

Average Market Price

Marketing year:	Cents per pound
1973-74	79.2
1974-75	92.9
1975-76	113.7
1976-77	114.2
1977-78	120.0
1978-79	131.0

(2) *Rate of penalty per pound.* The penalty per pound for marketing of excess tobacco subject to marketing quotas during the marketing years specified shall be:

Rate of Penalty

Marketing year:	Cents per pound
1974-75	70
1975-76	85
1976-77	79
1977-78	86
1978-79	90
1979-80	98

Authority: Sec. 301, 313, 314, 316, 317, 363, 372-375, 377, 378, 52 Stat. 38, as amended, 47, as amended, 48, as amended, 75 Stat. 469, as amended, 79 Stat. 66, 52 Stat. 63, as amended, 65-66, as amended, 72 Stat. 995, sec. 401, 63 Stat. 1505, as amended, sec. 106, 122, 125, 70 Stat. 191, 195, 198, as amended, sec. 16(e), 76 Stat. 606 (7 U.S.C. 1301, 1313, 1314, 1314b, 1314c, 1363, 1372-1375, 1377, 1378, 1421, 1813, 1824, 1836).

Note:—This final rule has not been designated as "significant," and is being published in accordance with the emergency procedures in Executive Order 12044 and Secretary's Memorandum 1955. It has been determined by Jeffress A. Wells, Director, Production Adjustment Division, that the emergency nature of this final rule warrants publication without opportunity for public comment and preparation of an impact analysis statement.

Signed at Washington, D.C. September 19, 1979.

John W. Goodwin,

Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 79-29960 Filed 9-27-79; 8:45 am]

BILLING CODE 3410-05-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Regulation 219]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period September 30-October 6, 1979. Such action is needed to provide for orderly marketing of fresh lemons for

this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: September 30, 1979.

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, 202-447-5975.

SUPPLEMENTARY INFORMATION: Findings.

This regulation is issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee, and upon other information. It is hereby found that this action will tend to effectuate the declared policy of the act.

The committee met on September 25, 1979, to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is steady.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Further, in accordance with procedures in Executive Order 12044, the emergency nature of this regulation warrants publication without opportunity for further public comment. The regulation has not been classified significant under USDA criteria for implementing the Executive Order. An Impact Analysis is available from Malvin E. McGaha, 202-447-5975.

§ 910.519 Lemon Regulation 219.

Order. (a) The quantity of lemons grown in California and Arizona which may be handled during the period September 30, 1979, through October 6, 1979, is established at 200,053 cartons.

(b) As used in this section, "handled" and "carton(s)" mean the same as defined in the marketing order.

(Secs. 1-19, 46 Stat. 31, as amended; 7 U.S.C. 601-674.)

Dated: September 26, 1979.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 79-30427 Filed 9-27-79; 11:55 am]

BILLING CODE 3410-02-M

7 CFR Part 926

[Tokay Grape Regulation 15, Amendment 1]

Tokay Grapes Grown in San Joaquin County, Calif.; Extension of Effective Period for Regulation of Grade and Container Markings

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment continues through November 30, 1979, the currently effective minimum grade and container marking requirements for Tokay grapes. These requirements are necessary to ensure that the grapes shipped will be of suitable quality in the interest of consumers and producers.

EFFECTIVE DATE: October 1, 1979.

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, (202) 447-5975.

SUPPLEMENTARY INFORMATION: This regulation is issued under the provisions of the marketing agreement and Order No. 926 (7 CFR Part 926) which regulates the handling of Tokay grapes grown in San Joaquin County, California, and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

On August 23, 1979, a notice was published in the Federal Register (44 FR 49462) that the Department was considering amendment of § 926.315, Tokay Grape Regulation 15 (44 FR 46427), to continue the effective date of the regulation through November 30, 1979. The notice provided interested persons the opportunity to submit written comments relative to the proposal until September 17, 1979. None were received.

Under the regulations which is a minimum standard, Tokay grapes must meet the grade and size specifications of U.S. No. 1 Table Grapes and at least 30 percent of the berries in the lower 25 percent of each bunch shall show characteristic color; and each container must bear a Federal-State Inspection Service lot stamp number.

After consideration of all relevant matter presented, including that

contained in the notice and other available information, it is hereby found that extension of the effective period of § 926.315, Tokay Grape Regulation 15, as hereinafter set forth, will tend to effectuate the declared policy of the act and be in the public interest.

It is further found that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the *Federal Register* (5 U.S.C. 553) in that: (1) shipments of Tokay grapes are currently in progress and to effectuate the declared policy of the act, the regulation currently in effect should be extended without interruption for the remainder of the season; (2) the amendment is the same as that specified in the notice to which no exceptions were filed; and (3) compliance with the regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

This regulation has been reviewed under USDA criteria for implementing Executive Order 12044. A determination has been made that this action should not be classified "significant". An Impact Analysis is available from Malvin E. McGaha, 202-447-5975.

Therefore, the provisions of § 926.315(a) of Tokay Grape Regulation 15 are hereby amended to read as follows:

§ 926.315 Tokay Grape Regulation 15.

(a) During the period August 9, 1979, through November 30, 1979, no handler shall ship:

* * *

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: September 25, 1979.

D. S. Kuryloski,
Deputy Director, Fruit and Vegetable
Division, Agricultural Marketing Service.

[FR Doc. 79-30154 Filed 9-27-79; 8:45 am]

BILLING CODE 3410-02-M

Office of the Secretary

7 CFR Parts 2900 and 2901

Final Rulemaking Regarding Administrative Procedures for Adjustments of Natural Gas Curtailment Priority Regulations

AGENCY: Office of the Secretary, United States Department of Agriculture.

ACTION: Final rule

SUMMARY: This final rulemaking establishes administrative procedures as required by section 502(c) of the Natural Gas Policy Act of 1978 (NGPA) (Pub. L. 95-621, November 9, 1978), for

the making of certain adjustments to the USDA Essential Agricultural Uses and Requirements regulations in Part 2900 of Chapter XXIX of Title 7, Code of Federal Regulations. The procedures established include the opportunity for the oral presentation of data, views, and arguments which would be used in conjunction with requests for interpretations, modifications, rescissions, exceptions or exemptions, necessary to prevent special hardship, inequity, or an unfair distribution of burdens.

EFFECTIVE DATE: The Final Rule will become effective October 29, 1979.

FOR FURTHER INFORMATION CONTACT: Weldon V. Barton, Director, Office of Energy, USDA, Room 226-E Administration Building, 14th and Independence Avenue, SW., Washington, D.C. 20250, telephone number: (202) 447-2455

SUPPLEMENTARY INFORMATION: Section 502(c) of NGPA requires the Secretary of Agriculture to prescribe a rule which provides for the making of "adjustment" to rules under the NGPA as necessary to prevent special hardship, inequity or unfair distribution of burdens.

