

Bexar, Blanco, Borden, Bosque, Bowle, Brazoria, Brazos, Briscoe, Brooks, Brown, Burlison, Burnet, Caldwell, Calhoun, Calhoun, Cameron, Camp, Carson, Cass, Castro, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Colorado, Comanche, Concho, Cooke, Coryell, Cottle, Crockett, Crosby, Culberson, Dallam, Dallas, Deaf Smith, Delta, Denton, De Witt, Dickens, Dimmitt, Donley, Duval, Eastland, Edwards, Ellis, El Paso, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Foard, Fort Bend, Franklin, Freestone, Frio, Gaines, Galveston, Garza, Gillespie, Glasscock, Gonzales, Grayson, Gregg, Grimes, Guadalupe, Hale, Hall, Hamilton, Hardeman, Hardin, Harris, Harrison, Haskell, Hays, Henderson, Hidalgo, Hill, Hockley, Hood, Howard, Hudspeth, Hunt, Hutchinson, Jack, Jackson, Jasper, Jim Hogg, Jim Wells, Johnson, Jones, Kaufman, Kendall, Kenedy, Kent, King, Kinney, Kleberg, Knox, Lamar, Lamb, Lampasas, La Salle, Lavaca, Lee, Leon, Limestone, Lynn, McCulloch, McLennan, McMullen, Madison, Marion, Martin, Matagorda, Maverick, Medina, Menard, Midland, Milam, Mills, Mitchell, Montague, Montgomery, Moore, Morris, Motley, Nacogdoches, Navarro, Noland, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Polk, Potter, Presidio, Rains, Randall, Real, Reeves, Robertson, Rockwell, Runnels, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, San Saba, Schleicher, Scurry, Shackelford, Sherman, Shelby, Smith, Somervell, Starr, Stephens, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terry, Tockmorton, Titus, Tom Green, Travis, Trinity, Tyler, Upton, Uvalde, Van Zandt, Walker, Waller, Washington, Webb, Wharton, Wheeler, Wichita, Wilbarger, Willacy, Williamson, Wilson, Wise, Wood, Yoakum, Young, Zapata, Zavala.

§ 78.22 Noncertified Areas.

(b) Specific Counties Within States.

Texas. Chambers, Cherokee, Goliad, Hopkins, Houston, Jefferson, Karnes, Liberty, Live Oak, Lubbock, Nueces, Red River, Refugio, Upshur, Victoria, Winkler.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; and secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111-113, 114a-1, 115, 117, 120, 121, 125, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141, 9 CFR 78.16.)

**Effective date.** The foregoing amendment shall become effective April 30, 1976.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. It does not appear that public participation in the rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable, unnecessary, and contrary to the public in-

terest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, DC, this 29th day of April, 1976.

PIERRE A. CHALOUX,  
Acting Deputy Administrator,  
Veterinary Services.

[FR Doc. 76-12827 Filed 4-29-76; 10:23 am]

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Restrictions on Importation of Horses

• The purpose of these amendments is to strengthen the requirements for importation of all horses into the United States in order to protect the livestock of the United States from the threat of introduction and dissemination of certain communicable diseases of horses that exist in many foreign countries. •

**Statement of considerations.** On November 26, 1975, there was published in the FEDERAL REGISTER (40 FR 54802-54804), a notice of proposed rulemaking which would strengthen the requirements for importation of all horses into the United States in order to protect the livestock of the United States from the threat of introduction and dissemination of certain communicable diseases of horses that exist in many foreign countries. In response to requests made by certain representatives of importers of zoological animals there was published in the FEDERAL REGISTER, on January 15, 1976 (41 FR 2249), a notice which extended the time for filing data, views and arguments with respect to the proposed amendments, from December 30, 1975 to January 29, 1976.

A total of fifteen comments were received, nine of which were in favor of the amendments as proposed. Five comments suggested modifications of the proposal as follows: one suggested that the 7-day quarantine requirement on equines from Mexico be left in effect; one suggested that the language in § 92.11 be clarified to reflect that all horses must enter the United States through a port designated for the importation of animals in § 92.3 and that such requirement is not limited to horses from "any country in the Western Hemisphere" and to "countries where African horsesickness is declared to exist"; one suggested that the negative equine piroplasm test requirement for zebras be eliminated; and two suggested that horses participating in special international races be exempt from the equine infectious anemia testing requirement. In addition, the Government of Great Britain advised that reciprocal restrictions would be imposed on equine importations into Great Britain from the United States if the proposed restrictions were placed in effect on horses entering the United States from that country.

