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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 930

Programs for Specific Positions and Examinations: Administrative Law Judges

AGENCY: Office of Personnel Management (OPM).

ACTION: Final rulemaking.

SUMMARY: OPM is clarifying by regulation the practice which was adopted subsequent to the Civil Service Reform Act to provide a mechanism within OPM by which an applicant for an administrative law judge register who fails to obtain a sufficient numerical rating to attain eligible status may appeal a determination of ineligibility.

EFFECTIVE DATE: November 15, 1982.

FOR FURTHER INFORMATION CONTACT: Judge Marvin H. Morse, 202-632-4638.

SUPPLEMENTARY INFORMATION: On January 29, 1982, OPM published a proposed regulation (47 FR 4277) to make clear the practice of internal appeals on the part of applicants for the administrative law judge registers. Subsequent to enactment of the Civil Service Reform Act, OPM selected a methodology for internal appeals from the actions of the Office of Administrative Law Judges arising out of applications for an administrative law judge register. That methodology is routinely available to failed applicants who are advised upon notification of ineligibility of the opportunity to perfect timely administrative appeals. This regulation confirms the availability of that appellate opportunity. The proposed regulation provided a 60-day

period for public comment. No comment was received.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule as defined under Section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that this regulation will not have significant economic impact on a substantial number of small entities because it involves only individuals who are applicants for selection for the administrative law judge registers.

List of Subjects in 5 CFR Part 930

Government employees,
Administrative practice and procedure.
Office of Personnel Management.

Donald J. Devine,
Director.

PART 930—PROGRAMS FOR SPECIFIC POSITIONS AND EXAMINATIONS (MISCELLANEOUS)

Accordingly, OPM is revising § 930.203(a) of Title 5 of the Code of Federal Regulations to read as follows:

§ 930.203 Appointment

(a) Eligible rating. An applicant for an administrative law judge position who meets the minimum requirements for entrance to the examination and attains a numerical rating determined by OPM as sufficient to produce an adequate register is eligible for appointment. An applicant who obtains an ineligible rating or an applicant who is dissatisfied with his or her final rating may appeal the rating to the Administrative Law Judge Rating Appeals Panel, Office of Personnel Management, Washington, D.C. 20415, within 30 days from the date of final action by the Office of Administrative Law Judges, or such later time as may be allowed by the Panel.

* * * * *

(5 U.S.C. 1305, 3105)

[FR Doc. 82-28341 Filed 10-14-82; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 55, 56, 59, and 70

Increase in Fees and Charges; and Miscellaneous Other Changes

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule.

SUMMARY: The charges for the Federal voluntary egg products inspection; egg, poultry, and rabbit grading; and laboratory services and the Federal mandatory egg products inspection service overtime, holiday, and appeal rates are changed to reflect increased costs associated with these programs. These amendments are being implemented on an interim basis without a prior proposal because of the Agency's need to increase these rates and charges to cover increased costs of these services. Also, the interim final rule is being published for comment as a means of providing full public participation in the rulemaking process prior to promulgation of the final rule. In addition, several miscellaneous amendments, which entail no substantive changes, are made for clarity or to correct obsolete or erroneous citations.

DATES: Interim final rule effective November 1, 1982; comments must be received on or before November 15, 1982.

ADDRESS: Written comments may be mailed to D. M. Holbrook, Chief, Standardization Branch, Poultry Division, Agricultural Marketing Service, U.S. Department of Agriculture, Room 3944, South Agriculture Building, Washington, D.C. 20250. (For further information regarding comments, see "Comments" under Supplementary Information.)

FOR FURTHER INFORMATION CONTACT: Larry W. Robinson, Assistant to the Director, Poultry Division, Agricultural Marketing Service, U.S. Department of Agriculture, Room 3938, South Agriculture Building, Washington, D.C. 20250, (202) 447-3271.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

An initial determination has been made that this interim final rule is not a

major rule under Executive Order 12291. It will not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This regulation has been reviewed for cost effectiveness under U.S. Department of Agriculture (USDA) Secretary's Memorandum 1512-1 implementing Executive Order 12291. It increases fees and charges to cover escalating costs of providing Federal voluntary grading, inspection, and laboratory services and Federal mandatory egg products inspection overtime, holiday, and appeal services. Federal laws require that users pay for these services. It is anticipated that these increases will not have a significant economic effect on producers, packers, and consumers. Alternatively, the Agency could have requested appropriations to subsidize voluntary programs and denied overtime and holiday egg products inspection service. However, such actions would require a change in the intent of these laws, would increase the Federal Budget, and would not adhere to the President's economic recovery plan. Furthermore, any denial or disruption of grading/inspection services due to inadequate fees and charges could result in adverse impacts on the orderly marketing of poultry, rabbits, eggs, and egg products and on the quality of products available to consumers.

