Factors		Score points	
Color	50	(A)	45-50
		(C)	[1] 40-44
		(SStd)	[1] 0-39
Defects	50	(A)	45-50
		(C)	[1] 40-44
		(SStd)	[1] 0-39
Total score	100		

[1] Indicates limiting rule.

Flavor and odor ..... Good, fairly good, off.

Grade .....

NOTE.—The Food Safety and Quality Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: August 12, 1977.

ROBERT ANGELOTTI,
Administrator, Food Safety and Quality Service.

[FR Doc.77-23840 Filed 8-18-77;8:45 am]

PART 2858—GRADING AND INSPECTION, GENERAL SPECIFICATIONS FOR APPROVED PLANTS, AND STANDARDS FOR GRADES OF DAIRY PRODUCTS [1]

Subpart T—United States Sediment Standards For Milk and Milk Products

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Final rule.

SUMMARY: The amended U.S. sediment standards for milk and milk products will provide sediment standards for use with the "universal" sample sizes (4 ounces, 2 ounces, and 1 ounce) that are being utilized by the industry in their milk quality programs. A "universal sample" is taken from each producers milk when collected from the farm for use in determining quality and composition. The sediment standard for the universal sample will eliminate the need of larger special samples for determining sediment in milk. Also it will be equivalent to those presently used for the one pint mixed sample.

EFFECTIVE DATE: September 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Richard W. Webber, Dairy Standardization, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-7473.

SUPPLEMENTARY INFORMATION: On May 26, 1977, a notice was published in the FEDERAL REGISTER (42 FR 27011) to amend the U.S. sediment standards for milk and milk products to provide for sediment standards for use with the "universal" sample sizes (4 ounces, 2 ounces, and 1 ounce) that are being utilized by the industry in their milk quality programs. Interested parties were given the opportunity to submit, not later than July 15, 1977, data, comments, and recommendations regarding the proposed amendment.

Five responses were received to the proposed amendment. Three responses were from industry and two from State regulatory agencies. One industry response simply requested a copy of the proposed amendment. Three responses method. This was provided to the respondent. The other two industry responses supported the proposal.

One State regulatory agency strongly favored the proposal. However, it expressed a concern as to test procedures, accuracy, or limitations. The agency was provided a copy of the collaborative study which determined the feasibility of using "universal" samples to determine sediment. The results of this study were previously published in the January 1977 issue of the "Journal of Food Protection." The State regulatory agency also was provided a copy of the chapter "Sediment in Fluid Milk" which has been approved and accepted for inclusion in the next revision of "Standard Methods for the Examination of Dairy Products" (SMEDP). This chapter provides the sampling and testing methodology. These documents satisfied the concern of this agency.

The other State agency opposed any sediment standard that utilizes a filtering area of less than .20 inch diameter. The collaborative study referenced in the preceding paragraph was accepted unanimously by the committee responsible for the chapter in SMEDP for determining sediment in milk. The committee is composed of an industry representative, a trade association representative, a representative of a professional society, a representative of a State regulatory agency, and a Federal agency representative. The chapter on sediment in SMEDP, which was written by this committee, will include all three universal sample sizes. The chapter has been accepted by the Intersociety Council, the governing body of SMEDP, for inclusion in the next revision of SMEDP which will be published in the near future.

Each State regulatory agency has the privilege of specifying test procedures that are acceptable to it. The Department has no objection to this. In proposing the amendment the Department was responding to the needs and practices of industry based on acceptable studies and testing procedures.

On its own initiative the Department is making certain editorial changes in the United States Sediment Standards for Milk and Milk Products to be consistent with the new recodification designations established in the FEDERAL REGISTER, June 27, 1977 (42 FR 3514).

It is hereby further found that good cause exists for not postponing the effective date of these standards until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) these standards are equivalent to those presently used except the sample size has been reduced, (2) the industry has expressed a demand for the standards as soon as possible, (3) the industry will not have to make special preparations to use the standards, (4) the use of the standards are optional, and (5) notice of the proposed standards and the effective date has been given to the industry and such notice also was published in the FEDERAL REGISTER of May 26, 1977.

Therefore, under the authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621) Subpart T is amended; and republished in its entirety as follows:

Subpart T—United States Sediment Standards for Milk and Milk Products

Sec.

2858.2726 United States standards for milk and milk products.
2858.2728 United States sediment standards for milk and milk products: six 1⅛" diameter filtering area (coarse sediment).
2858.2729 United States sediment standards for milk and milk products: three 1⅛" diameter filtering area (coarse sediment).
2858.2730 United States sediment standards for milk and milk products: six 0.40" diameter filtering area (fine sediment).
2858.2731 United States sediment standards for milk and milk products: three 0.40" diameter filtering area (fine sediment).
2858.2732 United States sediment standards for milk and milk products: for 0.10", 0.14", and 0.20" diameter filtering areas (fine sediment).

