishments, indicate hourly rate of slaughter and/or evisceration for each class of poultry, and for other types of establishments, indicate pounds of each type of poultry products processed per hour.

(d) *Rooms and compartments which must be shown on the drawings.* The drawings of the establishment shall show employees' toilet and dressing rooms, office space for the inspectors, storerooms for supplies, refuse rooms, and all rooms, compartments, or passageways where poultry or poultry products, or any ingredients to be used in the preparation of poultry products will be handled or kept. The drawings shall also show all other rooms or compartments located in the buildings that are to comprise the official establishment.

(e) *Changes in drawings or blueprints.* When changes are proposed in areas for which drawings have been previously approved, one of the following types of revised drawings shall be submitted for review and consideration:

(1) A completely revised sheet or sheets, showing proposed alterations or additions, or

(2) Pastors of minor changes which may be affixed to the affected areas on the previously approved drawings in a manner not obscuring essential data. Pastor drawings shall be prepared to the same scale and presented on a background similar to that of the originally approved drawing.

(f) *Use of information on file for plants operating under voluntary inspection service.* Applicants whose plants have been surveyed and are operating under voluntary inspection service pursuant to regulations (Part 362 of this chapter) in effect on the date service is made available under the Act will be exempt from the requirements of this section to the extent that the Administrator may determine that information and materials required by the provisions of this section are already available in official files of the Inspection Service.

§ 381.20 Survey and grant of inspection.

Prior to granting of inspection service, a survey of the establishment shall be made by a representative of the Inspection Service to determine if the establishment is constructed and facilities are installed in accordance with the approved drawings, specifications, and the regulations. Inspection will be granted by the Administrator when these requirements are met, subject to § 381.21.

§ 381.21 Refusal of inspection.

(a) The Administrator may refuse to grant inspection at any establishment

if he determines that it does not meet any requirements as to premises, facilities, and equipment, and the operation thereof, prescribed in the regulations under section 7 of the Act to prevent the distribution under the Act of adulterated poultry products, or that the applicant has not received approval of labeling and containers to be used at the establishment as required by the regulations. When inspection is refused for any such reason, the applicant shall be informed of the action and the reasons therefor and afforded an opportunity to present his views informally.

(b) If the refusal is based on a failure to comply with any requirements prescribed under section 7 of the Act, the applicant shall, upon his request, be afforded opportunity for a hearing in accordance with applicable rules of practice, with respect to the merits or validity of the action taken, but such refusal shall continue in effect unless otherwise ordered by the Secretary.

(c) Inspection may also be refused in accordance with section 18(a) of the Act and the applicable rules of practice.

(d) (1) Any applicant for inspection at an establishment where the operations thereof may result in any discharge into the navigable waters of the United States is required by subsection 21(b) of the Federal Water Pollution Control Act, as amended, to provide the Administrator with a certification as prescribed in said subsection that there is reasonable assurance that such activity will be conducted in a manner which will not violate the applicable water quality standards. No grant of inspection can be issued after April 3, 1970 (the date of enactment of the Water Quality Improvement Act), unless such certification has been obtained, or is waived because of failure or refusal of the State, interstate agency, or the Administrator of the Environmental Protection Agency to act on a request for certification within 1 year after receipt of such request. Further, upon receipt of an application for inspection and a certification as required by subsection 21(b) of the Federal Water Pollution Control Act, the Administrator (as defined in § 381.1) is required by paragraph (2) of said subsection to notify the Administrator of the Environmental Protection Agency for proceedings in accordance with that paragraph. No grant of inspection can be made until the requirements of said paragraph (2) have been met.

(2) However, certification under subsection 21(b) of the Federal Water Pollution Control Act is not initially required in connection with an application for inspection granted after April 3, 1970, for facilities existing or under construction on April 3, 1970, although certification for such facilities is required to be obtained within the 3-year period immediately following April 3, 1970. Failure to obtain such certification or to meet the other requirements of subsection 21(b) prior to April 3, 1973, will result in the termination of inspection at such facilities on that date.

(3) Further, any application for inspection pending on April 3, 1970, and granted within 1 year thereafter shall not require certification for 1 year following the grant of inspection but such grant of inspection shall terminate at the end of 1 year after its issuance unless prior thereto such certification has been obtained and the other requirements of subsection 21(b) are met.

(4) In the case of any activity which will affect water quality but for which there are no applicable water quality standards, no certification is required prior to the grant of inspection but such grant will be conditioned upon a requirement of compliance with the purpose of the Federal Water Pollution Control Act as provided in paragraph 21(b)(9) of said Act.

Subpart E—Inauguration of Inspection; Official Establishment Numbers; Separation of Establishments and Other Requirements; Withdrawal of Inspection

§ 381.25 Official establishment numbers.

An official establishment number shall be assigned to each establishment granted inspection service. Such number shall be used to identify all containers of inspected poultry products prepared in the establishment. An establishment shall not have more than one establishment number.

§ 381.26 Separation of establishments.

Each official establishment shall be separate and distinct from any other official establishment and from any unofficial establishment except an establishment preparing meat products under the Federal Meat Inspection Act or under State meat inspection. Further, doorways, or other openings, may be permitted between establishments at the discretion of the Administrator and under such conditions as he may prescribe.

§ 381.27 Inauguration of service; notification concerning regulations; status of uninspected poultry products.

The inspector in charge or his supervisor shall, upon or prior to the inauguration of service, inform the operator of the establishment of the requirements of the regulations. If the establishment at the time service is inaugurated contains any poultry product which has not been inspected and marked in compliance with the regulations, its identity shall be maintained, and it shall not be represented or dealt with as a product which has been inspected. Such products may not be shipped in commerce unless such products are eligible for such shipment under an exemption from inspection under Subpart C and comply with all requirements of said subpart.

§ 381.28 Report of violations.

Each inspector, agent, representative, or employee of the Inspection Service shall report, in the manner prescribed by the Administrator, all violations of the Act and noncompliance with the regulations of which he has knowledge.

§ 381.29 Suspension or other withdrawal of inspection service.

(a) (1) The Administrator is authorized to suspend (for such period or indefinitely, as the Administrator deems necessary to effectuate the purposes of the Act) or otherwise to withdraw, inspection service at an official establishment, for the failure of the operator of the establishment to destroy condemned poultry products as required under section 6 of the Act, or for other failure of the operator of the establishment to comply with any requirements as to premises, facilities, or equipment, or the operation thereof, prescribed in the regulations under section 7 of the Act to prevent the distribution under the Act of adulterated poultry products.

(2) The operator shall be notified of the withdrawal action and the reasons therefor and afforded an opportunity to present his views informally prior to the effective date of such withdrawal, and upon his request he shall be afforded an opportunity for a hearing in accordance with the applicable rules of practice, with respect to the merits or validity of the withdrawal, but such a suspension or other withdrawal shall continue in effect pending the outcome of any such hearing unless otherwise ordered by the Secretary.

(b) During a period of suspension or other withdrawal, no processing of poultry or poultry products subject to the inspection requirements of the Act shall be carried on in the official establishment. However, any product which was inspected and passed prior to the suspension or other withdrawal may be shipped from the official establishment provided its identity was maintained, and it has not become adulterated or misbranded. In any case in which inspection service is suspended under paragraph (a) (1) of this section, if the establishment premises, facilities, and methods of operations are not brought into compliance with the Act and the regulations within a reasonable period of time, to be specified by the Administrator, inspection service may be withdrawn from the official establishment in accordance with the procedure prescribed in paragraph (a) (2) of this section.

(c) Inspection service may also be suspended or withdrawn in accordance with subsection 18(a) of the Act and the applicable rules of practice.

(d) Inspection may be suspended, revoked, or terminated as provided in subsection 21(b) of the Federal Water Pollution Control Act, as amended.

(e) The assignment of inspectors may be temporarily suspended, in whole or in part, by the Administrator to the extent it is determined necessary to avoid impairment of the effective conduct of the inspection service when the operator of any official establishment or any subsidiary therein, or any officer, employee, or agent of any such operator or any subsidiary therein, acting within the scope of his office, employment, or agency, threatens to forcibly assault or forcibly assaults, intimidates, or interferes with any inspection service employee in or on

account of the performance of his official duties under the Act, unless promptly upon the incident being brought by an authorized supervisor of the Inspection Service employee to the attention of the operator of the establishment the operator (1) satisfactorily justifies the incident, (2) takes effective steps to prevent a recurrence, or (3) provides acceptable assurance that there will not be any recurrences. Such suspension shall remain in effect until one of such actions is taken by the operator: *Provided*, That upon request of the operator he shall be afforded an opportunity for an expedited hearing to show cause why the suspension should be terminated.

Subpart F—Assignment and Authorities of Program Employees

§ 381.30 Licensed or otherwise authorized inspectors.

Any person who is a Federal, State, Territory, or District of Columbia employee possessing proper qualifications may be authorized by the Administrator to inspect poultry and poultry products pursuant to the regulations. A license (for an indefinite or specified period) shall be issued to each such authorized Federal, State, Territory, or District of Columbia employee not employed in the Inspection Service.

§ 381.31 Expiration, suspension or revocation and surrender of licenses.

(a) Whenever a licensed inspector leaves the employment of the Federal, State, or other agency in which he was employed when his license was issued, or he otherwise becomes unavailable to perform inspection under the regulations or the appropriate Inspection Service supervisor notifies him that his services are not needed to carry out such inspection, for reasons not involving any fault of the licensee, the license shall be deemed to expire. Licenses for a limited period shall also expire in accordance with their terms.

(b) The appropriate Inspection Service supervisor, after consultation with the Federal, State, or other agency may, in cases not under paragraph (a) of this section, whenever he deems such action necessary for the effective administration of the Act and the regulations, suspend any license issued pursuant to the regulations, to an employee of such Federal, State, or other agency, by giving notice of such suspension to the individual involved, accompanied by a statement of the reasons therefor. Within 7 days after the receipt of the aforesaid notice and statement of reasons by such individual, he may file an appeal, in writing, with the Administrator, supported by any argument or evidence that he may wish to offer as to why his license should not be further suspended or revoked. After the expiration of the aforesaid 7-day period and consideration of such argument and evidence, the Administrator will take such action as he deems appropriate with respect to such suspension or revocation. When no appeal is filed within the prescribed 7 days, the license is revoked.

(c) Each license which is suspended or revoked or has expired shall be promptly surrendered to the appropriate Inspection Service supervisor.

§ 381.32 Access to establishments.

Any duly authorized representative of the Secretary shall have access at all reasonable times, by day or night, whether the establishment is in operation or not, to the premises or any part thereof of an establishment engaged in processing poultry or poultry products for commerce, upon presentation of appropriate credentials.

§ 381.33 Identification.

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

§ 381.34 Financial interest of inspectors.

(a) No inspector shall inspect any poultry or poultry product in which he, his spouse, minor child, partner, organization in which he is serving as officer, director, trustee, partner, or employee, or any person with whom he is negotiating or has any arrangement concerning prospective employment, is financially interested.

(b) All inspectors are subject to statutory restrictions with respect to political activities; e.g., 5 U.S.C. 7324 and 1502.

(c) Violation of the provisions of paragraph (a) of this section or the provisions of applicable statutes referenced in paragraph (b) of this section will constitute grounds for dismissal in the case of appointees and for revocation of licenses in the case of licensees.

(d) Inspectors are subject to all applicable provisions of law and regulations and instructions of the Department and the Animal and Plant Health Inspection Service and other authority concerning employee responsibilities and conduct. The setting forth of certain prohibitions in this part in no way limits the applicability of such general or other regulations or instructions.

§ 381.35 Appeal inspections; how made.

Any person receiving inspection service may, if dissatisfied with any decision of an inspector relating to any inspection, file an appeal from such decision: *Provided*, That such appeal is filed within 48 hours from the time the decision was made. Any such appeal from a decision of an inspector shall be made to his immediate superior having jurisdiction over the subject matter of the appeal, and such superior shall determine whether the inspector's decision was correct. Review of such appeal determination, when requested, shall be made by the immediate superior of the employee of the Department making the appeal determination. The cost of any such appeal shall be borne by the appellant if the Administrator determines that the appeal is frivolous. The charges for such frivolous appeal shall be at the rate of \$9.28 per hour for the time required to make the appeal inspection. The poultry or poultry products involved in any appeal shall be

identified by U.S. retained tags and segregated in a manner approved by the inspector pending completion of an appeal inspection.

Subpart G—Facilities for Inspection; Overtime and Holiday Service; Billing Establishments

§ 381.36. Facilities required.

(a) *Inspector's Office.* Office space, including, but not being limited to furnishings, light, heat, and janitor service, shall be provided rent free in the official establishment, for the use of Government personnel for official purposes. The room or space set apart for this purpose must meet the approval of the Inspection Service and be conveniently located, properly ventilated, and provided with lockers or file cabinets suitable for the protection and storage of supplies and with facilities suitable for inspectors to change clothing. At the discretion of the Administrator, small plants requiring the services of less than one full-time inspector need not furnish facilities for Program employees as prescribed in this section, where adequate facilities exist in a nearby convenient location.

(b) *Facilities for ante mortem inspection.* Batteries, coops, or other facilities in which live poultry is presented for ante mortem inspection shall be of such arrangement and construction, and shall be so placed with sufficient light provided so that the inspector can clearly see the birds to the extent needed to carry out an adequate inspection.

§ 381.37. Time of inspection.

The inspector in charge in an official establishment shall be informed, in advance, of the hours when inspection will be required.

§ 381.38. Schedule of operation of official establishment.

Operating schedules of an official establishment shall be subject to approval of the Administrator, and for the purpose of this regulation the normal operating schedule shall consist of a continuous 8-hour period per day (excluding not to exceed 1 hour for lunch), 5 consecutive days per week, within the period of Monday through Saturday, for each full shift required. Any variation from such Monday through Saturday schedule of operation must be fully justified and approved in advance by the Administrator. Clock hours of daily operations are not to be specified in a schedule although, as a condition of continuance of approval of a schedule, the hours of operation must be reasonably uniform from day to day.

§ 381.39. Overtime inspection service.

When operations in an official establishment require the services of inspection personnel beyond their regularly assigned tour of duty on any day, or on a day outside the established schedule, such services are considered as overtime work. The official establishment shall give reasonable advance notice to the inspector in charge for any overtime

service necessary and shall pay the Secretary for such overtime at a rate of \$9.28 per hour to cover the cost thereof.

§ 381.40. Holiday inspection service.

(a) When an official establishment requires inspection service on a holiday, such service is considered holiday work. The official establishment shall, in advance of such holiday work, request the officer in charge to furnish inspection service during such period and shall pay the Department therefor at the rate of \$9.28 per hour. Service in excess of 8 hours for that day is considered overtime and shall be paid for at the overtime rate.

(b) Holidays for Federal employees shall be (1) the 1st day of January, 3d Monday of February, last Monday of May, 4th day of July, 1st Monday of September, 2d Monday of October, 4th Monday of October, 4th Thursday of November, and the 25th day of December, and (2) Inauguration Day for employees in the Washington, D.C., Metropolitan area, and any other day declared to be a holiday by Executive order.¹ When any of the above-listed holidays fall on a scheduled workday, that day becomes a holiday. When a holiday falls on Sunday, the next scheduled workday is a holiday. When a holiday falls on Saturday or any other scheduled nonworkday, the preceding scheduled workday will become a holiday.

(c) Holidays to be counted with respect to State employees shall be those legally observed by Federal employees.

§ 381.41. Supervisor overtime or holiday service.

When, because an establishment requires overtime service as provided in § 381.39 or requires holiday service as provided in § 381.40, a station supervisor (veterinarian) is required to work overtime or on a holiday, in the establishment, in order to supervise the service or to make final condemnation, the establishment shall pay the Department for such overtime or holiday work at the rate of \$9.28 per hour.

§ 381.42. Basis of billing establishments.

Overtime and/or holiday services shall be billed to the official establishments on the basis of each 15 minutes of overtime and/or holiday service performed by each inspector, including supervisor, providing such service to the establishment, except that when an official establishment requires the services of an inspector after he has completed his day's assignment and left the establishment or when he is called back to duty on a day outside of the established normal operating schedule or on a holiday, the official establishment shall pay for a minimum of 2 hours' service at the applicable established rate. Bills are payable upon receipt and become delinquent 30 days from date of billing. Overtime or holiday inspection service will not be performed at any establishment that is delinquent

¹ Effective June 30, 1972, only the days listed in paragraph (b) (1) will be considered holidays for Federal employees for purposes of this section.

and processing operations thereat shall be confined to the regular operating schedule of the establishment.

Subpart H—Sanitation

§ 381.45. Minimum standards for sanitation, facilities and operating procedures in official establishments.

The provisions of §§ 381.46 to 381.61, inclusive, shall apply with respect to all official establishments.

§ 381.46. Buildings.

(a) *General.* The buildings shall be of sound construction and kept in good repair.

(b) *Outside openings.* (1) The doors, windows, skylights, and other outside openings of the plant, except in receiving rooms and feeding rooms, shall be protected by properly fitted screens or other suitable devices against the entrance of flies and other insects.

(2) Outside doors, except in receiving rooms and feeding rooms, shall be so hung as to be close fitting when closed. Doors shall be provided with self-closing devices where necessary to prevent the entry of vermin into processing and storage rooms.

§ 381.47. Rooms and compartments.

(a) *General.* Rooms or compartments used for edible poultry products shall be separate and distinct from inedible products departments and from rooms where live poultry is held or slaughtered. Separate rooms shall be provided when required for conducting processing operations in a sanitary manner; and all rooms shall be of sufficient size to permit the installation of the necessary equipment for processing operations and the conduct of such operations in a sanitary manner.

(b) *Refuse rooms.* A separate refuse room, or other equally adequate facilities, shall be provided in official establishments where accumulations of refuse occur. Refuse rooms shall be entirely separate from other rooms in the establishment, have tight-fitting doors, be properly ventilated, and have adequate drainage and cleanup facilities, and the floors and walls to a height of 6 feet above the floor shall be impervious to moisture, and walls above that height, and ceilings shall be moisture resistant.

(c) *Rooms for holding carcasses for further inspection.* Rooms or other acceptable facilities in which carcasses or parts thereof are held for further inspection shall be in such numbers and such locations as the needs of the inspection in the establishment may require. These rooms or facilities shall be equipped with hasps for locking.

(d) *Coolers and freezers.* Coolers and freezers shall be of such size and capacity as are required for compliance with the provisions set forth in § 381.66. Freezing rooms, other than those for plate freezers or liquid freezing, shall have forced air circulation, and freezers and coolers shall be equipped with floor racks, pallets or other means which will assure that the poultry products will not be adulterated.

(e) *Rooms for mechanical deboning of raw poultry.* Rooms or compartments where mechanical equipment for deboning of raw poultry is operated shall be maintained at 50° F. or less.

(f) *Storage and supply rooms.* The storage and supply rooms shall be kept in good repair, dry, orderly, and sanitary.

(g) *Boiler room.* The boiler room shall be a separate room where necessary to prevent dirt and objectionable odors entering from it into any room where dressed poultry or other poultry products are processed, otherwise handled, or stored.

(h) *Toilet rooms.* Toilet rooms, opening directly into rooms where poultry products are exposed shall have self-closing doors and shall be ventilated to the outside of the building.

(i) *Lunch rooms.* Lunches and snacks shall not be eaten in processing, packing, or supply rooms. If needed, separate rooms or areas shall be provided in establishment where employees eat their lunches.

§ 381.43 Floors, walls, ceilings, etc.

(a) *Floors.* All floors in rooms where exposed poultry products are processed or handled shall be constructed of, or finished with, materials impervious to moisture, so they can be readily and thoroughly cleaned. The floors in killing, ice cooling, ice packing, eviscerating, cooking, boning, and cannery rooms shall be graded for complete runoff with no standing water.

(b) *Walls, posts, partitions, doors.* All walls, posts, partitions, and doors in rooms where exposed poultry products are processed or otherwise handled shall be smooth and constructed of materials impervious to moisture to a height of 6 feet above the floor to enable thorough cleaning. All surfaces above this height must be smooth and finished with moisture-resistant material.

(c) *Ceilings.* Ceilings must be moisture resistant in rooms where exposed poultry products are processed or otherwise handled, and finished and sealed to prevent collection of dirt or dust that might sift through from the floor above or fall from collecting surfaces on equipment or exposed poultry product.

§ 381.49 Drainage and plumbing.

(a) *General.* There shall be an efficient draining and plumbing system for the plant and premises.

(b) *Outside premises.* The drainage system must permit the quick runoff of all water from buildings, and of surface water around the official establishment and on the premises; and all such water shall be disposed of in such a manner as to avoid the development of insanitary conditions at the establishment.

(c) *Drainage of sewage and plant wastes.* (1) All drains and gutters shall be properly installed with approved traps and vents. The sewer system shall have adequate slope and capacity to remove readily all waste from the various processing operations and to minimize

or, if possible, prevent stoppage and surcharging of the system. When the sewage disposal system is a private system which is required to be approved by a State or local health authority, the applicant shall furnish the Administrator a letter from the proper health authority indicating that the sewage disposal system is acceptable to such authority.

(2) Interceptor traps which are connected with the sewer system shall be suitably located, and not near any edible poultry products department or in any area where edible poultry products are unloaded from or loaded into any means of conveyance. To facilitate cleaning, such traps shall have inclined bottoms and be provided with suitable covers.

(3) Each floor drain shall be equipped with a deep seal trap, and the plumbing shall be installed so as to prevent sewage from backing up and flooding the floor, except that floor drains in areas not regularly washed down will be acceptable without deep seal traps: *Provided*, That such drains are connected to secondary drainage systems discharging into a safe sink or basin (air gap) that is properly trapped and vented: *And provided further*, That such drains accomplish the objectives and intent of this paragraph.

(4) Toilet soil lines shall be separate from house drainage lines to a point outside the buildings unless an automatic backwater check valve is installed to prevent backflow. Drainage from toilet bowls and urinals shall not be discharged into a grease catch basin, nor shall such drainage be permitted to enter the sewer lines at a point where there might be a possibility of such drainage backing up and flooding the floor of the building.

§ 381.50 Water supply.

(a) *General.* Except as provided in paragraph (e) of this section, the water supply shall be ample, clean, and potable with adequate pressure and facilities for its distribution in the official establishment and its protection against contamination and pollution. A water report, issued under the authority of the State health agency, certifying to the potability of the water supply, shall be obtained by the applicant and furnished to the Administrator whenever such report is required by the Administrator in specific cases.

(b) An adequate supply of hot water to enable proper cleaning shall be available.

(c) Hose connections with steam and water mixing valves or hot water hose connections shall be provided at convenient locations throughout the plant for cleaning purposes.

(d) The refuse rooms shall be provided with adequate facilities for washing refuse cans and other equipment in the rooms.

(e) Nonpotable water is permitted only in those parts of official establishments where no poultry product is processed or otherwise handled and then

only for limited purposes such as on condensers not connected with the potable water supply, in vapor lines serving inedible product rendering tanks, and in sewerlines for moving heavy solids in the sewage. Nonpotable water is not permitted for washing floors, areas, or equipment, nor is it permitted in boilers, scalders, chill vats, or icemaking machines. In all cases, nonpotable water lines shall be clearly identified and shall not be cross connected with the potable water supply unless this is necessary for fire protection. Any such connection must have an adequate break to assure against accidental contamination, and must be approved by local authorities and by the Administrator. Any untested water supply in an official establishment shall be treated as a nonpotable supply.

§ 381.51 Lavatories, toilets, and other sanitary facilities.

(a) Modern lavatory and toilet accommodations and properly located facilities for cleaning utensils and hands shall be provided.

(b) Adequate lavatory and toilet accommodations, including but not being limited to, running hot and cold water, soap, or other acceptable agents (in sanitary dispensers), toilet tissue, and towels or other acceptable facilities for drying hands, shall be provided. Lavatories shall be in or near toilet and locker rooms and also at other places in the plant as may be essential to the cleanliness of all personnel handling poultry products.

(c) Adequate lockers or other facilities, shall be provided for employees' wearing apparel, and for the storing and changing of clothing. Wearing apparel shall not be stored in rooms where processing operations are conducted.

(d) Suitable containers shall be provided for the temporary storage of soiled linen, coats, aprons, and other items of employees' uniforms or work clothing.

(e) Sufficient containers of metal or other acceptable impervious material shall be provided for used towels and other wastes.

(f) An adequate number of hand washing facilities serving areas where poultry products are prepared shall be operated by other than hand-operated controls, or shall be of a continuous flow type which provides an adequate flow of water for washing hands. Both hot and cold running water shall be available at each inspection station on the eviscerating line and shall be delivered through a suitable mixing device controlled by the inspector. Alternatively, water for hand washing shall be delivered to such inspection stations at a minimum temperature of 65° F.

(g) Durable signs shall be posted conspicuously in each toilet room and locker room directing employees to wash their hands before returning to work.

(h) Adequate toilet facilities shall be provided and the following formula shall serve as a basis for determining the number of toilet bowls required:

Number of persons of same sex:	Minimum number of facilities
1 to 9	1.
10 to 24	2.
25 to 49	3.
50 to 74	4.
75 to 100	5.
Over 100	1 for each additional 30 persons.

Where 10 or more are employed, urinals may be substituted for the toilet bowls specified in the foregoing formula, except that the number of toilet bowls in such cases may not be reduced to less than two-thirds of the number specified. Two feet of trough urinal shall be considered as equivalent to one individual urinal.

(i) Suitable sanitary drinking water facilities shall be provided.

(j) All toilets, lavatories, and other sanitary facilities shall be kept clean and in good repair.

§ 381.52 Lighting and ventilation.

(a) There shall be ample light, either natural or artificial or both, of good quality and well distributed, and sufficient ventilation for all rooms and compartments to insure sanitary conditions.

(b) All rooms in which poultry is killed, eviscerated, or otherwise processed shall have at least 30 foot-candles of light intensity on all working surfaces, except that at the inspection stations such light intensity shall be of 50 foot-candles. In all other rooms there shall be provided at least 5 foot-candles of light intensity when measured at a distance of 30 inches from the floor.

(c) All rooms shall be adequately ventilated to eliminate objectionable odors and minimize moisture condensation.

§ 381.53 Equipment and utensils.

(a) *General.* Equipment and utensils used for processing or otherwise handling any poultry product or ingredient thereof, in the official establishment shall be suitable for the purpose intended and shall be of such material and construction as will facilitate their thorough cleaning and insure cleanliness in the preparation and handling of poultry products. Receptacles used for handling inedible products shall be of similar construction, shall be conspicuously and distinctly marked as "U.S. Condemned", and shall not be used for handling any edible poultry products.

(b) *Refuse containers.* Leakproof refuse containers with covers shall be provided, except that perforated containers may be used for the temporary collection of feathers and such containers need not be covered.

(c) *Scalding equipment.* (1) Scalding tanks shall be constructed and installed so as to prevent contamination of potable water lines and to permit water to enter continuously at a rate which will result in a sanitary scalding operation. The rate of flow necessary to maintain a sanitary scalding operation will be determined on such factors as the class of poultry and the number of birds per minute going into the scalding tank. It shall be the responsibility of the inspector in charge to establish a minimum

rate of flow for each scalding tank in each official establishment.

(2) The overflow outlets in scalding equipment shall be of sufficient size to permit feathers and water to be carried off.

(3) The overflow, drawoff valves, and sediment basin drain shall discharge into a floor or valley drain, or onto the floor in proximity to a floor or valley drain.

(d) *Wax finishing.* When wax dipping is used, metal troughs shall be provided to catch the wax removed from the dipped poultry. Acceptable facilities and methods shall be employed in reclaiming the wax.

(e) *Ice shovels.* Ice shovels shall be smooth surfaced and entirely constructed of rustproof, impervious material.

(f) *Conveyors.* (1) Conveyors used in the preparation of ready-to-cook poultry shall be of metal or other acceptable material and of such construction as to permit easy identification of the viscera with their carcass and so designed as will present each carcass or all parts thereof in a way that will permit adequate and efficient inspection.

(2) Overhead conveyors shall be so constructed and maintained that they will not allow grease, oil, or dirt to accumulate on the drop chain or shackle, which shall be of noncorrosive metal.

(3) Nonmetallic belt-type conveyors used in moving poultry products shall be of waterproof composition.

(4) When individual trays are not used during eviscerating operations, each carcass shall be suspended and a metal trough or a trough constructed of other acceptable impervious material shall be provided beneath the conveyor. Such troughs shall be flushed in an approved manner and shall extend beneath the conveyor at all places where processing operations are conducted from the point where the carcass is opened to the point where the viscera have been completely removed.