Effect on Small Entities

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, because the fees and charges merely reflect, on a cost-per-unit-graded/inspected basis, a minimal increase in the costs currently borne by those entities utilizing the services, and because competitive effects are offset under the major voluntary programs (resident shell egg and poultry grading) through administrative charges based on the volume of product handled; i.e., the cost to users increases in proportion to increased volume.

Comments

Interested persons are invited to submit written comments concerning these interim final amendments. Comments must be sent in duplicate to the Standardization Branch and should bear a reference to the date and page of this issue of the **Federal Register**. Comments submitted pursuant to this document will be made available for public inspection in the Washington, D.C., Standardization Branch during regular business hours.

Background

The Agricultural Marketing Act of 1946, as amended, provides for the collection of fees approximately equal to the cost of providing Federal voluntary egg products inspection; egg, poultry, and rabbit grading; and laboratory services. The Egg Products Inspection Act requires that the cost for overtime inspection and holiday inspection be borne by the user of the service. The fees for these services are determined by the grader's or inspector's salary and fringe, cost of supervision, travel, and other overhead and administrative costs.

Since last year's nonresident program fee increase, which was based primarily on a shift in the grade level or pay scale of the graders performing service on a nonresident or lot basis to a higher level and the October 1981 pay increase, program costs have continued to rise. Federal employees recently received a 4.0-percent increase in conformity with the Federal Pay Comparability Act of 1970. Salaries of federally-licensed State employees have increased approximately 7 percent. Also, leave liability has increased by about 2 percent. Overall, the fee for nonresident service on an hourly basis increased about 9 percent.

Costs have increased also for the resident shell egg and poultry grading programs. The hourly rate charged for graders under the resident grading programs does not cover costs of supervision and other overhead and administrative expenses. These costs are covered by an administrative service charge assessed on each case of shell eggs and each pound of poultry handled in plants using the service. In 1981, these rates were established at \$.020 per case of shell eggs and \$.00020 per pound of poultry. Since that time, supervisory salaries have increased 4 percent. Supplies and other costs associated with overhead and administration have also increased in the past year. Moreover, appropriated funding previously used to offset a portion of the overhead costs is being

eliminated in fiscal year 1983. This cut in funding represents an 8-percent loss in revenue which heretofore has covered a portion of the overhead costs. Additionally, the administrative service charge rate must be adjusted to cover only 12 billing periods per year as opposed to the previously used 13 billing periods per year. This change is being implemented in accordance with the USDA National Finance Center's revised billing and collection system effective April 1, 1982. In effect, the former 28-day billing cycle is changed to a calendar month billing cycle. Overall, the total annual cost is not affected, but the rate must be increased about 8 percent on a monthly basis to produce the revenue provided by the former 13th billing period. To compensate for these cost increases and other changes, the administrative service charges are being changed to \$.024 per case of shell eggs and \$.00024 per pound of poultry. Presently, these administrative charges are set at a minimum payment of \$100 per billing period and a maximum of \$1,000 for each official plant. These figures will be changed to \$120 and \$1,200, respectively.

In view of the situations described above, the hourly rate for nonresident voluntary grading service is increased from \$18.96 to \$20.76. Likewise, the rate for such services performed on Saturdays, Sundays, or holidays is increased from \$18.96 each to \$21.64. The hourly rate for voluntary appeal gradings or inspections is increased from \$16.08 to \$17.32. The hourly rate for laboratory analyses for other than individual tests is increased from \$22.76 to \$24.24, and the fees for individual tests are increased approximately 7 percent. The hourly rate for mandatory overtime inspection service is increased from \$16.52 to \$16.56. The hourly rate for certain mandatory appeal egg product inspections is increased from \$16.08 to \$17.32. The holiday hourly rate for mandatory inspection is increased from \$13.08 to \$14.20. Administrative charges for the resident voluntary rabbit grading and egg products inspection programs, and nonresident voluntary continuous poultry and egg grading programs will continue to be based on 25 percent of the grader's or inspector's total salary costs. The minimum charge per billing period for these programs is increased from \$100 to \$120 per official plant.