AUTHORITY: The Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; (7 U.S.C. 1621)).

Subpart T—United States Sediment Standard for Milk and Milk Products

§ 2858.2726 United States sediment standards for milk and milk products.

(a) The standards contained in this section consist of ten (10) sediment discs, prepared as hereinafter indicated, each of which represents one of the following:

0 mg. of sediment.
0.025 mg. of sediment.
0.050 mg. of sediment.
0.075 mg. of sediment.
0.10 mg. of sediment.
0.20 mg. of sediment.
0.30 mg. of sediment.
0.50 mg. of sediment.
1.00 mg. of sediment.
2.50 mg. of sediment.

(b) Each sediment disc was prepared in accordance with the procedure set forth in paragraph 9.04 of the publication "Standard Methods for the Examination of Dairy Products," Ninth Edition, 1948, published by the American Public Health Association, 1790 Broadway, New York, New York. To facilitate the use and availability of these standards, a composite photograph of the ten (10) sediment discs is made a part hereof; [2] and a copy of the photograph may be obtained, upon request, from Dairy Standardization, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250.

[1] Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act.

§ 2858.2728 United States sediment standards for milk and milk products: six 1⅛" diameter filtering area (coarse sediment).

(a) The standards contained in this section consist of six (6) sediment discs prepared as hereinafter indicated, each of which is numbered consecutively 0 to 5 representing one of the following amounts of sediment on a 1⅛" diameter filtering area.

0–0.0 mg.
1–0.5 mg.
2–1.5 mgs.
3–2.5 mgs.
4–3.0 mgs.
5–6.0 mgs.

(b) Each sediment disc was prepared from "coarse" sediment in accordance with the procedure set forth in paragraph 15.06 of "Standard Methods for the Examination of Dairy Products," Eleventh Edition 1960, published by the American Public Health Association, 1790 Broadway, New York, New York. To facilitate the use and availability of these standards, a composite photograph of the six (6) sediment discs is attached hereto and made a part hereof.[2]

§ 2858.2729 United States sediment standards for milk and milk products: three 1⅛" diameter filtering area (coarse sediment).

The standards contained in this section are those most commonly used for the examination of raw milk by the "off-the-bottom method," and are the same three (3) sediment discs numbered as 1, 2 and 3 showing 0.5 mg., 1.5 mgs., and 2.5 mgs. of sediment, respectively, as designated in § 2858.2728. To facilitate the use and availability of these standards, a composite photograph of these three (3) sediment discs is attached hereto and made a part hereof.[2]

§ 2858.2730 United States sediment standards for milk and milk products: six 0.40" diameter filtering area (fine sediment).

(a) The standards contained in this section consist of six (6) sediment discs prepared as hereinafter indicated, each of which is numbered 0 to 5 representing one of the following amounts of sediment on a 0.40 inch diameter filtering area and is equivalent to the respective amounts of sediment on the 1⅛ inch diameter filtering area as described in § 2858.2728:

0–0.0 mg. (0.0 mg. equivalent).
1–0.0625 mg. (0.5 mg. equivalent).
2–0.1875 mg. (1.5 mgs. equivalent).
3–0.3125 mg. (2.5 mgs. equivalent).
4–0.3750 mg. (3.0 mgs. equivalent).
5–0.7500 mg. (6.0 mgs. equivalent).

(b) Each sediment disc was prepared from "fine" sediment in accordance with the procedure set forth in paragraph 15.07 of "Standard Methods for the Examination of Dairy Products," Eleventh Edition 1960. To facilitate the use and availability of these standards, a composite photograph of the six (6) sediment discs is attached hereto and made a part hereof.[2]

§ 2858.2731 United States sediment standards for milk and milk products: three 0.40" diameter filtering area (fine sediment).

The standards contained in this section are those most commonly used for the examination of raw milk by the "stirred sample method" and are the same three (3) sediment discs numbered as 1, 2 and 3 showing 0.0625 mg., 0.1875 mg. and 0.3125 mg. of sediment, respectively, as designated in § 2858.2730. To facilitate the use and availability of these standards, a composite photograph of these three (3) sediment discs is attached hereto and made a part hereof.[2]

§ 2858.2732 United States sediment standards for milk and milk products: for 0.10", 0.14", and 0.20" diameter filtering areas (fine sediment).