On July 23, 1979, the Secretary published a notice of proposed rulemaking regarding the establishment of administrative procedures for adjustments of the Essential Agricultural Uses and Requirements Regulations (44 FR 42998, July 23, 1979).

Ten commenters responded to the solicitation for written comments. Their comments have been addressed in the final rule as follows:

1. Five commenters objected to the required showing of "special hardship, inequity or unfair distribution of burdens" in connection with requests for interpretations. This standard is set forth in section 502(c) of the NGPA and remains in the final rule as an element of a request for an interpretation. However, upon consideration of the comments, USDA has decided that where a request for a simple clarification of language in the regulation is made, it should not be subject to the strict procedural rules under section 502(c). Accordingly, a new subsection (f) has been added to § 2901.4 to except such requests from the requirements of this rule, with the proviso that the Director, Office of Energy is the final arbiter of what is a "clarification."

2. While two commenters supported the USDA rationale that the USDA rule need not relate to exceptions and exemptions seven commenters felt that the referrals to FERC of such requests

amounted to an improper delegation of authority by the Secretary.

It was not the intent of the proposed rulemaking to delegate to FERC any authority of the Secretary of Agriculture under section 401 of the NGPA. Rather it was felt that the types of "adjustments" arising with respect to the Secretary's responsibilities would be adequately covered by interpretations, modifications and rescissions and that exceptions and exemptions would likely arise under implementation of curtailment priority which was under FERC jurisdiction.

USDA is persuaded that there may be instances where requests for exceptions and exemptions to the USDA rule itself would be proper and therefore have added a new § 2901.6 to prescribe procedures for such requests. These procedures basically involve an initial request to the Director, Office of Energy, and an appeal of a denial of such request to the Secretary of Agriculture. Denial by the Secretary of Agriculture would be a final agency action permitting the requester to seek judicial review in accordance with section 506 of the NGPA. Federal Register notice of both the request and its disposition is provided for.

One commenter who supported the proposed rule's referral of exemptions and exceptions to FERC additionally suggested limiting USDA consideration of interpretations, modifications, and rescissions to instances which might be resolved by a modification of the classes of uses set forth in Part 2900 and requiring requesters to demonstrate why issues are involved in their request for which FERC curtailment jurisdiction would be insufficient to resolve.

USDA feels that this would impose criteria in excess of those contemplated by section 502(c) of the NGPA. It is recognized however that issues may arise under adjustment requests to USDA which are related to FERC responsibility and FERC adjustment requests. In such instances USDA would endeavor to coordinate, to the extent practicable, its procedures with FERC.

3. Two commenters suggested that notice of requests for interpretation be provided to third parties. The final rule provides for Federal Register notice of requests for interpretations, as well as notice of the issuance of an interpretation.

4. One commenter objected to the constraint of the Freedom of Information Act and other applicable laws and regulations with respect to determinations by the Director on disclosure of confidential information submitted with a request for an adjustment.

The final rule retains this language as an appropriate consideration in individual disclosure requests.

The same commenter also requested that the rule provide at least 5 days prior notice to submitters of information before material identified by the submitter as confidential is disclosed. Since under the Freedom of Information Act, USDA has only 10 days to respond to requests for information, it is reluctant to shorten that period by 5 days in order to be able to give the requested advance notice to submitters. However, USDA will attempt to keep submitters informed of requests for their information.

In addition, USDA has added a clarifying sentence to § 2901.3 to indicate that an official of USDA shall preside at oral presentations. The rule also specifies that a grant by the Director of a request for an interpretation, exception or exemption is a final agency action for purposes of judicial review.

In consideration of the foregoing, a new Part 2901 is added to Chapter XXIX of Title 7, Code of Federal Regulations, as set forth below:

PART 2900—ESSENTIAL AGRICULTURAL USES AND VOLUMETRIC REQUIREMENTS—NATURAL GAS POLICY ACT

§ 2900.5 [Revoked]

1. Part 2900 of Chapter XXIX of Title 7, Code of Federal Regulations, is amended by deleting § 2900.5 thereof.

2. Chapter XXIX of Title 7, Code of Federal Regulations, is amended by adding a Part 2901, to read as follows:

PART 2901—ADMINISTRATIVE PROCEDURES FOR ADJUSTMENTS OF NATURAL GAS CURTAILMENT PRIORITY

Sec.

- 2901.1 Purpose and scope.
- 2901.2 Definitions.
- 2901.3 Oral presentation.
- 2901.4 Interpretations.
- 2901.5 Modifications and rescissions.
- 2901.6 Exceptions and exemptions.
- 2901.7 Review of denials.
- 2901.8 Judicial review.
- 2901.9 Effective date.

Authority: Secs. 502, 507, Pub. L. 95-621, 92 Stat. 3397, 3405, November 9, 1978.

§ 2901.1 Purpose and scope.

The purpose of this Part 2901 is to provide procedures for the making of certain adjustments to the Secretary of Agriculture's Essential Agricultural Uses and Requirements regulations in accordance with section 502(c) of the Natural Gas Policy Act of 1978, in order to prevent special hardship, inequity, or

an unfair distribution of burdens. The procedures in this Part 2901 apply to any person seeking an interpretation of, modification of, rescission of, exception of, or exemption from the Essential Agricultural Uses and Requirements regulations in Part 2900 of Chapter XXIX.

§ 2901.2 Definitions.

(a) "Person" means any individual, firm, sole proprietorship, partnership, association, company, joint venture or corporation.

(b) "Director" means the Director of the Office of Energy, U.S. Department of Agriculture.

(c) "Secretary" means the Secretary of the U.S. Department of Agriculture.

(d) "Adjustment" means an interpretation, modification, rescission of, exception to or exemption from the Essential Agricultural Uses and Requirements regulations, Part 2900 hereof.

(e) "NGPA" means the Natural Gas Policy Act of 1978, Pub. L. 95-621.

(f) "Petitioner" means any person seeking an adjustment under this Part 2901.

§ 2901.3 Oral presentation.

Any person seeking an adjustment under this Part 2901 shall be given an opportunity to make an oral presentation of data, views and arguments in support of the request for an adjustment, provided that a request to make an oral presentation is submitted in writing with the request for the adjustment. An official of the Department of Agriculture shall preside at such oral presentation.

§ 2901.4 Interpretations.

(a) *Request for an interpretation.* (1) Any person seeking an interpretation of the Essential Agricultural Uses and Requirements regulations in Part 2900 shall file a formal written request with the Director. The request should contain a full and complete statement of all relevant facts pertaining to the circumstances, act or transaction that is the subject of the request and to the action sought, and should state the special hardship, inequity, or unfair distribution of burdens that will be prevented by the interpretation sought and why the interpretation is consistent with the purposes of NGPA. The Director shall publish a notice in the Federal Register advising the public that a request for an interpretation has been received and that written comments will be accepted with respect thereto, if received within 20 days of the notice. The Federal Register notice will provide that copies of the request for

interpretation from which confidential information has been deleted in accordance with paragraph (a)(2) of this section may be obtained from the petitioner.