Several miscellaneous changes of an editorial or housekeeping nature are being made to update or correct various sections in 7 CFR Parts 55, 56, 59, and 70. These changes are nonsubstantive and made to correct obsolete and erroneous references and to clarify the regulations.

The Division name is changed in each of the four Parts from the "Poultry and Dairy Quality Division" to the "Poultry Division" as a result of USDA Secretary's Memorandum 1000-1 dated June 17, 1981, announcing the reorganization of the Department. The "Note" indicating that the reporting and recordkeeping requirements contained in these regulations had been approved by the Office of Management and Budget (OMB) under the Federal Reports Act of 1942 is removed from each of these four Parts because it is obsolete since this statute is no longer in existence. The reporting and recordkeeping requirements in these regulations are now submitted to OMB under the Paperwork Reduction Act of 1980 for approval. The applicable OMB approval number and OMB statement will be printed on the first page of the regulations reprinted by the Division for distribution.

Sections regarding fees for additional copies of certificates were removed from Parts 55, 56, and 70, January 25, 1981. However, references to the removed sections in each Part were overlooked. The oversights are corrected by eliminating the obsolete reference in each Part. In addition, an incorrect cross-reference to another subsection is corrected in each of §§ 55.150(e) and 56.65(b). Section 70.61 is amended to better clarify the information to be furnished to the grader and represents no change in the requirements that have been enforced for many years.

Effective October 1, 1981, the U.S. Procurement Grades were eliminated from the U.S. shell egg standards and grades in Part 56. Two references to procurement grades were not removed. These two references are removed. The phrase "smashed, or broken so that contents are leaking," is removed from the definition of Loss in § 56.212(a) to eliminate any possible ambiguity as to whether to classify such eggs as Leakers or Loss. The definition of Leaker adequately includes these types of eggs and provides a basis for uniform interpretation.

The Agency is implementing these fee amendments effective November 1, 1982, because increased revenues are urgently needed to cover the costs of services, and because a determination of the level of charges could not be completed until the salary increase had been enacted. The miscellaneous amendments will likewise be effective November 1, 1982, since they provide helpful clarifications in the regulations and impose no new requirements. Therefore, it has been determined that the following amendments must be adopted

immediately on an interim final basis. A final rule will be promulgated in the Federal Register after evaluation of comments received in response to this notice. 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 interim final rule is impracticable, unnecessary, and contrary to the public interest, and good cause is found for making this interim final rule effective less than 30 days after publication of this document in the Federal Register.

Information Collection Requirements and Recordkeeping

Information collection requirements and recordkeeping provisions contained in 7 CFR Parts 56, 59, and 70 have been approved by the OMB under the provisions of 44 U.S.C. Chapter 35 and 7 CFR Part 56 has been assigned OMB No. 0581-0128; and 7 CFR Part 59 has been assigned OMB Nos. 0581-0113 and 0581-0114; and 7 CFR Part 70 has been assigned OMB No. 0581-0127. Information collection requirements contained in 7 CFR Part 55 do not require approval because this regulation has less than 10 respondents.

List of Subjects

7 CFR Part 55

Egg products, Voluntary inspection service.

7 CFR Part 56

Shell eggs, Voluntary grading service.

7 CFR Part 59

Shell eggs, Egg products, Mandatory inspection service.

7 CFR Part 70

Poultry, Poultry products, Rabbit products, Voluntary grading service.

Accordingly, under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 *et seq.*), and the Egg Products Inspection Act (21 U.S.C. 1031-1056), the U.S. Department of Agriculture hereby amends the Regulations Governing the Voluntary Inspection of Egg Products and Grading (7 CFR Part 55); the Regulations Governing the Grading of Shell Eggs and United States Standards, Grades, and Weight Classes for Shell Eggs (7 CFR Part 56); the Regulations Governing the Inspection of Eggs and Egg Products (7 CFR Part 59); and the Regulations Governing the Voluntary Grading of Poultry Products and Rabbit Products and United States Classes, Standards, and Grades (7 CFR Part 70) as set forth below:

PART 55—VOLUNTARY INSPECTION OF EGG PRODUCTS AND GRADING

§§ 55.2 and 55.560 [Amended]

1. Part 55 is amended by removing all references to the words "Poultry and Dairy Quality Division" and inserting, in their place, the words "Poultry Division" in the following places:

- (a) § 55.2, and
- (b) § 55.560(a)(2)(vi).