(g) *Chilling and thawing tanks.* Chilling and thawing tanks shall be constructed of metal or other suitable material impervious to moisture and shall be of sanitary construction with edges rolled outward. Where mechanical devices are not used for removing carcasses from the chilling or thawing tanks, the tanks shall be of a size that will enable employees to remove poultry without entering the tanks.

(h) *Tables.* Inspection, eviscerating, and cutting tables shall be made of metal or other acceptable material, have coved corners, and be constructed and placed so as to permit thorough cleaning.

(i) *Plants lacking conveyors.* In plants where no conveyors are used, each carcass shall be eviscerated in an individual metal tray of seamless construction or in a tray of other acceptable material and construction.

(j) *Water spray washing equipment.* Water spray washing equipment with sufficient water pressure to thoroughly and efficiently wash carcasses shall be used for washing carcasses inside and out.

(k) *Offal receptacles.* Watertight receptacles constructed of metal or other acceptable impervious material shall be used for entrails and other waste resulting from preparation of eviscerated poultry.

(l) *Receptacles for condemned carcasses.* Watertight receptacles for holding or handling condemned carcasses or parts of carcasses shall be so constructed as to be readily and thoroughly cleaned; such receptacles shall be marked in a conspicuous manner with the words "U.S. Condemned" in letters not less than 2 inches high and when required by the inspector in charge, shall be equipped with facilities for locking and sealing.

§ 381.54 Accessibility of equipment.

(a) *General.* All equipment shall be placed so as to be readily accessible for all processing and cleaning operations.

(b) *Mechanical pickers.* When mechanical pickers are used, they shall be installed so as to be accessible for thorough cleaning and removal of the accumulation of feathers.

§ 381.55 Restrictions on use of equipment and utensils.

Equipment and utensils used in the official establishment shall not be used outside the official establishment, except under conditions prescribed or approved by the Administrator in specific cases. Equipment used in the preparation of any article (including, but not limited to, animal food), from inedible material shall not be used outside of the inedible products department except under such conditions as may be prescribed or approved by the Administrator in specific cases.

§ 381.56 Maintenance of sanitary conditions and precautions against contamination of poultry products.

The premises of the official establishment shall be kept free from refuse, waste materials, and all other sources of odors and conditions that may result in adulteration of the poultry products handled at the establishment.

§ 381.57 Cleaning of rooms and compartments.

Rooms, compartments, and other parts of the official establishment shall be kept clean and in sanitary condition and good repair.

§ 381.58 Cleaning of equipment and utensils.

(a) Equipment and utensils used for processing or otherwise handling any poultry or poultry product shall be kept clean, sanitary, and in good repair.

(b) Batteries and dropping pans shall be cleaned regularly and the manure removed from the official establishment daily.

(c) Scalding tanks shall be completely emptied and thoroughly cleaned as often as may be necessary, but not less frequently than once a day when in use.

(d) All equipment and utensils used in the killing, roughing, and pinning rooms shall be thoroughly washed and cleaned at least once daily when in use.

(e) The chilling and packing room and equipment and utensils used therein shall be maintained in a clean and sanitary condition.

(f) Chilling or thawing tanks shall be emptied after each use. They shall be thoroughly cleaned at least once daily when in use, except that when the same poultry is held therein in excess of 24 hours, the tanks shall be thoroughly cleaned after the poultry is removed therefrom and prior to reuse.

(g) Conveyor trays or belts which come in contact with raw poultry products shall be completely washed and sanitized after each use.

(h) Tables, shelves, bins, trays, pans, knives, and all other tools and equipment used in the processing of poultry products shall, after cleaning, be drained on racks and trays and pans shall not be nested.

§ 381.59 Vermin.

Every practicable precaution shall be taken to exclude flies, rats, mice, and other vermin from the official establishment. Dogs, cats, and other pets shall be excluded from rooms where dressed poultry or other poultry products are processed, handled, or stored.

§ 381.60 Use of compounds.

Germicides, insecticides, rodenticides, detergents, or wetting agents or other similar compounds may be used in an official establishment only if they will not deleteriously affect the poultry or poultry products therein and have been approved by the Administrator. Such compounds shall be used only in a manner satisfactory to the Administrator. Such compounds shall be approved, for the purpose of the Act only upon application and in accordance with the following procedure:

(a) The manufacturer or user of the compound, or any other interested person, shall submit to the Administrator the following data:

(1) The formula of the compound, listing each ingredient and the percentage of each ingredient in terms of weight or liquid measure, if the product is a liquid, and in terms of weight, if it is solid or semisolid, viscous, or a mixture of liquid and solids. The ingredients must be stated in terms of the well-known common names of the ingredients or if an ingredient has no common name, the correct chemical name. However, in the case of any compound subject to the Federal Insecticide, Fungicide, and Rodenticide Act, a statement of the composition of the compound as required for registration under that Act shall be submitted in lieu of the data otherwise required by this subparagraph.

(2) A certification by the applicant that the compound as it is proposed to be used in the official establishment will not deleteriously affect the poultry or poultry products therein. The certification shall include the conditions under which the particular compound is believed to be satisfactory for use and the precautions, if any, necessary in the use of such compound for the purpose in-

tended in poultry processing establishments.

(b) As a prerequisite for approval, any compound which is required to be registered under the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act shall be registered and comply with the provisions of that Act. The applicant shall furnish the registration number assigned under the aforesaid Act along with two copies of the label being currently used on the product.

(c) A small sample of the compound (4 to 6 ounces) shall be submitted with the request for approval of its use in poultry processing establishments.

(d) The Administrator will either approve or disapprove the use of a particular compound after a careful evaluation of the data submitted pursuant to paragraph (a) of this section and consideration of any other information that is available pertaining to the compound under consideration.

(e) The Inspection Service is authorized to draw samples of any compound used in any official establishment and make analyses of such compound to determine if the compound conforms to that originally approved and if it is satisfactory for use in official establishments under this section. Whenever the Administrator has reason to believe that a compound may have a deleterious effect on poultry or poultry products, the approval of the particular compound may be suspended, and in such case the processor shall be given an opportunity to show that the compound does not have such effect. After such opportunity has been afforded to the processor, the Administrator shall make a determination as to the effect of the compound on poultry and poultry products and withdraw or reinstate the approval of the compound accordingly. Use of the compound shall not be permitted during the period of suspension.

§ 381.61 Cleanliness and hygiene of official establishment personnel.

(a) No official establishment shall employ, in any department where any poultry product is processed or otherwise handled, any person showing evidence of a communicable disease in a transmissible stage or known to be a carrier of such disease, or while affected with boils, sores, infected wounds, or other abnormal sources of microbiological contaminants.

(b) All persons coming in contact with exposed poultry products, or poultry products handling equipment shall wear clean garments and suitable head coverings to prevent hair from falling into poultry products; and shall keep their hands and fingernails clean at all times while thus engaged.

(c) Every person shall wash his hands thoroughly after each use of toilet or change of garments before returning to duties that require the handling of dressed poultry or other poultry products or containers thereof, or poultry product handling equipment.

(d) The use of tobacco in any form, the eating of food, or any other personal

habit which may result in adulteration of any poultry product shall not be permitted in any room where exposed dressed poultry or other poultry products are being processed or otherwise handled.

Subpart I—Operating Procedures

§ 381.65 Operations and procedures, generally.

(a) Operations and procedures involving the processing, other handling, or storing of any poultry product shall be strictly in accord with clean and sanitary practices and shall be conducted in such a manner as will result in sanitary processing, proper inspection, and the production of poultry and poultry products that are not adulterated.

(b) Materials which create any condition that may result in adulteration of poultry products shall not be handled or stored in rooms, compartments, or other places in any official establishment where any poultry product is processed, otherwise handled, or stored.

(c) Poultry shall be slaughtered in accordance with good commercial practices in a manner that will result in thorough bleeding of the carcasses and assure that breathing has stopped prior to scalding. Blood from the killing operation shall be confined to a relatively small area.

(d) The pinning and finishing of dressed poultry shall be performed in a part of the room that is located sufficiently away from the killing and roughing operations to prevent contamination of the product.

(e) In finishing and cleaning dressed poultry, the vestigial feathers (hair or down as the case may be) shall be removed by singeing or other means, feed shall be removed from the crop without incising the tissues, and the fecal material in the cloaca shall be removed by venting. These operations shall be completed prior to, or during the final washing, but prior to chilling and packaging of such dressed poultry. Notwithstanding the foregoing, dressed poultry which is to be warm eviscerated is not required to be vented or singed if it is to be singed after evisceration and prior to packing, and dressed poultry which has been vented and singed and is to be eviscerated in an official establishment within 72 hours from time of slaughter may, when approved by the inspector in charge, be transferred by conveyor or operational type container or other approved means to such official establishment prior to removal of the feed in the crop.

(f) If dressed poultry is not to be immediately warm eviscerated, the head of each carcass shall be washed thoroughly either by automatic washer or manually to remove feed from the mouth and blood from the head and mouth.

(g) In the final washing of dressed poultry, the carcass shall be passed through a system of sprays providing an abundant supply of fresh clean water either under pressure or scrubbing action.

(h) Thawing poultry in water:

(1) *Ready-to-cook poultry.* When frozen ready-to-cook poultry is to be thawed in water, the thawing practices and procedures shall be such as will prevent the product from becoming adulterated by the absorption of moisture and such poultry shall be thawed by one of the following methods:

(i) The poultry may be thawed in continuous running tap water of sufficient volume and for such limited time as is necessary to thaw such poultry. The thawing media shall not exceed 70° F. in temperature. Complete thawing is necessary to permit thorough examination of ready-to-cook poultry prior to any further processing.

(ii) The practice of placing frozen ready-to-cook poultry into cooking kettles, without prior thawing, is permitted only when a representative sample of the entire lot has been thawed and found to be sound and unadulterated. Thawing may be accomplished in cookers where the water can be heated to enable the cooking process to begin immediately following completion of thawing. Thawing practices and procedures shall result in no net gain in weight over the frozen weight. When whole carcasses or parts are thawed for repackaging as parts, it is not acceptable to recool the parts in slush ice. However, they may be held in tanks of crushed ice with the drains open, pending further processing or packaging.

(iii) The poultry may be thawed in recirculated water, maintained at a temperature not in excess of 50° F., for such limited time as is necessary to thaw such poultry.

(2) *Dressed poultry.* Frozen dressed poultry shall not be thawed in tanks with continuously running water or residual water, but shall be thawed on metal racks or in perforated metal containers under a continuous water spray at a temperature not in excess of 70° F.

(i) Cuts for the removal of the viscera shall be limited to those necessary for proper processing operations and inspection. With respect to roaster-style evisceration, opening cuts shall be made in such a manner that the skin between the thighs and rib cage will not be cut or torn open during the drawing operation. No additional cuts shall be made prior to chilling other than those necessary to perform the complete evisceration of the bird. The "bar-cut" method of evisceration may be used only when permitted by the inspector in charge upon his determination that this method can be used at the official establishment without contaminating the poultry. With respect to poultry that is to be opened by the "bar-cut" method, particular care shall be exercised in making transverse cuts so that the thigh areas will not be opened and the flesh at the posterior end of the keel will not be exposed. An occasional bird that is unintentionally opened in the aforesaid areas will be permitted. The type of opening cut is part of the chilling procedure and any change in such cut requires establishing a new procedure under § 381.66.

(j) The area at the junction of the neck with the body of the eviscerated

bird shall be positively opened prior to final washing so that water will drain freely from the body cavity and not become trapped in the area between the neck skin and the neck.

(k) Ready-to-cook poultry shall be adequately drained after chilling, to remove ice and free water prior to packaging or packing.

(l) Cut-up poultry shall be processed from chilled carcasses and the parts shall not be rechilled in ice and water or water, but may be temporarily held in containers of crushed ice which are continuously drained pending further processing and packaging. Upon approval by the Administrator, and under such conditions as he may prescribe in specific cases, cut-up poultry may be processed from unchilled eviscerated poultry. Such poultry parts shall not be chilled in water and ice, but may be chilled either in ice in continuously drained containers or by immediate entry into a freezer. Such poultry parts shall be chilled as provided in § 381.66 (b) (2).

(m) All offal resulting from the evisceration operation shall be removed from the official establishment as often as necessary to prevent the development of an insanitary condition.

(n) Containers to be used for packaging dressed poultry and other poultry products shall be clean, free from substances and odors that would result in adulteration of the products and of sufficient strength and durability to protect the products adequately during normal distribution.

(o) Paper and other material used for lining barrels or other containers in which poultry products are packed shall be of such kinds as do not tear readily during use but remain intact when moistened by the products. Wooden containers to be used for packing poultry products shall be fully lined except when the poultry products to be packed therein are fully wrapped.

(p) Protective coverings shall be used for poultry products while they are in any official establishment or are being transported between official establishments, which are adequate to protect the products against contamination by any foreign substances (including, but not being limited to, dust, dirt, and insects) considering the means employed in transporting the products.

(q) (1) Detached ova may be collected for human food in the official establishment provided it is done in a sanitary manner: *Provided*, The identity of such ova with the carcass shall be maintained past the point of inspection and ova from condemned carcasses shall likewise be condemned and treated as required in § 381.95: *And provided further*, That ova for human food are cooled, packaged, and otherwise handled so as to be fit for human food.

(2) Detached ova harvested for human food may leave the official establishment only for movement to an egg products processing plant for processing as allowed in § 59.440 of the regulations (7 CFR 59.440) under the Egg Products Inspection Act and when moved from the

official establishment shall bear labeling which indicates that the ova were harvested under sanitary supervision of the Inspection Service.

§ 381.66 Temperatures and chilling and freezing procedures.

(a) *General.* Temperatures and procedures which are necessary for chilling and freezing dressed and ready-to-cook poultry, including all edible portions thereof, shall be in accordance with operating procedures which insure the prompt removal of the animal heat and will preserve the condition and wholesomeness of the poultry and assure that the products are not adulterated. A description of the chilling and freezing procedures used at the official establishment shall be filed with the inspector in charge at the establishment.

(b) *General chilling requirements.* (1) All poultry that is slaughtered and eviscerated in the official establishment shall be chilled immediately after processing so that the internal temperature is reduced to 40° F. or less, as provided in subparagraph (2) of this paragraph unless such poultry is to be frozen or cooked immediately at the official establishment. Eviscerated poultry to be shipped from the establishment in packaged form shall be maintained at 40° F. or less, except that during further processing and packaging operations, the internal temperature may rise to a maximum of 55° F.: *Provided*, That immediately after packaging, the poultry is placed under refrigeration at a temperature that will promptly lower the internal temperature of the product to 40° F. or less, or the poultry is placed in a freezer. Poultry which is to be held at the plant in packaged form in excess of 24 hours shall be held in a room at a temperature of 36° F. or less.

(2) Poultry carcasses, and major portions of carcasses as defined in paragraph (c) (2) (iv) of this section shall be chilled to 40° F. or lower within the times specified below:

Weight of carcass:	Time (hours)
Under 4 pounds.....	4
4 to 8 pounds.....	6
Over 8 pounds.....	8

(c) *Ice and water chilling.* (1) Only ice produced from potable water may be used for ice and water chilling. The ice shall be handled and stored in a sanitary manner. If of block type, the ice shall be washed by spraying all surfaces with clean water before crushing.

(2) (i) The temperature of the chilling media in the warmest part of any poultry chilling system shall not exceed 65° F. or the maximum temperature specified in the current chilling procedure filed as required by paragraph (a) of this section, whichever is less. Continuous chillers shall not be used unless a recording thermometer, with a 24-hour recording cycle, is provided to measure the temperature in the warmest part of the chilling system. The temperature recorder shall be readily accessible. The completed temperature charts shall be furnished daily to the inspector.

RULES AND REGULATIONS

(ii) With respect to continuous chilling systems, the fresh water intake in the first section of the system, after all sections of the system are filled with water, shall be not less than one-half gallon per frying chicken and proportionately more for other classes of poultry, including not less than 1 gallon per turkey. Sufficient water or ice, or both, shall be added to sections of the chilling system other than the first section, to keep the chilling media clean and to provide a continuous overflow from each section. If there is no loss of water between sections, multiple section chilling systems may be connected so the overflow from subsequent sections serves as water intake for the first section. In this type of installation, the required minimum fresh water intake may be either in the first or the last section of the chilling system. Water used to fill chilling systems shall not be counted toward minimum requirements specified in this subdivision (ii). Continuous chillers shall not be used unless the required minimum fresh water intake is measured through a meter which gives cumulative readings, and the meter shall be readily accessible. Upon approval by the Administrator in specific cases, when the official establishment employs an acceptable method of determining the amount of ice added to the appropriate section of the chilling system, meltage from such ice may be counted toward the required minimum fresh water intake.

(iii) In continuous chillers, whenever the elevators or conveyors removing the poultry from the chilling units are stopped, the agitation, either mechanical or by air, must also be stopped. In addition, unless the temperature of the chilling media is lowered to and maintained at 40° F. or below, poultry shall not be left in such stopped chillers in excess of 15 minutes.

(iv) Partial trimming and salvage of parts of poultry carcasses often result in parts of major size, either front or rear portions, wherein the major portion of the poultry carcass remains intact. These portions may be chilled in water and ice, including chilling in continuous chillers. Individual parts from salvage operations, including but not limited to drumsticks, thighs, split carcasses, and split breasts, shall not be cooled in water and ice, but may be cooled in the air, or ice, or under a spray of water with continuous drainage.

(v) Previously chilled poultry carcasses and major portions shall not be rechilled in ice and water, but may be rechilled with ice in continuously drained containers.

(3) Previously chilled poultry carcasses and major portions shall be maintained constantly at 40° F. or below until removed from the vats or tanks for immediate packaging. Such products may be removed from the vats or tanks prior to being cooled to 40° F. or below, for freezing or cooling in the official establishment. Such products shall not be packed until after they have been chilled

to 40° F. or below, except when the packaging will be followed immediately by freezing at the official establishment.

(4) (i) In order to facilitate continuous processing operations, poultry carcasses and major parts may be held overnight in chilling tanks containing water-saturated ice, refrigerated water, or other approved cooling media that will maintain all poultry in the tanks at a temperature of 40° F., or lower. Practices (such as reicing, recirculation of the chilling medium, or holding product in refrigerated rooms, or use of increased amounts of ice) shall be employed that will result in all of the poultry in the chilling tanks being maintained at a temperature of 40° F. or lower throughout the holding period.

(ii) Poultry which is to be held in chilling tanks in excess of 24 hours shall at the end of the 24-hour chilling period be removed from the tanks and repacked in clean ice and in clean tanks which are continually drained, or as an alternative, the tanks shall be drained and reiced and placed in a cooler which will maintain all of the poultry in the tanks at a temperature at 40° F. or below.

(5) (i) Giblets shall be chilled to 40° F. or lower within 2 hours from the time they are removed from the inedible viscera, except that when they are cooled with the carcass, the requirements of paragraph (b) (2) of this section shall apply. Any of the acceptable methods of chilling the poultry carcass may be followed in cooling giblets. When continuous chillers are used to chill giblets or necks, the fresh water intake in the chiller shall be not less than 1 gallon per 40 frying chickens processed, and shall be proportionately increased for other classes of poultry. When necks are chilled together with giblets, the minimum fresh water intake shall be not less than 1 gallon per 20 frying chickens processed and shall be proportionately increased for other classes of poultry. The required minimum fresh water intake in giblet and neck chillers shall be measured through a meter which gives cumulative readings, and the meter shall be readily accessible. In continuous giblet or neck chillers, the temperature of the chilling medium shall not exceed 36° F. in the warmest part of the system.

(d) *Moisture absorption and retention limits.* (1) Poultry washing, chilling, and draining practices and procedures shall be such as will minimize moisture absorption and retention at time of packaging.

(2) With respect to ready-to-cook poultry that is to be frozen, cooked, or consumer packaged, as whole poultry, the maximum moisture absorption and retention during washing, chilling, and draining processes shall not exceed, at the last readily accessible point at which the poultry carcasses can be selected for testing prior to packaging, the percentage limits set forth in the following tables.

TABLE 1—MAXIMUM MOISTURE ABSORPTION AND RETENTION LIMITS FOR ALL CLASSES OF POULTRY, OTHER THAN TURKEYS, TO BE CONSUMER PACKAGED, FROZEN OR COOKED AS WHOLE POULTRY

Average ready-to-cook carcass weight prior to final washer (less necks and giblets)	Average percent increase in weight over weight of carcass prior to final washer (less necks and giblets)	
	Zone A ¹	Zone B ¹
Chickens 4½ lbs. and under.....	8.0	8.7
Chickens over 4½ lbs. and all other classes of poultry other than turkeys.....	6.0	6.7

¹ Product shall be retained if, out of five consecutive tests more than one test exceeds the Zone A limits or any test exceeds the Zone B limits. These zone limits were based on a statistical analysis of variation between individual birds with regard to moisture absorption. With these limits the chance of passing a lot with average moisture at or above the Zone A limit is less than 15 percent. A lot with average moisture at or above the Zone B limit would have virtually no chance of passing.

TABLE 2—MAXIMUM MOISTURE ABSORPTION AND RETENTION LIMITS FOR ALL TURKEYS TO BE CONSUMER PACKAGED, FROZEN OR COOKED AS WHOLE POULTRY

Average ready-to-cook carcass weight prior to final washer (less necks and giblets)	Average percent increase in weight over weight of carcass prior to final washer (less necks and giblets)	
	Zone A ¹	Zone B ¹
8 lbs. 8 ozs. and under.....	8.0	9.0
8 lbs. 9 ozs.—15 lbs. 15 ozs.....	6.0	6.4
16 lbs.—16 lbs. 15 ozs.....	5.8	6.05
17 lbs.—17 lbs. 15 ozs.....	5.5	5.75
18 lbs.—18 lbs. 15 ozs.....	5.3	5.55
19 lbs.—19 lbs. 15 ozs.....	5.1	5.35
20 lbs.—20 lbs. 15 ozs.....	4.9	5.15
21 lbs.—21 lbs. 15 ozs.....	4.8	5.05
22 lbs.—22 lbs. 15 ozs.....	4.6	4.85
23 lbs.—23 lbs. 15 ozs.....	4.5	4.75
24 lbs.—26 lbs. 15 ozs.....	4.4	4.65
27 lbs. and over.....	4.3	4.55

¹ Product shall be retained if, out of five consecutive tests, more than one test exceeds the Zone A limits or any test exceeds the Zone B limits. These zone limits were based on a statistical analysis of variation between individual birds with regard to moisture absorption. With these limits the chance of passing a lot with average moisture at or above the Zone A limit is less than 15 percent. A lot with average moisture at or above the Zone B limit would have virtually no chance of passing.

(3) With respect to ready-to-cook turkey carcasses that are to be cut up, the maximum amount of moisture absorption and retention shall not exceed (at the time the first cut is made) the percentage limits set forth in the following table:

TABLE 3—MAXIMUM MOISTURE ABSORPTION AND RETENTION LIMITS FOR ALL TURKEYS TO BE CUT-UP

Average ready-to-cook carcass weight prior to final washer (less necks and giblets)	Average percent increase in weight over weight of carcass prior to final washer (less necks and giblets)	
	Zone A ¹	Zone B ¹
8 lbs. 8 ozs. and under.....	9.0	0.0 1
8 lbs. 9 ozs.—15 lbs. 15 ozs.....	7.0	7.4
16 lbs.—16 lbs. 15 ozs.....	6.8	7.05
17 lbs.—17 lbs. 15 ozs.....	6.5	6.75
18 lbs.—18 lbs. 15 ozs.....	6.3	6.55
19 lbs.—19 lbs. 15 ozs.....	6.1	6.35
20 lbs.—20 lbs. 15 ozs.....	5.9	6.15
21 lbs.—21 lbs. 15 ozs.....	5.8	6.05
22 lbs.—22 lbs. 15 ozs.....	5.6	5.85
23 lbs.—23 lbs. 15 ozs.....	5.5	5.75
24 lbs.—26 lbs. 15 ozs.....	5.4	5.65
27 lbs. and over.....	5.3	5.55

¹ Product shall be retained if, out of five consecutive tests more than one test exceeds the Zone A limits or any test exceeds the Zone B limits. These zone limits were based on a statistical analysis of variation between individual birds with regard to moisture absorption. With these limits the chance of passing a lot with average moisture at or above the Zone A limit is less than 15 percent. A lot with average moisture at or above the Zone B limit would have virtually no chance of passing.

(4) (i) With respect to ready-to-cook chicken carcasses, averaging $4\frac{1}{4}$ pounds or less, that are chilled in continuous chillers and further aged or chilled in slush ice and water, prior to being cut up, the maximum amount of moisture absorption and retention shall not exceed (when placed on the cutup line) the percentage limits set forth in the following table:

AVERAGE PERCENT INCREASE IN WEIGHT OVER WEIGHT OF CARCASS PRIOR TO FINAL WASHER (LESS NECKS AND GIBLETS)

Zone A—10.0¹
Zone B—11.0¹

(ii) With respect to ready-to-cook chicken carcasses, averaging $4\frac{1}{4}$ pounds or less, which are chilled in continuous chillers only, prior to being cut up, the percentage limits set forth in subparagraph (5) of this paragraph shall apply.

(5) With respect to ready-to-cook poultry other than that under subparagraph (3) or (4) (i) of this paragraph that is to be ice packed, the maximum amount of moisture absorption shall not exceed, at the last readily accessible point at which the poultry carcasses can be selected for testing on the drip line, the percentage limits set forth in the following table:

MAXIMUM MOISTURE ABSORPTION AND RETENTION LIMITS FOR ICE PACK POULTRY

AVERAGE PERCENT INCREASE IN WEIGHT OVER WEIGHT OF CARCASS PRIOR TO FINAL WASHER (LESS NECKS AND GIBLETS)

Zone A—12.0¹
Zone B—13.0¹

(6) With respect to all ice pack poultry, the loss of moisture during holding and transportation to the first destination shall result in moisture retention that is within the limits, applicable to the class of poultry involved, set forth in Zone A of Tables 1 and 2 in subparagraph (2) of this paragraph.

(7) Ten-bird tests shall be conducted at least daily by inspectors to assure compliance with the requirements of subparagraphs (1) through (5) of this paragraph, using procedures set forth in the Poultry Inspectors' Handbook. The inspectors' 10-bird test will be used to determine such compliance, except as additional 50-bird tests are required under subparagraph (8) of this paragraph.

(8) Each official establishment may make adjustments in its washing, chilling, and draining methods provided it submits to the inspector at the establishment, written notice of the proposed adjustments before any changes are made, and provided further, that the operator

¹Product shall be retained if, out of five consecutive tests, more than one test exceeds the Zone A limits or any test exceeds the Zone B limits. These zone limits were based on a statistical analysis of variation between individual birds with regard to moisture absorption. With these limits the chance of passing a lot with average moisture at or above the Zone A limit is less than 15 percent. A lot with average moisture at or above the Zone B limit would have virtually no chance of passing.

of the establishment, immediately after the change, selects, prepares, identifies, and weighs, in accordance with procedures set forth in the Poultry Inspectors' Handbook,² individually a random sample of 50 ready-to-cook poultry carcasses prior to the final washer and again when they are removed from the drip line or other draining device immediately before packing. If the average weight of the 50 poultry carcasses taken before the final washer and their average weight after immediate removal from the drip line or draining device show that the product is in compliance with the Zone A moisture absorption limits, applicable to the class of poultry involved, set forth in this section, the adjusted methods will become the established washing, chilling, and draining system for the establishment. If the results of the weighing of the sample of 50 carcasses show that the product exceeds the Zone A limits set forth in this section, the poultry will be retained in accordance with procedures set forth in the Poultry Inspectors' Handbook. Retained poultry shall not be released from the establishment until they meet the applicable requirements of subparagraph, (2), (3), (4), or (5) of this paragraph.

(9) The establishment shall provide scales, weights, identification devices, and other supplies necessary to conduct all moisture tests.

(10) When poultry is ice packed in barrels or other containers, the barrels and containers shall be covered and shall have an adequate number of drain holes to permit the water to drain out. However, the Administrator, upon written request and under such conditions as he may prescribe in specific cases, may approve the shipment of poultry in operational type containers, such as chill tanks or lugs, from one official establishment to another official establishment for further processing.