(2) If the petitioner wishes to claim confidential treatment for any information contained in the request or other documents submitted under this Part 2901, such person shall file together with the document a second copy of the document from which has been deleted the information for which such person wishes to claim confidential treatment. The petitioner shall indicate in the original document that it is confidential or contains confidential information and may file a statement specifying the justification for non-disclosure of the information for which non-disclosure is sought. The Director shall consider such requests, and subject to the Freedom of Information Act, 5 U.S.C. 552 and other applicable laws and regulations, shall treat such information as confidential.

(b) *Investigations.* The Director may initiate an investigation of any statement in a request and utilize in his evaluation any relevant facts obtained in such investigation. The Director may accept submissions from third persons relevant to any request for interpretation provided that the petitioner is afforded an opportunity to respond to all such submissions. In evaluating a request for interpretation, the Director may consider any other source of information.

(c) *Applicability.* Any interpretation issued hereunder shall be issued on the basis of the information provided on the request, as supplemented by other information brought to the attention of the Director during the consideration of the request. The interpretation shall, therefore, depend for its authority on the accuracy of the factual statement and may be relied upon only to the extent that the facts of the actual situation correspond to those upon which the interpretation was based.

(d) *Issuance of an interpretation.* Upon consideration of the request for interpretation and other relevant information received or obtained by the Director, the Director may issue a written interpretation. A copy of the written interpretation shall be provided to FERC and the Secretary of Energy. Notice of the issuance of the written interpretation shall be published in the Federal Register. The granting of a request for issuance of an interpretation shall be considered final agency action for purposes of judicial review under § 2901.8.

(e) *Denial of an interpretation.* An interpretation shall be considered

denied for purpose of review of such denial under section 2901.7 only if:

(1) The Director notifies the petitioner in writing that the request is denied and that an interpretation will not be issued; or

(2) The Director does not respond to a request for an interpretation, by (i) issuing an interpretation, or (ii) giving notice of when an interpretation will be issued within 45 days of the date of receipt of the request, or within such extended time as the Director may prescribe by written notice within the 45-day period.

(f) For purposes of this Part 2901 the word "interpretation" shall not be deemed to include a simple clarification of an actual or purported ambiguity in Part 2900. The Director reserves the right to determine whether a request involves simple clarification and shall advise the requester of his decision.

§ 2901.5 Modifications and rescissions.

(a) *Request for modification or rescission.* (1) Any person seeking a modification or a rescission of the Essential Agricultural Uses and Requirements regulations of Part 2900 shall file a formal written request with the Director. The request shall contain a full and complete statement of all relevant facts pertaining to the circumstance, act or transaction that is the subject of the request and to the action sought. The request should state the special hardship, inequity or unfair distribution of burdens that will be prevented by making the modification or rescission.

(2) If the petitioner wishes to claim confidential treatment for any information contained in the request or other documents submitted under this Part 2901, such person shall file together with the document a second copy of the document from which has been deleted the information for which such person wishes to claim confidential treatment. The petitioner shall indicate in the original document that it is confidential or contains confidential information and may file a statement specifying the justification for non-disclosure of the information for which non-disclosure is sought. The Director shall consider such requests, and subject to the Freedom of Information Act, 5 U.S.C. 552 and other applicable laws and regulations, shall treat such information as confidential.

(3) The request shall be filed as a petition for rulemaking and treated in accordance with the procedures, as applicable, of 7 CFR Part 1, Subpart B.

(b) *Institution of rulemaking.* Upon consideration of the request for modification or rescission and other relevant information received or

obtained by the Director, the Director may institute rulemaking proceedings in accordance with the Administrative Procedures Act 5 U.S.C. 551 *et seq.* and applicable regulations.

(c) *Denial of a modification or rescission.* If the Director (1) denies the request for modification or rescission in writing by notifying the petitioner that he does not intend to institute rulemaking proceedings as proposed and stating the reasons therefor, or (2) does not respond to a request for a modification or rescission in accordance with paragraph (b) of this section or (3) notifies the petitioner in writing that the matter is under continuing consideration and that no decision can be made at that time because of the inadequacy of available information, changing circumstances or other reasons as set forth therein, within 45 days of the date of the receipt thereof, or within such extended time as the Director may prescribe by written notice within that 45-day period, the request shall be considered denied for the purpose of review of such denial under § 2901.7.

§ 2901.6 Exceptions and exemptions.

(a) *Request for exception or exemption.* (1) Any person seeking an exception or exemption from the Essential Agricultural Uses and Requirements regulations in Part 2900 shall file a formal written request with the Director. The request shall contain a full and complete statement of all relevant facts pertaining to the circumstance, act, or transaction that is the subject of the request and to the action sought. The request should state the special hardship, inequity or unfair distribution of burdens that will be prevented by making the exception or exemption. The Director shall publish a notice in the Federal Register advising the public that a request for an exception or exemption has been received and that written comments will be accepted with respect thereto if received within 20 days of the notice. The Federal Register notice will provide that copies of the request from which confidential information has been deleted in accordance with paragraph (a)(2) of this section may be obtained from the petitioner. The Petitioner shall be afforded an opportunity to respond to such submissions.

(2) If the petitioner wishes to claim confidential treatment for any information contained in the request or other documents submitted under this Part 2901, such person shall file together with the document a second copy of the document from which has been deleted the information for which such person wishes to claim confidential treatment.

The petitioner shall indicate in the original document that it is confidential or contains confidential information and may file a statement specifying the justification for non-disclosure of the information for which non-disclosure is sought. The Director shall consider such requests, and subject to the Freedom of Information Act, 5 U.S.C. 552 and other applicable laws and regulations, shall treat such information as confidential.

(b) *Decision and order.* Upon consideration of the request for an exception or exemption and other relevant information received or obtained during the proceedings, the Director shall issue an order granting or denying the request. The Director shall publish a notice in the Federal Register of the issuance of a decision and order on the request. The granting of a request for an exception or exemption shall be considered final agency action for purposes of judicial review under § 2901.8.

(c) *Denial of an exception or exemption.* A request for an exception or exemption shall be considered denied for purposes of review of such denial under § 2901.7 only if: (1) the Director has notified the petitioner in writing that the request is denied under paragraph (b) of this section or (2) the Director does not respond to a request for an exception or exemption by (i) granting the request for an exception or exemption under paragraph (b) of this section or (ii) giving notice of when a decision will be made within 45 days of the receipt of the request, or with such extended time as the Director may prescribe by written notice within the 45-day period.