§ 55.150 [Amended]

2. Section 55.150(e) is amended by removing "§ 55.140(a)" and inserting in its place, "§ 55.140".

§ 55.380 [Amended]

3. Section 55.380 is amended by removing the last sentence of the section.

4. Section 55.510 is amended by revising paragraphs (b), (c), and (d) to read as follows:

§ 55.510 Fees and charges for services other than on a continuous resident basis.

(b) Fees for product inspection and sampling for laboratory analysis will be based on the time required to perform the services. The hourly charge shall be \$20.76 and shall include the time actually required to perform the sampling and inspection, waiting time, travel time, and any clerical costs involved in issuing a certificate.

(c) Services rendered on Saturdays, Sundays, or legal holidays shall be charged for at the rate of \$21.64 per hour. Information on legal holidays is available from the Supervisor.

(d) The cost of an appeal grading, inspection, laboratory analysis, or review of a grader's or inspector's decision shall be borne by the appellant at an hourly rate of \$17.32 for time spent performing the appeal and travel time to and from the site of the appeal, plus any additional expenses. If the appeal grading, inspection, laboratory analysis, or review of a grader's or inspector's decision discloses that a material error was made in the original determination, no fee or expenses will be charged.

5. Section 55.550 is revised to read as follows:

§ 55.550 Laboratory analysis fees.

(a) The fees listed for the following individual laboratory analyses cover costs involved in the preparation and analysis of the product, certificate issuance, and personnel and overhead costs other than the expenses listed in § 55.530.

	Fee
Solids.....	\$12.12
Fat.....	24.24
Bacteriological plate count.....	12.12
Bacteriological direct count.....	24.24
Coliforms.....	18.18
E. Coli (presumptive).....	18.18
Yeast and mold count.....	12.12
Sugar.....	30.30
Salt.....	30.30
Color:	
NEPA.....	18.18
B-Carotene.....	24.24
Whipping test.....	12.12
Whipping test plus bleeding.....	18.18
Fat film test.....	30.30
Oxygen.....	12.12
Glucose:	
Quantitative.....	24.24
Qualitative.....	18.18
Palatability and odor:	
First sample.....	12.12
Each additional sample.....	6.06
Staphylococcus.....	36.36
Salmonella: ¹	
Step 1.....	24.24
Step 2.....	12.12
Step 3.....	24.24

¹ Salmonella test may be in three steps as follows: Step 1—growth through differential agars; Step 2—growth and testing through triple-sugar-iron and lysine-iron agars; Step 3—confirmatory test through biochemicals.

(b) The fee charge for any laboratory analysis not listed in paragraph (a) of this section, or for any other applicable services rendered in the laboratory, shall be based on the time required to perform such analysis or render such service. The hourly rate shall be \$24.24.

B. Section 55.560 is amended by revising paragraph (a)(3) to read as follows:

§ 55.560 Charges for continuous inspection and grading service on a resident basis.

(a) * * *

(3) An administrative service charge equal to 25 percent of the grader's or inspector's total salary costs. A minimum charge of \$120 will be made each billing period. The minimum charge also applies where an approved application is in effect and no product is handled.

§ 55.820 [Amended]

7. Section 55.820 is amended by removing the "Note" and its text following the table of the section.

PART 56—GRADING OF SHELL EGGS AND U.S. STANDARDS, GRADES, AND WEIGHT CLASSES FOR SHELL EGGS

§§ 56.1, 56.52, and 56.54 [Amended]

8. Part 56 is amended by removing all references to the words "Poultry and Dairy Quality Division" and inserting, in their place, the words "Poultry Division" in the following places:

- (a) § 56.1;
- (b) § 56.52 (a)(2)(vi); and
- (c) § 56.54 (a)(1)(vi).

9. Section 56.46 is amended by revising paragraphs (b) and (c) to read as follows:

§ 56.46 On a fee basis.

* * * * *

(b) Fees for grading services will be based on the time required to perform the services. The hourly charge shall be \$20.76 and shall include the time actually required to perform the grading, waiting time, travel time, and any clerical costs involved in issuing a certificate.

(c) Grading services rendered on Saturdays, Sundays, or legal holidays shall be charged for at the rate of \$21.64 per hour. Information on legal holidays is available from the Supervisor.