(a) The standards contained in this section consist of three series of four (4) sediment discs prepared as hereinafter indicated, each of which is numbered 0 to 3 representing one of the following amounts of sediment on a 0.10 inch, 0.14 inch, and 0.20 inch filtering area and is equivalent to the respective amounts of sediment on the 1⅛ inch diameter filtering area as described in § 2858.2728:

0.10 inch diameter filtering area.
0–0.0 mg. (0.0 mg. equivalent).
1–0.0039 mg. (0.50 mg. equivalent).
2–0.0118 mg. (1.50 mgs. equivalent).
3–0.0196 mg. (2.50 mgs. equivalent).

0.14 inch diameter filtering area.
0–0.0 mg. (0.0 mg. equivalent).
1–0.0078 mg. (0.50 mg. equivalent).
2–0.0235 mg. (1.50 mgs. equivalent).
3–0.0391 (2.50 mgs. equivalent).

0.20 inch diameter filtering area.
0–0.0 mg. (0.0 mg. equivalent).
1–0.0156 mg. (0.50 equivalent).
2–0.0469 mg. (1.50 mgs. equivalent).
3–0.0781 mg. (2.50 mgs. equivalent).

(b) Each sediment disc was prepared from "fine" sediment in accordance with the procedure set forth in paragraph 15.07 of "Standard Methods for the Examination of Dairy Products," Eleventh Edition, 1960 and paragraph 17.4, thirteenth edition, 1972. To facilitate the use and availability of these standards, a composite visual aid of the three series of four (4) sediment discs is attached hereto and made a part hereof.[2]

Done at Washington, D.C., this 13th day of August 1977.

ROBERT ANGELOTTI,
Administrator.

[FR Doc.77-23955 Filed 8-18-77;8:45 am]

[2] Filed as part of the original document.

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 235—INSPECTION OF PERSONS APPLYING FOR ADMISSION

Issuance of Arrival-Departure Cards (Forms I–94) to Mexican Nationals

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This order contains amendments of the regulations of the Immigration and Naturalization Service concerning the issuance of Arrival-Departure Cards (Forms I–94) to Mexican nationals. These amendments are the result of consultations between the Department of State and the Service respecting the immigration documentation which should be issued to Mexican nationals entering the United States, and are intended to facilitate travel and expedite immigration inspection.

EFFECTIVE DATE: August 19, 1977.

FOR FURTHER INFORMATION CONTACT:

James G. Hoofnagle, Jr., Instructions Officer, Immigration and Naturalization Service, 425 Eye Street NW., Washington, D.C. 20536. Telephone 202–376–8373.

SUPPLEMENTARY INFORMATION: The amendments contained in this order are issued in accordance with section 552 of Title 5 of the United States Code (80 Stat. 383), as amended by Pub. L. 93–502 (88 Stat. 1561), and the authority contained in section 103 of the Immigration and Nationality Act (66 Stat. 173; 8 U.S.C. 1103), 28 CFR 0.105(b) and 8 CFR 2.1.

Existing 8 CFR 235.1(f)(1) provides that a completely executed Form I–94, Arrival-Departure Card, endorsed to show date and place of admission, period of admission and nonimmigrant classification, shall be issued to each nonimmigrant alien admitted to the United States except for certain specified classes of nonimmigrants set forth in the regulation.

This order amends 8 CFR 235.1(f)(1) in two respects: First, it divides the existing exempted classes into alphabetical subgroups for purposes of clarity. Secondly, it adds a new subgroup (D) setting forth an exemption from issuance of Form I–94 for a Mexican national in possession of a valid Mexican passport and multiple-entry nonimmigrant visitor for pleasure or business visa, admitted at a Mexican border port of entry as a border crosser or as a nonimmigrant visitor for a period of not more than 15 days to visit within the States of Texas, New Mexico, Arizona, or California. On the initial entry, an alien coming under the purview of this subparagraph will be issued a Form

I–94. On subsequent applications for admission, if the applicant is entering for less than 72 hours at a Mexican border port of entry and will proceed only within the 25 mile zone, the applicant may be allowed to enter without the issuance of either Form I–94 or Form SW–434. This amendment will extend to Mexican nationals in possession of valid Mexican passports and multiple-entry nonimmigrant visitor's visas the same privileges respecting documentation and entry into the United States now enjoyed by holders of Mexican Border Crossing Cards. The I–94 is required to be issued on the first entry to comply with section 290 of the Immigration and Nationality Act which requires the Service to keep a record of all aliens admitted to the United States.

Existing 8 CFR 235.1(g) provides that the holder of a Mexican Border Crossing Card (Form I–186) who wishes to enter the United States as a visitor for business or pleasure for more than 72 hours but not more than 15 days, or to proceed beyond 25 miles from the U.S.–Mexican border but within the four state area of Texas, New Mexico, Arizona or California shall be issued Form SW–434 endorsed to show date and place of admission, period of admission and nonimmigrant classification. This amendment provides that a Mexican national holding a valid Mexican passport and multiple-entry nonimmigrant visa authorizing entry for business or pleasure shall also be issued Form SW–434 under the same conditions.