(11) (i) Giblets shall be handled in a manner that will prevent free water from being included in the giblet package. If giblet wrapping material is to be used, the average weight of giblet wrapping material shall be not more than 30 pounds per standard ream (24" x 36"—500 sheets) when tested in accordance with the Technical Association of the Pulp and Paper Industry (T.A.P.P.I.) Standard T-410, except that the weight of such material may exceed 30 pounds per standard ream if, after absorption, as allowed by subdivision (ii) of this subparagraph, the material does not weigh more than the total of a 30-pound standard ream plus the allowable absorption increase.

(ii) Test samples shall be conditioned in accordance with T.A.P.P.I. Standard T-402. The sample to be tested shall consist of 10 sheets representative of the shipment or lot, and individual sheets

²The Poultry Inspectors' Handbook is available upon request from the Animal and Plant Health Inspection Service of the U.S. Department of Agriculture, Washington, D.C. 20250.

within the sample may vary within normal tolerance from the prescribed maximum weight, but the average of the sample (10 sheets) shall not weigh in excess of 30 pounds per standard ream (24" x 36"—500 sheets) except as specified above. The moisture absorption shall not exceed 200 percent of the dry weight of the sample (as conditions in accordance with T.A.P.P.I. Standard T-402) and giblet wrappers (uncreped) shall not exceed the following sizes or equivalents: Chickens and Ducks, 9" x 12", Turkeys, 12" x 14".

(e) *Air chilling.* In air chilling, dressed poultry shall be placed in a refrigerated room with moderate air movement at a temperature which will reduce the internal temperature of the carcasses to 40° F. or less within 24 hours. In air chilling ready-to-cook poultry, the internal temperature of the carcasses shall be reduced to 40° F. or less within 16 hours.

(f) *Freezing.* (1) Dressed and ready-to-cook poultry which is to be or is labeled with descriptive terms such as "fresh frozen," "quick frozen" or "frozen fresh" or any other term implying a rapid change from a fresh state to a frozen state shall be placed into a freezer within 48 hours after initial chilling in accordance with paragraph (b) of this section. During this period, if such poultry is not immediately placed into a freezer after chilling and packaging, it shall be held at 36° F. or lower.

(2) The freezing operation for dressed poultry shall be accomplished in such a manner as to bring the internal temperature of the birds in the center of the package to 0° F. or below within 96 hours from the time of entering the freezer; whereas, ready-to-cook poultry shall be frozen in a manner so as to bring the internal temperature of the birds at the center of the package to 0° F. or below within 72 hours from the time of entering the freezer.

(3) Upon written request, and under such conditions as may be prescribed by the Administrator, in specific cases, dressed and ready-to-cook poultry which is to be frozen immediately may be moved from the official establishment prior to freezing: *Provided*, That the plant and freezer are so located and such necessary arrangements are made that the Inspection Service will have access to the freezing room and adequate opportunity to determine compliance with the time and temperature requirements specified in subparagraph (2) of this paragraph.

(4) Warm packaged ready-to-cook poultry which is to be chilled by immediate entry into a freezer within the official establishment shall within 2 hours from time of slaughter be placed in a plate freezer or a freezer with a functioning circulating air system where a temperature of -10° F. or lower is maintained.

(5) Frozen poultry shall be held under conditions which will maintain the product in a solidly frozen state with tempera-

ture maintained as constant as possible under good commercial practice.

(6) Immersion or spray freezing equipment shall be constructed of non-corrosive metal or other acceptable material. Compounds used in immersion or spray freezing procedures shall be approved by the Administrator.

Subpart J—Ante Mortem Inspection

§ 381.70 Ante mortem inspection; when required; extent.

An ante mortem inspection of poultry shall, where and to the extent considered necessary by the Administrator and under such instructions as he may issue from time to time, be made of poultry on the day of slaughter in any official establishment.

§ 381.71 Condemnation on ante mortem inspection.

Birds plainly showing on ante mortem inspection any disease or condition, that under §§ 381.80 to 381.93, inclusive, would cause condemnation of their carcasses on post mortem inspection, shall be condemned. Birds which on ante mortem inspection are condemned shall not be dressed, nor shall they be conveyed into any department of the official establishment where poultry products are prepared or held. Poultry which has been condemned on ante mortem inspection and has been killed or died otherwise shall under the supervision of an inspector of the Inspection Service, be disposed of as provided in § 381.95.

§ 381.72 Segregation of suspects on ante mortem inspection.

All birds which on ante mortem inspection do not plainly show, but are suspected of being affected with any disease or condition that under §§ 381.80 to 381.93, inclusive, may cause condemnation in whole or in part on post mortem inspection, shall be segregated from the other poultry and held for separate slaughter, evisceration, and post mortem inspection. The inspector shall be notified when such segregated lots are presented for post mortem inspection and inspection of such birds shall be conducted separately. Such procedure for the correlation of ante mortem and post mortem findings by the inspector, as may be prescribed or approved by the Administrator, shall be carried out.

§ 381.73 Quarantine of diseased poultry.

If live poultry, which is affected by any contagious disease which is transmissible to man, is brought into an official establishment, such poultry shall be segregated. The slaughtering of such poultry shall be deferred and the poultry shall be dealt with in one of the following ways:

(a) If it is determined by a veterinary inspector that further handling of the poultry will not create a health hazard, the lot shall be slaughtered separately, subject to ante mortem and post mortem inspection pursuant to the regulations.

(b) If it is determined by a veterinary inspector that further handling of the

poultry will create a health hazard, such poultry may be released for treatment under the control of an appropriate State or Federal agency. If the circumstances are such that release for treatment is impracticable, a careful bird-by-bird ante mortem inspection shall be made, and all birds found to be, or which are suspected of being, affected with a contagious disease transmissible to man shall be condemned.

§ 381.74 Poultry suspected of having biological residues.

When any poultry at an official establishment is suspected of having been treated with or exposed to any substance that may impart a biological residue which would make their edible tissues adulterated, they shall, at the option of the operator of the establishment, be processed at the establishment and the carcasses and all parts thereof retained under U.S. Retained tags pending final disposition in accordance with § 381.80 and other provisions in Subpart K, or they shall be slaughtered at the establishment and buried or incinerated in a manner satisfactory to the inspector. Alternatively, such poultry may be returned to the grower if further holding will result in their not being adulterated by reason of any residue. The Inspection Service will notify the other Federal and State agencies concerned of such action. To aid in determining the amount of residue present in the poultry, officials of the Inspection Service may permit the slaughter of any such poultry to collect tissues for analysis of the residue.

§ 381.75 Poultry used for research.

(a) No poultry used in any research investigation involving an experimental biological product, drug, or chemical shall be eligible for slaughter at an official establishment unless:

(1) The operator of such establishment, the sponsor of the investigation, or the investigator has submitted to the Inspection Service, or the Veterinary Biologics unit of Veterinary Services, Animal and Plant Health Inspection Service of the Department or the Environmental Protection Agency, or the Food and Drug Administration of the Department of Health, Education, and Welfare, data or a summary evaluation of the data which demonstrates that the use of such biological product, drug, or chemical will not result in the products of such poultry being adulterated, and the Administrator has approved such slaughter.

Subpart K—Post Mortem Inspection; Disposition of Carcasses and Parts

§ 381.76 Post mortem inspection; when required; extent.

(a) A post mortem inspection shall be made on a bird-by-bird basis on all poultry eviscerated in an official establishment. No viscera or any part thereof shall be removed from any poultry processed in any official establishment, except at the time of post mortem inspection unless their identity with the rest of the carcass is maintained in a manner

satisfactory to the inspector until such inspection is made. Each carcass to be eviscerated shall be opened so as to expose the organs and the body cavity for proper examination by the inspector and shall be prepared immediately after inspection as ready-to-cook poultry. If a carcass is frozen, it shall be thoroughly thawed before being opened for examination by the inspector. Each carcass, or all parts comprising such carcass, shall be examined by the inspector, except for parts that are not needed for inspection purposes and are not intended for human food and are condemned.

(b) Each bird that is slaughtered but is not to be eviscerated at the official establishment shall be promptly processed as dressed poultry and inspected to determine to the extent possible without examining the viscera whether such carcass is adulterated.

§ 381.77 Carcasses held for further examination.

Each carcass, including all parts thereof, in which there is any lesion of disease, or other condition which might render such carcass or any part thereof adulterated and with respect to which a final decision cannot be made on first examination by the inspector, shall be held for further examination. The identity of each such carcass, including all parts thereof, shall be maintained until a final examination has been completed.

§ 381.78 Condemnation of carcasses and parts; separation of condemned articles.

(a) At the time of any inspection under this subpart each carcass, or any part thereof, which is found to be adulterated shall be condemned, except that any such articles which may be made not adulterated by reprocessing, need not be so condemned if so reprocessed under the supervision of an inspector and thereafter found to be not adulterated.

(b) Except for lots of poultry under paragraph (c) of this section, carcasses and any parts of carcasses that are condemned because of disease shall be kept separate from carcasses and parts of carcasses that are condemned for other causes.

(c) When a lot of poultry suspected of containing biological residues is inspected in an official establishment, all carcasses and any parts of carcasses in such lot which are condemned for disease or other cause shall be kept separate from all other condemned carcasses or parts.

§ 381.79 Passing of carcasses and parts.

Each carcass and all organs and other parts of carcasses which are found to be not adulterated shall be passed for human food.

§ 381.80 General; biological residues.

(a) The carcasses or parts of carcasses of all poultry inspected at an official establishment and found at the time of post mortem inspection, or at any subsequent inspection, to be affected with any of the diseases or conditions named in other sections in this subpart, shall be disposed of in accordance with the sec-

tion pertaining to the disease or condition. Owing to the fact that it is impracticable to formulate rules for each specific disease or conditions and to designate at just what stage a disease process results in an adulterated article, the decision as to the disposal of all carcasses, organs or other parts not specifically covered by the regulations, or by instructions of the Administrator issued pursuant thereto, shall be left to the inspector in charge, and if the inspector in charge is in doubt concerning the disposition to be made, specimens from such carcasses shall be forwarded to the Inspection Service laboratory for diagnosis.

(b) All carcasses, organs, or other parts of carcasses of poultry shall be condemned if it is determined on the basis of a sound statistical sample that they are adulterated because of the presence of any biological residues.

§ 381.81 Tuberculosis.

Carcasses of poultry affected with tuberculosis shall be condemned.

§ 381.82 Diseases of the leukosis complex.

Carcasses of poultry affected with any one or more of the several forms of the avian leukosis complex shall be condemned.

§ 381.83 Septicemia or toxemia.

Carcasses of poultry showing evidence of any septicemic or toxemic disease, or showing evidence of an abnormal physiologic state, shall be condemned.

§ 381.84 [Reserved]

§ 381.85 Special diseases.

Carcasses of poultry showing evidence of any disease which is characterized by the presence, in the meat or other edible parts of the carcass, of organisms or toxins dangerous to the consumer, shall be condemned.

§ 381.86 Inflammatory processes.

Any organ or other part of a carcass which is affected by an inflammatory process shall be condemned and, if there is evidence of general systemic disturbance, the whole carcass shall be condemned.

§ 381.87 Tumors.

Any organ or other part of a carcass which is affected by a tumor shall be condemned and when there is evidence of metastasis or that the general condition of the bird has been affected by the size, position, or nature of the tumor, the whole carcass shall be condemned.

§ 381.88 Parasites.

Organs or other parts of carcasses which are found to be infested with parasites, or which show lesions of such infestation shall be condemned and, if the whole carcass is affected, the whole carcass shall be condemned.

§ 381.89 Bruises.

Any part of a carcass which is badly bruised shall be condemned and, if the whole carcass is affected as a result of the bruise, the whole carcass shall be condemned. Parts of a carcass which show only slight reddening from a bruise may be passed for food.

§ 381.90 Cadavers.

Carcasses of poultry showing evidence of having died from causes other than slaughter shall be condemned.

§ 381.91 Contamination.

Carcasses of poultry contaminated by volatile oils, paints, poisons, gases, scald vat water in the air sac system, or other substances which render the carcasses adulterated shall be condemned. Any organ or other part of a carcass which has been accidentally mutilated in the course of processing shall be condemned, and if the whole carcass is affected, the whole carcass shall be condemned.

§ 381.92 Overscald.

Carcasses of poultry which have been overscalded, resulting in a cooked appearance of the flesh, shall be condemned.

§ 381.93 Decomposition.

Carcasses of poultry deleteriously affected by post mortem changes shall be disposed of as follows:

(a) Carcasses which have reached a state of putrefaction or stinking fermentation shall be condemned.

(b) Any part of a carcass which is green struck shall be condemned and, if the carcass is so extensively affected that removal of affected parts is impracticable, the whole carcass shall be condemned.

(c) Carcasses affected by types of post mortem change which are superficial in nature may be passed for human food after removal and condemnation of the affected parts.

Subpart L—Handling and Disposal of Condemned or Other Inedible Products at Official Establishments

§ 381.95 Disposal of condemned poultry products.

All condemned carcasses, or condemned parts of carcasses, or other condemned poultry products, except those condemned for biological residues shall be disposed of by one of the following methods, under the supervision of an inspector of the Inspection Service. (Facilities and materials for carrying out the requirements in this section shall be furnished by the official establishment.)

(a) Steam treatment (which shall be accomplished by processing the condemned product in a pressure tank under at least 40 pounds of steam pressure) or thorough cooking in a kettle or vat, for a sufficient time to effectively destroy the product for human food purposes and preclude dissemination of disease

through consumption by animals. (Tanks and equipment used for this purpose or for rendering or preparing inedible products shall be in rooms or compartments separate from those used for the preparation of edible products. There shall be no direct connection by means of pipes, or otherwise, between tanks containing inedible products and those containing edible products.)

(b) Incineration or complete destruction by burning.

(c) Chemical denaturing, which shall be accomplished by the liberal application to all carcasses and parts thereof, of:

(1) Crude carbolic acid,
(2) Kerosene, fuel oil, or used crankcase oil, or

(3) Any phenolic disinfectant conforming to commercial standards CS 70-41 or CS 71-41 which shall be used in at least 2 percent emulsion or solution.

(d) Any other substance or method that the Administrator approves in specific cases, which will denature the poultry product to the extent necessary to accomplish the purposes of this section.

(e) Carcasses and parts of carcasses condemned for biological residue shall be disposed of in accordance with paragraph (b) of this section or by burying under the supervision of an inspector.

Subpart M—Official Marks, Devices, and Certificates; Export Certificates; Certification Procedures

§ 381.96 Wording and form of the official inspection legend.

Except as otherwise provided in this subpart, the official inspection legend required to be used with respect to inspected and passed poultry products shall include wording as follows: "Inspected for wholesomeness by U.S. Department of Agriculture." This wording shall be contained within a circle. The form and arrangement of such wording shall be exactly as indicated in the example in Figure 1, except that the appropriate official establishment number shall be shown, and if the establishment number appears elsewhere on the labeling material in the manner prescribed in § 381.123 (b), it may be omitted from the inspection mark. The administrator may approve the use of abbreviations of such inspection mark; and such approved abbreviations shall have the same force and effect as the inspection mark. The official inspection legend, or the approved abbreviation thereof, shall be printed on consumer packages and other immediate containers of inspected and passed poultry products, or on labels to be securely affixed to such containers. Further, such legend or approved abbreviation thereof, shall be applied to shipping containers of such products and may be printed or stenciled thereon, but shall not be applied by rubber stamping. When applied by a stencil, the legend shall be not less than 4 inches in diameter.

RULES AND REGULATIONS



FIGURE 1.

§ 381.97 Official dressed poultry identification mark.

Dressed poultry processed under inspection and passed for distribution as provided in § 381.124 or § 381.190 shall be identified by an official inspection

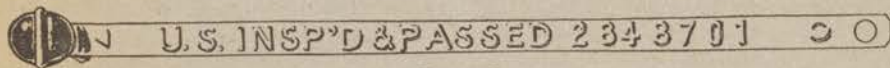


FIGURE 3.

§ 381.99 Official retention and rejection tags.

An inspector may use such tags or other devices and methods at an official establishment as may be approved by the Administrator for the identification and control of (a) poultry and poultry products which appear to be not in compliance with the regulations or which are held for further examination and (b) any equipment, utensils, rooms, or compartments at such establishments which are found to be unclean or otherwise in violation of any of the regulations. No poultry, poultry product, or other article, or equipment, utensil, room, or compartment so identified shall be used until it has been made acceptable. The Administrator has approved a paper tag (a portion of Form C&MS 510) bearing the legend, "U.S. Retained" for use on poultry or poultry products under this section, and has approved a paper tag (another portion of Form C&MS 510) bearing the legend "U.S. Rejected" for use on equipment, utensils, rooms and compartments under this section. Such tags are official devices and shall not be removed by anyone other than an inspector.

§ 381.100 Official detention tag.

The detention tag prescribed in § 381.211 is an official device.

§ 381.101 Official U.S. Condemned mark.

The term "U.S. Condemned" as shown below is an official mark and the devices used by the Department for applying such mark are official devices.

legend, as shown in Figure 2, which shall be not less than 1½" x 3" in size. Such mark shall be applied to the immediate containers and shipping containers of the poultry.



FIGURE 2.

§ 381.98 Official seal.

The official mark for use in sealing means of conveyance used in transporting poultry products under any requirement in this part shall be the inscription and a serial number as shown below, and any seals approved by the Administrator for applying such mark shall be an official device.



FIGURE 4.

§ 381.102 Official import inspection marks and devices.

(a) The official marks for marking poultry products offered for entry as "U.S. inspected and passed" or "U.S. refused entry" as required by § 381.204 shall be in the following forms, respectively, and any device approved by the Administrator for applying such marks shall be an official device."



FIGURE 5.

"The letters "PHI" are an abbreviation for Philadelphia and are used as an example only. The authorized abbreviation for the port or geographical area in which the product was inspected will be shown in each stamp impression.

UNITED STATES REFUSED ENTRY

FIGURE 6.

(b) The import warning notice prescribed in § 381.200(c) is an official device.

§ 381.103 Official poultry condemnation certificates; issuance and form.

Upon request by the operator of the establishment, the inspector in charge shall issue a poultry condemnation certificate. Form (MP-514-1), showing the total number of poultry in the lot and the numbers condemned and the reasons for such condemnations.

The official poultry condemnation certificate authorized by this subpart is a paper certificate, Form (MP-514-1), for signature by an inspector, bearing the legend

U.S. DEPARTMENT OF AGRICULTURE ANIMAL AND PLANT HEALTH INSPECTION SERVICE
POULTRY CONDEMNATION CERTIFICATE

and the seal of the United States Department of Agriculture, with a certification that the poultry enumerated on the form were inspected and condemned for the listed causes in compliance with the regulations of the Department. A statement to the effect that certain figures on the certificate were derived from information supplied by plant management, and a signature line for an authorized plant official is also shown.

§ 381.104 Official export certificates, marks, and devices.

The form of certificate described in § 381.106 is an official export certificate and the marks shown in Figures 8, 9, and 10 are official marks used on such certificates to identify inspected and passed products for export, when certified at the respective locations stated in the marks; and the mark shown in Figure 11 is the official mark used on outside containers to identify inspected and passed poultry products for export. Devices used by the Department to apply such marks are official devices.



FIGURE 8.



FIGURE 9.

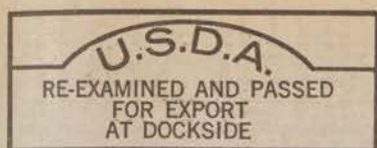


FIGURE 10.



FIGURE 11.

§ 381.105 Export certification; marking of containers.

(a) Upon request by any person intending to export any poultry product, any inspector is authorized to issue an official export certificate as prescribed in § 381.107 with respect to the shipment to any foreign country of any inspected and passed poultry product, after adequate inspection of the product has been made by the inspector to determine its identity as inspected and passed and eligible for export: *Provided*, That the product is offered for inspection at an official establishment. Each shipping container covered by the export certificate shall be marked with an official export stamp as shown in § 381.104 bearing the number of the export certificate. Official export certificates will be issued only upon condition that the products covered thereby shall be subject to reinspection at any place and at any time prior to exportation to determine the identity of the products and their eligibility for certification, and such certificates shall become invalid if such reinspection is refused or discloses that the products are not eligible for such certification. If reinspection discloses that any poultry products covered by an export certificate are not eligible for such certification, a superseding certificate setting forth such findings shall be issued and copies shall be furnished to interested persons.

(b) The original and a duplicate of each official export certificate shall be delivered to the person who requested such certificate or his agent. Such person may duplicate such numbers of exact copies of the original as he requires in connection with the exportation of the poultry products. Additional official copies of the export certificates shall be prepared and distributed by the inspector in accordance with the instructions of the Administrator.

(c) Only one certificate shall be issued for each consignment, except in case of error in the certificate or loss of the certificate originally issued. A request for

a new certificate, except in the case of a lost certificate, shall be accompanied by the original and all copies of the first certificate. The new certificate shall carry the following statement: "This certificate supersedes certificate No. ----- Dated -----". The outside container of the poultry product covered by this certificate is stamped with United States Department of Agriculture Certificate No. -----."

§ 381.106 Form of export certificate.

The official export certificate authorized by this subpart is a paper certificate form (MP-506) for signature by an inspector, bearing the legend

UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION
SERVICE MEAT AND POULTRY INSPECTION
PROGRAM

EXPORT CERTIFICATE

and the seal of the U.S. Department of Agriculture, with a certification that the slaughtered poultry and other poultry products described on the form came from birds that were officially given an ante mortem and post mortem inspection and passed in accordance with the regulations of the Department and that such products are wholesome and fit for human consumption. The certificate also bears a serial number such as "MPA-002805" and shows the respective names of the exporter and the consignee, the destination, the shipping marks, the names of such products, the total net weight thereof, and such other information as the Administrator may prescribe or approve in specific cases.

§ 381.107 Special procedures as to certification of poultry products for export to certain countries.

When export certificates are required by any foreign country for poultry products exported to such country, the Administrator shall in specific cases prescribe or approve the form of export certificate to be used and the methods and procedures he deems appropriate with respect to the processing of such products, in order to comply with requirements specified by the foreign country regarding the export products. Inspectors shall satisfy themselves that all such requirements are met before issuing such an export certificate. It shall be the responsibility of the exporter to provide any unofficial documentation needed to meet the foreign requirements, before the export certificate will be issued. Such certificates may also cover articles exempted from definition as a poultry product under § 381.15 if they have been inspected and are certified under the regulations in Part 362 of this chapter.

§ 381.108 Official poultry inspection certificates; issuance and disposition.

(a) Upon the request of an interested party, any veterinary inspector is authorized to issue an official poultry inspection certificate with respect to any lot of slaughtered poultry inspected by him. At any official establishment each

such certificate shall be signed by the inspector who made the inspection covered by the certificate, and if more than one inspector participated in the inspection of the lot of poultry, each such inspector shall sign the certificate with respect to such lot. If the inspection of a lot covered by a certificate was made by a lay inspector, such certificate shall also be signed by the inspector in charge when such inspection was made. Any inspector is authorized to issue a poultry inspection certificate with respect to any other poultry product inspected by him.

(b) The original and one copy of each poultry inspection certificate shall be issued to the applicant who requested such certificate, and one copy shall be retained by the inspector for filing. The inspector who issues any inspection certificate is authorized to furnish an additional copy of such certificate upon the request of an interested party. The person who sold the live poultry involved to the official establishment is an interested party for purposes of this section.

§ 381.109 Form of official poultry inspection certificate.

(a) The official poultry inspection certificate authorized by this subpart is a paper certificate (Form MP-505) for signature by an inspector, bearing the legend

U.S. DEPARTMENT OF AGRICULTURE ANIMAL
AND PLANT HEALTH INSPECTION SERVICE
MEAT AND POULTRY INSPECTION PROGRAM

POULTRY INSPECTION CERTIFICATE

and the seal of the U.S. Department of Agriculture, with a certification that the poultry described therein had been inspected in compliance with the Regulations of the Secretary of Agriculture Governing the Inspection of Poultry and Poultry Products.

(b) The certificate also bears a serial number such as "B 3208" and shows the respective name and address of the applicant, the shipper or seller and the receiver or buyer and the net weight in pounds of amount passed, amount rejected or condemned, type of poultry, lot number and class, and such other information as the Administrator may prescribe or approve in specific cases.

§ 381.110 Erasures or alterations made on certificates.

Erasures or alterations not initialed by the issuing inspector shall not be permitted on any official certificate or any copy thereof. All certificates rendered useless through clerical error or otherwise and all certificates canceled for whatever cause shall be voided and initialed, and one copy shall be retained in the inspector's file; and the original and all other copies shall be forwarded to the appropriate program supervisor.

§ 381.111 Data to be entered in proper spaces.

All certificates shall be so executed that the data entered thereon will appear in the proper spaces on each copy of the certificate.

Subpart N—Labeling and Containers

§ 381.115 Containers of inspected and passed poultry products required to be labeled.

Except as may be authorized in specific cases by the Administrator with respect to shipment of poultry products between official establishments, each shipping container and each immediate container of any inspected and passed poultry product shall at the time it leaves the official establishment bear a label which contains information, and has been approved, in accordance with this subpart.

§ 381.116 Wording on labels of immediate containers.

(a) Each label for use on immediate containers for inspected and passed poultry products shall bear on the principal display panel (except as otherwise permitted in the regulations), the items of information required by this subpart. Such items of information shall be in distinctly legible form, shall read in the same general direction, and shall be generally parallel to each other.

(b) The principal display panel shall be the part of a label that is most likely to be displayed, presented, shown, or examined under customary conditions of display for sale. The principal display panel shall be large enough to accommodate all the mandatory label information required to be placed thereon by the regulations with clarity and conspicuousness and without being obscured by design or vignettes, or crowding. Where packages bear alternate principal display panels, information required to be placed on the principal display panel shall be duplicated on each principal display panel. The area that is to bear the principal display panel shall be:

(1) In the case of a rectangular package, one entire side, the area of which is the product of the height times the width of that side.

(2) In the case of a cylindrical or nearly cylindrical container:

(i) An area on the side of the container that is 40 percent of the product of the height of the container times the circumference, or

(ii) A panel, the width of which is one-third of the circumference and the height of which is as high as the container: *Provided, however,* That there is, immediately to the right or left of such principal display panel, a panel which has a width not greater than 20 percent of the circumference and a height as high as the container, and which is reserved for information prescribed in §§ 381.118, 381.122, and 381.123. Such panel shall be known as the "20 percent panel" and such information may be shown on that panel in lieu of showing it on the principal display panel as provided in this § 381.116.

(3) In the case of a container of any other shape, 40 percent of the total surface of the container.

In determining the area of the principal display panel, exclude tops, bottoms, flanges at tops and bottoms of cans, and shoulders and necks of bottles or jars.

§ 381.117 Name of product.

(a) The label shall show the name of the product, which, in the case of a poultry product which purports to be or is represented as a product for which a definition and standard of identity or composition is prescribed in Subpart P, shall be the name of the food specified in the standard, and in the case of any other poultry product shall be the common or usual name of the food, if any there be, and if there is none, a truthful descriptive designation.

(b) The name of the product required to be shown on labels for fresh or frozen raw whole carcasses of poultry shall be in either of the following forms: The name of the kind (such as chicken, turkey, or duck) preceded by the qualifying term "young" or "mature" or "old", whichever is appropriate; or the appropriate class name as described in § 381.170(a). The name of the kind may be used in addition to the class name, but the name of the kind alone without the qualifying age or class term is not acceptable as the name of the product, except that the name "chicken" may be used without such qualification with respect to a ready-to-cook pack of fresh or frozen cut-up young chickens, or a half of a young chicken, and the name "duckling" may be used without such qualification with respect to a ready-to-cook pack of fresh or frozen young ducks. The class name may be appropriately modified by changing the word form, such as using the term "roasting chicken", rather than "roaster." The appropriate names for cut-up parts are set forth in § 381.170 (b). When naming parts cut from young poultry, the identity of both the kind of poultry and the name of the part shall be included in the product name.

The product name for parts or portions cut from mature poultry shall include, along with the part or portion name, the class name or the qualifying term "mature." The name of the product for cooked or heat processed poultry products shall include the kind name of the poultry from which the product was prepared but need not include the class name or the qualifying term "mature."