§ 2901.7 Review of denials.

(a) *Request for review.* (1) Any person aggrieved or adversely affected by a denial of a request for any interpretation under § 2901.4 may request a review of the denial by the Secretary, within 30 days from the date of the denial.

(2) Any person aggrieved or adversely affected by a denial of a request for a modification or rescission under § 2901.5, may request a review of the denial by the Secretary within 30 days from the date of the denial.

(3) Any person aggrieved or adversely affected by a denial of a request for an exception or an exemption under § 2901.6, may request a review of the denial by the Secretary within 30 days from the date of the denial.

(b) *Procedures.* Any request for review under § 2901.7(a) shall be in writing and shall set forth the specific ground upon which the request is based. There is no final agency action for purposes of judicial review under

§ 2901.8 until that request has been acted upon. If the request for review has not been acted upon within 30 days after it is received, the request shall be deemed to have been denied. That denial shall then constitute final agency action for the purpose of judicial review under § 2901.8.

§ 2901.8 Judicial review.

Any person aggrieved or adversely affected by a final agency action taken on a request for an adjustment under this section may obtain judicial review in accordance with section 506 of the Natural Gas Policy Act of 1978.

§ 2901.9 Effective date.

This rule shall become effective on October 29, 1979.

This final rule has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this action should be classified as "significant" under those criteria. An Approved Final Impact Statement is available from Weldon V. Barton, Director, Office of Energy, USDA.

Additionally, USDA has determined that this action does not constitute a major Federal action significantly affecting the quality of the human environment. Therefore, no environmental impact statement is required for this regulation. A copy of the finding of no significant impact and environmental assessment is available for inspection and copying in Room 6573 South Building, 12th and Independence, SW., United States Department of Agriculture, Washington, D.C. 20250.

Dated: September 25, 1979.

Bob Bergland,

Secretary of Agriculture.

[FR Doc. 79-30251 Filed 9-27-79; 8:45 am]

BILLING CODE 3410-01-M

Animal and Plant Health Inspection Service

9 CFR Part 78

Miscellaneous

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the brucellosis regulations to update, simplify, and clarify the requirements under which certain cattle may be moved interstate. This action is needed to make the regulations consistent with the provisions of the revised brucellosis eradication Uniform Methods and Rules

and to revise the regulations for uniform interpretation. This action relieves certain restrictions which are no longer considered necessary and revises the regulations for uniform compliance.

EFFECTIVE DATE: September 28, 1979.

FOR FURTHER INFORMATION CONTACT:

Dr. A. D. Robb, Staff Veterinarian, National Brucellosis Eradication Program, Federal Building, Room 805, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8711.

SUPPLEMENTARY INFORMATION: On February 9, 1979, there was published in the *Federal Register* (44 FR 8271-8276) a proposed amendment to the regulations (9 CFR 78). A period of 60 days was provided for comment which expired April 10, 1979.

A total of 12 comments were received in response to the proposal which are summarized as follows:

1. Eight of the comments received opposed locations for the alternate "S" branding identification site for brucellosis exposed cattle that were not proposed and were for that reason rejected as irrelevant.

2. Three of the comments received objected to the requirement in Section 78.8 (a) and (b) that "a Veterinary Services approved metal eartag" be used as a means of identifying brucellosis-exposed cattle. These commentors apparently did not understand that this is a requirement of the present regulations and was not proposed as an additional requirement. Since this requirement has been satisfactory in the past, the proposal did not include a change. Therefore, these comments were rejected.

3. One comment received opposed the requirement in § 78.9(b) (1) and (2) allowing cattle from herds not known to be affected with brucellosis to be moved from a modified certified brucellosis area interstate to slaughter or to quarantined feedlots "if accompanied by a permit." This comment did not recognize this as a relaxation of the present regulation. Since the comment opposed additional restrictions, it was felt this comment was satisfied by the proposal.

4. Two verbal comments within Veterinary Services suggested editorial changes to clarify the regulations:

1. In the definition of "official adult vaccinate," insert "vaccinated when" between "dairy breed" and "over 6 months" and between "beef breed" and "over 10 months" striking out "which has been vaccinated" following "(300 days)."

2. In the definition of "official seal," add "which" before "is applied by." This

continues phraseology used throughout the sentence structure.

There were no comments approving or opposing any other proposed provision.

The verbal comments are accepted and incorporated to provide clarification of these definitions.

After due consideration of all the comments received, the Department has decided to amend the regulations as proposed with minor changes as indicated for purposes of clarification.

Accordingly, Part 78, Title 9, Code of Federal Regulations, is amended in the following respects:

1. In § 78.1, paragraphs (w), (y), and (dd) are deleted; paragraph (x) is redesignated as paragraph (w), paragraph (z) is redesignated as paragraph (x), paragraph (aa) is redesignated as paragraph (y), paragraph (bb) is redesignated as paragraph (z), paragraph (cc) is redesignated as paragraph (aa), paragraph (ee) is redesignated as paragraph (bb), and new paragraphs (cc), (dd), (ee), and (pp) are added to read:

§ 78.1 Definitions.

(cc) *Farm of origin.* A farm or other premises where the cattle to be shipped interstate were born or have been kept for not less than 4 months prior to the date of shipment and which within the 4 months prior to the date of shipment, have not been used to assemble cattle from any other premises.

(dd) *Recognized slaughtering establishment.* Any slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) or a State Meat Inspection Act.

(ee) *Official adult vaccinate.* A female bovine animal of a dairy breed vaccinated when over 6 months of age (180 days), or a female bovine animal of a beef breed vaccinated when over 10 months of age (300 days) with an approved brucella vaccine in accordance with the Uniform Methods and Rules. The vaccination shall be conducted under the supervision of a Federal or State veterinary official and the vaccination shall be preceded by a negative official test for brucellosis conducted no more than 10 days prior to the vaccination. At the time of vaccination, the animal must be a member of, or be an addition to a herd known to be affected and approved for adult vaccination by both State and Federal officials. The official adult vaccinate shall be permanently identified with an official metal eartag or registration tattoo and be hot-iron

branded "AV" on the right jaw at the time of vaccination.

(pp) *Official seal.* A serially numbered, metal strip, consisting of a self-locking device on one end and a slot on the other end, which forms a loop when the ends are engaged, which cannot be reused if opened, and which is applied by a representative of the Veterinarian in Charge or the State animal health official.

2. In § 78.7, the introductory paragraph is amended to read:

§ 78.7 Brucellosis reactor cattle.