8 CFR 235.1(g) is being further amended to provide that a Mexican national in possession of a valid Mexican passport and visa valid for limited applications to enter the United States shall be issued Form I–94 on his initial entry, and either Form I–94 or SW–434 on each subsequent entry. Also, the passport shall be endorsed on each admission until the allowable number of entries on the visa has been exhausted. This regulation is necessary to insure compliance with the terms of the limited-entry visa.

Since these amendments relate to Service procedure, compliance with the provisions of section 553 of Title 5 of the United States Code respecting notice of proposed rulemaking and delayed effective date is not required.

In the light of the foregoing, the following amendments are hereby prescribed to Title 8 of Chapter I of the Code of Federal Regulations:

In Part 235, §§ 235.1(f) (1), (2), and § 235.1(g), are revised to read as follows:

§ 235.1 Scope of examination.

* * * * *

(f) *Arrival-Departure Card, Form I–94*—(1) *Nonimmigrant applicants.* A completely executed Form I–94 endorsed to show date and place of admission, period of admission, and nonimmigrant classification shall be issued to each nonimmigrant alien admitted to the United States, except:

(i) A nonimmigrant alien coming within the purview of § 212.1(a) of this chapter and 22 CFR 41.129(a), who is admitted as a visitor for business or pleasure or to proceed in direct transit through the United States;

(ii) A nonimmigrant alien who has his residence in the British Virgin Islands and was admitted only to the United States Virgin Islands as a visitor for business or pleasure under the provision of § 212.1(b) of this chapter;

(iii) A Mexican national in possession of a valid Form I–186 who is admitted at a Mexican border port of entry as a border crosser or as a nonimmigrant visitor for a period of not more than 15 days to visit within the States of Texas, New Mexico, Arizona, or California. (See paragraph (g) of this section as to when SW–434 is required to be issued.)

(iv) A Mexican national in possession of a valid Mexican passport and multiple-entry nonimmigrant visitor for pleasure or business visa, and is admitted at a Mexican border port of entry as a border crosser or as a nonimmigrant visitor for a period of not more than 15 days to visit within the States of Texas, New Mexico, Arizona, or California, except on the initial entry, when an alien coming under the purview of this paragraph will be issued a Form I–94. On subsequent applications for admission, if he is entering for less than 72 hours at a Mexican border port of entry and will proceed only within the 25-mile zone the applicant may be allowed to enter without the issuance of either Form I–94 or Form SW–434.

A Form I–94 valid for any number of entries during a specified 6-month period may be issued to a nonimmigrant alien who will have occasion to make frequent entries into the United States over the land borders.

(2) *Paroled aliens.* An alien paroled into the United States pursuant to the provisions of Section 212(d)(5) of the Act, including an alien crewman, shall be issued a completely executed Form I–94 endorsed to show the date and place of parole, the period for, and conditions under which the alien was paroled into the United States.

(g) *Mexican Border Visitors Permit (SW–434).* A Mexican national described in paragraph (f)(1)(iv) of this section applying for a second or subsequent admission, and the rightful holder of a valid Form I–186, who is admitted as a visitor for business or pleasure at a Mexican border port of entry for a period of more than 72 hours but not more than 15 days in the immediate border area, or to proceed beyond 25 miles into the United States but within the States of Texas, New Mexico, Arizona, or California, for not more than 15 days, shall be issued Form SW–434 endorsed to show date and place of admission, period of admission, nonimmigrant classification, and place of destination. A Mexican national in possession of a valid passport and visa valid for limited applications to enter the United States shall be issued a Form I–94 on the initial entry and Form SW–434 or Form I–94 on each admission thereafter. The passport shall be endorsed on each admission until the number of entries allowed by the nonimmigrant visa has been exhausted.

* * * * *

(Sec. 103; 66 Stat. 173; 8 U.S.C. 1103.)

Effective date: The amendments contained in this order become effective on August 19, 1977.

Dated: August 11, 1977.

LEONEL J. CASTILLO,
Commissioner of Immigration and Naturalization.

[FR Doc.77-23994 Filed 8-18-77;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

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

Issuance of Import Permits for Animals on a Lottery Basis

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: These amendments establish procedures to be used for the issuance of special permits for animals to be imported into the United States through the Fleming Key Animal Import Center, Fleming Key, Fla. Due to space limitations at the Center there is a need for a method of issuing permits which will insure fairness and equality to all importers requesting such permits.

EFFECTIVE DATE: August 19, 1977.

FOR FURTHER INFORMATION CONTACT:

Dr. D. E. Herrick, USDA, Veterinary Services, Federal Building, Room 815, Hyattsville, Md. 20782, 301–436–8170.

