

Title 24—HOUSING AND HOUSING CREDIT

Chapter VII—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Designated Areas

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1914.4 List of designated areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Arkansas	Sebastian	Fort Smith	E 05 131 1370 01 through E 05 131 1370 07	Arkansas Soil and Water Conservation Commission, Room 151, State Capitol Bldg., Little Rock, AR 72201. Arkansas Insurance Department, 400 University Tower Bldg., Little Rock, AR 72204.	City Clerk's Office, Municipal Bldg., City of Fort Smith, Fort Smith, AR 72901.	Dec. 18, 1970.
California	Orange	Seal Beach	E 06 059 3538 01 E 06 059 3538 02	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	Seal Beach Administration Bldg., 211 8th St., Seal Beach, CA 90740.	Do.
Florida	Broward	Unincorporated areas.	E 12 011 0000 01	Department of Community Affairs, State of Florida, 309 Office Plaza, Tallahassee, FL 32301. State of Florida Insurance Department, Treasurer's Office, State Capitol, Tallahassee, FL 32304.	Broward County Engineering Department, Room 365, County Courthouse, Fort Lauderdale, FL 33301.	Do.
Ohio	Lucas	Toledo	E 39 095 8120 01 through E 39 095 8120 06	Ohio Department of Natural Resources, Columbus, OH 43215. Ohio Department of Insurance, 115 East Rich St., Columbus, OH 43215.	Division of Engineering and Construction, City of Toledo, 565 Erie St., Toledo, OH 43624.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: December 29, 1970.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[F.R. Doc. 70-17391; Filed, Dec. 28, 1970; 8:45 a.m.]

PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

List of Flood Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of flood hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Arkansas	Sebastian	Fort Smith	T 05 131 1370 01 through T 05 131 1370 07	Arkansas Soil and Water Conservation Commission, Room 151, State Capitol Bldg., Little Rock, AR 72201. Arkansas Insurance Department, 400 University Tower Bldg., Little Rock, AR 72204.	City Clerk's Office, Municipal Bldg., City of Fort Smith, Fort Smith, AR 72901.	Dec. 29, 1970.
California	Orange	Seal Beach	T 06 059 3538 01 T 06 059 3538 02	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	Seal Beach Administration Bldg., 211 8th St., Seal Beach, CA 90740.	Do.
Florida	Broward	Unincorporated areas.	T 12 011 0000 01	Department of Community Affairs, State of Florida, 309 Office Plaza, Tallahassee, FL 32301. State of Florida Insurance Department, Treasurer's Office, State Capitol, Tallahassee, FL 32304.	Broward County Engineering Department, Room 365, County Courthouse, Fort Lauderdale, FL 33301.	Do.
Ohio	Lucas	Toledo	T 39 095 8120 01 through T 39 095 8120 06	Ohio Department of Natural Resources, Columbus, OH 43215. Ohio Department of Insurance, 115 East Rich St., Columbus, OH 43215.	Division of Engineering and Construction, City of Toledo, 565 Erie St., Toledo, OH 43624.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: December 29, 1970.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[F.R. Doc. 70-17392; Filed, Dec. 28, 1970; 8:46 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order No. 446-70]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

PART 9—REMISSION OR MITIGA- TION OF CIVIL FORFEITURES

Comprehensive Drug Abuse Preven- tion and Control Act of 1970

By virtue of the authority vested in me by 28 U.S.C. 509, 510, and 5 U.S.C. 301, and section 501 of the Comprehensive Drug Abuse Prevention and Control Act of 1970, 84 Stat. 1236, 1270, Chapter I of Title 28 of the Code of Federal Regulations is amended as follows:

1. Paragraph (c) of § 0.55 of Subpart K of Part 0 is amended by substituting a comma for the period after "Act" and adding the following: "the Controlled Substances Act, 84 Stat. 1242, and the Controlled Substances Import and Export Act, 84 Stat. 1285 (titles II and III of the Comprehensive Drug Abuse Prevention and Control Act of 1970)."

2. Paragraph (d) of § 0.55 is amended by inserting after the phrase "narcotics and dangerous drugs," the phrase "other controlled substances."