(c) Poultry products containing light and dark chicken or turkey meat in quantities other than the natural proportions, as indicated in Table 1 in this paragraph, must have a qualifying statement in conjunction with the name of the product indicating, as shown in Table 1, the types of meat actually used, except that when the product contains less than 10 percent cooked deboned poultry meat or is processed in such a manner that the character of the light and dark meat is not distinguishable, the qualifying statement will not be required, unless the product bears a label referring to the light or dark meat content. In the latter case, the qualifying statement is required if the light and dark meat are not present in natural proportions. The qualifying statement must be in type at least one-half the size and of equal boldness as the name of the product; e.g., Boned Turkey (Dark Meat).

TABLE 1

Label terminology	Percent light meat	Percent dark meat
Natural proportions	50-65	50-35
Light or white meat	100	0
Dark meat	0	100
Light and dark meat	51-65	49-35
Dark and light meat	35-49	65-51
Mostly white meat	66 or more	34 or less
Mostly dark meat	34 or less	66 or more

(d) Boneless poultry products shall be labeled in a manner that accurately describes their actual form and composition. The product name shall specify the form of the product (e.g., emulsified, finely chopped, etc.), and the kind name of the poultry, and if the product does not consist of natural proportions of skin and fat, as they occur in the whole carcass, shall also include terminology that describes the actual composition. If the product is cooked, it shall be so labeled. For the purpose of this paragraph, natural proportions of skin, as found on a whole chicken or turkey carcass, will be considered to be as follows:

	Raw	Cooked
		Percent
Chicken	20	25
Turkey	15	20

Boneless poultry product shall not have a bone solids content of more than 1 percent, calculated on a weight basis.

§ 381.118 Ingredients statement.

(a) The label shall show a statement of the ingredients in the poultry product if the product is fabricated from two or more ingredients. Such ingredients shall be listed by their common or usual names in the order of their descending proportions.

(b) For the purpose of this paragraph, the term "chicken meat," unless modified by an appropriate adjective, is construed to mean deboned white and dark meat; whereas the term "chicken" may include other edible parts such as skin and fat not in excess of their natural proportions, in addition to the chicken meat. If the term "chicken meat" is listed and the product also contains skin, giblets, or fat, it is necessary to list each such ingredient. Similar principles shall be followed in listing ingredients of poultry products processed from other kinds of poultry.

(c) Spices, flavorings, and colorings may be listed as spices, flavorings, and colorings without naming each. However, no ingredient shall be designated on the label as a spice, flavoring, or coloring, unless it is a spice, flavoring or coloring, as the case may be; however, the term "flavorings" may be used to designate natural spices, essential oils, oleoresins, and other natural spice extractives. The term "spices" may be used to designate natural spices only. An ingredient which is both a spice and a coloring, or both a flavoring and a coloring, shall be designated as "spice and coloring" or "flavoring and coloring," as the case may be, unless such ingredient is designated by its specific name.

(d) On containers of frozen dinners, entrees, and pizzas, and similarly packaged products in cartons, the ingredient statement may be placed on the front riser panel: *Provided*, That the words "see ingredients," followed immediately by an arrow pointing to the front riser panel, are placed on the principal display panel immediately above the location of such statement, without intervening printing or designs.

§ 381.119 Declaration of artificial flavoring or coloring.

(a) When an artificial smoke flavoring or a smoke flavoring is added as an ingredient in the formula of any poultry product, there shall appear on the label, in prominent letters and contiguous to the name of the product, a statement such as "Artificial Smoke Flavoring Added" or "Smoke Flavoring Added," as applicable, and the ingredient statement shall identify any artificial smoke flavoring or smoke flavoring added as an ingredient in the formula of the poultry product.

(b) Any poultry product which bears or contains any artificial flavoring other than an artificial smoke flavoring or a smoke flavoring, or bears or contains any artificial coloring shall bear a statement stating that fact on the immediate container or, if there is none, on the product.

§ 381.120 Antioxidants; chemical preservatives; and other additives.

When an antioxidant is added to a poultry product, there shall appear on the label in prominent letters and contiguous to the name of the product, a statement showing the name of the antioxidant and the purpose for which it is added, such as "BHA added to help protect the flavor." Immediate containers of poultry products packed in, bearing, or containing any chemical preservative shall bear a label stating that fact and naming the additive and the purpose of its use. Immediate containers of poultry products packed in, bearing or containing any other chemical additive shall bear a label naming the additive and the purpose of its use when required by the Administrator in specific cases.

§ 381.121 Quantity of contents.

(a) The label shall bear an accurate statement of the net quantity of contents in terms of weight, measure or numerical count, as appropriate. However, the Administrator may approve the use of labels for certain types of consumer packages which do not bear a statement of the net weight that would otherwise be required under this subparagraph: *Provided*, That the shipping container bears a statement "Net weight to be marked on consumer packages prior to display and sale"; *And provided further*, That the total net weight of the contents of the shipping container is marked on such container: *And provided further*, That the shipping container bears a statement "Tare weight of consumer package" and in close proximity thereto, the actual tare weight (weight of packaging material), weighed to the nearest one-eighth ounce or less,

of the individual consumer package in the shipping container. The above-specified statements may be added to approved shipping container labels upon approval by the inspector in charge.

(b) The net weight marked on containers of poultry products shall be the net weight of the poultry products and shall not include the weights of the wet or dry packaging materials and gilet wrapping materials. When a poultry product and a nonpoultry product are separately wrapped and are placed in a single immediate container bearing the name of both products, the net weight shown on such immediate container may be the total net weight of the two products, or such immediate container may show the net weights of the poultry product and the nonpoultry product separately. Notwithstanding the other provisions of this paragraph, the label on consumer size retail packages of stuffed poultry and other stuffed poultry products must show the total net weight of the poultry product, and in close proximity thereto, a statement specifying the minimum weight of the poultry in the product.

(c) (1) The statement of net quantity of contents shall appear (except as otherwise permitted under this paragraph (c)), on the principal display panel of all containers to be sold at retail intact, in conspicuous and easily legible boldface print or type, in distinct contrast to other matter on the container, and shall be declared in accordance with the provisions of this paragraph (c).

(2) The statement shall be placed on the principal display panel within the bottom 30 percent of the area of the panel, in lines generally parallel to the base: *Provided*, That on packages having a principal display panel of 5 square inches or less, the requirement for placement within the bottom 30 percent of the area of the label panel shall not apply when the statement meets the other requirements of this paragraph. The declaration may appear in more than one line.

(3) The statement shall be in letters and numerals in type size established in relationship to the area of the principal display panel of the package and shall be uniform for all packages of substantially the same size by complying with the following type specifications:

(i) Not less than one-sixteenth inch in height on containers, the principal display panel of which has an area of 5 square inches or less;

(ii) Not less than one-eighth inch in height on containers, the principal display panel of which has an area of more than 5 but not more than 25 square inches;

(iii) Not less than three-sixteenth inch in height on containers, the principal display panel of which has an area of more than 25 but not more than 100 square inches;

(iv) Not less than one-quarter inch in height on containers, the principal display panel of which has an area of more than 100 but not more than 400 square inches;

(v) Not less than one-half inch in height on containers, the principal display panel of which has an area of more than 400 square inches.

(vi) The ratio of height to width of letters and numerals shall not exceed a differential of 3 units to 1 unit (no more than 3 times as high as it is wide). This height standard pertains to upper case or capital letters. When upper and lower case or all lower case letters are used, it is the lower case letter "o" or its equivalent that shall meet the minimum standards. When fractions are used, each component numeral shall meet one-half the height standards.

(4) The statement shall appear as a distinct item on the principal display panel and shall be separated, from other label information appearing to the left or right of the statement, by a space at least equal in width to twice the width of the letter "N" of the style of type used in the quantity of contents statement and shall be separated from other label information appearing above or below the statement by a space at least equal in height to the height of the lettering used in the statement.

(5) The terms "net weight" or "net wt." shall be used when stating the net quantity of contents in terms of weight, and the term "net contents" or "contents" when stating the net quantity of contents in terms of fluid measure. Except as provided in § 381.128, the statement shall be expressed in terms of avoirdupois weight or liquid measure. Where no general consumer usage to the contrary exists, the statement shall be in terms of liquid measure, if the product is liquid, or in terms of weight if the product is solid, semisolid, viscous or a mixture of solid and liquid. On packages containing less than 1 pound or 1 pint, the statement shall be expressed in ounces or fractions of a pint, respectively. On packages containing 1 pound or 1 pint or more, and less than 4 pounds or 1 gallon, the statement shall be expressed as a dual declaration both in ounces and (immediately thereafter in parenthesis) in pounds, with any remainder in terms of ounces or common or decimal fraction of the pound, or in the case of liquid measure, in the largest whole units with any remainder in terms of fluid ounces or common or decimal fraction of the pint or quart. For example, a declaration of three-fourths pound avoirdupois weight shall be expressed as "Net Wt. 12 oz."; a declaration of 1½ pounds avoirdupois weight shall be expressed as "Net Wt. 24 oz. (1 lb. 8 oz.)", "Net Wt. 24 oz. (1½ lb.)", or "Net Wt. 24 oz. (1.5 lbs.)". However, on random weight packages the statement shall be expressed in terms of pounds and decimal fractions of the pound carried out to not more than two decimal places, for packages over 1 pound, and for packages which do not exceed 1 pound the statement may be in decimal fractions of the pound in lieu of ounces. The numbers may be written in provided the unit designation is printed.

(6) The statement as it is shown on a label shall not be false or misleading and

shall express an accurate statement of the quantity of contents of the container, exclusive of wrappers and packaging substances. Reasonable variations caused by loss or gain of moisture during the course of distribution, notwithstanding good distribution practices or by unavoidable deviations, notwithstanding good manufacturing practice will be recognized. Variations from stated quantity of contents shall not be unreasonably large. The statement shall not include any term qualifying a unit of weight, measure or count such as "jumbo quart," "full gallon," "giant quart," "when packed," "minimum" or words of similar import, except as provided in paragraph (b) of this section.

(7) Labels for containers which bear any representation as to the number of servings contained therein shall bear, contiguous to such representation, and in the same size type as is used for such representation, a statement of the net quantity of each such serving.

(8) On a multiunit retail package, a statement of the quantity of contents shall appear on the outside of the package and shall include the number of individual units, the quantity of each individual unit, and, in parentheses, the total quantity of contents of the multiunit package in terms of avoirdupois or fluid ounces, except that such declaration of total quantity need not be followed by an additional parenthetical declaration in terms of the largest whole units and subdivisions thereof, as otherwise required by this paragraph (c). "A multiunit retail package" is a package containing two or more individually packaged units of the identical commodity and in the same quantity, with the individual packages intended to be sold as part of the multiunit retail package but capable of being sold individually. Open multiunit retail packages that do not obscure the number of units and the labeling thereon are not subject to this subparagraph (8) if the labeling of each individual unit complies with the requirements of this paragraph (c).

§ 381.122 Identification of manufacturer, packer or distributor.

The name and address, including zip code, of the manufacturer, packer, or distributor shall be shown on the label and if only the name and address of the distributor is shown, it shall be qualified by such term as "packed for," "distributed by," or "distributors." The name and place of business of the manufacturer, packer, or distributor may be shown on the principal display panel, on the 20-percent panel of the principal display panel reserved for required information, or on the front riser panel of frozen food cartons.

§ 381.123 Official inspection mark; official establishment number.

The immediate container of every inspected and passed poultry product shall bear:

- (a) The official inspection legend; and
- (b) The official establishment number of the official establishment in which

the poultry product was processed under inspection, either within the official inspection legend or clearly visible and in close proximity elsewhere on the exterior of the container, or in the case of canned product, the official establishment number may be embossed on the lid of each can. In the case of nontransparent consumer packages such as cartons, the official establishment number may be legibly printed thereon or it may be shown on an insert label placed on top of the product within the package. In the case of transparent wrappers, the official establishment number may be shown on an insert label and so placed under the transparent covering that it will be clearly visible and legible. The official establishment number may be omitted from the official inspection legend on the containers of consumer packaged frozen pies and dinners, and similarly packaged products, when the official establishment number is placed on an end panel at the time of packaging and when it is presented on a single colored background in a prominent and legible manner, in a size sufficient to insure easy recognition. The official establishment number may be omitted from the official inspection legend on containers of poultry products in aluminum pans or trays bearing such number when a statement such as "Plant No. on Pan" is placed contiguous to the official inspection legend on the container. The official establishment number may be omitted from the official inspection legend printed on artificial casings or bags enclosing poultry products when the official establishment number is etched in ink or embossed on the package closure, in a prominent and legible manner in a size sufficient to insure easy recognition and when a statement, such as "Plant No. on Package Closure" is placed contiguous to the official inspection legend on the casing or bag.

§ 381.124 Dietary food claims.

If a product purports to be or is represented for any special dietary use by man, its label shall bear a statement concerning its vitamin, mineral, and other dietary properties upon which the claim for such use is based in whole or in part and shall be in conformity with regulations (21 CFR Part 125) established pursuant to sections 403 and 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343, 371).

§ 381.125 Special handling label requirements.

Packaged products which require special handling to maintain their wholesome condition shall have prominently displayed on the principal display panel of the label the statement: "Keep Refrigerated," "Keep Frozen," "Perishable—Keep Under Refrigeration," or such similar statement as the Administrator may approve in specific cases. The immediate containers for products that are frozen during distribution and intended to be thawed prior to or during display for sale shall bear the statement "Shipped/Stored and Handled Frozen for Your Protection, Keep Refrigerated

or Freeze Until Display for Sale." For all canned perishable products, the statement shall be shown in upper case letters one-fourth inch in height for containers having a net weight of 3 pounds or less, and for containers having a net weight over 3 pounds, the statement shall be shown in letters one-half inch in height.

§ 381.126 Date of processing; contents of cans.

(a) Either the immediate container or the shipping container of all poultry products shall be plainly and permanently marked by code or otherwise with the date of packaging.

(b) The immediate container for dressed poultry shall be marked with a lot number which shall be the number of the day of the year on which the poultry was slaughtered or a coded number.

(c) All canned products shall be plainly and permanently marked, by code or otherwise, on the containers, with the identity of the contents and date of canning, except that canned products packed in glass containers are not required to be marked with the date of canning if such information appears on the shipping container.

(d) If any marking is by code, the inspector in charge shall be informed as to its meaning.

§ 381.127 Wording on labels of shipping containers.

(a) Each label for use on a shipping container for inspected and passed poultry products shall bear, in distinctly legible form, the following information:

- (1) The official inspection legend.
- (2) The official establishment number of the official establishment in which the poultry product was inspected, either within the official inspection mark, or elsewhere on the container clearly visible and in proximity to the official inspection mark.

§ 381.128 Labels in foreign languages.

Any label to be affixed to a container of any dressed poultry or other poultry product for foreign commerce may be printed in a foreign language. However, the official inspection legend and establishment number shall appear on the label in English, but in addition, may be literally translated into such foreign language. Each such label shall be subject to the applicable provisions of §§ 381.115 to 381.141, inclusive. Deviations from the form of labeling required under the regulations may be approved by the Administrator in specific cases and such modified labeling may be used for poultry products to be exported: *Provided*, (a) That the proposed labeling accords to the specifications of the foreign purchaser, (b) that it is not in conflict with the Act or the laws of the country to which it is intended for export, and (c) that the outside of the shipping container is labeled to show that it is intended for export; but if such product is sold or offered for sale in domestic commerce, all the requirements of the regulations shall apply.

§ 381.129 False or misleading labeling or containers.

(a) No poultry product subject to the Act shall have any false or misleading labeling or any container that is so made, formed, or filled as to be misleading. However, established trade names and other labeling and containers which are not false or misleading and which are approved by the Administrator in the regulations or in specific cases are permitted.

(b) No statement, word, picture, design, or device which is false or misleading in any particular or conveys any false impression or gives any false indication of origin, identity, or quality, shall appear on any label. For example:

(1) Official grade designations such as the letter grades A, B, and C may be used in labeling individual carcasses of poultry or containers of poultry products only if such articles have been graded by a licensed grader of the Federal or Federal-State poultry grading service and found to qualify for the indicated grade.

(2) Terms having geographical significance with reference to a particular locality may be used only when the product was produced in that locality.

(3) "Fresh frozen", "quick frozen", "frozen fresh", and terms of similar import apply only to ready-to-cook poultry processed in accordance with § 381.66(f) (1). Ready-to-cook poultry handled in any other manner and dressed poultry may be labeled "frozen" only if it is frozen in accordance with § 381.66(f) (2) under Department supervision and is in fact in a frozen state. "Individually quick frozen (Kind)" and terms of similar import are applicable only to poultry products that are frozen as stated on the label and whose component parts can be easily separated at time of packing.

(4) Poultry products labeled with a term quoted in any paragraph of § 381.170(b) shall comply with the specifications in the applicable paragraph. However, parts of poultry may be cut in any manner the processor desires as long as the labeling appropriately reflects the contents of the container of such poultry.

§ 381.130 False or misleading labeling or containers; orders to withhold from use.

If the Administrator has reason to believe that any marking or other labeling or the size or form of any container in use or proposed for use with respect to any article subject to the Act is false or misleading in any particular, he may direct that the use of the article be withheld unless it is modified in such manner as the Administrator may prescribe so that it will not be false or misleading. If the person using or proposing to use the labeling or container does not accept the determination of the Administrator, he may request a hearing, but the use of the labeling or container shall, if the Administrator so directs, be withheld pending hearing and final determination by the Secretary in accordance with applicable rules of practice. Any such

determination with respect to the matter by the Secretary shall be conclusive unless, within 30 days after the receipt of notice of such final determination, the person adversely affected thereby appeals to the U.S. Court of Appeals for the Circuit in which he has his principal place of business, or to the U.S. Court of Appeals for the District of Columbia Circuit. The provisions of section 204 of the Packers and Stockyards Act of 1921, as amended, shall be applicable to appeals taken under this section.

§ 381.131 Preparation of labeling or other devices bearing official inspection marks without advance approval prohibited; exceptions.

Except for the purposes of preparing and submitting a sample or samples of labeling or other devices bearing the official inspection legend or bearing any other official inspection mark, or any abbreviation or other simulation thereof, or of imprints prepared therefrom, to the Administrator for approval, no brand manufacturer, printer, or other person shall cast, print, lithograph, or otherwise make any such labeling or device or aid, abet, procure, or willfully cause the commission of any such act, without the written authority thereof of the Administrator. However, when any sample stencil or other device, or an imprint prepared therefrom, is approved by the Administrator for a particular applicant, additional supplies of such stencil or other device may be made by such applicant, for use in accordance with the regulations, without further approval by the Administrator.

§ 381.132 Approval required for labeling and other devices bearing official inspection marks.

No labeling or other device bearing any official inspection mark, other than printer's proofs or other samples submitted for approval under this subpart, shall be made until the printer's proof or a photostatic copy has been found by the Administrator to be acceptable; and no labeling or other device, or imprint, bearing any official inspection mark, shall be used until finished copies or samples thereof have been approved by the Administrator, except that approval may be given to printer's final proofs or photostatic copies of labels or samples of stenciled and rubber-stamped imprints for shipping containers or containers for institutional packs.

§ 381.133 Requirement of formulas and analyses.

(a) Copies of each label submitted for approval, shall when the Administrator requires in any specific case, be accompanied by a statement showing, by their common or usual names, the kinds and percentages of the ingredients comprising the poultry product and by a statement indicating the method or preparation of the product with respect to which the label is to be used. Approximate percentages may be given in cases where the percentages of ingredients may vary from time to time, if the limits of variation are stated.

(b) When labels for poultry products bear a chemical analysis, such products must be analyzed on a lot basis by an impartial laboratory to determine whether the products conform to the analysis shown. Such laboratory data shall be made available to the inspector in charge. Any protein percentage shown shall be a minimum and any fat, carbohydrate or caloric content, shall be a maximum. A lot shall consist of no more than one day's production. Laboratories operated by the processor may be used when such laboratory has been approved by the Chemical and Microbiological Branch of the Laboratory Division. The inspector in charge shall, as he deems necessary, submit samples of poultry products to the Chemical and Microbiological Branch for analysis.

§ 381.134 Label approvals by the inspector in charge.

(a) The inspector in charge may approve labels for containers of poultry products sold under contract specifications to Federal governmental agencies, when such product is not offered for sale to the general public: *Provided*, That the contract specifications include specific requirements with respect to labeling, and are made available to the inspector in charge.

(b) The inspector in charge shall approve labels for shipping containers which contain fully labeled immediate containers. Such labels shall comply with § 381.127 and shall bear no wording or other matter which is false or misleading in any respect. Shipping container labels shall be submitted to the inspector in charge in quadruplicate with two copies of the approval being forwarded to the Washington office.

(c) The inspector in charge shall approve labels for products of poultry not intended for human food if they comply with § 381.152(c), and labels for poultry heads and feet for export for processing as human food if they comply with § 381.190(b).

§ 381.135 Modifications of approved labeling or devices.

(a) The inspector in charge may permit the use of approved labeling or other devices which have been modified as follows: *Provided*, That the labeling or device as modified is so used as not to be false or misleading:

(1) All features of the labeling or marking are proportionately enlarged, with color scheme changes, if any, limited to those which will result in the same degree of legibility of each part of the modified labeling or device as that of the approved labeling or device.

(2) Changes are made in the figures denoting the quantity of contents or there is substitution of such abbreviations as "lb." for "pound," "oz." for "ounce," or the "pound" or "ounce" is substituted for the abbreviation.

(3) The name and address of the distributor are included in the blank space following the words "prepared for" or a similar statement, on a master or stock label which was approved with the un-

derstanding that such information would be added later.

(4) During Christmas and other holiday seasons, wrappers or overprints in floral or foliage designs, or illustrations of rabbits, chicks, fireworks, or other emblematic holiday designs are added to approved labels or devices. The use of such designs shall not obscure any mandatory information.

(5) A slight change is made in arrangement of directions pertaining to the opening of cans or the serving of the product.

(6) The appropriate name or class of the poultry is added to a master or stock label which was approved without this information appearing on the label.

(7) When there is a change in the quantity of an ingredient shown in the formula without a change in the order of predominance shown on the label: *Provided*, That the change is in accord with any minimum or maximum limits for the use of certain ingredients prescribed in § 381.147.

(b) The inspector in charge shall send a copy of each such approved modified label to the Director of the Standards and Services Division.

§ 381.136 Affixing of official identification.

(a) No official inspection legend or any abbreviation or other simulation thereof may be affixed to or placed on or caused to be affixed to or placed on any poultry product or container thereof, except by an inspector or under the supervision of an inspector or other person authorized by the Administrator, and no container bearing any such legend shall be filled except under such supervision.

(b) No official inspection legend shall be used on any poultry product or other article which does not qualify for such mark under the regulations.

§ 381.137 Evidence of labeling and devices approval.

No inspector shall authorize the use of any labeling or device bearing any official inspection legend unless he has on file evidence that such labeling or device has been approved in accordance with the provisions of this subpart.

§ 381.138 Unauthorized use or disposition of approved labeling or devices.

(a) Labeling and devices approved for use pursuant to § 381.115 shall be used only for the purpose for which approved, and shall not be disposed of from the official establishment for which approved except with written approval of the Administrator. Any unauthorized use or disposition of approved labeling or devices bearing official inspection marks is prohibited and may result in cancellation of the approval.

(b) Labeling and containers bearing any official inspection marks, with or without the official establishment number, may be transported from one official establishment to any other official establishment, only if such shipments are

made with the prior authorization of the inspector in charge at point of origin, who will notify the inspector in charge at destination concerning the date of shipment, quantity, and type of labeling material involved. Approved labeling and containers may be moved without restriction under this part between official establishments operated by the same person if such labeling and containers are approved for use at all such establishments. No such material shall be used at the establishment to which it is shipped unless such use conforms with the requirements of this subpart.

§ 381.139 Removal of official identifications.

(a) Every person who receives any poultry product in containers which bear any official inspection legend shall remove or deface such legend or destroy the containers upon removal of such articles from the containers.

(b) No person shall alter, detach, deface, or destroy any official identifications prescribed in Subpart M that were applied pursuant to the regulations, unless he is authorized to do so by an inspector or this section; and no person shall fail to use any such official identification when required by this part.

§ 381.140 Relabeling poultry products.

When it is claimed by the operator of an official establishment that some of its labeled poultry product, which has been transported to a location other than an official establishment, is in need of relabeling because the labeling has become mutilated or damaged, or for some other reason needs relabeling, the requests for relabeling the poultry product shall be sent to the Administrator and accompanied with a statement of the reasons therefor and the quantity of labeling required. Labeling material intended for relabeling inspected and passed product shall not be transported from an official establishment until permission has been received from the Administrator. The relabeling of inspected and passed product with official labels shall be done under the supervision of an inspector pursuant to the regulations in Part 362 of this chapter. The establishment shall reimburse the Inspection Service for any cost involved in supervising the relabeling of such product as provided in said regulations.

§ 381.141 Reporting of obsolete labels.

Once a year, or oftener if required by the Administrator, each official establishment shall submit to the Administrator, in quadruplicate, a list of approved labeling and other devices no longer used or a list of the documents issued by the Administrator approving the labeling or devices involved. The approved articles shall be identified by the approval number, the date of approval, and the name of the poultry product or other designation showing the class of labeling material.

Subpart O—Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements

§ 381.145 Poultry products and other articles entering or at official establishments; examination and other requirements.

(a) No poultry product (including poultry broth for use in any poultry product in any official establishment) may be brought into any official establishment unless it has been processed in the United States only in an official establishment or imported from a foreign country listed in § 381.196(b), and inspected and passed, in accordance with the regulations; and unless the container of such product is marked so as to identify the product as so inspected and passed, in accordance with § 381.115 or § 381.205, except that poultry products inspected and passed and identified as such under the laws of an "at least equal" State or territory listed in § 381.187 may be brought into any official establishment solely for storage and distribution therefrom without repackaging, relabeling, or processing in such establishment. No carcass, part thereof, meat or meat food product of cattle, sheep, swine, goats, or equines may be brought into an official establishment unless it has been prepared in the United States only in an official meat packing establishment, or imported, and inspected and passed, in accordance with the Federal Meat Inspection Act, and the regulations under such Act (Subchapter A of this chapter) and is properly marked as so inspected and passed; or has been inspected and passed and is identified as such in accordance with the requirements of the law and regulations of a State not designated in § 331.2 of this chapter; or is present in the official establishment by reason of an exemption allowed in the Federal Meat Inspection Act and the regulations under such Act (Subchapter A of this chapter) or the law and regulations of a State not so designated. However, such exempted articles may enter only under conditions approved by the Administrator in specific cases, including but not limited to, complete separation of inspected poultry products and processing and other operations with respect thereto from the exempted articles and operations with respect thereto, complete cleanup of facilities and equipment between processing of inspected poultry products and the exempted articles and no commingling of inspected and exempted articles in receiving, holding or storage areas.

(b) All poultry products and all carcasses, parts thereof, meat and meat food products of cattle, sheep, swine, goats, or equines which enter any official establishment shall be identified by the operator of the official establishment at the time of receipt at the official establishment. All poultry products, and all carcasses, parts thereof, meat and meat food products of such animals, which are

processed or otherwise handled at any official establishment shall be subject to examination by an inspector at the official establishment in such manner and at such times as may be deemed necessary by the inspector in charge to assure compliance with the regulations. Upon such examination, if any such article or portion thereof is found to be adulterated, such article or portion shall, in the case of poultry products, be condemned and disposed of as prescribed in § 381.95, unless by reprocessing they may be made not adulterated, and shall, in the case of such other articles be disposed of according to applicable law.

(c) Such examination may be accomplished through use of statistically sound sampling plans that assure a high level of confidence. The inspector in charge shall designate the type of plan and the program employee shall select the specific plan to be used in accordance with instructions issued by the Administrator.¹

§ 381.146 Sampling at official establishments.

Inspectors may take, without cost to the Department, such samples as are necessary of any poultry product, or other article for use as an ingredient of any poultry product, at any official establishment to determine whether it com-

¹Further information concerning sampling plans which have been adopted for specific products may be obtained from the Circuit Supervisor. These sampling plans are developed for individual products by the Washington staff and will be distributed for field use as they are developed. The type of plan applicable depends on factors such as whether the product is in containers, stage of preparation, and procedures followed by the establishment operator. The specific plan applicable depends on the kind of product involved.

plies with the requirements of the regulations.

§ 381.147 Restrictions on the use of substances in poultry products.

(a) All ingredients and other substances used in the processing or handling of poultry products at official establishments shall be such as will not result in adulteration or misbranding of the poultry products.