Brucellosis reactor cattle may only be moved interstate for immediate slaughter directly to a recognized slaughtering establishment or from a farm of origin directly to no more than one specifically approved stockyard and then directly to such a recognized slaughtering establishment and only in accordance with the following requirements:

3. In § 78.8, paragraphs (a), (b), and the heading in paragraph (c) are amended to read:

§ 78.8 Brucellosis-exposed cattle.

Except as provided in Part 51 of the regulations, brucellosis-exposed cattle may be moved interstate only as follows:

(a) *Movement of brucellosis-exposed cattle to quarantined feedlots.* Such cattle are moved directly to a quarantined feedlot or from a farm of origin directly through no more than one specifically approved stockyard and then directly to a quarantined feedlot, and only if such cattle are:

(1) individually identified by a Veterinary Services approved metal eartag;

(2) accompanied by a permit; and

(3) such cattle are:

(i) hot-iron branded with an "S" on the left jaw or high on the tailhead, so as to be visible from ground level, in letters not less than 2 nor more than 3 inches high, before the animals leave the premises from which they move interstate, or

(ii) officially adult vaccinated cattle and have been hot-iron branded "AV" on the right jaw.

If the movement is directly to a specifically approved stockyard for sale and shipment to a quarantined feedlot, a separate permit shall be required for the subsequent interstate movement of such cattle from any such stockyard directly to a quarantined feedlot; or

(b) *Movement of brucellosis-exposed cattle for immediate slaughter.* Such cattle are moved directly to a recognized

slaughtering establishment, or from a farm of origin directly through no more than one specifically approved stockyard and then directly to a recognized slaughtering establishment, only if such cattle are:

(1) individually identified by a Veterinary Services approved metal eartag;

(2) accompanied by a permit; and

(3) such cattle are:

(i) hot-iron branded with an "S" on the left jaw or high on the tailhead so as to be visible from ground level in letters not less than 2 nor more than 3 inches high, before the animals leave the premises from which they move interstate, or

(ii) in the instances when a claim for indemnity is being made by the owner under the provisions of 9 CFR 51.3(a)(2), (3), or (4), brucellosis exposed cattle are identified with the letter "B" as prescribed in 9 CFR 51.5(b), or

(iii) officially adult vaccinated cattle and have been hot-iron branded "AV" on the right jaw, or

(iv) moved in vehicles closed with official seals.

Official seals shall only be applied or removed by a Veterinary Services representative, State representative, accredited veterinarian or by other persons authorized for this purpose by a Veterinary Services representative. If the movement is directly to a specifically approved stockyard and then to a recognized slaughtering establishment, a separate permit shall be required for the subsequent interstate movement of such cattle from such stockyard directly to such slaughtering establishment; or

(c) *Movement of brucellosis exposed cattle other than in accordance with paragraphs (a) or (b) of this section.*

4. In § 78.9, paragraphs (a) and (b) are amended to read:

§ 78.9 Cattle from herds not known to be affected with brucellosis.

Cattle from herds not known to be affected with brucellosis may be moved interstate from specified areas only as follows:

(a) *Certified Brucellosis-Free Areas.* If such cattle are in a Certified Brucellosis-Free Area, they may be moved interstate without restrictions under this subpart.

(b) *Modified Certified Brucellosis Areas.* If such cattle are in a Modified Certified Brucellosis Area, they may only be moved interstate from such area under the conditions specified in one or more of the following subparagraphs:

(1) *Movement for immediate slaughter.* Such cattle may be so moved for immediate slaughter directly from a farm of origin to a recognized

slaughtering establishment or directly from a farm of origin through no more than one specifically approved stockyard and then directly to a recognized slaughtering establishment. Such cattle moving other than directly from a farm of origin may be moved interstate directly to a recognized slaughtering establishment if accompanied by a permit.

(2) *Movement to quarantined feedlots.* Such cattle may be moved to a quarantined feedlot directly from a farm of origin or directly from a farm of origin through no more than one specifically approved stockyard and then directly to a quarantined feedlot. Such cattle moving other than directly from a farm of origin may be moved interstate directly to a quarantined feedlot if accompanied by a permit.

(3) *Movement other than in accordance with paragraphs (b) (1) and (2) of this section.* Such cattle may be moved interstate other than in accordance with paragraphs (b) (1) and (2) of this section only if:

(i) Such cattle originate in Certified Brucellosis-Free herds and they are accompanied by a certificate, which states, in addition to the items specified in § 78.1(u), that the cattle originated in a Certified Brucellosis-Free Herd; or

(ii) Such cattle are of the beef breeds under 24 months of age and of other breeds under 20 months of age which are not parturient (springers) or post parturient, then they may be so moved without restriction under this subpart; or

(iii) Such cattle are accompanied by a certificate, are subjected to an official test for brucellosis and found negative for brucellosis within 30 days prior to such interstate movement and the certificate shows in addition to items required under § 78.1(u), the test dates and results of the official brucellosis tests; or

(iv) Such cattle are moved directly from a farm of origin to a specifically approved stockyard and the shipper causes such cattle to be subjected to an official test for brucellosis upon arrival at such stockyard prior to losing their identity with the farm of origin; or

(v) Such cattle: (A) originate from herds in which all the cattle were subjected to a complete herd test for brucellosis in accordance with the Uniform Methods and Rules within 12 months of the date of the interstate movement; (B) any cattle which were added to the herd subsequent to such complete herd test were tested and found negative to an official test for brucellosis within 30 days prior to the date the cattle were added to the herd; (C) the cattle subject to the complete herd test have not changed ownership

from the date of such test; and (D) none of the cattle in the herd have come in contact with any other cattle which have not been tested as prescribed in this subparagraph.

5. In § 78.10, paragraphs (a), (b), and paragraph (c) up to the colon, are amended to read:

§ 78.10 Cattle from qualified herds.

Cattle from qualified herds in any noncertified area may be moved interstate only as follows:

(a) *Movement for immediate slaughter.* Such cattle are moved directly to a recognized slaughtering establishment or directly from a farm of origin through no more than one specifically approved stockyard and then directly to a recognized slaughtering establishment; or

(b) *Movement to quarantined feedlots.* Such cattle are moved directly to a quarantined feedlot, or directly from a farm of origin through no more than one specifically approved stockyard and then directly to a quarantined feedlot; or

(c) *Movement other than in accordance with paragraphs (a) or (b) of this section.* Such cattle may be moved other than in accordance with paragraphs (a) or (b) of this section only if:

(1) Such cattle originate in Certified Brucellosis-Free herds and they are accompanied by a certificate which states, in addition to the items specified in § 78.1(u) that the cattle originate in a Certified Brucellosis-Free herd; or

(2) Such cattle are official vaccinates of the beef breeds under 24 months of age and of other breeds under 20 months of age and are accompanied by a certificate; or

(3) such cattle except calves under 6 months of age, have been subjected to an official test for brucellosis not less than 30 days after the date of the last qualifying herd test and not more than 30 days before the date of the interstate movement, and such cattle are accompanied by a certificate which shows, in addition to the items required under § 78.1(v), the dates and results of any official test required by this paragraph.