However, such action by Great Britain would have an indirect beneficial effect on the exportation of livestock from the United States, because it would provide an additional check on the health status of horses exported to Great Britain.

After due consideration of all relevant material available to the Department, including that submitted in connection with such notice, it was determined that since Venezuelan equine encephalomyelitis (VEE) has been eradicated from Mexico, no justification exists for continuing the 7-day quarantine period on horses from Mexico. The proposed language in § 92.11(d) has been amended, as properly suggested by one of the comments, for clarification and without substantive change. Suggestions made that zebras be exempt from the equine piroplasm test requirement and that horses imported for participation in special international races be exempt from the requirements of the regulations were determined not to further the statutory objective of protecting the livestock of the United States and were rejected. Minor clerical changes have been made to conform the amendment to existing regulations.

Accordingly, Part 92, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

1. In § 92.4, the section heading, paragraph (a) (1), and the third and fourth sentences in paragraph (b) are amended to read:

§ 92.4 Import permits for ruminants, swine, poultry, animal semen and for animal specimens for diagnostic purposes.

(a) Application for permit; reservation required. (1) For ruminants, swine, poultry, animal semen, and animal test specimens for diagnostic screening purposes for animals, intended for importation from any part of the world, except as otherwise provided in §§ 92.19, 92.27 and 92.31, the importer shall first apply for and obtain from Veterinary Services an import permit. The application shall specify the name and address of the importer, the species, breed, number or quantity, purpose of importation, the country of origin, the port of embarkation in the foreign country, the mode of transportation, route of travel, the port of entry in the United States, and the proposed date of arrival of the animals, animal semen, or animal test specimens to be imported, and the name of the person to whom the animals, animal semen, or animal test specimens will be delivered and the location of the place in the United States to which delivery will be made from the port of entry. Additional information may be required in the form of certificates concerning specific diseases to which the animals are susceptible, as well as vaccinations or other precautionary treatments to which the animals, animal semen, or animal test specimens have been subjected. Notice of any such requirement will be given to the applicant in each case.

(b) \* \* \* Animals and animal semen, and animal test specimens for diagnostic

screening purposes for animals, intended for importation into the United States, for which a permit has been issued will be received at the specified port of entry within the 14-day period prescribed in the permit, after which time the permit shall be void. Ruminants, swine, poultry, animal semen and animal test specimens for which a permit is required by these regulations will not be eligible for entry if a permit has not been issued; if unaccompanied by such a permit; if shipment is from any port other than the one designated in the permit; if arrival in the United States is at any port other than the one designated in the permit; if the animals (including poultry) or animal semen, or animal test specimens offered for entry differ from those described in the permit; if the animals or animal semen, or animal test specimens are not handled as outlined in the application for the permit and as specified in the permit issued; or in the case of ruminants and swine, if ruminants or swine other than those covered by import permits are aboard the transporting carrier.

2. In § 92.11, paragraph (d) is amended to read:

§ 92.11 Quarantine requirements.

(d) *Horses.* Horses intended for importation into the United States from any part of the world shall be shipped directly to a port designated in § 92.3, and all horses from the Western Hemisphere, except from Canada and Mexico, shall there be quarantined for not less than 7 days. Horses intended for importation from, or that have been in or transited, countries where African horsesickness is declared to exist<sup>11</sup> shall enter the United States only at the port of New York, New York, and be quarantined there for not less than 60 days. Any quarantine period required for horses shall be counted from the date of arrival at the quarantine facility and may be extended for such additional period as the Deputy Administrator, Veterinary Services, may require to determine their freedom from disease. In order to qualify for release from quarantine, all horses while so detained shall test negative to an official test for dourine, glanders, equine piroplasmiasis, equine infectious anemia<sup>12</sup> and such other tests that may be required by the Deputy Administrator to determine their

freedom from other communicable diseases. Such horses shall also be subjected to such inspections and disinfections deemed necessary by the Deputy Administrator, and they shall be released from quarantine only if found to be free from any communicable disease upon such inspection. If the owner of horses which are intended for importation into the United States desires to have diagnostic screening tests for equine piroplasmiasis conducted on such horses prior to their shipment to the United States, such tests will be conducted by Veterinary Services upon application by the owner to the Deputy Administrator, Veterinary Services. Such serological specimens for diagnostic screening tests, as required by the Deputy Administrator for such tests, must be submitted by the owner and must comply with the permit requirements of § 92.4.

3. In § 92.24, that portion of paragraph (a) preceding the first proviso is amended to read:

§ 92.24 Horses from Canada.