(b) Poultry products and poultry broth used in the processing of poultry products shall have been processed in the United States only in an official establishment, or imported from a foreign country listed in § 381.196(b), and inspected and passed, in accordance with the regulations. Detached ova and offal shall not be used in the processing of any poultry products, except that poultry feet may be processed for use as human food when handled in a manner approved by the Administrator in specific cases, and detached ova may be used in the processing of poultry products if the processor demonstrates that such ova comply with the requirements under the Federal Food, Drug, and Cosmetic Act.

(c) Liquid, frozen, and dried egg products used in the processing of any poultry product shall have been prepared under inspection and be so marked in accordance with the Egg Products Inspection Act.

(d) Carcasses, parts thereof, meat and meat food products of cattle, sheep, swine, goats, or equines may be used in the processing of poultry products only if they were prepared in the United States only in an official meat packing establishment, or imported, and were inspected and passed, in accordance with the Federal Meat Inspection Act, and the regulations under such Act (Subchapter A of this chapter) and are so marked.

(e) All isolated soy protein used in poultry products processed in any official establishment shall contain not more and not less than 0.1 percent titanium, incorporated as food grade titanium dioxide, and the presence of such substance must be shown on the label of the container of the isolated soy protein at all times that the article is in the official establishment.

(f) (1) No substance may be used as an ingredient or otherwise in the processing of any raw or cooked poultry product unless its use is approved as shown in Table 1 in subparagraph (3) of this paragraph or elsewhere in this part, or by the Administrator in specific cases.

(2) Additives, to be used in the processing of poultry products, will be approved only if they comply with the following criteria:

(i) No food additive or other substance subject to section 408, 409, or 706 of the Federal Food, Drug, and Cosmetic Act may be used if it is deemed "unsafe" under that Act. No other additive may be used if, in the judgment of the Administrator, it is an added poisonous or deleterious substance which may render the poultry products injurious to health or otherwise unfit for human food.

(ii) The additive shall not promote deception or cause the product to be otherwise adulterated or misbranded. Scientific data acceptable to the Administrator showing that the additive meets the criteria specified in this section shall be submitted by the person interested in having the additive approved.

(3) The substances specified in the following table are acceptable for use in the processing of poultry products provided they are used within the limits of the amounts stated and under other conditions as stated in the regulations.

TABLE 1

Class of substance	Substance	Purpose	Products	Amount
Antifoaming agent	Methyl polysilicone	To retard foaming	Soups	10 ppm.
			Rendered fats	10 ppm.
			Curing pickle	50 ppm.
Antioxidants and oxygen interceptors	BHA (Butylated hydroxyanisole)	To retard rancidity	Various	0.01 percent based on fat content. (0.02 percent in combination with any other antioxidant listed in this table based on fat content.)
	BHT (Butylated hydroxytoluene)	do	do	Do.
	Propyl gallate	do	do	Do.
	Tocopherols	do	do	0.03 percent based on fat content. (0.02 percent in combination with any other antioxidant listed in this Table based on fat content.)
Binders and extenders	Algin	To extend and stabilize product	do	Sufficient for purpose.
	Carrageenan	do	do	Do.
	Carboxymethyl cellulose (cellulose gum)	do	do	Do.
	Gums, vegetable	do	do	Do.
	Methyl cellulose	To extend and to stabilize product (also carrier)	do	0.15 percent.
	Isolated soy protein	To bind and extend product	do	Sufficient for purpose.
	Sodium caseinate	do	do	Do.
	Whey (dried)	do	do	Do.
Chilling media	Salt (NaCl)	To aid in chilling	Raw poultry products	700 lbs. to 10,000 gals. of water. ¹
Coloring agents (natural)	Annatto, Carotene	To color products	Various	Sufficient for purpose.
Coloring agents (artificial)	Coal tar dyes (FD&C certified), Titanium dioxide	To color products to whiten products	do	Do.
Cooling and retort water treatment agents	Calcium chloride	To prevent staining on exterior of canned goods	Salads and spreads	0.5 percent.
	Citric acid	do	do	Do.
	Diethyl sodium sulfosuccinate	do	do	0.05 percent.
	Disodium-calcium ethylenediamine-tetraacetate	do	do	Sufficient for purpose.
	Disodium ethylenediamine-tetraacetate	do	do	Do.
	Disodium phosphate	do	do	Do.
	Ethylenediamine-tetraacetic acid	do	do	Do.
	Isopropanol	do	do	0.002 percent.

Footnotes at end of table.

RULES AND REGULATIONS

TABLE I—Continued

Class of substance	Substance	Purpose	Products	Amount
Cooling and retort water treatment agents—Con.	Potassium pyrophosphate.....	do.....	do.....	Sufficient for purpose.
	Propylene glycol.....	do.....	do.....	Do.
	Sodium bicarbonate.....	do.....	do.....	Do.
	Sodium carbonate.....	do.....	do.....	Do.
	Sodium dodecylbenzene sulfonate.....	do.....	do.....	0.05 percent.
	Sodium gluconate.....	do.....	do.....	Sufficient for purpose.
	Sodium hexametaphosphate.....	do.....	do.....	Do.
	Sodium laurylsulfate.....	do.....	do.....	0.05 percent.
	Sodium metasilicate.....	do.....	do.....	Sufficient for purpose.
	Sodium n-alkylbenzene sulfonate (alkyl group predominantly C ₁₂ and C ₁₃ and not less than 95 percent C ₁₂ to C ₁₄).....	do.....	do.....	0.05 percent.
	Sodium nitrite (The sodium nitrite must be decharacterized with 0.05 percent powdered charcoal. Bulk decharacterized sodium nitrite when in cook room shall be held in locked metal bin or container conspicuously labeled "Decharacterized sodium nitrite—To be used by authorized personnel only.").....	To inhibit corrosion on exterior of canned goods.	do.....	600 parts per million.
	Sodium pyrophosphate.....	To prevent staining on canned goods.	do.....	0.05 percent.
	Sodium tripolyphosphate.....	do.....	do.....	Do.
	Zinc oxide.....	do.....	do.....	0.01 percent.
	Zinc sulfate.....	do.....	do.....	Do.
Curing agents.....	Ascorbic acid.....	To accelerate color fixing and to preserve color in storage.	Various.....	75 ozs. to 100 gals. pickle at 10% pump level; ¾ oz. to 100 lbs. of poultry product; 10% solution to surfaces of the product prior to packaging (the use of such solution shall not result in the addition of a significant amount of moisture to the product).
	Erythorbic acid.....	do.....	do.....	Do.
	Sodium ascorbate.....	do.....	do.....	87.5 ozs. to 100 gals. pickle at 10% pump level; ¾ oz. to 100 lbs. of poultry product; 10% solution to surfaces of product prior to packaging (the use of such solution shall not result in the addition of a significant amount of moisture to the product).
	Sodium erythorbate.....	do.....	do.....	Do.
	Citric acid or sodium citrate.....	Accelerate color fixing.	Cured products.....	May be used in cured products to replace up to 50% of the ascorbic acid or sodium ascorbate that is used.
	Sodium or potassium nitrate.....	Source of nitrite.....	do.....	7 lbs. to 100 gals. pickle; 3¼ ozs. to 100 lbs. of poultry product (dry cure); 2¼ ozs. to 100 lbs. of chopped poultry meat.
	Sodium or potassium nitrite (supplies of sodium nitrite and potassium nitrite and mixtures containing them must be kept securely under the care of a responsible employee of the establishment. The specific nitrite content of such supplies must be known and clearly marked accordingly).....	To fix color.....	do.....	2 lbs. to 100 gals. pickle at 10% pump level; 1 oz. to 100 lbs. of poultry product (dry cure); ¼ oz. to 100 lbs. chopped poultry meat. The use of nitrites, nitrates, or combination shall not result in more than 200 p.p.m. sodium nitrite in finished product.
	Acetylated monoglycerides.....	To emulsify product.....	Various.....	Sufficient for purpose.
	Diacyl tartaric acid esters of mono- and diglycerides.....	do.....	Rendered poultry fat or a combination of such fat with vegetable fat.	Do.
	Glycerol-lacto stearate, oleate or palmitate.....	do.....	do.....	Do.
Emulsifying agents.....	Lecithin.....	To emulsify product (also as antioxidant).....	Various.....	Do.
	Mono- and diglycerides (glycerol palmitate, etc.).....	To emulsify product.....	do.....	Do.
	Polysorbate 80 (polyoxyethylene (20) sorbitan monooleate).....	do.....	do.....	1 percent when used alone. If used with polysorbate 60, the combined total shall not exceed 1 percent.
	Propylene glycol mono- and diesters of fats and fatty acids.....	do.....	Rendered poultry fat or a combination of such fat with vegetable fat.	Sufficient for purpose.
	Polysorbate 60 (polyoxyethylene (20) sorbitan monostearate).....	do.....	do.....	1 percent when used alone. If used with polysorbate 80, the combined total shall not exceed 1 percent.
	Approved artificial smoke flavorings.....	To flavor product.....	Various.....	Sufficient for purpose.
	Approved smoke flavoring.....	do.....	do.....	Do.
	Autolyzed yeast extract.....	do.....	do.....	Do.
Flavoring agents; protectors and developers.....	Citric acid.....	To protect flavor.....	do.....	Do.
	Corn syrup solids.....	To flavor product.....	do.....	Do.
	Disodium inosinate.....	do.....	do.....	Do.
	Disodium guanylate.....	do.....	do.....	Do.
	Hydrolyzed plant protein.....	do.....	do.....	Do.
	Malt syrup.....	do.....	do.....	Do.
	Milk protein hydrolysate.....	do.....	do.....	Do.
	Monosodium glutamate.....	do.....	do.....	Do.
	Sodium sulfacetate derivative of mono and diglycerides.....	do.....	do.....	0.5 percent.
	Sugars approved (sucrose and dextrose).....	do.....	do.....	Sufficient for purpose.
Gases.....	Carbon dioxide solid (dry ice).....	To cool product or facilitate chopping or packaging.	Various.....	Do.
	Carbon dioxide liquid.....	Contact freezing.....	do.....	Do.
	Nitrogen.....	To exclude oxygen from sealed containers.	do.....	Do.
	Nitrogen liquid.....	Contact freezing.....	do.....	Do.
Miscellaneous.....	Sodium bicarbonate.....	To neutralize excess acidity; cleaning vegetables.	Rendered fat, soups, curing pickle.	Do.
	Calcium propionate.....	To retard mold growth.....	Fresh pie dough.....	0.3 percent of calcium propionate or sodium propionate alone, or in combination, based on weight of the flour used.
	Sodium propionate.....	do.....	do.....	Do.

Footnotes at end of table.

TABLE I—Continued

Class of substance	Substance	Purpose	Products	Amount
Phosphates	Disodium phosphate	To decrease the amount of cooked out juices and protect flavor.	Various	0.5 percent in product.
	Monosodium phosphate	do	do	Do.
	Sodium hexametaphosphate	do	do	Do.
	Sodium tripolyphosphate	do	do	Do.
	Sodium pyrophosphate	do	do	Do.
	Sodium acid pyrophosphate	do	do	Do.
Synergists (used in combination with antioxidants).	Citric acid	To increase effectiveness of antioxidants.	Poultry fats	0.01 percent alone or in combination with antioxidants in poultry fats.
	Malic acid	do	do	Do.
	Monoisopropyl citrate	do	do	0.01 percent poultry fats.
	Phosphoric acid	do	do	0.0 percent.
	Monoglyceride citrate	do	do	0.02 percent.

¹ Special labeling requirements are prescribed in § 381.120 for raw poultry products chilled in a medium with more than 70 lbs. of salt to 10,000 gals. of water.
² These are proprietary products, and a list thereof can be obtained from the Laboratory Services Division, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20260.

§ 381.148 Processing and handling requirements for frozen poultry products.

Procedures with respect to processing of frozen ready-to-heat-and-eat poultry products or stuffed ready-to-roast poultry shall be in accordance with sound operating practices and carried out in a manner which will assure freedom from adulteration of the products. Products to be frozen shall be moved into the freezer promptly under such supervision by an inspector as is necessary to assure preservation of the products by prompt and efficient freezing. Adequate freezing facilities shall be provided within the official establishment where products to be frozen are prepared, except that, upon written request, and under such conditions as may be prescribed by the Administrator in specific cases, such products may be moved from the official establishment prior to freezing: *Provided*, That the official establishment and freezer are so located and the necessary arrangements are made so that the Inspection Service will have access to the freezing room and adequate opportunity to determine that the products are being properly handled and frozen.

§ 381.149 Processing and handling requirements for canned poultry products.

Canned poultry products which are heat treated after closing or sealing shall be processed and handled in accordance with the following requirements:

(a) Immediate containers (whether of metal, glass, or other material) shall be cleaned thoroughly by washing in an inverted position with a water spray or by other means acceptable to the Administrator. The nozzle on the spray attachment shall be of such design and the water delivered with such pressure as will effectively rinse all of the inner surface of each container, immediately prior to filling with poultry products; and precautions shall be taken to avoid any subsequent soiling of the inner surfaces of such containers.

(b) Only perfect closure is acceptable for hermetically sealed containers; and heat processing of the products in such containers shall follow immediately after closing.

(1) Except as provided in paragraph (e) of this section, such products shall be so processed at such temperature and

for such period of time as will insure preservation of the products under usual conditions of storage and transportation.

(2) Immediately after closing, and again after the containers have cooled sufficiently for handling after heat processing, careful examination shall be made by competent plant employees to ascertain whether the containers are perfectly sealed. The poultry products in such containers as are defectively closed or sealed shall promptly be filled into other containers, hermetically sealed, and heat processed unless the containers are promptly placed in a cooler at a temperature not exceeding 36° F. under conditions that will promptly and effectively chill them. Such chilled containers of products shall be opened and the contents removed and reprocessed immediately after removal from the cooler: *Provided*: That if such containers remained in the cooler for a period of 24 hours or longer, the contents shall be inspected by an inspector prior to the reprocessing thereof. Failure to comply with the provisions of this paragraph shall subject the poultry products to condemnation.

(c) After heat processing, and after the containers have cooled sufficiently for handling, the containers shall be examined by competent plant employees and shall not be passed unless showing the external characteristics of sound containers.

(d) After heat processing, any containers of poultry products showing characteristics of short vacuum or over-stuffed containers shall, when an inspector deems it necessary in order to determine whether spoilage of the product has taken place, be incubated under the supervision of an inspector, after which the containers shall be opened and sound products passed for food and spoiled products condemned.

(e) Poultry products may, when authorized by the Administrator in specific cases, and under such conditions as he may prescribe and approve, be canned without steam pressure cooking, and such products, if frozen, shall be labeled "keep frozen," and if they are not frozen, they shall be labeled "perishable, keep under refrigeration."

(f) Each lot of canned poultry products shall be identified, during the handling preparatory to heat processing, by tagging the baskets, cases, or containers

with a tag which will change color on going through the heat processing or by other effective means which will positively prevent failure to heat process.

(g) (1) Facilities shall be provided to incubate at least representative samples of fully processed canned poultry products. The incubation shall consist of holding the samples for at least 10 days at about 95° F. except that samples of firmly packed poultry products such as shredded poultry meat, and products weighing 3 pounds or more shall be held at 95° F. for no less than 20 days. The extent to which incubation tests shall be required will depend on conditions such as the efficiency of the plant in conducting canning operations, the kind of equipment used, and the degree of efficiency at which such equipment is maintained.

(2) In the event the official establishment fails to provide suitable facilities for incubation of test samples of any lot of fully processed canned poultry products, the inspector in charge may require holding of the entire lot under such conditions and for such period of time as will, in his discretion, be necessary to ascertain the stability of the product.

(3) The inspector in charge may, prior to completion of any required incubation of a representative sample, permit lots of fully processed canned poultry products to be shipped from the official establishment when he has no reason to suspect unsoundness of such products; however, such shipments shall be made under circumstances which will assure the return of the products to the official establishment for reinspection should such action be indicated by the incubation results.

§ 381.150 Cooking temperature requirements for poultry rolls and certain other poultry products.

All poultry rolls and other poultry products that are heat processed in any manner shall reach an internal temperature of at least 160° F. prior to being removed from the cooking medium, except that cured and smoked poultry rolls and other cured and smoked poultry products shall reach an internal temperature of at least 155° F. prior to being removed from the cooking medium. Notwithstanding the other provisions of this section, product to which heat will be

applied incidental to a subsequent processing procedure may be removed from the media for such processing provided it is immediately fully cooked to the required 160° F. internal temperature.

§ 381.151 Procedures in case of water pollution.

(a) In the event there is polluted water (including, but not being limited to, flood water) in an official establishment, all poultry and poultry products and ingredients for use in the preparation of such products, that have been rendered adulterated by the water shall be condemned. After the polluted water has receded, all walls, ceilings, posts, and floors of the rooms and compartments involved, including the equipment therein, shall, under the supervision of an inspector be cleaned thoroughly.

(b) Hermetically sealed containers of poultry products which have been submerged in, or otherwise contaminated by, the polluted water shall be promptly examined by employees of the official establishment under supervision of an inspector, to sort out any damaged containers and to relabel the sound containers. The poultry products in any damaged containers shall be handled as provided in § 381.95.

(c) The identity of the canned poultry products shall be maintained throughout all stages of the rehandling operation to insure correct labeling of the containers.

§ 381.152 Preparation in an official establishment of articles not for human food.

(a) *Requirements applicable when prepared in an edible products department.* When an article (including, but not being limited to, animal food) that is not for use as human food is prepared in any room or compartment in an official establishment where poultry products are prepared or handled (such room or compartment being herein referred to as an "edible products department"), sufficient space and equipment shall be provided to assure that the preparation of the article in no way interferes with the preparation or other handling of the poultry products. Where necessary, separate equipment shall be provided for the preparation of the article. To assure the maintenance of the requisite sanitary conditions in the edible products department, the operations incident to the preparation of the article shall be subject to the same sanitary requirements as apply to the handling of poultry products in the edible products department. Preparation of the article shall be limited to those hours during which the official establishment operates under the supervision of an inspector. The ingredients used in the preparation of the article shall, unless otherwise approved by the Administrator in specific cases, be such as may be used in the preparation of a poultry product. The article may be stored in, and distributed from, the edible products department if the article is properly identified.

(b) *Requirements applicable when prepared in an inedible products department.* When an article (including, but not being limited to, animal food) that is not for use as human food, is prepared in any part of an official establishment other than an edible products department (such part of the establishment being herein referred to as the "inedible products department"), the area in which such article is prepared shall be distinctly separated from all edible products departments. Poultry products and inedible products may be brought from any edible products department into any inedible products department, but no poultry product or inedible product may be brought from an inedible products department into an edible products department except that any such articles as are in sealed containers or are handled under conditions prescribed or approved by the Administrator in specific cases may be brought into an edible products department. Diseased carcasses or diseased parts of any carcass shall not be used in the preparation of any animal food unless they have been treated in the manner prescribed in § 381.95(a). Trucks or containers used for the transportation of poultry products or inedible products into an inedible products department shall be cleaned before being returned to or brought into an edible products department. Sufficient space shall be allotted and adequate equipment and facilities provided so that the preparation of the article does not interfere with the preparation of poultry products or the maintenance of the requisite sanitary conditions in the official establishment. The preparation of any such article shall be subject to supervision by an inspector.

(c) *Containers to be labeled.* The immediate container of any such article that is prepared in an official establishment shall be conspicuously labeled so as to distinguish it from human food. Such articles are also subject to the requirements under the Federal Food, Drug, and Cosmetic Act.

Subpart P—Definitions and Standards of Identity or Composition

§ 381.155 General.

(a) *Authorization to establish specifications.* (1) The Administrator is authorized to establish specifications or definitions and standards of identity or composition, covering the principal constituents of any poultry product with respect to which a specified name of the product or other labeling terminology may be used, whenever he determines such action is necessary to prevent sale of the product under false or misleading labeling. Further, the Administrator is authorized to prescribe definitions and standards of identity or composition for poultry products whenever he determines such action is otherwise necessary for the protection of the public. The requirements of this subpart are hereby found to be necessary for these purposes and standards are hereby established as set forth in this subpart.

(2) Where cooked poultry meat is specified in this subpart as an ingredient of poultry products, this means poultry meat derived from poultry processed, cooked, and cooled in a manner approved by the Administrator in specific cases without use of liquid or moisture in direct contact with the poultry meat following the cooking and cooling of the poultry.

(3) If, following cooking and cooling of poultry meat to be used in poultry products, liquid or moisture is used in direct contact with such poultry meat and the percentage of solids, excluding salt, in the poultry meat is found to be below 34 percent when such poultry meat is tested by acceptable methods, the percentage of poultry meat required by this section for any poultry product shall be increased in proportion to the deficiency, or the meat shall be so processed as to raise the solids content, excluding salt, to 34 percent. The official establishment shall furnish adequate facilities for such testing.

§ 381.156 Poultry meat content standards for certain poultry products.

(a) Poultry products with labeling terminology as set forth in Table I shall comply with the specifications for percent light meat and percent dark meat set forth in said table.

TABLE I

Label terminology	Percent light meat	Percent dark meat
Natural proportions.....	50-65.....	50-35.
Light or white meat.....	100.....	0.
Dark meat.....	0.....	100.
Light and dark meat.....	51-65.....	49-35.
Dark and light meat.....	35-49.....	65-51.
Mostly white meat.....	66 or more.....	34 or less.
Mostly dark meat.....	34 or less.....	66 or more.

§ 381.157 Canned boned poultry and baby or geriatric food.

(a) Canned boned poultry shall, unless otherwise specified in this section, be prepared from cooked deboned poultry meat and may contain skin and fat not in excess of natural whole carcass proportions. Gelatin, stabilizers, or similar solidifying or emulsifying agents shall not be added to product labeled "Boned (Kind)—Solid Pack," but may be added in quantities not in excess of a total of 0.5 percent of the total ingredients in the preparation of other canned boned poultry products and in such cases the common name of the substance shall be included in the name of the product, e.g., "Boned Chicken with Broth—Gelatin Added."

(b) Canned boned poultry, except poultry within paragraph (c), shall meet the requirements set forth in Table II. The percentages in Table II shall be calculated on the basis of the total ingredients used in the preparation of the product.

(c) Canned boned poultry with natural juices (Boned (Kind) with natural juices) shall be prepared from either raw boned poultry or a mixture of raw boned poultry and cooked boned poultry and shall have no liquid added during the preparation of the product.

(d) Canned shredded poultry (Shredded Kind), consists of poultry meat reduced to a shredded appearance, from the kind of poultry indicated, with meat, skin, and fat not in excess of the natural whole carcass proportions. Canned shredded poultry from specific parts may include skin or fat in excess of the proportions normally found on a whole carcass, but not in excess of the proportions of skin and fat normal to the particular part or parts; and such product shall be labeled in accordance with § 381.117(d).

(e) Canned boned poultry shall be prepared as set forth in Table II, items 1, 2, 3, or 4, whichever is applicable.

TABLE II

Product name	Minimum percent cooked, deboned poultry meat of kind indicated, with seasoning	Maximum percent liquid that may be added ¹
1. Boned (Kind)—solid pack.....	95	5
2. Boned (Kind).....	90	10
3. Boned (Kind) with broth ²	80	20
4. Boned (Kind) (....) percent broth ^{2,3}	50	50

¹ Liquid may be in the form of, but is not limited to, broth or extractives.

² Alternatively, product may be prepared from raw boned poultry meat in combination with cooked boned poultry meat so long as the product complies with the specified standard.

³ Total amount of liquid added shall be included in the name of the product; e.g., "Boned Chicken with 25 percent Broth."

(f) Poultry products intended for infant or geriatric use and represented as having a "high meat" content shall contain not less than 18.75 percent cooked, deboned poultry meat of the kind indicated, with seasoning.

TABLE IIs

Product name	Minimum percent cooked, deboned poultry meat of kind indicated, with seasoning	Maximum percent liquid that may be added ¹
1. Strained or chopped (Kind) with broth ^{2,3}	43	57
2. High meat dinner ¹	18.75	

¹ Liquid may be in the form of, but not limited to, broth or extractives.

² Alternatively, product may be prepared from raw boned poultry meat in combination with cooked bone poultry meat so long as the product complies with the specified standard.

³ Label must indicate in some manner that product is for infant or geriatric servings.

§ 381.158 Poultry dinners (frozen) and pies.

Poultry dinners (frozen) and pies shall meet the requirements set forth in Table III of this section and the percentage or weight specified therein shall be calculated on the basis of total ingredients used in the preparation of the poultry product.

TABLE III

	Minimum cooked deboned poultry meat of kind indicated		Minimum raw deboned poultry meat of kind indicated	
	Per cent	Weight	Per cent	Weight
(Kind) Pies.....	14	or 1½ oz. per 8-oz. pie. ¹	25	or 2 oz. per 8-oz. pie. ¹
(Kind) Dinners.....	18	or 2 oz. ^{2,3}		

¹ 14 percent or 1½ oz., whichever is greater; or 25 percent or 2 oz., whichever is greater.

² Excluding weight of appetizers, desserts, etc.

³ 18 percent or 2 oz., whichever is greater. A minimum of 45 percent, or 5 ounces per dinner, whichever is greater, of cooked poultry including bone and breading may be used in lieu of minimum 18 percent or 2 ounces of cooked deboned poultry meat and the cooked poultry including bone and breading shall not contain more than 30 percent breading.

§ 381.159 Poultry rolls.

(a) Binding agents, including but not limited to gelatin and wheat gluten, may be added in quantities not in excess of a total of 3 percent for cooked rolls and 2 percent for raw rolls, based on the total ingredients used in the preparation of the product, without affecting the name of the product. However, when such agents are added in excess of 3 percent or 2 percent, whichever is applicable, the common name of the agent or the term "Binders Added" shall be included in the name of the product; e.g., "Turkey Roll—Gelatin Added."

(b) With respect to heat processed rolls, 2 percent or less liquid based on the weight of the finished product without liquid may remain with or be returned to product labeled as "(Kind) Roll."

(c) Heat processed rolls which have more than 2 percent liquid remaining with or returned to the product shall be labeled as "(Kind) Roll with Natural Juices." If more than 2 percent of any liquid other than natural cookout juices is added, the product must be labeled to indicate that fact; e.g., "Turkey Roll with Broth." Liquid shall not be returned or added to product within this paragraph in excess of the amount normally cooked out during preparation.

§ 381.160 (Kind) burgers; (Kind) patties.

Such product consists of 100 percent poultry of the kind indicated, with skin and fat not in excess of natural proportions. Product containing fillers or binders shall be named "(Kind) Patties."

§ 381.161 "(Kind) A La Kiev."

Such product consists of poultry meat of the kind indicated, stuffed with butter which may be seasoned and the product may be wrapped in sufficient skin to cover the meat. It may be dipped in batter, fried, and frozen.

§ 381.162 "(Kind) steak or fillet."

Such product consists of a boneless slice or strip of poultry meat of the kind indicated.

§ 381.163 "(Kind) baked" or "(Kind) roasted."

Such product consists of ready-to-cook poultry of the kind indicated, that has been cooked in dry source heat, e.g., oven roasted or oven baked.

§ 381.164 "(Kind) barbecued."

Such product consists of ready-to-cook poultry of the kind indicated, that has been cooked in dry heat and basted with a seasoned sauce.

§ 381.165 "(Kind) barbecued prepared with moist heat."

Such product consists of ready-to-cook poultry of the kind indicated that has been cooked by the action of moist heat in a barbecue sauce.

§ 381.166 Breaded products.

"Breaded" is a term applicable to any poultry product which is coated with breading or a batter and breading in an amount not to exceed 30 percent of the weight of the finished breaded product.

§ 381.167 Other poultry dishes and specialty items.

Poultry dishes and specialty items listed in Table IV of this paragraph shall meet the requirements set forth in said table, irrespective of the type of packaging, and the percentages in Table IV shall be calculated on a ready-to-serve basis, except that soup bases in institutional packs which are prepared for sale to institutional users shall have a minimum of 15 percent cooked deboned poultry meat based on the weight of the soup base product.