SUPPLEMENTARY INFORMATION: On April 30, 1975, a notice was published in the FEDERAL REGISTER (40 FR 18821) which solicited comments and suggestions from the general public on methods and procedures to be used by the Department in the issuance of permits for animals to be imported through the Animal Import Center at Fleming Key, Fla. Because of space limitations at the Fleming Key facility and the number of applications for permits expected, the Department wished to develop a method to be used in issuing these permits which would insure fairness and equality to all importers requesting such permits and at the same time insure maximum utilization of space available without discrimination to anyone. A total of 120 days was allowed for comments.

A total of 36 comments were received, 35 of which favored establishing some system for the issuance of import permits with 24 of these suggesting use of a lottery. Two of these suggested that the

public be notified 90 days in advance of a public drawing.

After due consideration of all comments received and all other relevant information available to the Department, it was determined that further consideration should be given to the issuance of import permits on a lottery type selection basis.

On February 18, 1977, a second notice of proposed rulemaking was published in the FEDERAL REGISTER (42 FR 10013) which proposed procedures for use in the issuance of special import permits for animals to be imported through the Fleming Key Animal Import Center.

This proposal provided for public notification at least 90 days prior to the date of public drawing with the names of applicants for permits to be selected through consecutive drawings until all spaces available for 400 cattle for each quarantine period are allotted. If less than 400 applications were received, it was proposed to issue one permit for one animal to each applicant, with the names of applicants wishing to import more than one animal, selected through consecutive drawings until all spaces available for each quarantine period were allotted.

The method proposed was believed to be the most equitable means available to insure that each applicant had an opportunity to import at least one animal. A period of 60 days was allowed for comments. No comments were received.

After due consideration of all relevant information available to the Department, the proposal as published is adopted without change. Accordingly, Part 92, Title 9, Code of Federal Regulations is amended in the following respects:

In § 92.4, the section heading is amended; in paragraph (a)(2) the exception is amended; in paragraph (b) the first sentence is revised and a new paragraph (e) is added to read as follows:

§ 92.4 Import permits[1] for ruminants, swine, poultry, animal semen, animal specimens for diagnostic purposes,[4] and special permits for cattle entering Fleming Key Animal Import Center.

(a) * * *

(2) * * *, except as provided in paragraphs (d) and (e) of this section.

* * * * *

(b) *Permit.* Except as provided in paragraph (e) of this section, when a permit is issued the original and two copies will be sent to the importer. * * *

* * * * *

(e) *Special permits required for quarantine of cattle at Fleming Key, Florida Animal Import Center.* Because of the extended period of time required to process cattle intended for importation from foot-and-month disease infected countries through the Animal Import Center at Fleming Key, Florida, special permits shall be required before any animal may enter such facility for quarantine. Such permits will be issued on a lottery basis in accordance with the following procedures:

(1) *Public notification of drawing.* For each importation of animals into the Fleming Key facility, a drawing will be held of the names of applicants who desire to import animals into the facility at that particular time. Each applicant shall complete an application for importing animals into the Fleming Key facility at least 15 days prior to the date of the drawing.[5a] The applicant shall state on the application the number of animals which he desires to import into the Fleming Key facility. At least 90 days prior to any drawing, notice will be given in the FEDERAL REGISTER of the date, time, and place of such event.

(2) *Drawing for permits.* At least 6 months before the proposed date of entry of cattle into the Fleming Key Animal Import Center and at the time, date, and places specified in the Notice of Drawing, a Department employee shall consecutively draw the names of applicants until a maximum of 400 names have been selected to receive one special permit for one animal each. In the event that there are less than 400 applicants for a particular drawing, each applicant shall initially receive one special permit to import one animal into the Fleming Key Animal Import Center. The remaining available special permits shall be issued by consecutive drawings of the names of those applicants who desire to import more than one animal into the Fleming Key Animal Import Center. The procedure for the consecutive drawings shall be as follows: A drawing will be held of the names of those applicants seeking to import at least two animals into the center. If, after these names have been selected, available space in the center still exists, a drawing will be held of the names of those applicants seeking to import at least three animals into the center. This selection process shall continue in the same manner until no available space exists for importing animals into the Fleming Key Animal Import Center. Within a reasonable time after the conclusion of the drawing, all applicants will be notified in writing by the Department as to whether or not the applicant has received a special permit. Any applicant who has not received a permit for any animal for which he has filed an application, may resubmit an application at any future drawing which is held.

(3) *Areas of origin; limitations.* All applications for special permits received will be carefully reviewed prior to the public drawing. In the event applications are received for the importation of cattle which originate from areas in which conditions are considered to be unacceptable as specified in § 92.4(a)(3), the applicant will be so advised, and the application for permit received will be returned.