(a) Horses from Canada shall be inspected as provided in § 92.8(a); shall be accompanied by a certificate as required by § 92.17 which shall include evidence of a negative test for equine infectious anemia conducted during the 60 days preceding exportation in a laboratory approved by the Canada Department of Agriculture; and shall otherwise be handled as provided in § 92.17: \* \* \*

4. In § 92.30, that portion preceding the proviso is amended to read:

§ 92.30 Horses from Central America and the West Indies.

Horses from Central America and the West Indies shall be inspected as provided in § 92.8(a); shall be accompanied by a certificate and otherwise handled as provided in § 92.17; and shall be quarantined and tested as provided in § 92.11 (d): \* \* \*

5. In § 92.34, paragraph (c) is amended to read:

§ 92.34 Detention at port of entry and periods of quarantine.

(c) Horses intended for importation from Mexico shall be quarantined at a port designated in § 92.3 until they qualify for release from such quarantine. In order to qualify for such release, all horses while so detained shall test negative to an official test for dourine, glanders, equine piroplasmiasis, equine infectious anemia<sup>12</sup> and such other tests that may be required by the Deputy Administrator to determine their freedom from other communicable diseases. Such horses shall also be subjected to such other inspections and disinfections deemed necessary by the Deputy Administrator, and they shall be released from quarantine only if found to be free from any communicable disease upon inspection. If the owner of horses which are intended for importation into the United States desires to have diagnostic

screening tests for equine piroplasmiasis conducted on such horses prior to their shipment to the United States, such tests will be conducted by Veterinary Services upon application by the owner to the Deputy Administrator, Veterinary Services. Such serological specimens for diagnostic screening tests, as required by the Deputy Administrator for such tests, must be submitted by the owner and must comply with the permit requirements of § 92.4.

6. In § 92.39, that portion preceding the proviso is amended to read:

§ 92.39 Horses from Mexico.

Horses offered for importation from Mexico shall be inspected as provided in §§ 92.8(a) and 92.33; shall be accompanied by a certificate and otherwise handled as provided in § 92.17; and shall be quarantined and tested as provided in § 92.34(c): \* \* \*

(Sec. 2, 32 Stat. 792, as amended; secs. 2, 3, 4 and 11, 76 Stat. 129, 130, 132 (21 U.S.C. 111, 134a, 134b, 134c, and 134f); 37 FR 28464, 28477; 38 FR 19141.)

It does not appear that further public participation in rulemaking proceedings on these amendments would make additional relevant information available to the Department. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further notice and other public procedures concerning these amendments are impracticable and unnecessary.

*Effective date.* The foregoing amendments shall become effective June 1, 1976.

Done at Washington, D.C., this 23rd day of April 1976.

*Note.* Incorporation by reference provisions in footnote<sup>12</sup> were approved by the Director of the Federal Register on November 17, 1975.

J. M. HEJL,  
Deputy Administrator,  
Veterinary Services.

[FR Doc. 76-12502 Filed 4-29-76; 8:45 am]

CHAPTER III—ANIMAL AND PLANT  
HEALTH INSPECTION SERVICE (MEAT  
AND POULTRY PRODUCTS INSPEC-  
TION), DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—MANDATORY MEAT  
INSPECTION

PART 319—DEFINITIONS AND STAND-  
ARDS OF IDENTITY OR COMPOSITION

Standard of Composition for Bockwurst

• *Purpose:* The purpose of this rulemaking is to provide for bockwurst prepared with meat other than pork. •

*Statement of Considerations.* On April 29, 1975, there appeared in the FEDERAL REGISTER (40 FR 18542) a notice of final rulemaking establishing a standard of composition for "Bockwurst." It became effective June 2, 1975.

In the prescribed comment period during the rulemaking procedures for this amendment, no comments were received concerning the possibility of preparing

<sup>11</sup> Information as to the countries where African horsesickness is declared to exist may be obtained from the Deputy Administrator, Veterinary Services.

<sup>12</sup> In view of the fact that official tests for dourine and glanders are run exclusively at the Veterinary Services Laboratory, Beltsville, Maryland, protocols for these tests have not been published and are therefore not available; copies of "Protocol for the Complement-Fixation Test for Equine Piroplasmiasis" and "Protocol for the Immuno-Diffusion (Coggins) Test for Equine Infectious Anemia" may be obtained from the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, Hyattsville, Maryland 20782, filed as part of the original document.

a bockwurst which did not contain any pork as one of its ingredients. Since the publication of this regulation, it has been suggested that such a product be manufactured provided proper nomenclature was used in labeling it. The Department believes such a change would be very desirable in order to better serve the needs of people who cannot eat pork for religious or dietary reasons. Therefore, the standard is being amended to provide for a bockwurst prepared from meat other than pork. The direction being taken in this determination is not without precedence. A similar decision was made in regard to the standard of composition for Italian sausage products to allow varying species of meat (41 FR 2629).