TABLE IV

Product name ¹	Minimum percent cooked deboned poultry meat of kind indicated	Minimum percent cooked poultry of kind indicated, including bone
(Kind) Ravioli.....	2	
(Kind) Soup.....	2	
Chop Suey with (Kind).....	2	
(Kind) Chop Suey.....	4	
(Kind) Chow Mein without noodles.....	4	
(Kind) Tamales.....	6	
Noodles or Dumplings with (Kind) ²	6	
(Kind) Stew.....	12	
(Kind) Fricassee of Wings.....		40
(Kind) Noodles or Dumplings ²	15	30
(Kind) with Vegetables.....	15	
Gravy with sliced (Kind).....	15	
(Kind) Tetrazzini.....	15	
(Kind) chili with beans.....	17	
Creamed (Kind).....	20	
(Kind) Cacciatore.....	20	40
(Kind) Fricassee.....	20	40
(Kind) A-La-King.....	20	
(Kind) croquettes.....	25	
Slice (Kind) with Gravy and Dressing.....	25	
(Kind) Salad.....	25	
(Kind) chili.....	28	
(Kind) Hash.....	30	
Sliced (Kind) with Gravy.....	35	
Mixed (Kind) Barbecue.....	40	

¹ The product name may contain other appropriate descriptive terms such as "noodle"; e.g., "Chicken Noodle Soup."

² This standard also applies to products named (Kind) with rice or similar starches.

§ 381.168 Maximum percent of skin in certain poultry products.

The poultry products listed in Table V shall have not more than the percent of skin specified in the table, when raw and when cooked.

TABLE V

Product name	Percent skin	
	Raw	Cooked
Boneless Turkey Breast or Boneless Turkey Breast Roll.....	14	
Boneless Turkey Thigh or Boneless Turkey Thigh Roll.....	8	
Boneless Turkey or Turkey Roll.....	15	
Boneless Chicken Breast or Boneless Chicken Breast Roll.....	18	20
Boneless Chicken or Chicken Roll.....	20	25

§ 381.169 Ready-to-cook poultry products to which solutions are added.

(a) Butter alone, or solutions of poultry broth, poultry stock, water, or edible fats, or mixtures thereof, in which are included functional substances such as spices, flavor enhancers, emulsifiers, phosphates, coloring materials, or other substances, approved by the Administrator in specific cases, may be introduced by injection into the thick muscles (breast and legs) of ready-to-cook poultry carcasses and may be introduced by injection or marinating into any separate bone-in part therefrom, for the purpose of providing a basting medium or similar function. The ingredients of the added materials and the manner of addition to the products must be found acceptable by the Administrator, in all cases. The introduction of the added materials shall increase the weight of the processed product by approximately 3 percent over the weight of the raw product after washing and chilling in compliance with § 381.66. The weight of the added materials introduced into the poultry products as provided in this paragraph shall be included as part of the weight of the poultry for purposes of the net weight labeling provisions in § 381.130(a)(3).

(b) A raw poultry product, into which added materials are introduced as provided in paragraph (a) of this section must be labeled with a conspicuous, legible, and descriptive name, including terms that concisely describe the method of addition and function of the added material. All major terms in the product name must be printed with the same prominence, except that the words which describe the function of the added materials (such as "Injected for Flavored Basting") may be more prominent, provided this does not detract from the conspicuousness of the other terms in the product name (such as "Young Turkey"). The label must also bear a statement, in bold type, immediately below and adjacent to the product name, listing the common or usual names of the added materials in descending order of predominance. The first part of this

statement must consist of terms adequate to inform consumers about the amount and manner of introduction of the solution (such as "Injected with approximately 3 percent of a solution of _____"), and must be printed at least one-fourth the size of the most prominent letter in the product name, with a minimum size of one-fourth inch for a ready-to-cook turkey and proportionately smaller for other poultry products. The remainder of the solution ingredients shall be declared in type at least one-eighth inch in height. The entire statement must be printed in a color that contrasts with the background and be displayed on the principal display panel.

(c) Approval for use of a label for product under this section depends upon the ability of the processor to control the finished product, within a range of three-tenths of 1 percent accuracy, so that the average percent of basting material in each outgoing lot is not greater than 3.3 percent or less than 2.7 percent of basting material when tested by an approved plant control procedure would be in compliance. As used in this section, "a lot" may be any reasonable portion of production designated by the operator of the official establishment, with a maximum of an entire shift's production from one production line. The control procedures to be eligible for approval by the Administrator must:

- (1) Assure compliance with all labeling requirements.
- (2) Control the variability of the amount of added approved solution within the limits defined above.
- (3) Provide for the disposition in accordance with the regulations of all products not in compliance with this section.
- (4) Incorporate a system of raw weight identification of a sufficient number of poultry and/or poultry parts to allow effective monitoring of the system by Federal inspectors and official establishment employees.

§ 381.170 Standards for kinds and classes, and for cuts of raw poultry.

(a) The following standards specify the various classes of the specified kinds of poultry, and the requirements for each class:

(1) *Chickens*—(i) *Rock Cornish game hen or Cornish game hen*. A Rock Cornish game hen or Cornish game hen is a young immature chicken (usually 5 to 6 weeks of age) weighing not more than 2 pounds ready-to-cook weight, which was prepared from a Cornish chicken or the progeny of a Cornish chicken crossed with another breed of chicken.

(ii) *Rock Cornish fryer, roaster, or hen*. A Rock Cornish fryer, roaster, or hen is the progeny of a cross between a purebred Cornish and a purebred Rock chicken, without regard to the weight of the carcass involved; however, the term "fryer," "roaster," or "hen" shall apply only if the carcasses are from birds with ages and characteristics that qualify them for such designation under subdivision (iii) or (iv) of this subparagraph.

(iii) *Broiler or fryer*. A broiler or fryer is a young chicken (usually under 13 weeks of age), of either sex, that is tender-meated with soft, pliable, smooth-textured skin and flexible breastbone cartilage.

(iv) *Roaster*. A roaster is a young chicken (usually 3 to 5 months of age), of either sex, that is tender-meated with soft, pliable, smooth-textured skin and breastbone cartilage that may be somewhat less flexible than that of a broiler or fryer.

(v) *Capon*. A capon is a surgically unsexed male chicken (usually under 8 months of age) that is tender-meated with soft, pliable, smooth-textured skin.

(vi) *Hen, fowl, or baking, stewing, or roasting chicken*. A bird of this class is a mature female chicken (usually more than 10 months of age) with meat less tender than that of a roaster, and non-flexible breastbone tip.

(vii) *Cock or rooster*. A cock or rooster is a mature male chicken with coarse skin, toughened and darkened meat, and hardened breastbone tip.

(2) *Turkeys*—(i) *Fryer-roaster turkey*. A fryer-roaster turkey is a young immature turkey (usually under 16 weeks of age), of either sex, that is tender-meated with soft, pliable, smooth-textured skin, and flexible breastbone cartilage.

(ii) *Young turkey*. A young turkey is a turkey (usually under 8 months of age) that is tender-meated with soft, pliable, smooth-textured skin, and breastbone cartilage that is somewhat less flexible than in a fryer-roaster turkey. Sex designation is optional.

(iii) *Yearling turkey*. A yearling turkey is a fully matured turkey (usually under 15 months of age) that is reasonably tender-meated and with reasonably smooth-textured skin. Sex designation is optional.

(iv) *Mature turkey or old turkey (hen or tom)*. A mature or old turkey is an old turkey of either sex (usually in excess of 15 months of age) with coarse skin and toughened flesh.

(3) *Ducks*—(i) *Broiler duckling or fryer duckling*. A broiler duckling or fryer duckling is a young duck (usually under 8 weeks of age), of either sex, that is tender-meated and has a soft bill and soft windpipe.

(ii) *Roaster duckling*. A roaster duckling is a young duck (usually under 16 weeks of age), of either sex, that is tender-meated and has a bill that is not completely hardened and a windpipe that is easily dented.

(iii) *Mature duck or old duck*. A mature duck or an old duck is a duck (usually over 6 months of age), of either sex, with toughened flesh, hardened bill, and hardened windpipe.

(4) *Geese*—(i) *Young goose*. A young goose may be of either sex, is tender-meated, and has a windpipe that is easily dented.

(ii) *Mature goose or old goose*. A mature goose or old goose may be of either sex and has toughened flesh and hardened windpipe.

(5) *Guineas*—(i) *Young guinea*. A young guinea may be of either sex, is

tender-meated, and has a flexible breastbone cartilage.

(ii) *Mature guinea or old guinea.* A mature guinea or an old guinea may be of either sex, has toughened flesh, and a hardened breastbone.

(b) The following standards specify the requirements for the specified cuts of poultry:

(1) "Breasts" shall be separated from the back at the shoulder joint and by a cut running backward and downward from that point along the junction of the vertebral and sternal ribs. The ribs may be removed from the breasts, and the breasts may be cut along the breastbone to make two approximately equal halves; or the wishbone portion, as described in subparagraph (3) of this paragraph, may be removed before cutting the remainder along the breastbone to make three parts. Pieces cut in this manner may be substituted for lighter or heavier pieces for exact weight-making purposes and the package may contain two or more of such parts without affecting the appropriateness of the labeling as e.g., "chicken breasts." Neck skin shall not be included with the breasts, except that "turkey breasts" may include neck skin up to the whisker.

(2) "Breasts with ribs" shall be separated from the back at the junction of the vertebral ribs and back. Breasts with ribs may be cut along the breastbone to make two approximately equal halves; or the wishbone portion, as described in subparagraph (3) of this paragraph, may be removed before cutting the remainder along the breastbone to make three parts. Pieces cut in this manner may be substituted for lighter or heavier pieces for exact weight-making purposes and the package may contain two or more of such parts without affecting the appropriateness of the labeling as "breasts with ribs." Neck skin shall not be included, except that "turkey breasts with ribs" may include neck skin up to the whisker.

(3) "Wishbones" (Pulley Bones), with covering muscle and skin tissue, shall be severed from the breast approximately halfway between the end of the wishbone (hypocleidum) and front point of the breastbone (cranial process of the sternal crest) to a point where the wishbone joins the shoulder. Neck skin shall not be included with the wishbone.

(4) "Drumsticks" shall be separated from the thigh by a cut through the knee joint (femorotibial and patellar joint) and from the hock joint (tarsal joint).

(5) "Thighs" shall be disjointed at the hip joint and may include the pelvic meat, but shall not include the pelvic bones. Back skin shall not be included.

(6) "(Kind) legs" shall be the poultry product which includes the thigh and the drumstick, i.e., the whole leg, and may include the pelvic meat, but shall not include the pelvic bones. Back skin shall not be included.

(7) "Wings" shall include the entire wing with all muscle and skin tissue intact, except that the wingtip may be removed.

(8) "Backs" shall include the pelvic bones and all the vertebrae posterior to the shoulder joint. The meat shall not

be peeled from the pelvic bones. The vertebral ribs and/or scapula may be removed or included without affecting the appropriateness of the name. Skin shall be substantially intact.

(9) "Stripped backs" shall include the vertebrae from the shoulder joint to the tail, and include the pelvic bones. The meat may be stripped off of the pelvic bones.

(10) "Necks", with or without neck skin, shall be separated from the carcass at the shoulder joint.

(11) "Halves" are prepared by making a full-length back and breast split of an eviscerated poultry carcass so as to produce approximately equal right and left sides.

(12) "Quarters" consist of the entire eviscerated poultry carcass, which has been cut into four equal parts, but excluding the neck.

(13) "Breast quarter" consists of half a breast with the wing and a portion of the back attached.

(14) "Breast quarter without wing" consists of a front quarter of a poultry carcass, from which the wing has been removed.

(15) "Leg quarter" consists of a poultry thigh and drumstick, with a portion of the back attached.

(16) "Thigh with back portion" consists of a poultry thigh with back portion attached.

(17) "Legs with pelvic bone" consists of a poultry leg with adhering meat and skin and pelvic bone.

(18) "Wing drummette" consists of the humerus of a poultry wing with adhering skin and meat attached.

(19) "Wing portion" consists of a poultry wing except that the drummette has been removed.

(20) "Cut-up Poultry" is any cut-up or disjointed portion of poultry or any edible part thereof, as described in this section.

(21) "Giblets" consist of approximately equal numbers of hearts, gizzards, and livers, as determined on a count basis.

Subpart Q—Records, Registration, and Reports

§ 381.175 Records required to be kept.

(a) Every person within any of the classes specified in subparagraph (1), (2), or (3) of this paragraph is required by the Act to keep such records as are properly necessary for the effective enforcement of the Act:

(1) Any person that engages in the business of slaughtering any poultry or processing, freezing, packaging, or labeling any carcasses, or parts or products of carcasses, of any poultry, for commerce, for use as human food or animal food;

(2) Any person that engages in the business of buying or selling (as a poultry products broker, wholesaler, or otherwise) or transporting, in commerce, or storing in or for commerce, or importing, any carcasses, or parts or products of carcasses, of any poultry;

(3) Any person that engages in business, in or for commerce, as a renderer,

or engages in the business of buying, selling, or transporting in commerce, or importing, any dead, dying, disabled, or diseased poultry or parts of the carcasses of any poultry that died otherwise than by slaughter.

(b) The required records are:

(1) Records, such as bills of sale, invoices, bills of lading, and receiving and shipping papers, giving the following information with respect to each transaction in which any poultry or poultry carcass, or part or product of a poultry carcass, is purchased, sold, shipped, received, transported, or otherwise handled by said person in connection with any business subject to the Act.

(i) The name or description of the poultry or other articles;

(ii) The net weight of the poultry or other articles;

(iii) The number of outside containers;

(iv) The name and address of the buyer of the poultry or other articles sold by such person, and the name and address of the seller of the poultry or other articles purchased by such person;

(v) The name and address of the consignee or receiver (if other than the buyer);

(vi) The method of shipment;

(vii) The date of shipment; and

(viii) The name and address of the carrier.

§ 381.176 Place of maintenance of records.

Every person engaged in any business described in § 381.175(a) shall maintain the records required by § 381.175 at the place of business where such business is conducted, except that, if such person conducts such business at multiple locations, he may maintain such records at his headquarters' office. When not in actual use, all such records shall be kept in a safe place at the prescribed location in accordance with good commercial practices.

§ 381.177 Record retention period.

Every record required to be maintained under this subpart shall be retained for a period not to exceed 2 years after December 31 of the year in which the transaction to which the record relates has occurred, and for such further period as the Administrator may require for purposes of any investigation or litigation under the Act, by written notice to the person required to keep such record under this subpart.

§ 381.178 Access to and inspection of records, facilities and inventory; copying and sampling.

Every person within any of the classes specified in § 381.175(a) shall, upon the presentation of official credentials by any authorized representative of the Secretary, during ordinary business hours, permit such representative to enter his or its place of business and examine the records required to be kept by § 381.175(b) and the facilities and inventory pertaining to the business of such person subject to the Act, and to

copy all such records, and to take reasonable samples of the inventory upon payment of the fair market value therefor. Any necessary facilities (other than reproduction equipment) for such examination and copying of records and for such examination and sampling of inventory shall be afforded to such authorized representative of the Secretary.

§ 381.179 Registration.

(a) Except as provided in paragraph (c) of this section, every person that engages in business, in or for commerce, as a poultry products broker, renderer, or animal food manufacturer, or engages in business in commerce as a wholesaler of any carcasses, or parts or products of the carcasses, of any poultry, whether intended for human food or other purposes, or engages in the business as a public warehouseman storing any such articles in or for commerce, or engages in the business of buying, selling, or transporting in commerce, or importing, any dead, dying, disabled, or diseased poultry, or parts of the carcasses of any poultry that died otherwise than by slaughter, shall register with the Administrator, giving such information as is required, including his name, and the address of each place of business at which, and all trade names under which he conducts such business. Such persons shall register under this section by filing with the Administrator, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, a form containing such information, within 90 days after the effective date hereof or after such later date as he begins to engage in such business if not engaged therein upon said effective date. All information submitted shall be current and correct. The registration form shall be obtained from the Director, Program Review and Compliance Staff, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250.

(b) Whenever any change is made in the name of, or address of any place of business at which, or any trade name under which a registrant conducts his business, he shall report such change in writing to the Administrator within 15 days after making the change.

(c) The registration requirements prescribed in this section shall not apply to persons conducting any of the businesses specified in this section only at an official establishment.

§ 381.180 Information and reports required from official establishment operators.

(a) The operator of each official establishment shall furnish to inspectors accurate information as to all matters needed by them for making their daily reports of the amount and disposition of poultry products processed or handled in the establishment to which they are

assigned and such other reports concerning sanitation and other aspects of the operations of the establishment and the conduct of inspection thereat as may be required by the Administrator in specific cases.

(b) The operator of each official establishment shall also make such other reports as the Administrator may from time to time require under the Act.

§ 381.181 Reports by consignees of allegedly adulterated or misbranded products; sale or transportation as violations.

Whenever the consignee of any poultry product which bears an official inspection legend refuses to accept delivery of such product on the grounds that it is adulterated or misbranded, the consignee shall notify the appropriate program supervisor, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, of the kind, quantity, source and present location of the product and the respects in which it is alleged to be adulterated or misbranded, and it will be a violation of the Act for any person to sell or transport, or offer for sale or transportation or receive for transportation, in commerce, any such product which is capable of use as human food and is in fact adulterated or misbranded at the time of such sale, transportation, offer, or receipt: *Provided*, That any such allegedly adulterated or misbranded product may be transported to any official establishment for reinspection.

§ 381.182 Reports of inspection work.

Reports of the inspection work carried on within official establishments shall be forwarded to the Administrator by the inspector in charge in such a manner as may be specified by the Administrator.

Subpart R—Cooperation With States and Territories; Certification of State and Territorial Programs as at Least Equal to Federal Program

§ 381.185 Assistance to State and Territorial programs.

(a) The Administrator is authorized, under paragraph (a) of section 5 of the Act, when he determines it would effectuate the purposes of the Act, to cooperate with any State (including Puerto Rico) or any organized territory in developing and administering the poultry product inspection program of such jurisdiction, with a view to assuring that it imposes and enforces requirements at least equal to those under sections 2 through 4, 6 through 10, and 12 through 22 of the Act, with respect to establishments at which poultry are slaughtered or poultry products are processed for use as human food, solely for distribution within such jurisdiction, and with respect to the poultry products of

such establishments. Such cooperation is authorized if the jurisdiction has enacted a mandatory law imposing ante mortem and post mortem inspection, reinspection, and sanitation requirements (at least equal to those under the Federal Act), with respect to all or certain classes of persons engaged in slaughtering poultry or otherwise processing poultry products for use as human food solely for distribution within such jurisdiction.

(b) The Administrator is also authorized under paragraph (a) of section 5 of the Act, to cooperate with any State (including Puerto Rico) or any organized territory in developing and administering programs under the laws of such jurisdiction containing authorities at least equal to those provided in section 11 of the Act (relating to records; registration of specified classes of operators; dead, dying, disabled, or diseased poultry; and products not intended for human food) when he determines that such cooperation would effectuate the purposes of the Act.

(c) Such cooperation may include advisory assistance, technical and laboratory assistance and training, and financial aid. The Federal contribution to any State (or territory) for any year shall not exceed 50 percent of the estimated total cost of the cooperative State (or territorial) program. A cooperative program under this section is called a State-Federal program.

§ 381.186 Cooperation of States and other jurisdictions in Federal programs.

Under the "Talmadge-Aiken Act" of September 28, 1962 (7 U.S.C. 450), the Administrator is authorized under stated conditions to utilize employees and facilities of any State in carrying out Federal functions under the Poultry Products Inspection Act. A cooperative program for this purpose is called a Federal-State program. Under paragraph (a) of section 5 of the Poultry Products Inspection Act, the Administrator is also authorized to conduct examinations, investigations, and inspections under the Act through any officer or employee of any State or territory or the District of Columbia commissioned by him for such purpose.

§ 381.187 Certification of States with programs at least equal to Federal program.

It has been determined that each of the following States has developed and activated a poultry products inspection program (with requirements at least equal to those imposed under sections 1 through 4, 6 through 10, and 12 through 22 of the Act) with respect to all establishments in such jurisdiction, at which poultry are slaughtered or poultry products are processed for use as human food, solely for distribution within such jurisdiction, and the products of such establishments;

States	Certification date
Alabama	Oct. 6, 1971.
Alaska	Sept. 7, 1971.
Arizona	Aug. 6, 1971.
California	July 23, 1970.
Connecticut	Oct. 18, 1971.
Delaware	Sept. 30, 1971.
Florida	Sept. 30, 1971.
Hawaii	Aug. 26, 1971.
Illinois	Sept. 16, 1971.
Indiana	Sept. 8, 1971.
Iowa	Oct. 4, 1971.
Kansas	Mar. 25, 1971.
Louisiana	Sept. 30, 1971.
Maryland	Oct. 4, 1971.
Massachusetts	Oct. 6, 1971.
Mississippi	Sept. 24, 1971.
Missouri	Oct. 19, 1970.
Nevada	Sept. 7, 1971.
New Hampshire	Sept. 13, 1971.
New Jersey	Oct. 12, 1971.
New Mexico	July 23, 1970.
New York	Sept. 24, 1971.
North Carolina	Oct. 26, 1971.
Ohio	Oct. 4, 1971.
Oklahoma	Sept. 16, 1971.
Rhode Island	Nov. 19, 1971.
South Carolina	July 23, 1970.
Tennessee	Sept. 16, 1971.
Texas	Aug. 26, 1971.
Vermont	Aug. 11, 1971.
Virginia	Sept. 24, 1971.
Washington	Nov. 16, 1970.
Wisconsin	Sept. 27, 1971.
Wyoming	Sept. 20, 1971.

Subpart S—Transportation; Exportation; or Sale of Poultry or Poultry Products

§ 381.190 Transactions in slaughtered poultry and other poultry products restricted.

(a) No person shall sell, transport, offer for sale or transportation, or receive for transportation, in commerce or from any official establishment, any slaughtered poultry from which the blood, feathers, feet, head, or viscera have not been removed in accordance with the regulations, except that dressed poultry may be transported from one official establishment to another official establishment for further processing.

(b) No person shall sell, transport, offer for sale or transportation, or receive for transportation, in commerce, any slaughtered poultry or other poultry product which is capable of use as human food and is adulterated or fails to bear an official inspection legend or is otherwise misbranded at the time of such sale, transportation, offer or receipt, except as otherwise provided in Subpart C or T. However, poultry heads and feet which are collected and handled at an official establishment in an acceptable manner may be shipped from the official establishment and in commerce directly for export for further processing as human food, if they have been examined and found to be suitable for such purpose, by an inspector and are labeled as prescribed in this paragraph. The containers of all such products shall bear a label showing: (a) The name of the products; (b) the name and address of the packer or distributor, and when the name of the distributor is shown, it shall be qualified by such terms as "packed for," "distributed by," or "distributors"; and (c) the official establishment mem-

ber of the establishment where packed. Such products shall not bear the official inspection legend.

§ 381.191 Distribution of inspected products to small lot buyers.

For the purpose of facilitating the distribution in commerce of inspected poultry products to small lot buyers (such as small restaurants), distributors or jobbers may remove inspected and passed non-consumer-packaged poultry carcasses or consumer-packaged poultry products from shipping containers or immediate containers, other than consumer packages, and place them into other containers which do not bear an official inspection mark: *Provided*, That the individual non-consumer-packaged carcasses bear the official inspection legend and the official establishment number of the establishment that processed the articles; and the consumer-packaged articles are fully labeled in accordance with Subpart N: *And provided further*, That the other container is marked with the name and address of the distributor or jobber and bears the statement "The poultry product contained herein was inspected by the U.S.D.A." in the case of poultry products processed in the United States, or the statement "The poultry products contained herein have been approved for importation under P.P.I.A." in the case of imported poultry products.

§ 381.192 Penalties inapplicable to carriers.

No carrier shall be subject to the penalties of the Act, other than the penalties for violation of section 11, by reason of his receipt, carriage, holding, or delivery, in the usual course of business, as a carrier, of poultry or poultry products, owned by another person, unless the carrier has knowledge, or is in possession of facts which would cause a reasonable person to believe that such poultry or poultry products were not inspected or marked in accordance with the provisions of the Act or where otherwise not eligible for transportation under the Act, or unless the carrier refuses to furnish on request of a representative of the Secretary, the name and address of the person from whom he received such poultry or poultry products, and copies of all documents, if any there be, pertaining to the delivery of the poultry or poultry products to such carrier.

§ 381.193 Poultry carcasses, etc. not intended for human food.

Poultry carcasses, and parts and products thereof, that are not intended for use as human food may, after they have been denatured as prescribed in § 381.95, be shipped from any official establishment and in commerce even though they do not comply with all the provisions of the regulations, provided they are marked "Not fit for human food." These requirements do not apply to parts of poultry carcasses that are naturally inedible by humans, such as entrails. All such articles, if intended for animal food, are subject to the Federal Food, Drug, and Cosmetic Act.

Subpart T—Imported Poultry Products

§ 381.195 Requirements for importation into United States.

(a) No slaughtered poultry, or parts or products thereof, shall be imported into the United States unless they are healthful, wholesome, fit for human food, not adulterated, and contain no dye, chemical, preservative, or ingredient which renders them unhealthful, unwholesome, adulterated, or unfit for human food and they also comply with the regulations prescribed in this subpart to assure that they comply with the standards provided for in the Act: *Provided*, That the provisions of this subpart apply to such articles only if they are capable of use as human food.

(b) Except as provided in § 381.207, slaughtered poultry and other poultry products may be imported only if they were processed solely in countries listed in § 381.196(b). Slaughtered poultry may be imported only if it qualifies as ready-to-cook or dressed poultry. Dressed poultry may be imported into the United States only if it is consigned to an official establishment for evisceration under the Act.

§ 381.196 Eligibility of foreign countries for importation of poultry products into the United States.

(a) (1) Whenever it shall be determined by the Administrator that the system of poultry inspection maintained by any foreign country, with respect to establishments preparing products in such country for export to the United States, insures compliance of such establishments and their poultry products, with requirements at least equal to all the provisions of the Act and the regulations in this part which are applied to official establishments in the United States, and their poultry products, and that reliance can be placed upon certificates required under this subpart from authorities of such foreign country, notice of that fact will be given by including the name of such foreign country in paragraph (b) of this section. Thereafter, poultry products processed in such establishments which are certified and approved in accordance with subparagraph (3) of this paragraph shall be eligible, so far as the regulations in this part are concerned, for importation into the United States from such foreign country after applicable requirements of this part have been met.

(2) The determination of acceptability of a foreign poultry inspection system for purposes of this section shall be based on an evaluation of the foreign program in accordance with the following requirements and procedures:

(i) The system shall have a program organized and administered by the national government of the foreign country. The system as implemented must provide standards at least equal to those of the Federal system of poultry inspection in the United States with respect to:

(a) Organizational structure and staffing, so as to insure uniform enforce-

ment of the requisite laws and regulations in all establishments throughout the system at which poultry products are processed for export to the United States;

(b) Ultimate control and supervision by the national government over the official activities of all employees or licensees of the system;

(c) The assignment of competent, qualified inspectors;

(d) Authority and responsibility of national inspection officials to enforce the requisite laws and regulations governing poultry inspection and to certify or refuse to certify poultry products intended for export;

(e) Adequate administrative and technical support;

(f) Other requirements of adequate inspection service as required by the regulations.

(ii) The legal authority for the system and the regulations thereunder shall impose requirements at least equal to those governing the system of poultry inspection organized and maintained in the United States with respect to:

(a) Ante mortem inspection of poultry for slaughter, which shall be performed by veterinarians or by other employees or licensees of the system under the direct supervision of veterinarians;

(b) Post mortem inspection of carcasses and parts thereof at time of slaughter, performed by veterinarians or other employees or licensees of the system under the direct supervision of veterinarians;

(c) Official controls by the national government over establishment construction, facilities, and equipment;

(d) Direct and continuous official supervision of slaughtering of poultry and processing of poultry products, by the assignment of inspectors to establishments certified under subparagraph (3) of this paragraph to assure that adulterated or misbranded poultry products are not processed for export to the United States;

(e) Complete separation of establishments certified under subparagraph (3) of this paragraph from establishments not certified, and the maintenance of a single standard of inspection and sanitation throughout all certified establishments;

(f) Requirements for sanitation at certified establishments and for sanitary handling of poultry products;

(g) Official controls over condemned material until destroyed or removed and thereafter excluded from the establishment;

(h) Other matters for which requirements are contained in the Act or the regulations in this part.

(iii) Countries desiring to establish eligibility for importation of poultry products into the United States may request a determination of eligibility by presenting copies of the laws and regulations on which the foreign poultry inspection system is based and such other information as the Administrator may require with respect to matters enumerated in subdivisions (i) and (ii) of this subparagraph (2). Determination of

eligibility is based on a study of the documents and other information presented and an initial review of the system in operation by a representative of the Department using the criteria listed in subdivisions (i) and (ii) of this subparagraph (2). Maintenance of eligibility of a country for importation of poultry products into the United States depends on the results of periodic reviews of the foreign poultry inspection system in operation by a representative of the Department, and the timely submission of such documents and other information related to the conduct of the foreign inspection system as the Administrator may find pertinent to and necessary for the determinations required by this section.