(4) *Handling of permits.* Applicants selected to receive special permits for cattle to be imported through the Fleming Key Animal Import Center will be so advised in writing and corresponding permits will be distributed as soon as possible following the public drawing. Applicants so advised of their selection to receive permits should notify the Deputy Administrator if their permits are not received three weeks following the announced date of the drawing held. Special permits shall not be assigned or transferred, nor shall any interest in the special permit be assigned or transferred.

(Sec. 2, 32 Stat. 792, as amended; secs. 2, 3, 4, and 11, 76 Stat. 129, 130, 132, sec. 1, 84 Stat. 202 (21 U.S.C. 111, 134a, 134b, 134c, 134f, and 135); 37 FR 28464, 28477; 38 FR 19141.)

These amendments establish procedures to be used for the issuance of special permits for animals to be imported into the United States through the Fleming Key Animal Import Center, Fleming Key, Florida, and should be made effective promptly in order to be of maximum benefit to affected persons.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 16th day of August 1977.

NOTE.—The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

NORVAN L. MEYER,
Acting Deputy Administrator
Veterinary Services

[FR Doc.77-24124 Filed 8-18-77;8:45 am]

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS; ORGANISMS AND VECTORS

PART 112—PACKAGING AND LABELING

Miscellaneous Amendments

AGENCY: Animal and Plant Health Inspection Service (APHIS).

ACTION: Final rule.

SUMMARY: This amendment deletes the usage of the term "U.S. Standard of Potency" which presently appears in the regulations. Such term is not defined in the regulations, and the usage of such term with respect to veterinary biologics has now become unnecessary.

EFFECTIVE DATE: This amendment becomes effective August 12, 1977.

FOR FURTHER INFORMATION CONTACT:

Dr. R. J. Price, 201-436-8245.

SUPPLEMENTARY INFORMATION: Section 112.2(a)(10) of the regulations

[1] For other permit requirements for birds, the regulations issued by the U.S. Department of the Interior (Part 17, Title 50, Code of Federal Regulations) and the regulations issued by the U.S. Department of Health, Education, and Welfare (Subpart J-1 of Part 71, Title 42, Code of Federal Regulations) should be consulted.

[5a] Application forms may be obtained upon request, from the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Hyattsville, Md. 20782.

makes reference to the term "U.S. Standard of Potency". A "No U.S. Standard of Potency" statement is prescribed by that section for certain products when adequate tests for serial-to-serial release are not available. In products containing multiple fractions, the label must list those fractions for which a "U.S. Standard of Potency" has been established. since this requirement was published in the regulations, many of the products which do not have an established "U.S. Standard of Potency" have been removed from the market and tests have been developed for the balance.

During this same period, new products have been licensed only if an acceptable test could be conducted to evaluate the potency of the product. These tests have either been codified in 9 CFR, or written into the filed Outline of Production for the product, or both.

The reference to the term, "U.S. Standard of Potency," has served its purpose and is no longer needed.

Section 112.2(a)(10) is amended by revising the introductory paragraph and deleting paragraphs (a)(10) (i) and (ii) to read:

§ 112.2 Final container label, carton label, and enclosure.

* * * * *

(a) * * *

(10) In the case of a product which contains an antibiotic added during the production process, the statement "Contains _____ as a preservative," or an equivalent statement indicating the antibiotic added shall appear on cartons and enclosures if used: *Provided*, That if cartons are not used, such information shall appear on the final container label;

* * * * *

(21 U.S.C. 151 and 154; 37 FR 28477, 28646; 38 FR 19141.)

This amendment makes administrative changes to remove from the regulations a label requirement which has served its purpose and is no longer needed. In order for these changes to be of maximum benefit, it must be made effective immediately.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure concerning this amendment are impracticable and unnecessary, and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendment shall become effective upon issuance.

Done at Washington, D.C., this 12th day of August 1977.

NOTE.—The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

NORVAN L. MEYER,
Acting Deputy Administrator,
Veterinary Services.

[FR Doc.77-23954 Filed 8-18-77;8:45 am]

SUBCHAPTER I—ACCREDITATION OF VETERINARIANS AND SUSPENSION OR REVOCATION OF SUCH ACCREDITATION

PART 160—DEFINITION OF TERMS

PART 161—REQUIREMENTS AND STANDARDS FOR ACCREDITED VETERINARIANS AND SUSPENSION OR REVOCATION OF SUCH ACCREDITATION

Disciplinary Action by Secretary

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This action authorizes the Secretary of Agriculture to suspend or to revoke accreditation of a veterinarian, instead of the "Deputy Administrator", as required by the Department's rules of practice, when it is determined that any accredited veterinarian has not complied with the "Standards for Accredited Veterinarians." A definition of the term "Secretary" is also included. The effect of this action will be to authorize the Administrative Law Judges and the Judicial Officer of the Department, as well as the Deputy Administrator, to take disciplinary action in accordance with the provisions of the Department's rules of practice and the applicable supplemental rules of practice.