Accordingly, 9 CFR Part 319.281 is amended as follows:

A new sentence is added at the end of the first sentence of § 319.281(a)(1) to read as follows:

§ 319.281 Bockwurst.

(a) \* \* \*

(1) \* \* \* Pork may be omitted when the specie or species of meat used in the product is identified in the product name (e.g., Veal Bockwurst, Beef Bockwurst, or Beef and Veal Bockwurst).

(Sec. 21, 34 Stat. 1260, as amended, 21 U.S.C. 621; 37 FR 28464, 28477.)

It does not appear that public participation in rulemaking procedures on this amendment would provide additional relevant information to the Department which would alter the decision in this matter. Therefore, under the administrative procedure provision in 5 U.S.C. 553, it is found upon good cause that notice and other public rulemaking procedures on this amendment are impractical and unnecessary.

The foregoing amendment shall become effective May 31, 1976.

Done at Washington, D.C., on April 23, 1976.

F. J. MULHERN,  
Administrator, Animal and  
Plant Health Inspection Service.

[FR Doc. 76-12364 Filed 4-29-76; 8:45 am]

SUBCHAPTER A—MANDATORY MEAT INSPECTION

Small Importations for Personal Use

● *Purpose:* The purpose of this document is to amend the Federal meat inspection regulations to eliminate the required transportation certification for each small importation of meat or meat products, in a quantity of 50 pounds or less, entering the United States for an importer's own consumption. ●

Pursuant to the authority contained in the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.), notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Federal meat inspection regulations (9 CFR 301.1 et seq.) are amended to delete the mandatory requirement for formal certification of each importation of meat or meat products in a quantity of 50 pounds or less for an importer's own consumption.

*Statements of Considerations:* The Federal meat inspection regulations, section 327.16, currently require that each importation of 50 pounds or less of product purchased by an importer outside the United States for his own consumption, may be transported to its destination in the course of importation or subsequently in commerce if covered by a certificate in accordance with section 325.12 of the regulations.

This requirement of certification by the shipper of such product, which is exempted from inspection, has proved to serve no useful purpose, either to the Meat and Poultry Inspection Program, or for those whom the Program endeavors to protect. It has, however, been the cause of considerable inconvenience during the entry procedures presently confronting citizens and other people traveling into the United States who are carrying 50 pounds or less of foreign meat products, exclusively for their own consumption and not for sale or distribution.

Therefore, the regulations in Parts 325, 327, and 331 (9 CFR 325, 327, and 331) are amended as follows:

PART 325—TRANSPORTATION

§ 325.12 [Removed]

1. Section 325.12 (9 CFR 312.12) is hereby revoked in its entirety, and the

Table of Contents for Part 325 is amended to reflect this change.

§ 325.15 [Amended]

2. In § 325.15(a) (9 CFR 325.15(a)), the words "or § 325.12," are deleted, and the word "or" is added before "§ 325.11".

3. Subparagraph (2) of § 325.15(a) (9 CFR 325.15(a)), is deleted and subparagraphs (3) and (4) renumbered as (2) and (3), respectively.

PART 327—IMPORTED PRODUCTS

§ 327.16 [Amended]

4. In § 327.16 (9 CFR 327.16), the last sentence is hereby deleted.

§ 327.18 [Amended]

5. In § 327.18(a) (9 CFR 327.18(a)), the words "and 325.12" are deleted, and "§ 327.16" is changed to read "§ 327.16".

PART 331—SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES, AND FOR DESIGNATION OF ESTABLISHMENTS WHICH ENDANGER PUBLIC HEALTH AND FOR SUCH DESIGNATED ESTABLISHMENTS

§ 331.3 [Amended]

6. In § 331.3(h) (9 CFR 331.3(h)), the words "and 325.12" are deleted, and "§ 325.3" is changed to read "§ 325.3".

(Sec. 21, 34 Stat. 1260, as amended, 21 U.S.C. 621; 37 FR 28464, 28477)

It does not appear that publication of a notice of rulemaking or other public participation in connection with this action would make additional relevant information available to the Department. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further notice and other public procedure concerning these amendments are unnecessary.