6. § 78.11 is amended to read:

§ 78.11 Cattle from herds of unknown status.

Cattle which originate in herds of unknown status in any noncertified area may be moved interstate only if accompanied by a permit and moved directly to a recognized slaughtering establishment or directly to a quarantined feedlot, or directly from a farm of origin through no more than one specifically approved stockyard and

then directly to a quarantined feedlot or such a slaughtering establishment.

7. In § 78.12a, paragraphs (d)(1), (2), and (3) are amended to read:

§ 78.12a Cattle from quarantined areas.

(d) *Movement from qualified herds.* Cattle from qualified herds in any quarantined area may be moved interstate only as follows:

(1) *Movement for immediate slaughter.* (i) Such cattle may move for immediate slaughter directly from a farm of origin to a recognized slaughtering establishment or directly from a farm of origin through no more than one specifically approved stockyard and then directly to a recognized slaughtering establishment and they are accompanied by a certificate, are subjected to an official test for brucellosis and found negative within 30 days prior to such interstate movement and the certificate shows, in addition to items required under § 78.1(u), the test dates and results of the official brucellosis test; or (ii) Such cattle are moved in accordance with the provisions of § 78.8(b); or

(2) *Movement to quarantined feedlots.* (i) Such cattle may move to a quarantined feedlot directly from a farm of origin or directly from a farm of origin through no more than one specifically approved stockyard and then directly to a quarantined feedlot if they are accompanied by a certificate, are subjected to an official test for brucellosis and found negative within 30 days prior to such interstate movement and the certificate shows, in addition to items required under § 78.1(u), the test dates and results of the official brucellosis test; or (ii) Such cattle are moved in accordance with the provisions of § 78.8(a).

(3) *Movement other than in accordance with paragraphs (d)(1) or (2) of this section.* Such cattle may be moved other than in accordance with paragraphs (d)(1) or (2) of this section, either directly from a farm of origin or through no more than one specifically approved stockyard, if the cattle are accompanied by a certificate and the cattle, except official vaccinates less than 12 months of age and calves less than 6 months of age, are subjected to an official test for brucellosis and found negative within 30 days prior to such interstate movement, and the certificate shows, in addition, to items required under § 78.1(u), the test dates and results of the official brucellosis test.

8. In § 78.15, the introductory paragraph is amended to read:

§ 78.15 Brucellosis reactor bison.

Brucellosis reactor bison may only be moved interstate for immediate slaughter directly to a recognized slaughtering establishment or directly from a farm of origin through no more than one specifically approved stockyard and then directly to such a slaughtering establishment, and only in accordance with the following requirements:

9. In § 78.16, paragraphs (a) and (b) are amended to read:

§ 78.16 Brucellosis exposed bison.

Brucellosis exposed bison may be moved interstate from any area only as follows:

(a) *Movement of brucellosis exposed bison to quarantined feedlots.* Such bison are moved directly to a quarantined feedlot or directly from a farm of origin through no more than one specifically approved stockyard and then directly to a quarantined feedlot. Such bison shall be accompanied by a permit. If the movement is through a specifically approved stockyard to a quarantined feedlot, a separate permit shall be required for the subsequent interstate movement of the bison from the stockyard to the quarantined feedlot, or

(b) *Movement of brucellosis-exposed bison for immediate slaughter.* Such bison are moved directly to a recognized slaughtering establishment or directly from a farm of origin through no more than one specifically approved stockyard and then directly to such a slaughtering establishment. Such bison shall be accompanied by a permit. If the movement is through a specifically approved stockyard to a slaughtering establishment, a separate permit shall be required for the subsequent interstate movement of the bison from the stockyard to the recognized slaughtering establishment.

10. In § 78.17, paragraphs (a), (b), and paragraph (c) up to the colon, are amended to read:

§ 78.17 Bison from herds not known to be affected with brucellosis.

Bison from herds not known to be affected with brucellosis may be moved interstate from any area only as follows:

(a) *Movement for immediate slaughter.* Such bison are so moved for immediate slaughter, or

(b) *Movement to quarantined feedlot.* Such bison are so moved to a quarantined feedlot.

(c) *Movement other than in accordance with paragraphs (a) or (b) of this section.* Such bison may be moved other than in accordance with

paragraphs (a) or (b) of this action only as follows:

11. In § 78.17(c)(4), the period at the end of the sentence is deleted and the phrase "and the results of the official brucellosis test." is added in lieu thereof.

12. In Subpart D, the heading is amended to read:

Subpart D—Designation of Brucellosis Areas and Specifically Approved Stockyards

§ 78.24 [Amended]

13. Section 78.24(b) is deleted.

14. In § 78.25, the last two sentences of paragraph (b) are deleted and paragraph (c) is amended to read:

§ 78.25 Designation of areas and approved stockyards.

(c) Before the Deputy Administrator withdraws specific approval and removes any specifically approved stockyard from the approved lists, the owner of such establishment shall be given notice by the Deputy Administrator of the charges against him and shall have an opportunity to present his views thereon. In those instances where there is a conflict as to the facts, a hearing shall be held to resolve such conflicts.

15. In Part 78, footnotes 1 and 2 are amended to read:

¹ Copies of the July 1977 Recommended Brucellosis Eradication Uniform Methods and Rules (APHIS 91-1) are available upon request from Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture, Federal Building, Hyattsville, MD 20782.

² Incorporation by reference provisions approved by the Director, Office of the Federal Register on November 15, 1977.

(Secs. 4, 5, 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, 120, 121, 125, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141.)

Note.—This final rule has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. A Final Impact Statement has been prepared and is available from Program Services Staff, Room 870, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. 301-436-8695.

Done at Washington, D.C., this 19th day of September 1979.

M. T. Goff,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 79-29766 Filed 9-27-79; 8:45 am]

BILLING CODE 3410-34-M

9 CFR Part 97

Overtime Services Relating to Imports and Exports; Commuted Traveltime Allowances

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends administrative instructions prescribing commuted traveltime. This amendment establishes commuted traveltime periods as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which an employee of Veterinary Services performs overtime or holiday duty when such travel is performed solely on account of overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

EFFECTIVE DATE: September 28, 1979.

FOR FURTHER INFORMATION CONTACT: Dr. H. L. Arnold, USDA, APHIS, VS, Federal Building, Room 867, Hyattsville, MD. 20782, 301-436-8684.

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service by § 97.1 of the regulations concerning overtime services relating to imports and exports (9 CFR 97.1), administrative instructions 9 CFR 97.2 (1979 ed.), as amended March 23, 1979 (44 FR 17652), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty, are hereby amended by adding to and deleting from the respective lists therein as follows:

§ 97.2 Administrative instructions prescribing commuted traveltime.