EFFECTIVE DATE: August 19, 1977.

FOR FURTHER INFORMATION CONTACT:

Dr. H. L. Arnold, USDA, APHIS, VS, 6505 Belcrest Road, Federal Building, Room 867, Hyattsville, Md. 20782, 301-436-8684.

SUPPLEMENTARY INFORMATION: On January 4, 1977, the Department of Agriculture promulgated rules of practice, published in the FEDERAL REGISTER at 42 FR 743-749, governing inter alia, formal adjudicatory, administrative proceedings under the Animal Quarantine and Related Laws (21 U.S.C. 111 et seq.) for the suspension or revocation of accreditation of veterinarians (9 CFR Parts 160, 161). The Department's rules of practice became effective on February 1, 1977, and superseded all rules of practice and regulations which were in conflict with such rules. The Department's rules of practice require the Administrator of each agency administering the programs involved to publish documents revoking any rules or regulations superseded by the new rules and promulgating new, amended or supplemental rules and regulations pursuant to such new rules.

Section 161.3(a) of the regulations governing the suspension or revocation of veterinary accreditation (9 CFR 161.3 (a)) provides that the Deputy Administrator may suspend or revoke a veterinarian's accreditation when he determines that the accredited veterinarian has not complied with the "Standards for Accredited Veterinarians." The regulations in this respect are inconsistent with the Department's rules of practice which authorize such actions, after opportunity for a hearing by an Administrative Law Judge, and upon appeal from a decision of such Judge, by the Judicial Officer of this Department. Therefore, the regulations are being amended to provide for such actions by those officials in accordance with the rules of practice by (1) deleting the term "Deputy Administrator" the first time it appears in § 161.3(a) of the regulations (9 CFR 161.3(a)) and inserting in lieu thereof the term "Secretary"; and (2) adding a new definition for "Secretary" as § 160.1 (h)) to mean any officer or employee of the Department to whom authority has heretofore been delegated or to whom authority may hereafter be delegated to act in his stead.

Accordingly, Parts 160 and 161, Title 9, Code of Federal Regulations, are amended in the following respects:

1. A new paragraph (h) of § 160.1 of the regulations (9 CFR 160.1(h)) is added to read as follows:

§ 160.1 Definitions.

* * * * *

(h) *"Secretary."* The Secretary of Agriculture or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 161.3 [Amended]

2. Section 161.3(a) of the regulations (9 CFR 161.3(a)) is amended by deleting the term "Deputy Administrator" the first time it appears in said paragraph and by substituting the term "Secretary" in lieu thereof.

(23 Stat. 32 as amended; 26 Stat. 417; 32 Stat. 791, 792, as amended; 33 Stat. 1265, as amended; 41 Stat. 699; 58 Stat. 734, as amended; 65 Stat. 693; 76 Stat. 130, 132; 84 Stat. 1406 (15 U.S.C. 1828; 21 U.S.C. 105, 111-114, 114a-1, 116, 120, 121, 125, 134b, 134f).)

These amendments do not impose or relieve any restrictions but amends the regulations to conform with the Department's rules of practice.

It does not appear that public participation in this rulemaking proceeding 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 notice and other public procedure with respect to the amendments are impracticable and unnecessary and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 15th day of August 1977.

NOTE.—The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

J. K. ATWELL,
Acting Deputy Administrator,
Veterinary Services.

[FR Doc.77-24027 Filed 8-18-77;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

PART 14—PUBLIC HEARING BEFORE A PUBLIC ADVISORY COMMITTEE

Panel on Review of Sedative, Tranquilizer, and Sleep Aid Drugs; Termination

AGENCY: Food and Drug Administration.

ACTION: Final Rule.

SUMMARY: Pursuant to § 14.55 (21 CFR 14.55) of the public advisory committee procedures, the Food and Drug Administration announces the termination of the Panel on review of Sedative, Tranquilizer, and Sleep Aid Drugs and amends the regulations to delete it from the list of standing advisory committees. The panel was terminated on July 17, 1977 because it was no longer needed.

EFFECTIVE DATE: August 19, 1977.

FOR FURTHER INFORMATION CONTACT:

Michael D. Kennedy,
Bureau of Drugs (HFD–510),
Food and Drug Administration,
Department of Health, Education, and Welfare,
5600 Fishers Lane,
Rockville, Md. 20857,
301–443–4960.