(iv) The foreign inspection system must maintain a program of periodic supervisory visits to each official establishment certified in accordance with subparagraph (3) of this paragraph to assure that requirements referred to in (a) through (h) of subdivision (ii) of this subparagraph (2), at least equal to those of the Federal system of poultry inspection in the United States are being met. A representative of the foreign inspection system shall make at least one such supervisory visit each month to each such establishment and prepare a written report of his findings in respect to the requirements referred to in (a) through (h) of subdivision (ii) of this subparagraph (2), copies of which shall be available to the representative of the Department at the time of his review upon request by said representative to a responsible foreign inspection official: *Provided*, That such visits and reports are not required with respect to any establishment during a period when the establishment is not operating or is not engaged in producing products for exportation to the United States.

(3) Only those establishments that are determined and certified to the Department by a responsible official of the foreign poultry inspection system as fully meeting the requirements of subparagraphs (2) (i) and (ii) of this paragraph are eligible to have their products imported into the United States. Eligibility of certified establishments is subject to review by the Department (including observations of the establishments by Program representatives at times prearranged with the officials of the foreign inspection system). Certifications of establishments must be renewed annually. Notwithstanding certification by a foreign official, the Administrator may, at his discretion, terminate the eligibility of any foreign establishment for importation of its poultry products into the United States if he has information that such establishment does not comply with the requirements listed in subparagraphs (2) (i) and (ii) of this paragraph or if he cannot obtain current information concerning such establishment. The Administrator will provide reasonable notice to the foreign government of the proposed termination of eligibility of any foreign establishment for importation of its poultry products into the United

States unless, in his judgment, delay in terminating its eligibility could result in the importation of any adulterated or misbranded poultry products. Certifications of official establishments by the responsible official of the foreign poultry inspection system shall be in the following form:

FOREIGN OFFICIAL POULTRY ESTABLISHMENT CERTIFICATE

I hereby certify that the establishment(s) listed below fully complies (comply) with requirements of (specify foreign country) at least equal to all the provisions of the Poultry Products Inspection Act and regulations issued thereunder, which apply to official establishments in the United States, and their poultry products, as provided in § 381.196(a) (2) (i) and (ii) of the poultry products inspection regulations of the United States.

Control numbers	Name	Address
-----	-----	-----
-----	-----	-----
Date -----	(Signature) -----	
	(Official title) -----	

(4) Poultry products from foreign countries not listed in paragraph (b) of this section are not eligible for importation into the United States, except as provided by §§ 381.207 and 381.209. The listing of any foreign country under this section may be withdrawn whenever it shall be determined by the Administrator that the system of poultry inspection maintained by such foreign country does not assure compliance with requirements at least equal to all the requirements of the Act and the regulations as applied to official establishments in the United States; or that reliance cannot be placed upon certificates required under this subpart from authorities of such foreign country; or that, for lack of current information concerning the system of poultry inspection being maintained by such foreign country, such foreign country should be required to reestablish its eligibility for listing.

(b) It has been determined that poultry products from the following countries, covered by foreign poultry inspection certificates of the country of origin as required by § 381.197, are eligible under the regulations in this subpart for importation into the United States, after inspection and marking as required by the applicable provisions of this subpart:¹

Canada. Hong Kong.
France.

§ 381.197 Imported products; foreign inspection certificates required.

(a) Except as provided in §§ 381.207 and 381.209, each consignment containing any slaughtered poultry or other poultry product consigned to the United States from a foreign country shall be accompanied with a foreign inspection

¹ Listing of any country in this section does not relieve the poultry products of such country from applicable requirements under other Federal laws.

certificate substantially in the form illustrated in paragraph (c) of this section if it covers dressed poultry or other unviscerated slaughtered poultry, and substantially in the form illustrated in paragraph (b) of this section if it covers any other poultry product.

(b) The form of foreign poultry product inspection certificate shall be as follows:

FOREIGN POULTRY PRODUCT INSPECTION CERTIFICATE (Except for unviscerated poultry)

Place _____
(City) (Country)
Date _____

I hereby certify that the poultry products herein described were derived from poultry which received ante mortem and post mortem inspections at the time of slaughter; and that such poultry products are sound, healthful, wholesome, clean and otherwise fit for human food, and are not adulterated and have not been treated with and do not contain any dye, chemical, preservative, or ingredient not permitted by the regulations governing the inspection of poultry and poultry products of the U.S. Department of Agriculture, and with me, and that said poultry products have been handled only in a sanitary manner in this country; and are otherwise in compliance with requirements at least equal to those in the Poultry Products Inspection Act and said regulations.

KIND OF PRODUCT

Number of pieces or packages _____
Weight _____

Identification marks on containers _____
Consignor _____
Address _____
Consignee _____
Destination _____
Shipping marks _____

(Signature) _____

(Name of official of national foreign government authorized to issue inspection certificates for poultry products exported to the United States)

(Official title) _____

(c) The form of foreign inspection certificate for dressed poultry shall be as follows:

FOREIGN DRESSED POULTRY INSPECTION CERTIFICATE

Place _____ Date _____

I hereby certify that the dressed poultry herein described was derived from poultry which received ante mortem inspection at the time of slaughter and post mortem inspection insofar as possible for unviscerated poultry, and that such dressed poultry is sound, healthful, wholesome, clean, and otherwise fit for human food, and is not adulterated, and has not been treated with and does not contain any dye, chemical, or preservative not permitted by the regulations governing the inspection of poultry and poultry products of the U.S. Department of Agriculture, filed with me, so far as could be determined by such inspection, and that said dressed poultry has been handled only in a sanitary manner in this country and is otherwise in compliance with requirements at least equal to those in the Poultry Products Inspection Act and said regulations.

Number of pieces or packages _____
Weight _____
Identification marks on containers _____
Consignor _____
Address _____
Consignee _____
Destination _____
Shipping marks _____
(Signature) _____
(Name of official of national foreign government authorized to issue inspection certificates for dressed poultry exported to the United States)

(Official title) _____

§ 381.198 Importer to make application for inspection of imported poultry products.

Each person who wishes to import any slaughtered poultry or other poultry product shall make application for inspection to the officer in charge of the import inspection office at the port where the poultry product is to be offered for entry, or to the Administrator, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, as long as possible in advance of the anticipated arrival of each consignment of such product, except in the case of poultry product exempted from inspection by §§ 381.207 or 381.209. Each application shall state the approximate date on which the consignment is due to arrive in the United States, the name of the ship or other carrier transporting it, the name of the country where the product was processed, the named of the country from which the product was shipped, the place of destination, the quantity and kind of product, whether fresh, frozen, cured, or canned, and the point of first arrival in the United States.

§ 381.199 Inspection of imported poultry products.

(a) Except as provided in § 381.209, and paragraph (c) of this section, all slaughtered poultry and poultry products imported from any foreign country listed in § 381.196(b) shall be inspected in accordance with inspection procedures prescribed by the Administrator, including the examination of the labeling information on the containers, by an inspector, before the same shall be allowed entry into the United States. Importers will be advised of the point where inspection will be made, and in case of small shipments (less than carload lots) the importer may be required to move the product to the location of the nearest inspector.

(b) Inspectors may take, without cost to the United States, from each consignment of imported poultry products, such samples of the products as are deemed necessary to determine the eligibility of the products for entry into the commerce of the United States.

(c) Poultry products imported under § 381.207 shall not be sampled and inspected under this section unless there is reason for suspecting the presence therein of a substance in violation of that

section, and in such case they shall be sampled and inspected in accordance with paragraph (a) of this section.

§ 381.200 Imported poultry products, retention in customs custody; delivery under bond; movement prior to inspection; sealing; handling; facilities and assistance.

(a) No slaughtered poultry or other poultry product required by this subpart to be inspected shall be released from customs custody prior to inspection, but such product may be delivered to the consignee, or his agent, prior to inspection, if the consignee shall furnish a bond, in form prescribed by the Secretary of the Treasury, conditioned that the product shall be returned, if demanded, to the collector of the port where the same is offered for clearance through the customs.

(b) Except as provided in paragraph (a) of this section, no product required by this subpart to be inspected shall be moved, prior to inspection, from the port of arrival where first unloaded, and if arriving by water, from the wharf where first unloaded at such port, to any place other than the place designated in accordance with this subpart as the place where the same shall be inspected; and no product shall be conveyed in any manner other than in compliance with this subpart.

(c) Means of conveyance or outside containers in which any imported poultry product is moved, prior to inspection from the port or wharf where first unloaded in the United States, shall be sealed with official seals of the Department of Agriculture as prescribed in § 381.98 or otherwise identified as provided in this paragraph unless already sealed with customs or consular seals in accordance with the customs regulations. The containers shall be securely tied before being offered for sealing. Such seals shall be affixed by inspectors, or, if there is no inspector at such port, then by a customs officer. In lieu of tying and sealing containers, the carrier or importer may furnish and attach to each outside container of product a warning notice on bright green paper, not less than 5 x 8 inches in size, containing the following legend in black type of a conspicuous size:

NOTICE

This container of poultry product must be delivered intact to an inspector of the Meat and Poultry Inspection Program, U.S. Department of Agriculture.

WARNING

Failure to comply with these instructions will result in penalty action being taken against the holder of the customs entry bond.

If the product is found to be acceptable upon inspection, the package will be marked "U.S. Inspected and Passeded" and this warning notice defaced.

(d) No person shall affix, alter, detach, deface, or destroy any official seal of the Department of Agriculture except customs officers or inspectors or as provided for in paragraph (f) of this section.

(e) No poultry product shall be removed from any means of conveyance or container sealed with an official seal

of the Department of Agriculture, or bearing the official warning notice prescribed in this section, except under the supervision of an inspector or a customs officer, or as provided for in paragraph (f) of this section.

(f) In case of a wreck or similar extraordinary emergency, the official seal of the Department of Agriculture on a car, truck, or other means of conveyance, may be broken by the carrier, and, if necessary, the articles may be reloaded into another means of conveyance for transportation to destination. In all such cases, the carrier shall immediately report the facts by telegraph to the Administrator, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250.

(g) The consignee, or his agent, shall furnish such facilities and shall provide such assistance for handling and marking poultry products offered for entry as the inspector may require.

§ 381.201 Means of conveyance and equipment used in handling imported poultry products to be maintained in sanitary condition.

Compartments of steamships, railroad cars, and other means of conveyance transporting any poultry product to the United States, and all chutes, platforms, racks, tables, tools, utensils, and all other devices used in moving and handling any poultry product offered for entry into the United States, shall be maintained in a sanitary condition.

§ 381.202 Poultry products offered for entry; reporting of findings to customs; handling of articles refused entry.

(a) Inspectors shall report their findings to the collector of customs at the port where poultry products are offered for entry, and shall request the collector to refuse entry to all products which are marked or designated "U.S. Refused Entry" or otherwise are not in compliance with the regulations in this subpart. Unless such products shall be exported by the consignee within a time to be specified by the collector of customs (usually 30 days), the consignee, within such specified time, shall cause the destruction of such products for human food purposes under the supervision of an inspector. If products are destroyed for human food purposes under the supervision of an inspector, he shall give prompt notice thereof to the collector.

(b) Consignees shall, at their own expense, return immediately, to the collector of customs, in means of conveyance or containers sealed with the official seal of the Department of Agriculture, any product received by them under this subpart which is marked or designated "U.S. Refused Entry," or which in any respect does not comply with this subpart.

(c) Except as provided in § 381.200 (a) or (b), no person shall remove or cause to be removed from any place designated as the place of inspection, any poultry product which the regulations in this subpart require to be marked in any way, unless the same has been clearly

and legibly marked in compliance with this subpart.

§ 381.203 Imported products; charges for storage, cartage and labor with respect to products which are refused entry.

All charges for storage, cartage, and labor with respect to any imported product which is refused entry pursuant to the regulations shall be paid by the owner or consignee, and, in default of such payment, shall constitute a lien against any other products imported thereafter by or for such owner or consignee.

§ 381.204 Marking of poultry products offered for entry.

(a) Poultry products which upon inspection are found to be acceptable for entry into the United States shall be marked with the official inspection legend shown in § 381.102. Poultry products which are inspected and rejected shall be marked "U.S. Refused Entry" as shown in § 381.102. Such marks shall be applied to the shipping containers.

§ 381.205 Labeling of immediate containers of imported poultry products.

(a) Immediate containers of poultry products imported into the United States shall bear a label, printed in English showing in accordance with Subpart N of this part all information required by that section (except that the inspection mark and establishment number assigned by the foreign poultry inspection system and certified to the Inspection Service shall be shown instead of the official dressed poultry identification mark or other official inspection legend, and official establishment number); and in addition the label shall show the name of the country of origin preceded by the words "Product of," which statement shall appear immediately under the name of the product.

(b) The labels shall not be false or misleading in any respect.

(c) Labels for immediate containers of imported poultry products shall be submitted in sketch form to the Washington office of the Standards and Services Division for approval. Sketch labels shall be submitted with sufficient copies to provide two copies for the Washington office. After approval of the sketch labels, finished labels shall be submitted with sufficient copies to provide two copies for the Washington office, one copy for each port of entry and one copy for the foreign plant requesting the approval.

§ 381.206 Labeling of shipping containers of imported poultry products.

Shipping containers in which imported poultry products are shipped to the United States are required to bear in a prominent and legible manner the name of the product, the name of the country of origin, the foreign inspection system establishment number of the establishment in which the product was processed, and the inspection mark of the country of origin. Labeling on shipping containers shall be examined at the time of inspection

in the United States and if found to be false or misleading, the product shall be refused entry.

§ 381.207 Small importations for consignee's personal use, display, or laboratory analysis.

Any poultry product (other than one which is forbidden entry by other Federal law or regulation) which is imported from any country in quantities of less than 50 pounds net weight, exclusively for the personal use of the consignee, or for display or laboratory analysis by the consignee, and not for sale or distribution; which is sound, healthful, wholesome, and fit for human food; and which is not adulterated and contains no substance not permitted by the Act or regulations may be allowed entry into the United States without a foreign inspection certificate, and such product is not required to be inspected upon arrival in the United States and may be shipped to the consignee without further restriction under this part, except as provided in § 381.199(c): *And provided*, That the Department may with respect to any specific importation, require that the consignee certify that such product is exclusively for the personal use of said consignee, or for display or laboratory analysis by said consignee, and not for sale or distribution.

§ 381.208 Imported poultry products to be handled and transported as domestic; entry into official establishments; transportation.

(a) All imported poultry products, after entry into the United States in compliance with this subpart, shall be deemed and treated and, except as provided in § 381.207, shall be handled and transported as domestic products, and shall be subject to the provisions of this part and to the provisions of the Poultry Products Inspection Act and the Federal Food, Drug, and Cosmetic Act.

(b) Imported poultry products inspected, passed, and marked in accordance with this subpart may, subject to the provisions of the regulations, be taken into official establishments and be mixed with or added to poultry products that are inspected and passed or exempted from inspection in such establishments.

(c) Imported poultry products which have been inspected, passed, and marked under this subpart may be transported in commerce, only upon compliance with the applicable regulations.

§ 381.209 Returned United States inspected and marked poultry products; exemption.

Poultry products which have been inspected and passed by the U.S. Department of Agriculture and are so marked, and are returned from foreign countries, may be imported if they are not adulterated or misbranded at the time of such return. Such products are exempted from further requirements under this part. Such returned shipments shall be reported to the Administrator by letter prior to arrival at the United States port of entry.

Subpart U—Detention; Seizure and Condemnation; Criminal Offenses

§ 381.210 Poultry and other articles subject to administrative detention.

Any poultry carcass, or part thereof; or any product made wholly or in part from any poultry carcass or part thereof; or any dead, dying, disabled, or diseased poultry is subject to detention for a period not to exceed 20 days when found by any authorized representative of the Secretary upon any premises where it is held for purposes of, or during or after distribution in commerce or otherwise subject to the Act, and there is reason to believe that any such poultry or other article is adulterated or misbranded and is capable of use as human food or has not been inspected, in violation of the provisions of the Act, any other Federal law, or the laws of any State or territory, or the District of Columbia; or that it has been or is intended to be distributed in violation of the provisions of the Act, any other Federal law, or the laws of any State or territory, or the District of Columbia.

§ 381.211 Method of detention; form of detention tag.

An authorized representative of the Secretary shall detain any poultry or other article to be detained under this subpart, by affixing to such article an official red paper tag (Form MP-483) bearing the statement "U.S. Department of Agriculture, Animal and Plant Health Inspection Service, U.S. Detained" and other information.

§ 381.212 Notification of detention to the owner of the article detained, or his agent, or person having custody.

When any poultry or other article is detained under § 381.211, an authorized representative of the Secretary shall give oral notification to the owner of the article detained, if he can be ascertained and notified, and, if not, to his agent or the immediate custodian of the article, and promptly furnish the person so notified with a completed "Preliminary Notice of Detention" (Form CP-479).¹ Within 48 hours after the detention of any article, an authorized representative of the Secretary shall, if the detention is to continue, give written notification to the owner of the article detained, by furnishing him a "Notice of Detention" (Form CP-484),¹ or if such owner cannot be ascertained and notified within such period of time, furnish such notice to his agent, or the carrier or other person having custody of the article detained. The notification (Form CP-484), with a copy of Form CP-479 shall be served either by delivering the notification to such owner or his agent, or such other person, or by certifying and mailing the notification, addressed to such owner, agent, or other person at his last known residence or principal office or place of business.

§ 381.213 Notification of governmental authorities having jurisdiction over article detained; form of written notification.

Within 48 hours after the detention of any poultry or other article pursuant to § 381.211, an authorized representative of the Secretary shall give oral or written notification of such detention to any Federal authorities not connected with the Inspection Service, and any State or other governmental authorities, having jurisdiction over such article. In the event notification is given orally, it shall be confirmed in writing, as promptly as circumstances permit.

§ 381.214 Movement of poultry or other article detained; removal of official marks.

No poultry or other article detained in accordance with the provisions in this subpart shall be moved by any person from the place at which it is located when so detained, until released by an authorized representative of the Secretary. *Provided*, That any such article may be moved from the place at which it is located when so detained, for refrigeration or freezing, or storage purposes if such movement has been approved by an authorized representative of the Secretary and the article so moved will be further detained by an authorized representative of the Secretary after such movement. When the detention of such article is terminated, the owner, his agent, or the carrier or other person having custody of the article who was notified when the article was detained will receive notification of the termination. The notification "Notice of Termination of Detention" (Form MP-487)¹ shall be served either by delivering the notice to the person originally notified, or by certifying and mailing the notification addressed to such person, at his last known residence or principal office or place of business. All official marks may be required by such representative to be removed from such article before it is released unless it appears to the satisfaction of the representative that the article is eligible to retain such marks.

§ 381.215 Poultry or other articles subject to judicial seizure and condemnation.

Any poultry carcass, or part thereof, or any product made wholly or in part from any poultry carcass or part thereof; except those exempted from the definition of a poultry product in § 381.15, or any dead, dying, disabled, or diseased poultry, that is being transported in commerce or is otherwise subject to the Act, or is held for sale in the United States after such transportation, is subject to seizure and condemnation,

¹ Copy filed with the Office of the Federal Register as part of the original document.

in a judicial proceeding pursuant to section 20 of the Act if such poultry or other article:

(a) Is or has been processed, sold, transported, or otherwise distributed or offered or received for distribution in violation of the Act; or

(b) Is capable of use as human food and is adulterated or misbranded; or

(c) In any other way is in violation of the Act.

§ 381.216 Procedure for judicial seizure, condemnation, and disposition.

Any poultry or other article subject to seizure and condemnation under this subpart is liable to be proceeded against and seized and condemned, and disposed of, at any time, on an appropriate pleading in any U.S. district court, or other proper court specified in section 21 of the Act, within the jurisdiction of which the article is found.

§ 381.217 Authority for condemnation or seizure under other provisions of law.

The provisions of this subpart relating to detention, seizure, condemnation and disposition of poultry or other articles do not derogate from authority for retention, condemnation, or seizure conferred by other provisions of the Act, or other laws.

§ 381.218 Criminal offenses.

The Act contains criminal provisions with respect to numerous offenses specified in the Act, including but not limited to forcible assaults on, or other interference with, any person while engaged in, or on account of the performance of, his official duties under the Act. Criminal provisions with respect to gifts or offers of bribes to such persons and related offenses are contained in the general criminal code (18 U.S.C. 201).

Subpart V—Special Provisions for Designated States and Territories; Criteria and Procedure for Designating Establishments With Operations Which Would Clearly Endanger the Public Health; Disposition of Poultry Products Therein

§ 381.220 Definition of "State".

For purposes of this subpart, the term "State" means any State (including the Commonwealth of Puerto Rico) or organized territory.

§ 381.221 Designation of States under paragraph 5(c) of the Act.

Each of the following States has been designated, effective on the date shown below, under paragraph 5(c) of the Act, as a State in which the provisions of sections 1 through 4, 6 through 10, and 12 through 22 of the Act shall apply to operations and transactions wholly within such State:

States	Effective date of designation
Arkansas	Jan. 2, 1971.
Colorado	Jan. 2, 1971.
Georgia	Jan. 2, 1971.
Guam	Jan. 21, 1972.
Idaho	Jan. 2, 1971.
Kentucky	July 28, 1971.
Maine	Jan. 2, 1971.
Michigan	Jan. 2, 1971.
Minnesota	Jan. 2, 1971.
Montana	Jan. 2, 1971.
Nebraska	July 28, 1971.
North Dakota	Jan. 2, 1971.
Oregon	Jan. 2, 1971.
Pennsylvania	Oct. 31, 1971.
Puerto Rico	Jan. 17, 1972.
South Dakota	Jan. 2, 1971.
Utah	Jan. 2, 1971.
Virgin Islands	Nov. 27, 1971.
West Virginia	Jan. 2, 1971.

§ 381.222 States designated under paragraph 5(c) of the Act; application of regulations.

The provisions of the regulations in this part apply to operations and transactions wholly within each State designated in § 381.221 under paragraph 5(c) of the Act, except as otherwise provided in this section. (The provisions of the regulations apply in all respects to operations and transactions in or for commerce.)

(a) Each establishment, located in such a designated State, which is granted inspection required under § 381.6(b), shall obtain approval of plant drawings as specified in § 381.19 within 18 months after the designation of the State becomes effective. The establishment, including its facilities shall be placed in compliance with the approved drawings as soon as possible, but not to exceed 36 months after such designation becomes effective. Failure to have drawings approved or to bring the establishment into compliance with such drawings within the time periods specified herein will result in the expiration of the grant of inspection. Inspection will be initially granted to any such establishments only if it is found, upon a combined evaluation of its premises, facilities and operating procedures, to be capable of producing products that are not adulterated or misbranded.

(b) Section 381.26 will apply to establishments required to have inspection under § 381.6(b), except that existing interconnections between official and unofficial establishments or between official establishments will be permitted if it is determined in specific cases that the interconnections are such that transfer of inedible poultry product into the official establishment would be difficult or unusual, and any such transfers are strictly prohibited, except as permitted under other provisions of the regulations. It is essential that separation of facilities be maintained to the extent necessary to assure that inedible poultry product does not enter the official establishment contrary to the regulations.

(c) Sections 381.49 and 381.51 shall apply to such establishments, except that separate facilities for men and women workers will not be required when the majority of the workers in the establishment are related by blood or marriage,

provided that this will not conflict with municipal or State requirements; and except that separation of toilet soil lines from house drainage lines to a point outside the buildings will not be required in existing construction when positive acting backflow devices are installed.

(d) Subpart N of this part shall apply to such establishments except as provided in this paragraph (d).

(1) The operator of each such establishment shall, prior to the inauguration of inspection, identify all labeling and marking devices in use, or proposed for use (upon the date of inauguration of inspection) to the Circuit Supervisor in which the establishment is located. Temporary approval, pending formal approval under § 381.132, will be granted by the Circuit Supervisor for labeling and marking devices that he determines are neither false nor misleading, provided the official inspection legend bearing the official establishment number is applied to the principal display panel of each label, either by a mechanical printing device or a self-destructive pressure sensitive sticker, and provided the label shows the true product name, an accurate ingredient statement, the name and address of the manufacturer, packer, or distributor, and any other features required by paragraph 4(h) of the Act.

(2) The Circuit Supervisor will forward one copy of each item of labeling and a description of each marking device for which he has granted temporary approval to the Standards and Services Division and will retain one copy in a temporary approval file for the establishment.

(3) The operator of the official establishment shall promptly forward a copy of each item of labeling and a description of each marking device for which temporary approval has been granted by the Circuit Supervisor (showing any modifications required by the Circuit Supervisor) to the Washington, D.C. office of the Standards and Services Division, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, accompanied by the formula and details of preparation and packaging for each product. Within 90 days after inauguration of inspection, all labeling material and marking devices temporarily approved by the Circuit Supervisor must receive approval as required by § 381.132 or their use must be discontinued.

(4) The Circuit Supervisor will also review all shipping containers to insure that they do not have any false or misleading labeling and are otherwise not misbranded. Modifications of unacceptable information on labeling material by the use of pressure sensitive tape of a type that cannot be removed without visible evidence of such removal, or by blocking out with an ink stamp will be authorized on a temporary basis to permit the maximum allowable use of all labeling materials on hand. All unacceptable labeling material which is not modified to comply with the requirements of the regulations must be destroyed or removed from the official establishment.

(e) Sections 381.175 through 381.179 apply to operations and transactions not in or for commerce in a State designated under paragraph 5(c) only if the State is also designated under section 11 of the Act and if such provisions are applicable as shown in § 381.224.

(f) Section 381.185(a) will not apply to States designated under paragraph 5(c) of the Act.

(g) Provisions of this part relating to exports and imports do not apply to operations and transactions solely in or for intrastate commerce.

§ 381.223 Control and disposition of nonfederally inspected poultry products in States designated under paragraph 5(c) of the Act.

Upon the effective date of designation of a State under paragraph 5(c) of the Act, no poultry products can be processed within the State unless they are prepared under inspection pursuant to the regulations or are exempted from the requirement of inspection under § 381.10, and no unexempted poultry products which were processed without any inspection can lawfully be distributed within the State. For a period of 90 days from the effective date of such designation, poultry products which were processed in any State listed in § 381.187 and inspected and passed under the supervision of a responsible State or local inspection agency or exempted from State inspection can be distributed solely within the State, provided they are not adulterated or misbranded, except that the official inspection legend shall not be used. Such products may not enter official establishments. After said 90-day period, only federally inspected and passed products may be distributed within the designated State, except as provided in § 381.10.

§ 381.224 Designation of States under section 11 of the Act; application of sections of the Act and the regulations.

Each of the following States has been designated, effective on the date shown below, under section 11 of the Act, as a State in which the provisions of the sections of the Act and regulations specified below shall apply to operators engaged, other than in or for commerce, in the kinds of business indicated below:

Paragraphs of act and regulations	Classes of operators	State	Effective date
Act, 11(b); §§ 381.175-381.178			
Act, 11(c); § 381.179			
Act, 11(d)			

§ 381.225 Criteria and procedure for designating establishments with operations which would clearly endanger the public health; disposition of poultry products therein.

(a) An establishment in any State not listed in § 381.221 that is preparing poultry products solely for distribution within such State shall be designated as one producing adulterated products which would clearly endanger the public health, if:

(1) Any poultry product processed at the establishment is adulterated in any of the following respects:

(i) It bears or contains a pesticide chemical, food additive, or color additive, that is "unsafe" within the meaning of sections 408, 409, or 706 of the Federal Food, Drug, and Cosmetic Act or was intentionally subjected to radiation in a manner not permitted under section 409 of said Act; or if it bears or contains any other added poisonous or added deleterious substance which may render it injurious to health or make it unfit for human food; or

(ii) It consists in whole or in part of any filthy, putrid or decomposed substance or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food (for example, it was prepared from a poultry carcass or other ingredients exhibiting spoilage characteristics); or it is, or was prepared from, a poultry carcass which would be required to be condemned under Subpart K at official establishments; or

(iii) It has been prepared, packed or held under insanitary conditions whereby it may have become contaminated with filth or may have been rendered injurious to health (for example, if insects or vermin are not effectively controlled at the establishment, or insanitary water is used in preparing poultry products for human food); or

(iv) It is, in whole or in part, the product of poultry that died otherwise than by slaughter; or

(v) Its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; and

(2) Such adulterated articles are intended to be or are distributed from the establishment while capable of use as human food.