* * * * *

Outside Metropolitan Area

* * * * *

Two Hours

Add: Eastport and Porthill, Idaho (served from Bonners Ferry, Idaho).

* * * * *

Three Hours

Delete: Eastport and Porthill, Idaho (served from Sandpoint, Idaho).

* * * * *

(64 Stat. 561 (7 U.S.C. 2260))

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Therefore, pursuant to 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 this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the Federal Register.

Further, this final rule has not been designated as "significant," and is being published in accordance with the emergency procedures in Executive Order 12044 and Secretary's Memorandum 1955. It has been determined by Dr. G. V. Peacock, Director, National Program Planning Staffs, Veterinary Services, Animal and Plant Health Inspection Service, that the emergency nature of this final rule warrants publication without opportunity for public comment or preparation of an impact analysis statement at this time.

This final rule implements the regulations in Part 97. It will be scheduled for review in conjunction with the periodic review of the regulations in that Part required under the provisions of Executive Order 12044 and Secretary's Memorandum 1955.

Done at Washington, D.C., this 24th day of September 1979.

E. A. Schilf,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 79-30153 Filed 9-27-79; 8:45 am]

BILLING CODE 3410-34-M

Food Safety and Quality Service

9 CFR Parts 331 and 381

Poultry Products Inspection Regulations; Designation of the Commonwealth of the Northern Mariana Islands

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Final rule.

SUMMARY: The Secretary of Agriculture hereby designates the Commonwealth of the Northern Mariana Islands as

required under section 301(c)(3) of the Federal Meat Inspection Act and section 5(c)(3) of the Poultry Products Inspection Act. The Governor of the Commonwealth has advised this Department that the Commonwealth does not desire to develop and implement Commonwealth meat and poultry inspection programs. Accordingly, effective October 29, 1979 all establishments conducting operations and transactions wholly within the Commonwealth shall be subject to the provisions of titles I and IV of the Federal Meat Inspection Act and sections 1-4, 6-10, and 12-22 of the Poultry Products Inspection Act.

DATES: Effective date of this document: September 28, 1979. Effective date of application of regulation: October 29, 1979.

FOR FURTHER INFORMATION CONTACT: Dr. J. K. Payne, Director, Federal-State Relations Staff, Field Operations, Meat and Poultry Inspection Program, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-6313.

SUPPLEMENTARY INFORMATION: Pursuant to Pub. L. 94-241 (90 Stat. 263 *et seq.*) and Presidential Proclamation 4534 (October 24, 1977), the provisions of the Federal Meat Inspection Act and the Poultry Products Inspection Act have been made applicable to the Commonwealth of the Northern Mariana Islands, hereinafter referred to as the Commonwealth. The Governor of the Commonwealth has advised this Department that the Commonwealth does not desire to develop and implement a Commonwealth meat inspection program, and has requested the Department to assume the responsibility for carrying out the provisions of titles I and IV of the Federal Meat Inspection Act, with respect to establishments within the Commonwealth at which cattle, sheep, swine, goats, or equines are slaughtered or their carcasses, or parts or products thereof, are prepared for use as human food, solely for distribution within the Commonwealth, and with respect to operations and transactions wholly within the Commonwealth concerning meat products and other meat articles and animals subject to the Federal Meat Inspection Act, and persons, firms, and corporations engaged therein.

Also, the Governor of the Commonwealth has advised this Department that the Commonwealth does not desire to develop and implement a Commonwealth poultry inspection program, and has requested the Department to assume the responsibility for carrying out the

provisions of sections 1-4, 6-10, and 12-22 of the Poultry Products Inspection Act with respect to establishments within the Commonwealth at which poultry are slaughtered or poultry products are processed for use as human food, solely for distribution within the Commonwealth, and with respect to operations and transactions wholly within the Commonwealth concerning products and other articles and animals subject to the Poultry Products Inspection Act, and persons, firms, and corporations engaged therein.

The Secretary has determined that the Commonwealth will not develop and activate requirements at least equal to the requirements under titles I and IV of the Federal Meat Inspection Act and sections 1-4, 6-10, and 12-22 of the Poultry Products Inspection Act, and has further determined that the Commonwealth is not effectively enforcing requirements at least equal to those imposed under titles I and IV of the Federal Meat Inspection Act and sections 1-4, 6-10, and 12-22 of the Poultry Products Inspection Act. Therefore, notice is hereby given that the Secretary of Agriculture designates the Commonwealth under section 301(c)(3) of the Federal Meat Inspection Act and section 5(c)(3) of the Poultry Products Inspection Act.

On October 29, 1979, the provisions of titles I and IV of the Federal Meat Inspection Act shall apply to operations and transactions wholly within the Commonwealth and to persons, firms, and corporations engaged therein, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce," within the meaning of the Federal Meat Inspection Act, and any establishment in the Commonwealth which conducts any slaughtering or preparation of carcasses or parts or products thereof of cattle, sheep, swine, goats, horses, mules, or other equines, must have Federal inspection or cease its operations, unless it qualifies for an exemption under section 23(a) or 301(c) of the Federal Meat Inspection Act.

Also, on October 29, 1979, the provisions of sections 1-4, 6-10, and 12-22 of the Poultry Products Inspection Act shall apply to operations and transactions wholly within the Commonwealth and to persons, firms, and corporations engaged therein, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce," within the meaning of the Poultry Products Inspection Act, and any establishment in the Commonwealth which conducts any slaughtering or processing of poultry

or poultry products must have Federal inspection or cease its operations, unless it qualifies for an exemption under section 15 or 5(c)(2) of the Poultry Products Inspection Act.

Therefore, the operator of each such establishment who desires to continue any such operation after October 26, 1979, should immediately communicate with the Regional Director for Meat and Poultry Inspection, as listed below, for information concerning the requirements and exemptions under the Acts and application for inspection and survey of the establishment:

Dr. L. J. Rafoth, Director, Western Meat and Poultry Inspection Program, Building 2C, 620 Central Avenue, Alameda, CA 94501 (Telephone: 415/273-7402).

Accordingly, the table in § 331.2 of the Federal meat inspection regulations (9 CFR 331.2) is amended as follows:

§ 331.2 [Amended]

1. In the "State" column, "Northern Mariana Islands" is added immediately below "North Dakota."

2. In the "Effective date of application of Federal provisions" column, October 29, 1979, is added on the line with "Northern Mariana Islands."

(Secs. 21 and 301(c), 34 Stat. 1260, as amended; 21 U.S.C. 621, 661(c); 42 FR 35625-35632)

§ 381.221 [Amended]

Further, the table in § 381.221 of the poultry products inspection regulations (9 CFR 381.221) is amended as follows:

1. In the "State" column, "Northern Mariana Islands" is added immediately below "North Dakota."

2. In the "Effective date of application of Federal provisions" column, October 29, 1979, is added on the line with "Northern Mariana Islands."

