#### § 55.460 Appeal certificates.

\* \* \* When the appeal grader or inspector assigns a different class to the lot or determines that a net weight shortage exists, the lot shall be retained pending correction of the labeling or approval of the product disposition by the National Supervisor.

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

12. The authority citation for part 59 continues to read as follows:

Authority: 21 U.S.C. 1031-1056.

13. Section 59.5 is amended by revising the definition for the term "Dirty egg" or "Dirties"; adding alphabetically four new terms; and by removing the word "salmonella" and adding the word "Salmonella" in its place everywhere it appears in the part.

#### § 59.5 Terms defined.

Dirty egg or Dirties means an egg(s) that has an unbroken shell with adhering dirt or foreign material.

Nest-run eggs means eggs which are packed as they come from the production facilities without having been washed, sized and/or candled for quality, with the exception that some checks, dirties, or other obvious undergrades may have been removed.

Recognized Laboratory means a non-Federal laboratory which, upon review, meets the requirements established by USDA for analysis of egg products for the presence of Salmonella.

Split sample means an official sample of a pasteurized egg product collected by an inspector and divided into duplicate portions. One portion is to be analyzed for the presence of Salmonella by a recognized laboratory (for surveillance purposes) and the other portion by an AMS laboratory for comparative purposes.

Washed ungraded eggs means eggs which have been washed but not sized or segregated for quality.

# § 59.17 [Amended]

14. Section 59.17 is amended by removing the words "or national origin" and adding in its place "national origin, age, or disability"

15. Section 59.28(a)(1) is amended by revising the last sentence and adding an additional sentence, to read as follows:

#### § 59.28 Other inspections.

(a) \* \* \*

(1) \* \* \* In the case of shell egg packers packing eggs for the ultimate consumer (i.e., packed for direct use of household consumers, restaurants, institutions, etc.), such inspections shall be made a minimum of once each calendar quarter. Hatcheries are to be inspected a minimum of once each fiscal year.

16. Section 59.122 is revised to read as follows:

## § 59.122 Time of inspection.

The inspector who is to perform the inspection in an official plant shall be given reasonable advance notice by plant management of the hours when such inspection will be required.

17. Section 59.124 is amended by adding a sentence at the end of the section to read as follows:

### § 59.124 Schedule of operation of official plants.

\* \* \* As an alternative, the normal operating schedule shall consist of a continuous 10-hour period per day (excluding not to exceed 1 hour for lunch), 4 consecutive days per week, within the administrative workweek, Sunday through Saturday for each full shift required.

18. Section 59.130 is amended by adding two sentences at the end of the section to read as follows:

## § 59.130 Basis of billing plants.

\* \* \* In addition, fees will be charged and collected for certifications requested by and provided for the official plant that are not within the scope of these regulations. Unless otherwise provided in this part, the fees to be charged and collected for any service performed (other than an appeal) shall be based on the applicable rates specified in the Regulations Governing the Voluntary Inspection of Egg Products and Grading (7 CFR 55.510 through 55.560).

19. In § 59.136, paragraph (a) is revised to read as follows:

#### § 59.136 Facilities and equipment to be furnished by official plants for use of inspectors in performing service.

(a) Such facilities and equipment shall include but not be limited to a room or area suitable for sampling product, and acceptable: candling light, flashlight, heavy duty, high speed drill with an eleven sixteenths-inch or larger bit of sufficient length to reach the bottom of containers used for frozen eggs, metal stem thermometer(s), test thermometer(s), stop watch, test weighing scale(s) and test weight(s), test kit for determining the bactericidal

strength of sanitizing solutions, and stationary or adequately secured storage box or cage (capable of being locked) for holding official samples.

20. Section 59.146 is amended by redesignating paragraph (d) as paragraph (e) and paragraph (e) as paragraph (d), revising paragraphs (b)(1), (b)(2), (b)(7), (c), newly redesignated (d) and (e) to read as follows, and removing paragraph (b)(8):

### § 59.146 Application for continuous inspection in official plants; approval.

(b) \* \* \*

(1) Applicants may obtain information or assistance from the applicable Regional Director as to the requirements before submitting blueprint drawings, specifications, and supplemental information

(2) Four copies of each blueprint drawing, as specified in this section of the complete floor plan, plot plan, supplemental information, and specifications shall be submitted. Sheet size of the print shall not exceed 34 by 44 inches, the wording shall be legible, all lines sharp and clear, and properly drawn to scale. Each print shall show the scale used, north point of the compass, and the firm name, street, city, state, and zip code or an accurate description of the location.

(7) Supplemental information may be shown as notations on the blueprint drawings or on supplemental sheets. Supplemental information shall include clarifying information such as sequence of processing edible products, handling of inedible product, shell disposal, handling of packaging material, liquid pumping systems, cleaned-in-place systems, description of pasteurizer, description of drier, type and efficiency of air filtration, hot water facilities, sewage disposal, and such other notations as may be required. Specification sheets shall indicate height of ceilings and type construction, type of floor and wall construction, wall and partition material, that floor/wall junctions are coved, when applicable, and number of employees who will use each toilet room and facilities.

(c) Upon approval of the blueprints, supplemental information, and specifications, the application for

service may be approved.

(d) Final survey and plant approval: Prior to the inauguration of continuous inspection service, a final survey of the plant and premises shall be made by the supervisory egg products inspector to determine if the plant is constructed and facilities are installed in accordance