

## Food Safety and Inspection Service, USDA

## § 350.7

which will be furnished by the Administrator upon request.

(Approved by the Office of Management and Budget under control number 0583-0036)

[23 FR 9982, Dec. 23, 1958. Redesignated at 30 FR 4195, Mar. 31, 1965, and at 35 FR 15554, Oct. 3, 1970, and amended at 47 FR 746, Jan. 7, 1982]

### § 350.6 Denial or withdrawal of service.

(a) If any person has applied for service for meat or other product not eligible therefor under the regulations in this part, or has failed to make proper application for service or to pay fees and charges due for service furnished or to be furnished to him under the regulations in this part, or if the service cannot be furnished to any person applying therefor because of lack of available inspectors or other administrative reasons, the service may be denied to such person by the Administrator until the condition justifying such denial is corrected.

(b) Service under the regulations in this part may also be denied to any person by the Secretary for such period as he may deem proper, if it is determined, after opportunity for hearing before a proper official in the Department, that such person has been responsible for any willful misrepresentation to the Department concerning any meat or other product for which service has been requested under the regulations, in this part, or that such person has been responsible for the use without authority, or the imitation, of any marks or certificates of Federal meat inspection on or with respect to any meat or other product, or has otherwise been responsible for any fraudulent or deceptive practice with respect to such service, or that such person has interfered with or obstructed any inspector in the performance of his duties under the regulations in this part, or attempted to do so. When the Administrator determines that the public interest so requires, he may deny or withdraw service provided for in this part, without a hearing, pending final determination of the matter. The applicant or recipient of service involved shall be notified of the Administrator's decision to deny or suspend service and the reasons therefor, in writing, in the

manner prescribed in § 1.147(b) of the rules of practice (7 CFR 1.147(b)), or orally. The Administrator's decision to deny or suspend the service shall be effective upon such oral or written notification, whichever is earlier, to the applicant or recipient of service. If such notification is oral, the Administrator shall confirm such decision and the reasons therefor, in writing, as promptly as circumstances permit, and such written confirmation shall be served upon the applicant or recipient of service, in the manner prescribed in § 1.147(b) of the rules of practice (7 CFR 1.147(b)). In other cases prior to the institution of proceedings for denial of service under this paragraph, the facts or conduct which may warrant such action shall be called to the attention of the person involved, in writing, and he shall be given an opportunity to demonstrate or achieve compliance with all applicable requirements.

[23 FR 9982, Dec. 23, 1958; 25 FR 9642, Oct. 7, 1960. Redesignated at 30 FR 4195, Mar. 31, 1965, and 35 FR 15554, Oct. 3, 1970, and amended at 43 FR 11147, Mar. 17, 1978]

### § 350.7 Fees and charges.

(a) Fees and charges for service under the regulations in this part shall be paid by the applicant for the service in accordance with this section, and, if required by the Administrator, the fees and charges shall be paid in advance.

(b) The fees and charges provided for in this section shall be paid by check, draft, or money order payable to the Treasurer of the United States and shall be remitted promptly to the Administrator upon furnishing to the applicant of a statement as to the amount due.

(c) The fees to be charged and collected for service under the regulations in this part shall be at the rates specified in §§ 391.2, 391.3, and 391.4 respectively for base time; for overtime including Saturdays, Sundays, and holidays; and for certain laboratory services which are not covered under the base time, overtime, and/or holiday costs. Such fees shall cover the costs of the service and shall be charged for the time required to render such services. Where appropriate, this time will include, but will not be limited to, the

**§ 350.8**

time required for travel of the inspector or inspectors in connection therewith during the regularly scheduled administrative workweek.

(d) Charges may also be made to cover the cost of travel and other expenses incurred by the Service in connection with the furnishing of the service.

[23 FR 9982, Dec. 23, 1958, as amended at 53 FR 13397, Apr. 22, 1988; 54 FR 6389, Feb. 10, 1989]

**§ 350.8 Scope and applicability of rules of practice.**

The rules of practice of the Department of Agriculture in subpart H of part I, subtitle A, title 7 of the Code of Federal Regulations, are the rules of practice applicable to adjudicatory, administrative proceedings under the regulations in this part (9 CFR part 350).

[43 FR 11147, Mar. 17, 1978]

**PART 351—CERTIFICATION OF TECHNICAL ANIMAL FATS FOR EXPORT**

DEFINITIONS

Sec.

351.1 Meaning of words.

351.2 Terms defined.

SCOPE OF CERTIFICATION SERVICE

351.3 Kind of service.

PROCEDURE FOR OBTAINING SERVICE: ADMINISTRATION OF PROGRAM

351.4 Application for certification service.

351.5 Conditions of eligibility for certification service; review of applications.

351.6 Official number.

351.7 Administration of certification service program.

FEEES

351.8 Charges for surveys of plants.

351.9 Charges for examinations.

FACILITIES AND OPERATIONS

351.10 Facilities.

351.11 Identification and separation of technical animal fats for certification and materials for use therein; removal of wrappers, etc.; cleaning of equipment.

351.12 Circuit supervisor to be informed when plant operates.

351.13 Inspectors to have access to certified plants at all times.

**9 CFR Ch. III (1-1-01 Edition)**

351.14 Processes to be supervised; extent of examinations.

351.15 Reports of violations.

TRANSPORTATION AND EXPORTATION OF CERTIFIED TECHNICAL ANIMAL FAT

351.16 Certificate required for shipments of technical animal fat.

351.17 Identification required.

PROHIBITIONS

351.18 Official identifications; unauthorized use.

REMEDIES; PENALTIES

351.19 Refusal of certification for specific lots.

351.20 Withdrawal of service from certified plants.

APPEALS

351.21 Appeals.

RECORDS AND REPORTS

351.22 Certified plants to maintain records and make reports; access to records.

AUTHORITY: 7 U.S.C. 1622, 1624; 7 CFR 2.17 (g) and (i), 2.55.

SOURCE: 40 FR 58627, Dec. 18, 1975, unless otherwise noted.

DEFINITIONS

**§ 351.1 Meaning of words.**

Words used in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

**§ 351.2 Terms defined.**

When used in this part, unless the context otherwise requires:

(a) *Department* means the United States Department of Agriculture.

(b) *Program* means the Meat and Poultry Inspection Program of the Food Safety and Inspection Service of the Department.

(c) *Administrator* means the Administrator of the Food Safety and Inspection Service of the Department, or any officer or employee of the Department to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(d) *Circuit supervisor* means an employee of the Program assigned to supervise and perform official work in a circuit. Such employee is assigned by and reports directly to the Administrator or person designated by him.