These amendments shall become effective May 31, 1976.

Done at Washington, D.C., on April 26, 1976.

F. J. MULHERN,  
Administrator, Animal and Plant  
Health Inspection Service.

[FR Doc. 76-12566 Filed 4-29-76; 8:45 am]

# proposed rules

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

## DEPARTMENT OF AGRICULTURE

### Agricultural Stabilization and Conservation Service

[7 CFR Part 719]

#### RECONSTITUTION OF FARMS AND ALLOTMENTS

##### Amendment to Designation by Landowner Method for Dividing Allotments

Pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281, et seq.), it is proposed to amend the rules of Part 719 of Title 7 of the Code of Federal Regulations in regard to the designation by landowner method for determining crop allotments where a farm reconstitution is made by division.

The rule now in effect permits a landowner, if certain specified conditions are met, to designate the manner in which allotments are to be divided (1) between a tract of land and the parent farm when ownership of the tract is transferred from the parent farm, or (2) between the applicable tracts if the entire farm is sold to two or more purchasers. The proposed rule would provide that crop allotments may be designated on land identified as Indian Tribal land if the land is leased by the Tribal Council to two or more producers.

The change is being proposed in recognition of the desire of a Tribal Council to lease its land to two or more producers for the production of allotment crops. The result will be that the various allotment crops may be planted on the most suitable cropland according to soil capabilities.

Comments on this proposal should be submitted in writing to the Director, Program Operations Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. In order to be assured of consideration, such comments must be received not later than June 1, 1976. All written submissions made pursuant to this notice will be made available for public inspection between 8:15 a.m. and 4:45 p.m., Monday through Friday, at the Office of the Director, Room 3629, South Building, 14th and Independence SW., Washington, D.C.

It is proposed that paragraph 719.8(b) of the reconstitution regulations, 7 CFR Part 719, be amended by revising the internal subdivision of the paragraph and by adding a new subparagraph (6), reading as follows:

§ 719.8 Rules for determining allotments where reconstitution is made by division.

(b) Designation of allotments by landowner. (1) If the ownership of a

tract of land is transferred from a parent farm, the county committee shall at the request of the transferring owner divide the allotments between the parent farm and the transferred tract, or between the applicable tracts if the entire farm is sold to two or more purchasers, in the manner designated by the owner of the parent farm subject to conditions set forth in paragraph (4) of this section.

(2) If the county committee determines that the allotments cannot be divided in the manner designated by the owner because of the conditions set forth in subparagraph (4), the owner shall be notified and permitted to revise the designation so as to meet the conditions in paragraph (4) of this section. If the owner does not furnish a revised designation of allotments within a reasonable time after such notification or if the revised designation does not meet the conditions of subparagraph (4), the county committee shall make the proration of allotments in accordance with paragraphs (c) through (f) of this section.

(3) If a parent farm is composed of tracts under separate ownership, each separately owned tract being transferred in part shall be considered a separate farm and shall be constituted separately from the parent farm using the rules in paragraphs (c) through (f) of this section, as applicable, prior to application of the provisions of this paragraph.

(4) The eligibility conditions that shall be complied with for applying this method of division are:

(i) The interested owners (seller and purchaser) shall file a memorandum of understanding of the designation with the county committee. The heirs of an estate may use this method to designate the allotments for allocation to a tract of land sold prior to dividing the parent farm among the heirs in settling an estate: *Provided, however,* That designation by the administrator or executor shall not be accepted in lieu of designation by the heirs.

(ii) Where the land of the parent farm is subject to a deed of trust, lien, or mortgage, the holder of the deed of trust, mortgage, or lien must agree to the division of allotments.

(iii) Neither the tract transferred from the parent farm nor the remaining portion of the parent farm shall receive allotments in excess of allotments for similar farms in the same area having allotments of the commodity or commodities involved and such allotments shall be consistent with good land use.

(iv) Where the part of the farm from which the ownership is being transferred was owned for a period of less than 3 years, the provisions of this paragraph

shall not be applicable to such transfer unless the State committee finds that the primary purpose of the ownership transfer was not to retain or sell an allotment. In the absence of such a finding, and if the farm contains land which has been owned for less than 3 years, that part which has been owned for less than 3 years shall be considered as a separate farm and the allotments shall be assigned to that part using the rules in paragraphs (c) through (f) of this section, as applicable. Such apportionment shall be made prior to any designation of allotments with respect to the part which has been owned for 3 years or more.

(v) The land for which ownership is being transferred to a Federal, State, or other agency was not or could not have been acquired under the right of eminent domain. If eminent domain is applicable, the provisions of § 719.11 shall apply.