3. Section 9.1 of Part 9 is amended by inserting after the words "Contraband Transportation Act," the words "Comprehensive Drug Abuse Prevention and Control Act of 1970," and by deleting the word "narcotics" immediately after the words "laws relating to."

Dated: December 17, 1970.

JOHN N. MITCHELL,
Attorney General.

[F.R. Doc. 70-17439; Filed, Dec. 28, 1970;
8:48 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter IV—American Battle Monuments Commission

PART 401—PROCEDURES

PART 402—ERECTION OF WAR ME- MORIALS IN FOREIGN COUNTRIES BY AMERICAN CITIZENS, STATES, MUNICIPALITIES, OR ASSOCIA- TIONS

Chapter IV of Title 36 is revised to read as follows:

§ 401.1 Erection of war memorials outside continental limits of United States.

Federal Government agencies, American citizens, States, municipalities, or associations desiring to erect war memorials outside the continental limits of the United States should proceed as follows:

(a) Submit general idea of the memorial to the American Battle Monuments Commission, with a request for the tentative allocation of the site desired.

(b) When site is provisionally allocated, prepare and submit the design of the memorial, together with the inscription, for approval. The design of the memorial will then be referred, in accordance with law, by the Commission to the National Commission of Fine Arts for its approval.

(c) After a site is allocated and the design and inscription are approved, the American Battle Monuments Commission will, if the sponsors so desire, consult with the foreign government concerning the question of securing approval for the erection of the memorial.

(d) When the approval of the foreign government is obtained, the Commission will cooperate, if the sponsors so desire, in obtaining the ground and erection of the memorial. Such cooperation may include construction of the memorial by the Commission, using funds provided by the sponsors, in which case user charges will be made in accordance with general Government policy.

(Sec. 3, 70 Stat. 640, 641; 36 U.S.C. 123-125; E.O. 6614, 5 U.S.C. 132 note, E.O. 9704, 11 P.R. 2675, 3 CFR, 1946 Supp., E.O. 10057, 10087, 14 P.R. 2585, 7287, 3 CFR, 1949 Supp.)

§ 402.1 Restrictions on erection.

(a) No administrative agency of the United States shall give assistance to American citizens, States, municipalities, or associations in erecting any war memorial outside the continental United States unless the plan has been approved in accordance with § 401.1 above.

(b) It is the opinion of the Commission that no battlefield memorial should be erected to any unit smaller than a division or comparable unit, or to an individual, unless the services of such unit or individual clearly were of such distinguished character as to warrant a separate memorial.

(c) It is the opinion of the Commission that, as a general rule, memorials should be erected to organizations rather than to troops from a particular locality of the United States.

(d) The policy of the Commission is to approve plans for memorials in foreign countries only in cases in which the sponsors make adequate and permanent arrangements for their maintenance. If the sponsors so desire, the Commission will maintain such memorials, including those previously existing which it deems worthy of preservation, using funds provided by the sponsors; in such cases it will make user charges in accordance with general Government policy.

(Sec. 3, 70 Stat. 640, 641; 36 U.S.C. 123, 125; E.O. 6614, 5 U.S.C. 132 note, E.O. 9704, 11 P.R. 2675, 3 CFR, 1946 Supp., E.O. 10057, 10087, 14 P.R. 2585, 7287, 3 CFR, 1949 Supp.)

WILLIAM E. RYAN, JR.
LTC, ADA, Director of
Operations and Finance.

[F.R. Doc. 70-17457; Filed, Dec. 28, 1970;
8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 10—MIGRATORY BIRDS

Open Seasons, Bag Limits, and Pos- session of Certain Migratory Game Birds

F.R. Doc. 70-11566 appearing on page 14055 in the issue of Friday, September 4, 1970, is amended as follows:

1. In § 10.53, paragraph (e) on page 14056, the season dates for geese for Illinois in the counties of Alexander, Jackson, Union, and Williamson reading "Nov. 12-Dec. 23" should read "Nov. 12-Dec. 23, Jan. 2-Jan. 3."

Since this amendment relieves an existing restriction by permitting Canada goose hunting in the four named counties for 2 additional days without exceeding the established quota of 35,000, it is determined that notice and public procedure thereon are impracticable, unnecessary, and contrary to the public interest and that this amendment will become effective upon publication in the FEDERAL REGISTER.