(b) When any such establishment is identified by an inspector as one producing adulterated poultry products which would clearly endanger public health under the criteria in paragraph

(a) of this section, the following procedure will be followed:

(1) The inspector will informally advise the operator of the establishment concerning the deficiencies found by him and report his findings to the appropriate Regional Director for the Inspection Service. When it is determined by the Regional Director that any establishment preparing poultry products solely for distribution within any State is producing adulterated poultry products for distribution within such State which would clearly endanger the public health, written notification thereof will be issued to the appropriate State officials, including the Governor of the State and the appropriate Advisory Committee, for effective action under State or local law to prevent such endangering of the public health. Such written notification shall clearly specify the deficiencies deemed to result in the production of adulterated poultry products and shall specify a reasonable time for such action under State or local law.

(2) If effective action is not taken under State or local law within the specified time, written notification shall be issued by the Regional Director to the operator of the establishment, specifying the deficiencies involved and allowing him 10 days to present his views or make the necessary corrections, and notifying him that failure to correct such deficiencies may result in designation of the establishment and operator thereof as subject to the provisions of sections 1 through 4, 6 through 10, and 12 through 22 of the Act as though engaged in commerce.

(3) Thereafter the inspector shall survey the establishment and designate it if he determines, in consultation with the Regional Director, that it is producing adulterated poultry products, which would clearly endanger the public health, and formal notice of such designation will be issued to the operator of the establishment by the Regional Director.

(c) Poultry products on hand at the time of designation of an establishment

under this section are subject to retention or detention, and seizure and condemnation in accordance with § 381.145 or Subpart U of this part: *Provided*, That poultry products that have been federally inspected and so identified and that have not been further prepared at any nonfederally inspected establishment may be released for distribution if the products appear to be not adulterated or misbranded at the time of such release.

(d) No establishment designated under this section can lawfully prepare any poultry products unless it first obtains inspection or qualifies for exemption under § 381.10 of this subpart. All other provisions of the regulations shall apply to establishments designated under this section to the same extent and in the same manner as if they were engaged in commerce, except that the exceptions provided for in § 381.222 shall apply to such establishments.

(Sec. 14, 71 Stat. 441, as amended, 82 Stat. 791, 21 U.S.C. 463; 76 Stat. 663, 7 U.S.C. 450; sec. 21(b), 62 Stat. 1160, as amended, 33 U.S.C. 1171(b); 29 F.R. 16210, as amended; 37 F.R. 6327 and 6505)

These amendments shall become effective on the 60th day after publication hereof in the *FEDERAL REGISTER*.

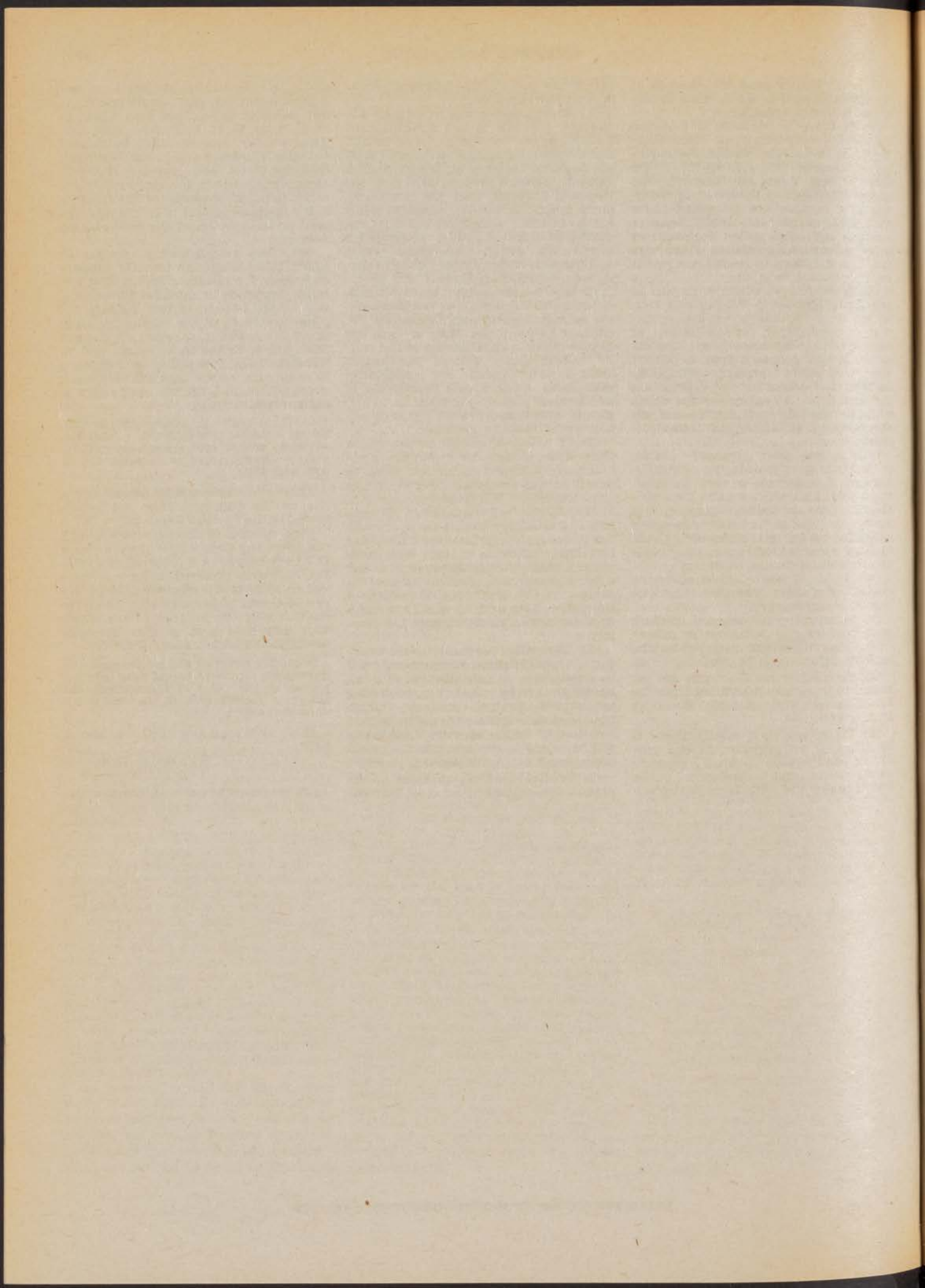
This revision of the regulations shall not affect any violations of the provisions in 7 CFR Part 81 that occurred or liabilities that were incurred under such provisions prior to the effective date of this revision, and such provisions shall remain in effect for purposes of any action that may have been or may hereafter be instituted with respect thereto.

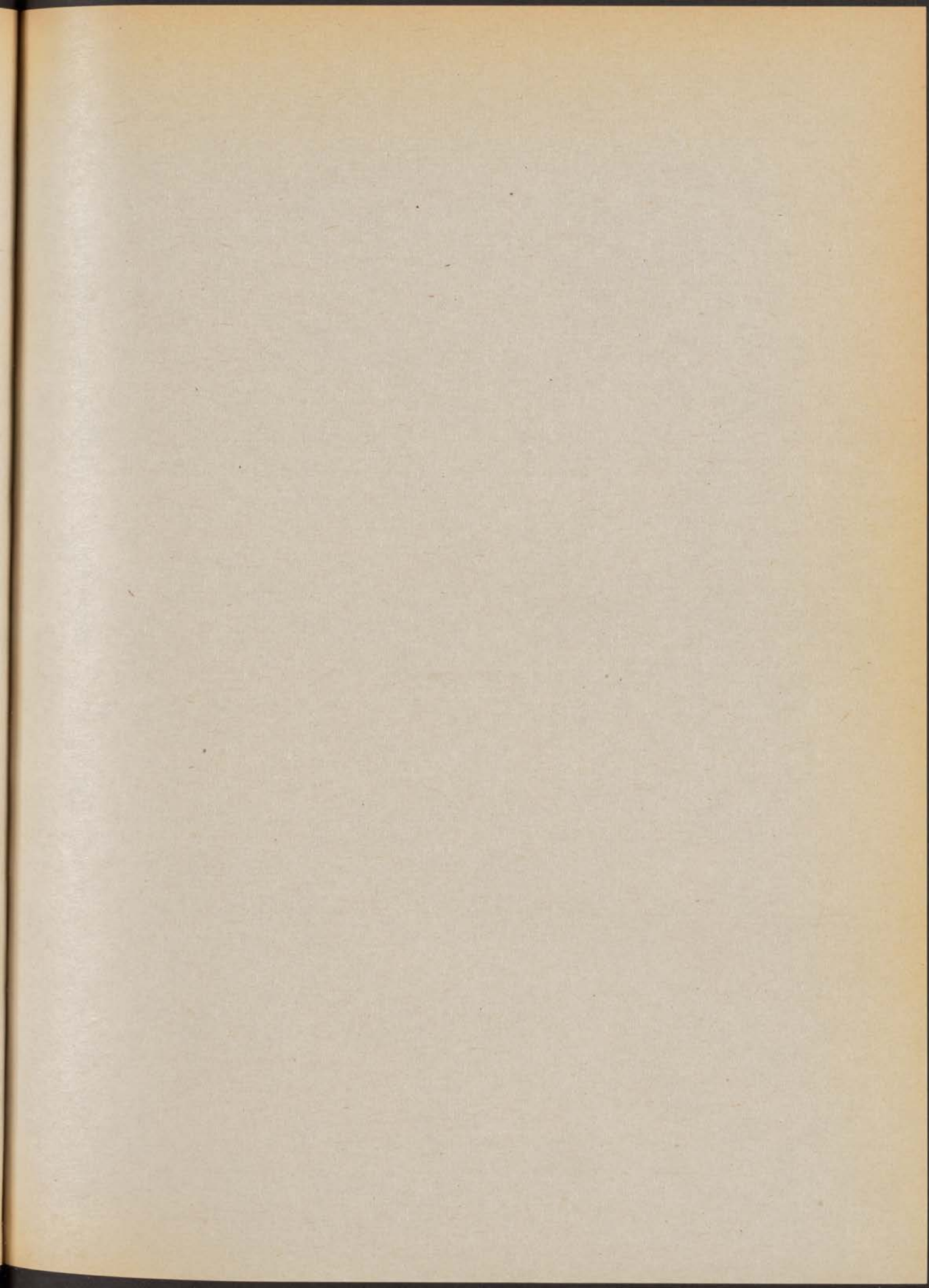
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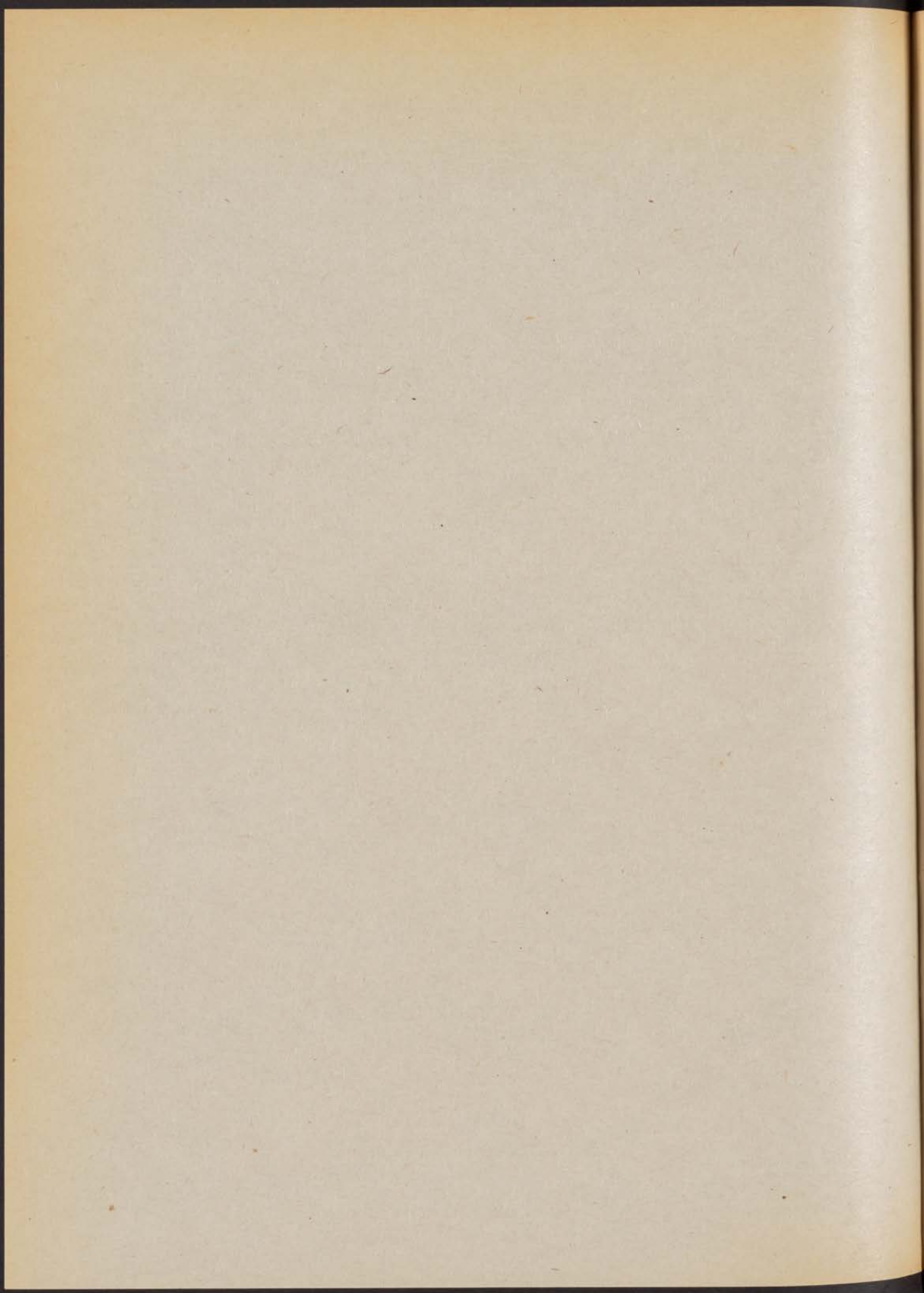
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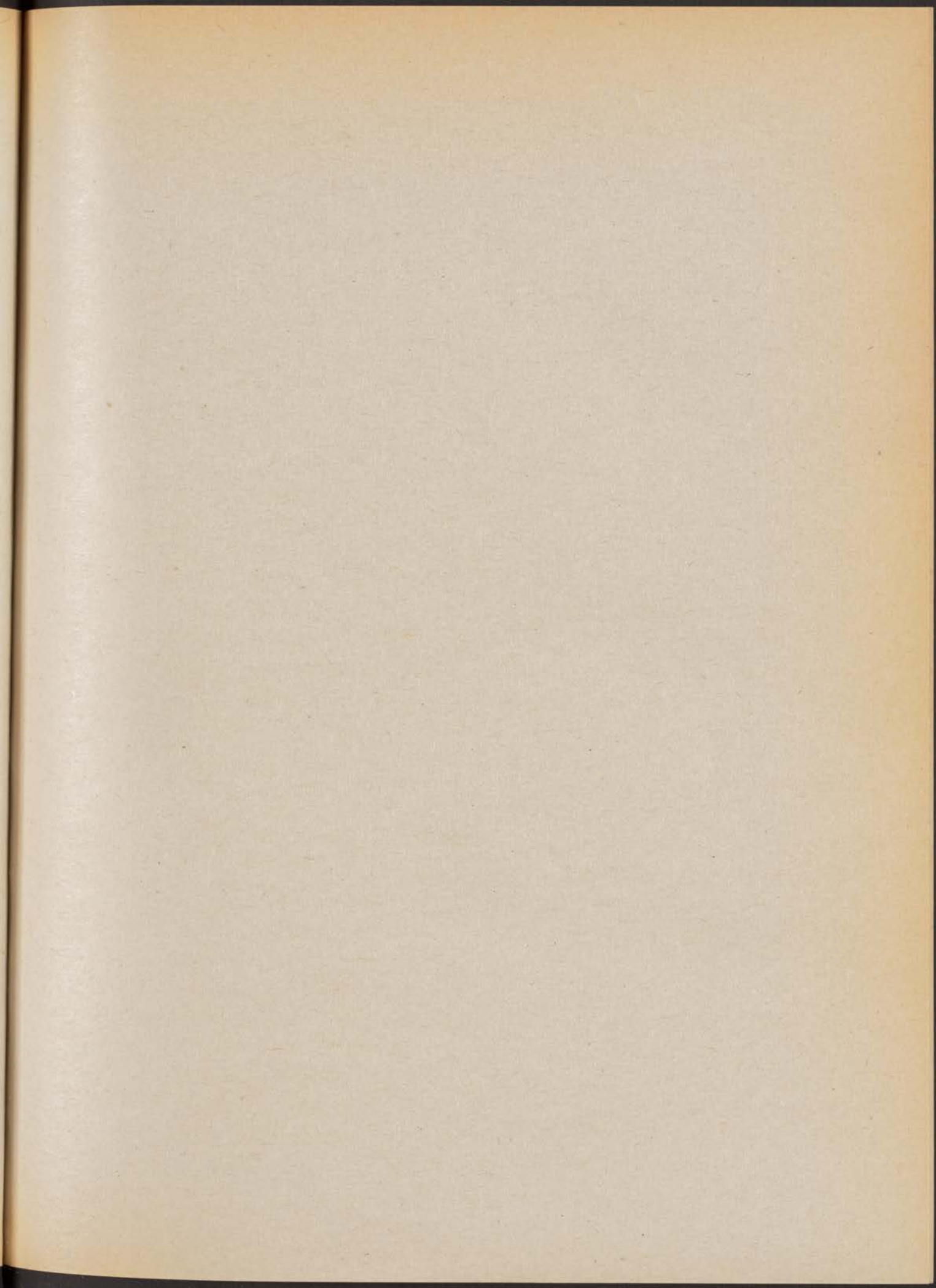
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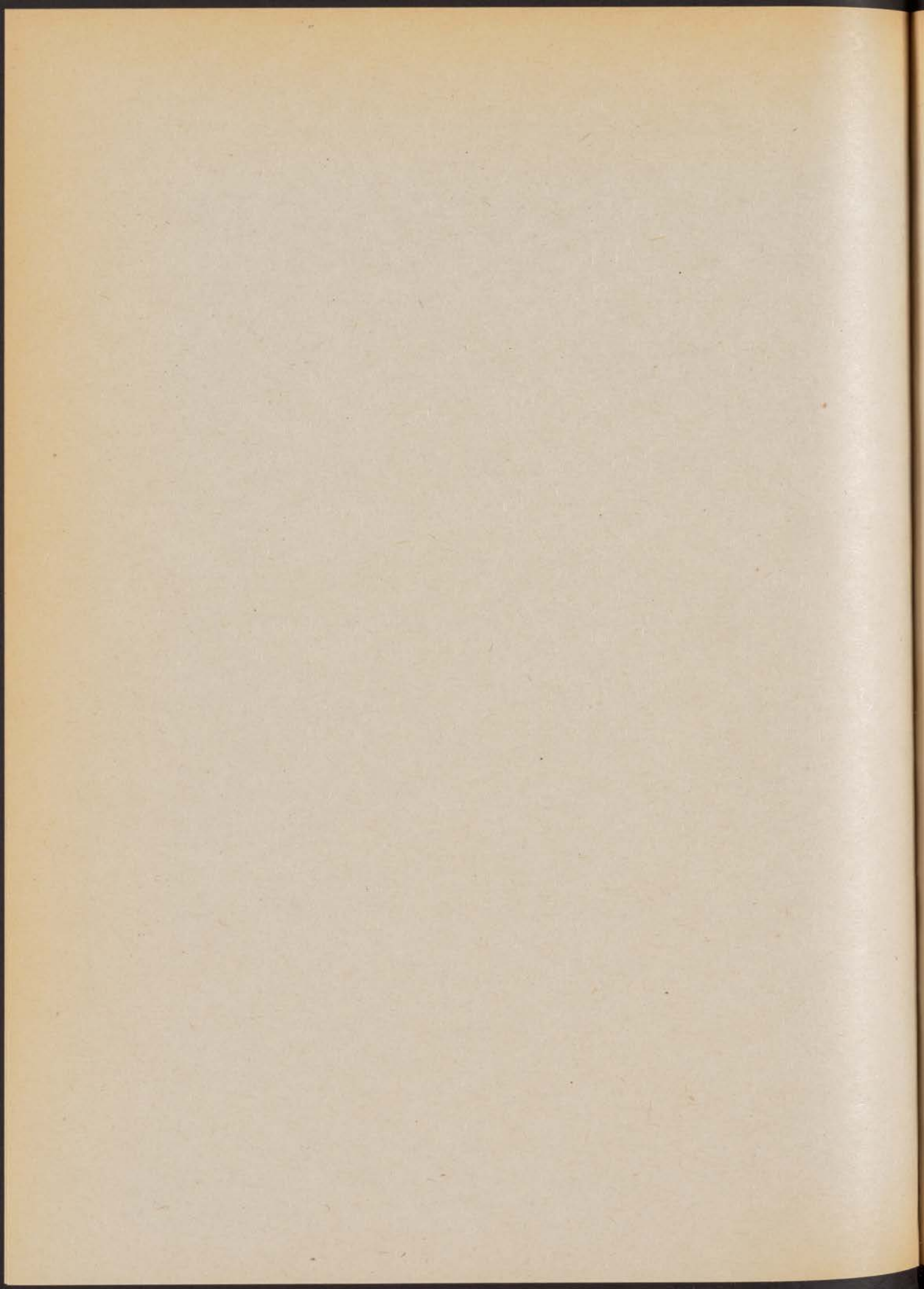
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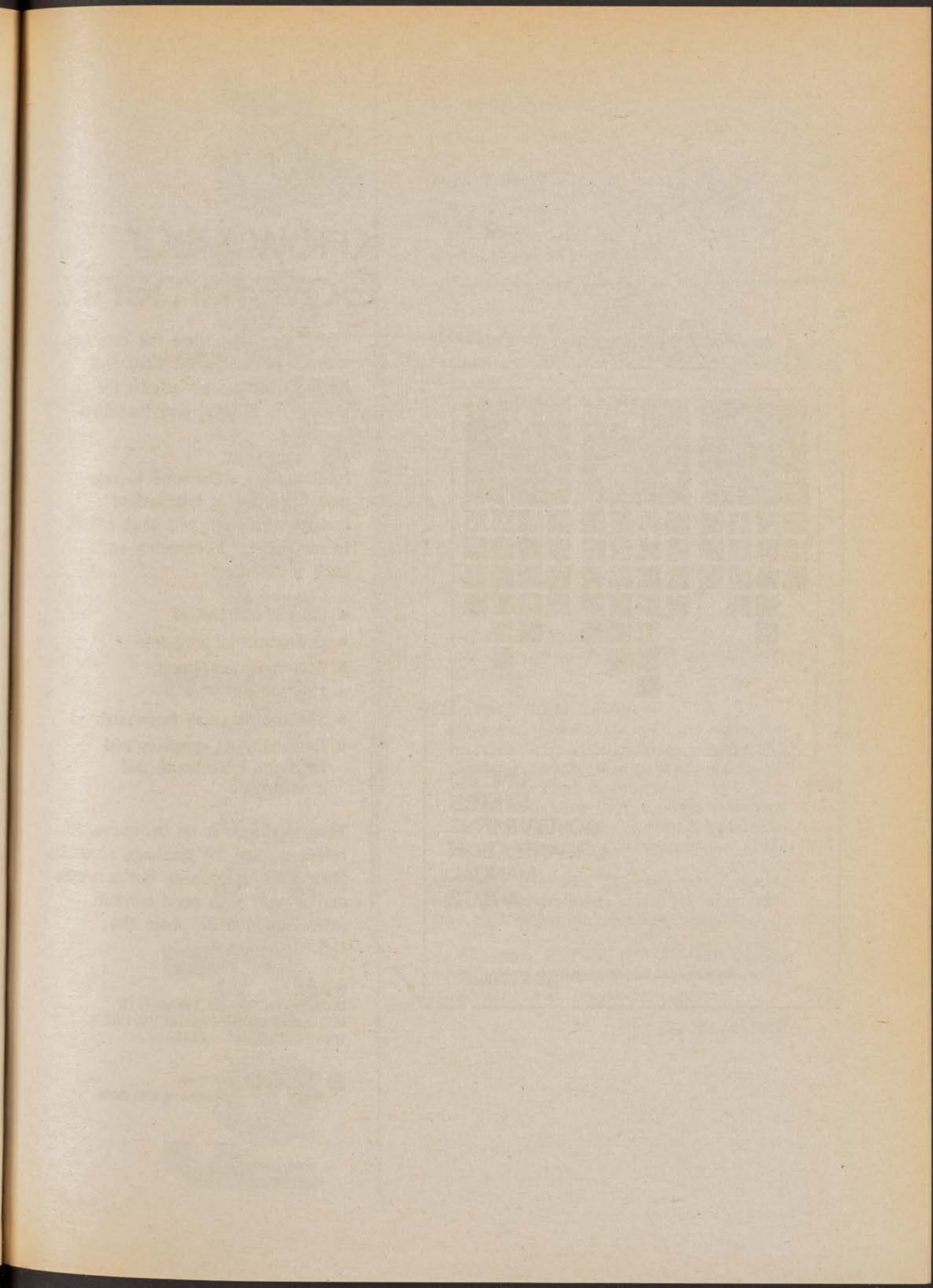






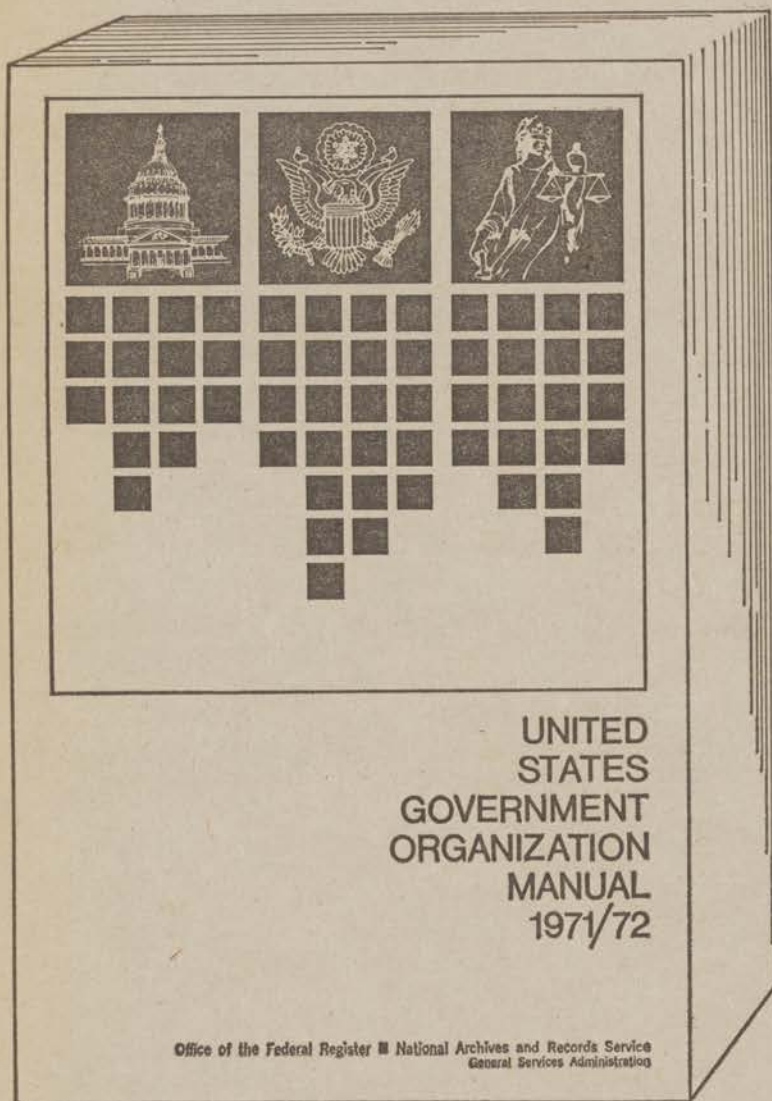








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