10. Section 56.47 is revised to read as follows:

§ 56.47 Fees for appeal grading or review of a grader's decision.

The cost of an appeal grading or review of a grader's decision shall be borne by the appellant at an hourly rate of \$17.32 for time spent in performing the appeal and travel time to and from the site of the appeal, plus any additional expenses. If the appeal grading or review of a grader's decision discloses that a material error was made in the original determination, no fee or expenses will be charged.

11. Section 56.52 is amended by revising paragraph (a)(4) to read as follows:

§ 56.52 Continuous grading performed on a resident basis.

* * * * *

(a) * * *

(4) An administrative service charge based upon the aggregate number of 30-dozen cases of all shell eggs handled in the plant per billing period multiplied by \$.024, except that the minimum charge per billing period shall be \$120 and the maximum charge shall be \$1,200. The minimum charge also applies where an approved application is in effect and no product is handled.

* * * * *

12. Section 56.54 is amended by revising paragraph (a)(2) to read as follows:

§ 56.54 Charges for continuous grading performed on a nonresident basis.

* * * * *

(a) * * *

(2) An administrative service charge equal to 25 percent of the grader's total salary costs. A minimum charge of \$120 will be made each billing period. The minimum charge also applies where an

approved application is in effect and no product is handled.

* * * * *

§ 56.57 [Amended]

13. Section 56.57 is amended by removing the last sentence of the section.

§ 56.65 [Amended]

14. Section 56.65(b) is amended by removing "§ 56.4(c)" and inserting, in its place, "§ 56.4(b)".

§ 56.76 [Amended]

15. Section 56.76(f)(3) is amended by removing the words "or procurement" from the text of the paragraph.

§ 56.212 [Amended]

16. Section 56.212(a) is amended by removing the phrase "smashed, or broken so that contents are leaking," from the text of the paragraph.

17. Part 56 is amended by removing the center heading "UNITED STATES PROCUREMENT GRADES AND WEIGHT CLASSES FOR SHELL EGGS" which follows § 56.218 and precedes § 56.221.

§ 56.228 [Amended]

18. Section 56.228 is amended by removing the "Note" and its text following the text of the section.

PART 59—INSPECTION OF EGGS AND EGG PRODUCTS (EGG PRODUCTS INSPECTION ACT)

§§ 59.5, 59.920, and 59.930 [Amended]

19. Part 59 is amended by removing all references to the words "Poultry and Dairy Quality Division" and inserting, in their place, the words "Poultry Division" in the following places:

- (a) 59.5;
- (b) 59.920; and
- (c) 59.930(c).

20. Section 59.126 is amended by revising to read as follows:

§ 59.126 Overtime inspection service.

When operations in an official plant require the services of inspection personnel beyond their regularly assigned tour of duty on any day, or on a day outside the established schedule, such services are considered as overtime work. The official plant shall give reasonable advance notice to the inspector of any overtime service necessary and shall pay the Service for such overtime at an hourly rate of \$16.56 to cover the cost thereof.

21. Section 59.128 is amended by revising paragraph (a) to read as follows:

§ 59.128 Holiday inspection service.

(a) When an official plant requires inspection service on a holiday or a day designated in lieu of a holiday, such service is considered holiday work. The official plant shall, in advance of such holiday work, request the inspector in charge to furnish inspection service during such period and shall pay the Service therefor at an hourly rate of \$14.20 to cover the cost thereof.

22. Section 59.370 is amended by revising paragraph (b) to read as follows:

§ 59.370 Cost of appeals.

(b) The costs of an appeal shall be borne by the appellant at an hourly rate of \$17.32, including travel time and expenses if the appeal was frivolous, including but not being limited to the following: The appeal inspection discloses that no material error was made in the original inspection, the condition of the product has undergone a material change since the original inspection, the original lot has changed in some manner, or the Act or these regulations have not been complied with.

§ 59.970 [Amended]

23. Section 59.970 is amended by removing the "Note" and its text following the text of the section.

PART 70—VOLUNTARY GRADING OF POULTRY PRODUCTS AND RABBIT PRODUCTS AND U.S. CLASSES, STANDARDS, AND GRADES

§§ 70.1, 70.73, 70.76, and 70.77 [Amended]

24. Part 70 is amended by removing all references to the words "Poultry and Dairy Quality Division" and inserting, in their place, the words "Poultry Division" in the following places:

- (a) § 70.1;
- (b) § 70.73;
- (c) § 70.76(a)(1)(vi); and
- (d) § 70.77(a)(2)(vi).