(40 Stat. 755; 16 U.S.C. 703 et seq.)

Effective date: Upon publication.

SPENCER H. SMITH,
Acting Director, Bureau of
Sport Fisheries and Wildlife.

DECEMBER 23, 1970.

[F.R. Doc. 70-17458; Filed, Dec. 28, 1970;
8:49 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter III—Consumer and Market- ing Service (Meat Inspection), De- partment of Agriculture

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 331—SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES; AND FOR DESIG- NATION OF ESTABLISHMENTS WHICH ENDANGER PUBLIC HEALTH AND FOR SUCH DESIGNATED ESTABLISHMENTS

Statement of considerations. The Federal Meat Inspection Act, as amended by the Wholesome Meat Act (21 U.S.C. 601 et seq.) requires the extension of certain Federal requirements to intrastate activities in any State (including the Commonwealth of Puerto Rico or any organized Territory), by designation of the

State under paragraph 301(c) of the Act, upon determination by the Secretary of Agriculture, in accordance with said paragraph, that the State has not, within the time allowed by the Act, developed and activated requirements at least equal to the requirements imposed under titles I and IV of the Act with respect to all establishments within such State (except certain classes of retail stores, restaurants and similar retail-type establishments) at which cattle, sheep, swine, goats or equines are slaughtered or their carcasses, or parts of products thereof, are prepared for use as human food, solely for distribution within such State, and the products of such establishments. Upon the expiration of 30 days after publication of such designation of any State in the FEDERAL REGISTER, the provisions of Titles I and IV of the Act shall apply to operations and transactions wholly within such jurisdiction and to persons, firms, and corporations engaged therein, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce" as defined in the Act.

The regulations set forth herein provide a format for listing any States that are determined not to have developed and activated meat inspection programs that meet the requirements of paragraph 301(c) of the Federal Meat Inspection Act (21 U.S.C. 661(c)) and are designated as jurisdictions in which the provisions of titles I and IV of the Federal Meat Inspection Act apply to wholly intrastate activities; list the only jurisdiction currently designated; identify the provisions of the regulations in this subchapter that are applicable to such activities; and prescribe the methods of handling and disposing of uninspected meat and meat products, and State inspected meat and meat products, that are in the possession of wholly intrastate livestock slaughtering or processing plants or other distributors in those jurisdictions when such jurisdictions are designated.

Paragraph 301(c) of the Act also provides that when the Secretary of Agriculture determines that any establishment within a State (including the Commonwealth of Puerto Rico or an organized territory) is producing adulterated meat or meat food products for distribution within such jurisdiction which would clearly endanger the public health, he shall notify the Governor of the State and the appropriate Advisory Committee of such fact for effective action under State or local law and that, if the State does not take action to prevent such endangering of the public health within a reasonable time after such notice, the Secretary may forthwith designate such establishment as subject to the provisions of titles I and IV of the Act, and thereupon the establishment and operator thereof shall be subject to such provisions as though engaged in "commerce", until such time as the Secretary determines that the State has developed and will enforce the necessary requirements.

The policies and procedures followed in designating such establishments under paragraph 301(c) and the provisions of

the regulations applicable to such establishments are also prescribed in the regulations set forth herein.

Sections 202, 203, and 204 of the Act impose record and related requirements and registration requirements for operators engaged in specified classes of business in or for "commerce" as defined in the Act, and restrict the handling in "commerce", or the importation, of dead, dying, disabled or diseased livestock or parts of the carcasses of livestock that died otherwise than by slaughter. Section 205 of the Act extends the authority of the Secretary of Agriculture under these sections to persons, firms and corporations engaged in the specified kinds of business but not in or for "commerce," in any State (including the Commonwealth of Puerto Rico or any organized Territory), when he determines after consultation with an appropriate Advisory Committee that the State does not have at least equal authority under its laws or is not exercising such authority in a manner to effectuate the purposes of the Act. The regulations set forth herein provide a format for listing any States with respect to which such a determination has been made and which are designated as jurisdictions in which the provisions of section 202, 203, or 204 of the Act apply to intrastate activities and identify the sections of the Act and the provisions of the regulations that would be applicable to such activities. However, no jurisdictions are currently listed for this purpose.