(5) This method is not applicable to Burley tobacco.

(6) This method may be applied to land identified as Indian Tribal land when leased by the Tribal Council to two or more producers for the production of allotment crops. If the land is leased to two or more producers, the county committee shall at the request of the Tribal Council divide the allotments between the applicable tracts in the manner designated by the Council. This use of the method shall not be subject to the conditions of subparagraph (4).

Signed at Washington, D.C., on April 21, 1976.

KENNETH E. FRICK,  
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 76-12300 Filed 4-29-76; 8:45 am]

#### Agricultural Marketing Service

[7 CFR Part 953]

#### IRISH POTATOES GROWN IN SOUTHEASTERN STATES

##### Proposed Expenses and Rate of Assessment

Consideration is being given to authorizing the Southeastern Potato Committee to spend not more than \$11,125 for its operations during the fiscal period ending March 31, 1977, and to collect \$0.0033 per hundredweight on assessable potatoes handled by first handlers under the program.

The committee is the administrative agency established under Marketing Agreement No. 104 and Order No. 953, both as amended (7 CFR Part 953), regulating the handling of Irish potatoes

grown in certain designated counties of Virginia and North Carolina. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with this proposal should file the same, in duplicate, with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than May 17, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposals are as follows:

**§ 953.213 Expenses and rate of assessment.**

(a) The expenses the Secretary finds maybe necessary to be incurred during the fiscal period ending March 31, 1977, by the Southeastern Potato Committee for its maintenance and functioning will amount to \$11,125.

(b) The rate of assessment to be paid by each handler in accordance with the amended Marketing Agreement and this part shall be one-third cent (\$0.0033) per hundredweight of potatoes handled by him as the first handler thereof during the said fiscal period except potatoes for canning, freezing, and other processing shall be exempt.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as a reserve.

(d) Terms used in this section shall have the same meaning as when used in the said amended marketing agreement and this part.

Dated: April 26, 1976.

CHARLES R. BRADER,  
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 76-12667 Filed 4-29-76; 8:45 am]

**Animal and Plant Health Inspection Service  
[9 CFR Part 94]**

**CERTAIN PRODUCTS OF RUMINANTS  
AND SWINE**

**Proposed Restrictions on Importation**

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that, pursuant to section 2 of the Act of February 2, 1903, as amended (21 U.S.C. 111), the Animal and Plant Health Inspection Service is considering amending the regulations in 9 CFR Part 94. The amendments would relieve certain restrictions on the importation of fresh, chilled or frozen organs, glands, tissues, extracts and secretions of ruminants or swine, originating in any country infected with rinderpest or foot-and-mouth disease, would extend the modified restrictions on importation of such articles to those that are shipped from or transit such a country, as well as those that originate in such a country, and would impose new restrictions on the importation of such

articles, derived from swine, if the articles originate in, are shipped from, or transit any country infected with African swine fever, hog cholera, or swine vesicular disease. The amendments would also restrict the importation of non-fresh, -chilled, or -frozen organs, glands, tissues, extracts, secretions and derivatives thereof, of ruminants and swine, originating in, shipped from, or transiting any country infected with rinderpest or foot-and-mouth disease and, would also restrict the importation of such articles derived from swine, originating in, shipped from, or transiting any country infected with African swine fever, hog cholera, or swine vesicular disease.

**Statement of considerations.** Certain sections of 9 CFR Part 94 contain prohibitions and restrictions on the importation, from any country infected with rinderpest or foot-and-mouth disease, of meats and certain other products that are derived from ruminants or swine. Also, in the case of pork and pork products, other sections of Part 94 specify restrictions applicable to importation of such articles from any country infected with African swine fever, hog cholera, or swine vesicular disease.

Section 94.3 prohibits the importation of fresh, chilled, or frozen organs, glands, tissues, extracts or secretions derived from ruminants or swine except for pharmaceutical or biological purposes under conditions prescribed by the Deputy Administrator, Veterinary Services, in each instance. This section applies only to such articles originating in rinderpest or foot-and-mouth disease infected countries. No such prohibition is made for such articles of swine origin coming from countries infected with African swine fever, hog cholera, or swine vesicular disease.

Research information from the United States and foreign countries indicates that such articles, when derived from swine infected with any such disease, are likely to contain the disease agent. Furthermore, the common practice of chilling or freezing the articles serves to enhance survival of the causative virus. In view of the potential disease hazard associated with importation of these articles from any of such countries, it is proposed that section 94.3 be amended to restrict such importations. There is also the possibility that shipments of the described articles, irrespective of origin, if transiting an infected country, could be intermixed or replaced with articles originating in that country or could otherwise be contaminated by disease-causing agents.

