

through 1.151 of this title are rules of practice applicable to adjudicatory proceedings under the regulations promulgated under 7 U.S.C. 1621 *et seq.* for denial or withdrawal of inspection, certification, or grading service. In addition, the supplemental rules of practice in subpart B of this part shall be applicable to adjudicatory proceedings under the regulations promulgated under 7 U.S.C. 1621 *et seq.* for denial or withdrawal of inspection, certification, or grading service.

(b) Neither the rules of practice in §§ 1.130 through 1.151 of this title nor the supplemental rules of practice in subpart B of this part modify existing procedures for refusing to inspect, grade, or certify a specific lot of a product because of adulteration, improper preparation of the lot for grading, improper presentation of the lot for grading, or because of failure to comply with any similar requirements set forth in applicable regulations.

#### Subpart B—Supplemental Rules of Practice

##### § 50.10 Definitions.

*Director.* The Director of the Division or any employee of the Division to whom authority to act in his or her stead is delegated.

*Division.* The Division of the Agricultural Marketing Service, United States Department of Agriculture, initiating the withdrawal of inspection, certification, or grading service.

*Mailing.* Depositing an item in the United States mail with postage affixed and addressed as necessary to cause the item to be delivered to the address shown by ordinary mail, certified mail, or registered mail.

##### § 50.11 Conditional withdrawal of service.

(a) The Director may withdraw grading or inspection service from a person for correctable cause. The grading or inspection service withdrawn, after appropriate corrective action is taken, will be restored immediately, or as soon thereafter as a grader or inspector can be made available.

(b) Written notice of withdrawal of grading or inspection service under this section shall be given to the person from whom grading or inspection services will be withdrawn in advance of withdrawal, whenever it is feasible to provide such an advance written notice. If advance written notice is not given, the withdrawal action and the reasons for the withdrawal shall be confirmed as promptly as circumstances permit, unless the deficiency which is the basis

for the withdrawal has already been corrected.

##### § 50.12 Summary suspension of service.

(a) *General.* In any situation in which the integrity of grading or inspection service would be jeopardized if the grading or inspection service were continued pending a decision in a proceeding to withdraw grading or inspection service, such service to the respondent may be suspended effective on the third day after mailing of a written notice of the suspension of service to the respondent's last known address or designated address or upon actual receipt of the written notice, whichever is earlier.

(b) *Actual or threatened physical violence.* In any case of actual or threatened physical violence to an inspector or grader, grading and inspection services to the respondent may be suspended prior to the transmittal of the written notice of suspension to the respondent. A written notice shall be given as promptly as circumstances permit.

#### PART 51 [AMENDED]

57. The authority citation for part 51 is revised to read as follows:

**Authority:** 7 U.S.C. 1622, 1624; 7 CFR 2.17, 2.50; unless otherwise noted.

##### § 51.46 [Amended]

58. Section 51.46 is amended by revising the last sentence to read "The Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes set forth in §§ 1.130 through 1.151 of this title and the Supplemental Rules of Practice in part 50 of this chapter shall govern proceedings conducted pursuant to this section."

#### PART 52 [AMENDED]

59. The authority citation for part 52 is revised to read as follows:

**Authority:** 7 U.S.C. 1622, 1624; 7 CFR 2.17, 2.50.

##### § 52.54 [Amended]

60. In § 52.54, paragraph (a) is amended by revising the last sentence to read "The Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes set forth in §§ 1.130 through 1.151 of this title and the Supplemental Rules of Practice in part 50 of this chapter shall be applicable to such debarment action."

#### PART 53—LIVESTOCK (GRADING, CERTIFICATION, AND STANDARDS)

61. The authority citation for part 53 is revised to read as follows:

**Authority:** 7 U.S.C. 1622, 1624; 7 CFR 2.17, 2.50.

##### § 53.13 [Amended]

62. In § 53.13, paragraph (a)(2) is revised to read as follows:

##### § 53.13 Denial or withdrawal of service.

(a) \* \* \*

(2) *Procedure.* All cases arising under this paragraph shall be conducted in accordance with the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes set forth in §§ 1.130 through 1.151 of this title and the Supplemental Rules of Practice in part 50 of this chapter.

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#### PART 54—MEATS, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS)

63. The authority citation for part 54 is revised to read as follows:

**Authority:** 7 U.S.C. 1622, 1624; 7 CFR 2.17, 2.50.

##### § 54.11 [Amended]

64. In § 54.11, paragraph (a)(2) is revised to read as follows:

##### § 54.11 Denial or withdrawal of service.

(a) \* \* \*

(2) *Procedure.* All cases arising under this paragraph shall be conducted in accordance with the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes set forth in §§ 1.130 through 1.151 of this title and the Supplemental Rules of Practice in part 50 of this chapter.

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#### PART 97—PLANT VARIETY PROTECTION

65. The authority citation for part 97 is revised to read as follows:

**Authority:** 7 U.S.C. 2321, 2326, 2352, 2353, 2356, 2371, 2402(b), 2403, 2426, 2427, 2501(c); 7 CFR 2.17, 2.50.

##### § 97.300 [Amended]

66. In § 97.300, paragraph (d), the last sentence is revised to read "If a formal hearing is requested, the proceeding shall be conducted in accordance with the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes set forth in §§ 1.130 through 1.151 of this title."