Sec.

- 331.1 Definition of "State."
- 331.2 Designation of States under paragraph 301(c) of the Act.
- 331.3 States designated under paragraph 301(c) of the Act; application of regulations.
- 331.4 Control and disposal of non-federally-inspected products in States designated under paragraph 301(c) of the Act.
- 331.5 Criteria and procedure for designating establishments with operations which would clearly endanger the public health; disposition of products; application of regulations.
- 331.6 Designation of States under section 205 of the Act; application of sections of the Act and the regulations.

AUTHORITY: The provisions of this Part 331 issued under sec. 21, 81 Stat. 584, 588, 592, 593, 21 U.S.C. 621; sec. 301, 81 Stat. 595, 21 U.S.C. 661.

§ 331.1 Definition of "State".

For purposes of this Part, the term "State" means any State (including the Commonwealth of Puerto Rico) or organized Territory.

§ 331.2 Designation of States under paragraph 301(c) of the Act.

Each of the following States has been designated, effective on the date shown below, under paragraph 301(c) of the Act, as a State in which the provisions of Titles I and IV of the Act shall apply to operations and transactions wholly within such State:

State	Effective date of designation
North Dakota	June 22, 1970

§ 331.3 States designated under paragraph 301(c) of the Act; application of regulations.

The provisions of the regulations in this subchapter apply to operations and transactions wholly within each State designated in § 331.2 under paragraph 301(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 § 302.1(a)(2) of this subchapter, shall obtain approval of plant drawings as specified in § 304.2 of this subchapter 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 305.2 of this subchapter will apply to establishments required to have inspection under § 302.1(a)(2) of this subchapter, except that existing interconnections between official and unofficial establishments will be permitted if it is determined in specific cases that the interconnections are such that transfer of inedible product into the official establishment would be difficult or unusual, and any such transfers are strictly prohibited, except as permitted under other provisions of this subchapter. It is essential that separation of facilities be maintained to the extent necessary to assure that inedible product does not enter the official establishment contrary to the regulations in this subchapter.

(c) Section 308.4 of this subchapter shall apply to such establishments, except that separate toilet rooms 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 back-flow devices are installed.

(d) Section 314.2 of this subchapter shall apply to such establishments, except that a separate room or compartment need not be provided for inedible products if they can be handled so that they do not create insanitary conditions in any room or compartment used for edible products or otherwise render any edible products adulterated and do not interfere with the conduct of

inspection. For example, intestines, paunch contents, feet, and hides might be accumulated on the kill floor in clean, watertight drums with close fitting covers if there is sufficient space to store them out of the way until the close of the day's operation.

(e) Sections 316.7, 317.3, and 317.4 of this subchapter shall apply to such establishments, except as provided in this paragraph (e).

(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 officer in charge of the circuit in which the establishment is located. Temporary approval, pending formal approval under §§ 316.7, 317.3, and 317.4 of this subchapter, will be granted by the officer in charge 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 1(n) of the Act.

(2) The officer in charge 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 officer in charge (showing any modifications required by the officer in charge) to the Washington, D.C. office of the Standards and Services Division, 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 officer in charge must receive approval as required by §§ 316.7, 317.3, and 317.4, of this subchapter or their use must be discontinued.

(4) The officer in charge 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 self-destructive pressure sensitive tape 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 this subchapter must be destroyed or removed from the official establishment.

(f) Sections 320.1, 320.2, 320.3, 320.4, 320.5, 325.20, and 325.21 apply to opera-

tions and transactions not in or for commerce in a State designated under paragraph 301(c) only if the State is also designated under section 205 of the Act and if such provisions are applicable as shown in § 331.6 of this part.

(g) Paragraph 321.1(a) of this subchapter will not apply to States designated under paragraph 301(c) of the Act.

(h) Parts 322 and 327 and §§ 325.3 and 325.12 of this subchapter relating to exports and imports do not apply to operations and transactions solely in or for intrastate commerce.

(i) Part 325 of this subchapter will apply to establishments required to have inspection under § 302.1(a)(2) of this subchapter and to operations and transactions solely in or for intrastate commerce, except as provided in paragraphs (h) and (j) of this section.