25. Section 70.61 is revised to read as follows:

§ 70.61 Information to be furnished to graders.

The applicant for grading service shall furnish to the grader rendering such service such information as may be required for the purposes of this part.

26. Section 70.71 is amended by revising paragraphs (b) and (c) to read as follows:

§ 70.71 On a fee basis.

(b) Fees for grading services will be based on the time required to perform such services for class, quality, quantity (weight test), or condition, whether ready-to-cook poultry, ready-to-cook rabbits, or specified poultry food products are involved. The hourly charge shall be \$20.76 and shall include the time actually required to perform the work, waiting time, travel time, and any clerical costs involved in issuing a certificate.

(c) Grading services rendered on Saturdays, Sundays, or legal holidays shall be charged for at the rate of \$21.64 per hour. Information on legal holidays is available from the Supervisor.

27. Section 70.72 is amended by revising to read as follows:

§ 70.72 Fees for appeal grading, laboratory analysis, or examination or review of a grader's decision.

The costs of an appeal grading, laboratory analysis, or examination or review of a grader's decision will be borne by the appellant at an hourly rate of \$17.32 for the time spent in performing the appeal and travel time to and from the site of the appeal, plus any additional expenses. If the appeal grading, laboratory analysis, or examination or review of a grader's decision discloses that a material error was made in the original determination, no fee or expenses will be charged.

28. Section 70.76 is amended by revising paragraph (a)(2) to read as follows:

§ 70.76 Charges for continuous poultry grading performed on a nonresident basis.

(a) * * *

(2) An administrative service charge equal to 25 percent of the grader's total salary costs. A minimum charge of \$120 will be made each billing period. The minimum charge also applies where an approved application is in effect and no product is handled.

29. Section 70.77 is amended by revising paragraphs (a)(4)(i) and (a)(5) to read as follows:

§ 70.77 Charges for continuous poultry or rabbit grading performed on a resident basis.

(a) * * *

(4) * * *

(i) Total pounds per billing period multiplied by \$.00024, except that the minimum charge per billing period shall be \$120 and the maximum charge shall be \$1,200. The minimum charge also applies where an approved application is in effect and no product is handled.

(5) For rabbit grading: An administrative service charge equal to 25 percent of the grader's total salary costs. A minimum charge of \$120 will be made each billing period. The minimum charge also applies where an approved application is in effect and no product is handled.

§ 70.91 [Amended]

30. Section 70.91(c) is amended by removing the last sentence of the paragraph.

§ 70.332 [Amended]

31. Section 70.332 is amended by removing the "Note" and its text following the text of the section.

(Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 *et seq.*); Egg Products Inspection Act (21 U.S.C. 1031-1056))

Done at Washington, D.C. on October 7, 1982.

Eddie F. Kimbrell,

Deputy Administrator, Commodity Services.

[FR Doc. 82-28414 Filed 10-14-82; 8:45 am]

BILLING CODE 3410-02-M

Food and Nutrition Service**7 CFR Part 226****Child Care Food Program**

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule; correction.

SUMMARY: This docket corrects several passages contained in the final Child Care Food Program (CCFP) rulemaking published on August 20, 1982, at 47 FR 36524-36551. The action is necessary to correct typographical errors.

FOR FURTHER INFORMATION CONTACT: Beverly Walstrom, Child Care and Summer Programs Division, Food and Nutrition Service, U.S. Department of Agriculture, Room 416, 3101 Park Center Drive, Alexandria, Virginia 22302, (703) 756-3888. Accordingly, the Food and Nutrition Service is correcting 7 CFR Part 226 as follows:

PART 226—CHILD CARE FOOD PROGRAM

1. On page 36528, correcting § 226.2 by changing "health" to "healthy" in the definition of "Infant formula" to read as follows:

§ 226.2 Definitions.

"Infant formula" means any iron-fortified infant formula, intended for dietary use as a sole source of food for normal, healthy infants served in liquid state at manufacturer's recommended dilution.