(Secs. 5(c) and 14, 71 Stat. 441, as amended; 21 U.S.C. 454(c), 463; 42 FR 35625-35632)

These amendments of the Federal meat inspection regulations and the poultry products inspection regulations are necessary to reflect the determination of the Secretary of Agriculture under section 301(c)(3) of the Federal Meat Inspection Act and section 5(c)(3) of the Poultry Products Inspection Act. Therefore, it does not appear that any additional relevant information would be made available to the Secretary by an impact statement or by public participation in this rulemaking proceeding. Accordingly, under the administrative procedures provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedures are impracticable and contrary to public interest.

Done at Washington, D.C., on: September 21, 1979.

Donald L. Houston,
Administrator, Food Safety and Quality
Service.

[FR Doc. 79-29957 Filed 9-27-79; 8:45 am]

BILLING CODE 3410-DM-M

9 CFR Parts 331 and 381

Designation of the Commonwealth of the Northern Mariana Islands Under the Federal Meat Inspection Act and the Poultry Products Inspection Act for Special Purposes

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Final rule.

SUMMARY: The Secretary of Agriculture hereby designates the Commonwealth of the Northern Mariana Islands under section 205 of the Federal Meat Inspection Act and section 11(e) of the Poultry Products Inspection Act. The designations are necessary to carry out the Secretary's responsibilities under the Acts.

DATES: Effective date of this document: September 28, 1979. Effective date of application of regulation: October 29, 1979.

FOR FURTHER INFORMATION CONTACT: Dr. J. K. Payne, Director, Federal-State Relations Staff, Field Operations, Meat and Poultry Inspection Program, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202/447-6313).

SUPPLEMENTARY INFORMATION: Pursuant to Pub. L. 94-241 (90 Stat. 263 *et seq.*) and Presidential Proclamation 4534 (October 24, 1977), the provisions of the Federal Meat Inspection Act and the Poultry Products Inspection Act have been made applicable to the Commonwealth of the Northern Mariana Islands. Sections 202, 203, and 204 of the Federal Meat Inspection Act (21 U.S.C. 642, 643, 644) provide for recordkeeping, access, and related requirements; registration requirements; and regulation of transactions involving dead, dying, disabled, or diseased livestock of the specified kinds, or parts of the carcasses of such animals that died otherwise than by slaughter, with respect to operators engaged in specified kinds of business in or for "commerce" as defined in the Act. Similar provisions with respect to poultry and poultry products are contained in sections 11 (b), (c), and (d) of the Poultry Products Inspection Act (21 U.S.C. 460 (b), (c), and (d)). Section 205 of the Federal Meat Inspection Act and section 11(e) of the Poultry Products Inspection Act (21 U.S.C. 645, 460(e))

authorize the Secretary of Agriculture to exercise authorities under the aforesaid sections with respect to persons, firms, and corporations engaged in the specified kinds of business but not in or for "commerce" in any State or organized territory (including the Commonwealth of the Northern Mariana Islands) when he determines, after consultation with an appropriate advisory committee, that the State or Territory does not have at least equal authority under its laws or is not exercising such authority in a manner to effectuate the purposes of the Acts.

The Governor of the Commonwealth of the Northern Mariana Islands has advised this Department that the Commonwealth of the Northern Mariana Islands does not desire to develop and implement a Commonwealth meat or poultry program with respect to matters specified in the aforesaid sections.

The Secretary, after consultation with the appropriate advisory committee, has now determined that the Commonwealth of the Northern Mariana Islands is not exercising, in a manner to effectuate the purposes of the said Acts, with respect to intrastate businesses, wholly within the Commonwealth of the Northern Mariana Islands, authorities at least equal to those under sections 202, 203, and 204 of the Federal Meat Inspection Act and section 11 (b), (c), and (d) of the Poultry Products Inspection Act, including the Secretary or his representatives being afforded access to such places of business and the facilities, inventories, and records thereof. Therefore, the Commonwealth of the Northern Mariana Islands is hereby designated under section 205 of the Federal Meat Inspection Act and section 11(e) of the Poultry Products Inspection Act for the exercise of the specified authorities with respect to businesses, wholly within the Commonwealth of the Northern Mariana Islands, and hereafter sections 202, 203, and 204 of the Federal Meat Inspection Act and section 11 (b), (c), and (d) of the Poultry Products Inspection Act shall apply as hereinafter provided, to persons, firms, and corporations engaged in the kinds of business specified in said sections, but not in or for commerce, to the same extent and in the same manner as if they were engaged in such business in or for commerce and the transactions involved were in commerce.

Accordingly, the table in § 331.6 of the Federal meat inspection regulations (9 CFR 331.6) is amended as follows:

§ 331.6 [Amended]

1. In the "State" column, "Northern Mariana Islands" is added in alphabetical order in all three places.

2. In the "Effective date of designation" column, October 29, 1979, is added on the line with "Northern Mariana Islands" in all three places.

(Secs. 21 and 205, 34 Stat. 1260, as amended; 81 Stat. 584, 21 U.S.C. 621, 645; 42 FR 35625-35632)

Further, the table in § 381.224 of the poultry products inspection regulations (9 CFR 381.224) is amended as follows:

§ 381.224 [Amended]

1. In the "State" column, "Northern Mariana Islands" is added in alphabetical order in all three places.

2. In the "Effective date" column, October 29, 1979, is added on the line with "Northern Mariana Islands" in all three places.

(Secs. 11(e) and 14, 71 Stat. 441, as amended, 82 Stat. 791, 21 U.S.C. 460(e), 463; 42 FR 35625-35632)

After consulting with the appropriate advisory committee, Donald L. Houston, Administrator, Food Safety and Quality Service, has determined that it is necessary to designate the Commonwealth of the Northern Mariana Islands immediately in accordance with section 205 of the Federal Meat Inspection Act and section 11(e) of the Poultry Products Inspection Act, in order to carry out the Secretary's responsibilities under the Acts. Therefore, it does not appear that any additional relevant information would be made available to the Secretary by an impact statement or by public participation in this rulemaking proceeding. Accordingly, under the administrative procedures provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedures are impracticable and contrary to public interest.

Done at Washington, D.C., on: September 21, 1979.

Donald L. Houston,
Administrator, Food Safety and Quality
Service.

[FR Doc. 79-29958 Filed 9-27-79; 8:45 am]

BILLING CODE 3410-DM-M

9 CFR Parts 331 and 381

Designation of the State of New Hampshire Under the Federal Meat Inspection Act and the Poultry Products Inspection Act for Special Purposes

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Final rule.