(j) Sections 325.4, 325.15, and 325.1(b) of this subchapter will not apply to require a certificate, or evidence thereof, for the distribution solely within any designated State of products that are U.S. inspected and passed and so marked.

§ 331.4 Control and disposal of non-federally-inspected products in States designated under paragraph 301(c) of the Act.

Upon the effective date of designation of a State under paragraph 301(c) of the Act, no products can be prepared within the State unless they are prepared under inspection pursuant to the regulations in this subchapter or are exempted from the requirement of inspection under § 303.1 of this subchapter, and no unexempted products which were prepared without any inspection can lawfully be distributed within the State. For a period of 90 days from the effective date of such designation, products which were prepared and inspected and passed under the supervision of a responsible State or local inspection agency can be distributed solely within the State, provided they are not adulterated or misbranded, except that the official inspection legend is not required. Within the 90-day period, products that have been inspected by the State or local inspection agency may be further prepared and otherwise handled in official establishments required to have inspection under § 302.1(a)(2) of this subchapter or at establishments exempted from the requirements of such inspection under § 303.1 of this subchapter, and may be distributed as provided in this section but otherwise shall be handled in accordance with § 305.4 of this subchapter. Such products shall not bear any [Federal] official inspection legends. After said 90-day period, only federally inspected and passed products may be distributed within the designated State, except as provided in § 303.1 of this subchapter.

§ 331.5 Criteria and procedure for designating establishments with operations which would clearly endanger the public health; disposition of products; application of regulations.

(a) An establishment preparing products solely for distribution within any State shall be designated as one pro-

ducing adulterated products which would clearly endanger the public health, if:

(1) Any meat or meat food product prepared 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, or unwholesome or otherwise unfit for human food (for example, it was prepared from meat or other ingredients exhibiting spoilage characteristics; or it is, or was prepared from, a carcass affected with a disease transmissible to humans and its condemnation would be required under Part 309 or 310 of the Federal Meat Inspection regulations (9 CFR Parts 309, 310) at federally inspected establishments; or it is a ready-to-eat pork product which has not been treated to destroy trichinae as prescribed in § 318.10 of this subchapter for products at federally inspected 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 establishments, or insanitary water is used in preparing meat or meat food products for human food); or

(iv) It is, in whole or in part, the product of an animal 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 a Program Inspector as one producing adulterated product, which would clearly endanger public health under the criteria in paragraph (a) of this section, the following procedure will be followed:

(1) The Program 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 Program. When it is determined by the Regional Director that any establishment preparing products solely for distribution within any State is producing adulterated 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 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 ten 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 titles I and IV of the Act as though engaged in commerce.

(3) Thereafter the Program Inspector shall survey the establishment and designate it if he determines, in consultation with the Regional Director, that it is producing adulterated 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) Products on hand at the time of designation of an establishment under this section are subject to detention, seizure and condemnation in accordance with Part 329 of this subchapter: *Provided*, That products that have been federally inspected and so identified and that have not been further prepared at any non-federally-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 products unless it first obtains inspection or qualifies for exemption under § 303.1 of this subchapter. All of the provisions of the regulations shall apply to establishments designated under this section, except that the exceptions provided for in § 331.3 of this part shall apply to such establishments.

§ 331.6 Designation of States under section 205 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 205 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:

Sections of Act and Regulations	Classes c Operators	State
Act, 202; § 320.1, 320.2, 320.3, 320.4	-----	-----
Act, 203; § 320.5	-----	-----
Act, 204; § 325.20 and 325.21	-----	-----

The above provisions set forth interpretations, policies and procedures to implement the provisions in paragraph 301(c) and section 205 of the Federal Meat Inspection Act. It is essential that regulations be adopted for these purposes and published as soon as possible in order to afford time for the affected industries to adjust their programs and operations to comply with the applicable requirements. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public rulemaking procedure on the foregoing regulations are impracticable and unnecessary and good cause is found for making the regulations effective less than 30 days after their publication in the FEDERAL REGISTER. Accordingly, these regulations shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., on December 23, 1970.

KENNETH M. McENROE,
Deputy Administrator,

Meat and Poultry Inspection Programs.

[F.R. Doc. 70-17487; Filed, Dec. 23, 1970;
8:51 a.m.]