SUPPLEMENTARY INFORMATION: The panel's function were to review the data and information submitted and to prepare a report on the safety, effectiveness, and labeling of OTC products containing sedative, tranquilizer, sleep aid, and stimulant ingredients. The conclusions and recommendations in the panel's report were published in the FEDERAL REGISTER of December 8, 1975 (40 FR 57292).

Accordingly, the usefulness of the panel had been served and the panel was no longer needed. On July 17, 1977, the Secretary of Health, Education, and Welfare terminated the Committee's charter.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371 (a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 14 is amended in § 14.100 list of standing advisory committees by deleting paragraph (c)(20)(i)(*d*) and marking it reserved.

Effective date: Since this is a technical conforming amendment to Part 14, the Commissioner finds that there is good cause for the rule to be effective immediately upon publication in the FEDERAL REGISTER, August 19, 1977.

Dated: August 12, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77-23976 Filed 8-18-77;8:45 am]

PART 14—PUBLIC HEARING BEFORE A PUBLIC ADVISORY COMMITTEE

Panel of Review of Laxative, Antidiarrheal, Emetic, and Antiemetic Drugs; Termination

AGENCY: Food and Drug Administration.

ACTION: Final Rule.

SUMMARY: Pursuant to § 14.55 (21 CFR 14.55) of the public advisory committee procedures, the Food and Drug Administration announces the termination of the Panel on Review of Laxative, Antidiarrheal, Emetic, and Antiemetic Drugs and amends the regulations to delete it from the list of standing committees. The panel was terminated on July 17, 1977 because it was no longer needed.

EFFECTIVE DATE: August 19, 1977.

FOR FURTHER INFORMATION CONTACT:

John T. McElroy, Bureau of Drugs (HFD–510), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301–443–4960.

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs appointed the panel to review the data and information submitted, and to prepare a report on the safety, effectiveness and labeling of OTC laxative, antidiarrheal, emetic, and antiemetic drug products pursuant to § 330.10(a)(1) (21 CFR 330.10(a)(1)). The conclusions and recommendations contained in the panel's report were published in the FEDERAL REGISTER of March 21, 1975 (40 FR 12902).

The Commissioner concluded that the panel's usefulness had been served and there was no longer a need for it. On July 17, 1977, the Secretary of Health, Education, and Welfare terminated the Committee's charter.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner (21 CFR 5.1), Part 14 is amended in § 14.100 List of standing advisory committees by deleting paragraph (c)(20)(i)(*e*) and marking it reserved.

Effective date: Since this is a technical conforming amendment to Part 14, the Commissioner finds that there is good cause for the rule to be effective immediately upon publication in the FEDERAL REGISTER, August 19, 1977.

Dated: August 12, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77-23977 Filed 8-18-77;8:45 am]

PART 14—PUBLIC HEARING BEFORE A PUBLIC ADVISORY COMMITTEE

Panel on Review of Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drugs; Termination

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: Pursuant to § 14.55 (21 CFR 14.55) of the public advisory committee procedures, the Food and Drug Administration announces the termination of the Panel on Review of Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drugs and amends the regulations to delete it from the list of standing advisory committees. The panel was terminated on July 17, 1977 because it was no longer needed.

EFFECTIVE DATE: August 19, 1977.

FOR FURTHER INFORMATION CONTACT:

Thomas D. DeCillis, Bureau of Drugs (HFD–510), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301–443–4960.

SUPPLEMENTARY INFORMATION: The panel's functions were to review the data and information submitted and to prepare a report on the safety, effectiveness, and labeling of OTC cold, cough, allergy, bronchodilator, and antiasthmatic drug ingredients. The conclusions and recommendations in the panel's report were published in the FEDERAL REGISTER of September 9, 1976 (41 FR 38312). Accordingly, the panel's usefulness had been served and the panel was no longer needed. On July 17, 1977, the Secretary of Health, Education, and Welfare terminated the Committee's charter.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 14 is amended in § 14.100 List of standing advisory committees by deleting paragraph (c)(20)(i)(*c*) and marking it reserved.

EFFECTIVE DATE: Since this is a technical conforming amendment to Part 14, the Commissioner finds that there is good cause for the rule to be effective immediately upon publication in the FEDERAL REGISTER, August 19, 1977.

Dated: August 12, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77-23978 Filed 8-18-77;8:45 am]

PART 14—PUBLIC HEARING BEFORE A PUBLIC ADVISORY COMMITTEE

Diagnostic Products Advisory Committee; Termination

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: Pursuant to § 14.55 (21 CFR 14.55) of the public advisory committee procedures, the Food and Drug Administration announces the termination of the Diagnostic Products Advisory Committee and amends the regulations to delete it from the list of standing advisory committees. This committee was ter-