2. On page 36533, correcting § 226.6(h)(1) by inserting a hyphen between the words "outside" and "school" to read as follows:

§ 226.6 State agency administrative responsibilities.**(h) Standard Contract.**

(1) The institution shall provide the food service management company with a list of the State agency approved child care centers, day care homes, and outside-school-hours care centers to be furnished meals by the food service management company, and the number of meals, by type, to be delivered to each location;

3. On page 36534, correcting § 226.6(k) by changing "family-sized" to "family-size" in the third sentence to read as follows:

§ 226.6 State agency administrative responsibilities.

(k) *Program assistance.* * * * Program reviews shall assess institutional compliance with meal requirements, family-size and income documentation where applicable, financial management standards, and non-discrimination regulations.

4. On page 36537, correcting § 226.12(a)(3)(ii) by changing "50" to "150" to read as follows:

§ 226.12 Administrative payments to sponsoring organizations for day care homes.

(a) * * *

(ii) Next 150 day care homes by 32 dollars;

5. On page 36538, correcting § 226.14(a)(3) by adding the word "calendar" between "60" and "days" to read as follows:

§ 226.14 Claims against institutions.

(a) * * *

(3) if, after 60 calendar days, the institution fails to remit full payment or agree to a satisfactory repayment schedule, the State agency shall refer the claim against the institution to appropriate State or Federal authorities for pursuit of legal remedies.

6. On page 36538, correcting § 226.15(b)(6) by changing "then" to "than" in the first sentence to read as follows:

§ 226.15 Institution provisions.

(b) *Applications.* * * *

(6) For each proprietary Title XX center, documentation that it provides nonresidential day care services for which it receives compensation under Title XX of the Social Security Act and certification that not less than 25 percent of the children enrolled during the most recent calendar month were Title XX beneficiaries.

7. On page 36539, correcting § 226.16(d)(4)(i) by changing "elapses" to "elapse" to read as follows:

§ 226.16 Sponsoring organization provisions.

(d) * * *

(4) * * *

(i) Three times each year at each child care center, provided at least one review is made during each child care center's first six weeks of Program operations and not more than six months elapse between reviews;

8. On page 36544, correcting § 226.20(c)(2) by inserting a reference to footnote 2 under "Milk, fluid", in the first column of the Lunch/Supper meal pattern to read as follows:

§ 226.20 Requirements for meals.

(c) * * *

(2) * * *

Milk, fluid, ½ cup², ¾ cup, 1 cup.

9. On page 36545, correcting § 226.20(c)(3) by inserting a reference to footnote 1 in the third column heading ("Age 6 up to 12") for the Supplemental Food meal pattern to read as follows:

§ 226.20 Requirements for meals.

(c) * * *

(3) * * *

Food Components—Age 1 up to 3, Age 3 up to 6, Age 6 up to 12;

10. On page 36549, correcting § 226.23(e) by changing "Provisions for" to "Provision of" in the seventh sentence to read as follows

§ 226.23 Free and reduced-price meals.

(e) * * *

Provision of these social security numbers is not mandatory; but failure to provide the numbers will result in denial of the application for free or reduced-price benefits.

11. On page 36551, correcting § 226.26(a) by changing the Regional Office designation from "New England" to "Northeast" to read as follows:

§ 226.26 Program information.

(a) In the States of Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont: Northeast Regional Office, FNS, U.S. Department of Agriculture, 33 North Avenue, Burlington, MA 01803.

12. On page 36551, correcting § 226.26(d) by changing "536 South Clark Street, Chicago, IL 60605" to "50 E. Washington Street, Chicago, IL 60602" to read as follows:

§ 226.26 Program information.

(d) In the States of Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin: Midwest Regional Office, FNS, U.S. Department of Agriculture, 50 E. Washington Street, Chicago, IL 60602.

(Catalog of Federal Domestic Assistance Program No. 19.558) Authority: Secs. 810 and 820, Pub. L. 97-35, Omnibus Budget Reconciliation Act of 1981; Sec. 2, Pub. L. 95-627, 92 Stat. 3603 (42 U.S.C. 1766); Sec. 10, Pub. L. 89-642, 80 Stat. 889 (42 U.S.C. 1779)

Dated: October 7, 1982.

Robert E. Leard,
Associate Administrator.

[FR Doc. 82-26327 Filed 10-14-82; 8:45 am]

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7 CFR Part 277**Food Stamp Program; Payment of Certain Administrative Costs of State Agencies**

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule; correction.

SUMMARY: This document corrects a typographical error that appeared in a final rule to amend a Food Stamp Program Regulations, entitled "Payment