Therefore, it is proposed to extend the provisions in section 94.3 to articles that are shipped from or transit an infected country, as well as those originating in such a country. The proposed amendments would provide for the importation of small amounts of the fresh, chilled, or frozen organs, glands, extracts, or secretions, or derivatives thereof, in specific cases for purposes of examination, testing, or analysis, provided the Deputy Administrator deter-

mines that such action will not endanger the health of the livestock of the United States. This change would permit qualified laboratories or other qualified persons to import such fresh, chilled or frozen articles needed for the conduct of their business.

The proposed amendments also would restrict the importation from any of such infected countries of organs, glands, tissues, extracts, and secretions of ruminants or swine which are not fresh, chilled or frozen.

Domestic supplies of the organs, glands, and other articles included within the provisions of the proposed amendments often are not adequate to permit pharmaceutical manufacturers to obtain sufficient raw material for the production of hormones, enzymes, extracts, and other derivatives needed by the health professions and the scientific community in meeting the health care needs of the United States. The provisions of the proposed amendments would permit the importation of the regulated articles so that such needs can be adequately met. At the same time, the restrictions applicable to the imported articles would provide adequate assurance that such importations will not pose a threat to the health of the livestock of the United States.

The proposed amendments include certain changes to clarify the intent of the regulations. For this purpose, the word "biological" used in § 94.3 would be replaced by the words "other medicinal." Also, definitions of "organs, glands, tissues," "extracts and secretions," and "pork products" would be added to a new § 94.0, and the definition of "other animal product" in § 94.11 would be amended and transferred to § 94.0.

Therefore, it is proposed that:

1. A new § 94.0 would be added, immediately preceding § 94.1, to read:

**§ 94.0 Definitions.**

For the purposes of this Part the following terms shall mean:

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

(2) **Veterinary Services.** The Veterinary Services unit of the Animal and Plant Health Inspection Service, U.S. Department of Agriculture.

(3) **Deputy Administrator.** The Deputy Administrator of Veterinary Services.

(4) **[Reserved.]**

(5) **Meat.** The part of animal muscle tissue which is skeletal or which is found in the tongue, in the diaphragm, or in the esophagus, with or without the accompanying and overlying fat, and the portions of bone, skin, sinew, nerve, and blood vessels which normally accompany the muscle tissue.

(6) **Meat Byproducts.** Those parts of an animal carcass, exclusive of meat and casings, capable of use as human food and which have been prepared and packed for human food purposes.

(7) **Organs, glands, tissues.** Any part of an animal carcass, exclusive of meat, meat byproducts, and articles regulated under Part 95 or Part 96 of this Chapter.

(8) *Extracts or secretions.* Any material produced by an animal or taken from the carcass of an animal, exclusive of meat, meat byproducts, organs, glands, tissues, milk, semen, manure, and articles regulated under Part 95 or Part 96 of this Chapter.

(9) *Pork.* The meat and meat byproducts of swine.

(10) *Pork product.* Any human or animal food article prepared wholly or in part from pork.

2. Section 94.3 would be amended to read:

§ 94.3 Certain organs, glands, tissues, extracts, or secretions of ruminants or swine.

(a) Fresh, chilled or frozen organs, glands, tissues, extracts or secretions and derivatives thereof, of ruminants or swine, if such articles originate in, are shipped from, or transit any country designated in § 94.1(a) as a country in which rinderpest or foot-and-mouth disease exists, and such articles from swine, if such articles originate in, are shipped from, or transit any country designated in § 94.8, § 94.9, or § 94.12, as a country in which African swine fever, hog cholera, or swine vesicular disease exists, are prohibited importation unless:

(1) (i) The articles are imported for pharmaceutical or other medical purposes; and

(ii) The articles are consigned to an approved establishment for handling in a manner approved<sup>11</sup> by the Deputy Administrator as adequate to prevent the introduction or dissemination of livestock diseases into the United States; and

<sup>11</sup> Requests for information as to the identity of approved establishments or manner of handling may be made to the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250. Establishments will be approved only if the operator has provided the Deputy Administrator, Veterinary Services, with satisfactory evidence that the establishment has the equipment, facilities, and capability to store, handle, process, or disinfect the articles in a manner which will prevent the introduction or dissemination of livestock diseases into the United States. Similarly, methods of handling will be approved only if the Deputy Administrator determines that they are adequate to prevent the introduction or dissemination of each disease into the United States. Approval of any establishment or handling method may be refused or withdrawn by the Deputy Administrator only after the operator thereof has been given notice of the proposed action and has had an opportunity to present his views thereon, and upon a determination by the Deputy Administrator that the conditions for approval are not met. Approval of the establishment may also be withdrawn after such notice and opportunity to present views by the operator of the establishment, if the Deputy Administrator determines that such imported articles have been handled by the operator thereof other than in an approved establishment or other than in an approved manner. However, in those instances where a conflict as to the facts, a hearing shall be held to resolve such conflicts.

(iii) Shipments of the articles are in compliance with the provisions of § 316.13 (f), § 325.19, and § 327.19 of Chapter III of this title; or

(2) The articles are in small amounts imported for purposes of examination, testing, or analysis, and written approval for such importation has been obtained from the Deputy Administrator, Veterinary Services, upon application to him by the importer. Approval will be granted only when the Deputy Administrator determines that such action will not endanger the health of the livestock of the United States.

(b) The importation of organs, glands, tissues, extracts or secretions, and derivatives thereof, which are not-fresh, -chilled, or -frozen, which are derived from ruminants or swine and originate in, are shipped from, or transit any country described in paragraph (a) of this section, is prohibited unless:

(1) The articles are in compliance with the provisions of paragraph (a) (1) or (2) of this section; or

(2) Written approval for such importation has been obtained in specific cases from the Deputy Administrator, Veterinary Services, upon application to him by the importer. Approval will be granted only when the Deputy Administrator determines that such action will not endanger the health of the livestock of the United States.

#### § 94.11 [Amended]

3. In § 94.11(a), the last sentence would be deleted, and throughout § 94.11 wherever the words "animal product" or "other animal product" appear they would be deleted and replaced with the words "meat byproducts."

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them with the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Hyattsville, Maryland 20782, before June 1, 1976.

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 870, Hyattsville, Maryland, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the FEDERAL REGISTER.

Done at Washington, D.C., this 26th day of April 1976.

J. M. HEJL,  
Deputy Administrator,  
Veterinary Services.

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#### [9 CFR Parts 317, 318, and 319]

##### SAUSAGES AND BOCKWURST

Modified Whey, Sodium Caseinate, and Dried Whey as Binders and Thickeners

• *Purpose.* The purpose of this document is to propose permitting the use of

sodium caseinate and modified whey as binders in certain sausages and Bockwurst, and modified whey, sodium caseinate, and dried whey as thickeners in certain other products. •

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Animal and Plant Health Inspection Service of this Department is considering amending Parts 317, 318, and 319 of the meat inspection regulations (9 CFR, Parts 317, 318, and 319), under the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.), to permit the use of sodium caseinate, modified whey, and dried whey in certain meat food products.

*Statement of Considerations:* The proposed amendments are in response to requests from packers that sodium caseinate and modified whey be considered for use in certain sausages on the same basis as the presently approved binders listed in § 319.140 of this subchapter, i.e., in amounts not exceeding 3½ percent of the finished product weight when used individually or collectively with other binders already approved for such products, except that 2 percent of sodium caseinate would be considered as the equivalent of 3½ percent of any one or more of the other binders.

Use of these substances in certain sausage products would require that their presence in such products be declared in accordance with § 317.8(b)(16) of this subchapter as "Sodium Caseinate Added," or "Modified Whey Added," as the case may be. This labeling policy would coincide with that currently required when other binders are added to sausages.

The consumer benefit present in the original permission to use binders was that products with greater textural differences could be produced, thereby providing a wider range of products from which selections for purchase could be made. Departmental taste panel tests have indicated that sausages containing modified whey and sodium caseinate could not be differentiated from similar product prepared with previously approved binders at the same level of use; hence, the original consumer benefit would be preserved.

Both of the proposed binders are nutritious sources of protein and are available at relatively lower prices than currently approved binders. Modified whey is a cheese industry byproduct, of which a large quantity is now discarded, and has been used in numerous foods for many years.

For the same reasons, it is also proposed to amend § 319.281(b)(9) to allow the use of these ingredients as binders in Bockwurst on the same basis. A change in the labeling requirements, identical to the one described above, would be made in § 317.8(b)(33) of the regulations.

It also appears that the two binders discussed above, as well as "dried whey", could similarly serve as thickening agents in "Chili con carne", "Pork with Barbecue Sauce", and "Beef with Barbecue Sauce" without affecting the