Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 54

[No. LS–95–006]

Amendment to Meats, Prepared Meats, and Meat Products (Grading, Certification and Standards)

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Agricultural Marketing Service (AMS) proposes amending the Meats, Prepared Meats, and Meat Products (Grading, Certification and Standards) by adding definitions, changing certificate forms, removing two outdated official stamp imprints, and adding three new official stamp imprints. Program changes made to better serve our customers and improve efficiency resulted in development of the above new items, and caused the disuse of the old stamps and certificates.

DATES: Written comments must be received by November 13, 1995.

ADDRESSES: Send two copies of comments to Larry R. Meadows, Chief; Meat Grading and Certification Branch; Livestock and Seed Division, Room 2628–S; PO Box 96456; Washington, DC 20090–6456. Comments will be available for public inspection during regular business hours in Room 2628, South Building, 14th and Independence Avenue, SW., Washington DC 20250. All comments should reference the docket number, date, and page number of the issue of the Federal Register.

FOR FURTHER INFORMATION CONTACT: Larry R. Meadows, Chief, Meat Grading and Certification Branch, (202) 720–1246.

SUPPLEMENTARY INFORMATION:

Executive Orders 12866 and 12778 and the Regulatory Flexibility Act

This proposed rule has been determined to be not significant for purposes of Executive Order 12866 and therefore has not been reviewed by OMB.

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. It is not intended to have retroactive effect. This rule would not preempt any State or local laws, regulations, or policies unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to this proposed rule or the application of its provisions.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (Pub. L. 96–354, 5 U.S.C. 601 *et seq.*), the Administrator of the AMS has considered the economic impact of this proposed action on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of the businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened.

After implementation of the proposed rule the unit cost for providing meat grading and certification services would remain at approximately $.0009 per pound. Therefore, implementation of the proposed changes would not significantly affect the cost of providing meat grading and certification services to the meat industry. Accordingly, the Administrator of AMS has determined that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined by the RFA.

Paperwork Reduction Act

The proposed action is replacing two forms with new editions. However, the new forms will be completed by AMS graders and will not be a burden on the public. Therefore, under the provisions of the Paperwork Reduction Act the forms being proposed will not be reviewed by OMB.

Background

The Secretary of Agriculture is authorized under the Agricultural Marketing Act (AMA) of 1946, as amended, 7 U.S.C. 1621 *et seq.,* to provide voluntary Federal meat grading and acceptance services to facilitate the orderly marketing of meat and meat products and to enable consumers to obtain the quality of meat they desire. As program activities or industry practices change, the regulations governing such activities require updating. Since July 1990, when title 7, subtitle B, chapter I, subchapter C, part 54, § 54.1–54.26 was last amended, the program revised official certificates and other documents. The two new certificates, which allow up to five program employees to charge an applicant on one document, significantly reduce preparation time, certificate usage, and documents sent to users of the service. As a result of the changes to the official certificates, new representations are included in the proposed.

The program also proposes to add a single stamp and a series of three new official stamps, which were developed to prevent repetitive motion injuries to our personnel. The program conducted a study of all aspects of the work, and consulted experts in ergonomics prior to developing the new stamps. The new stamps would allow meat graders to apply significantly fewer stamp imprints while ensuring complete grade identification within the slaughter facility. The new stamps would be used in conjunction with grade labeled bags ensuring full grade identification throughout the marketing chain. The new stamps will also reduce the amount of meat branding ink placed on carcasses. Meat branding ink on calf, veal, lamb, and in processed beef products can produce discolored spots, which detract from appearances. The new certificates and stamps are now in use.

The program proposes to remove the following two outdated, no longer in use, official stamps: ''U.S.D.A. PRE–IDENT FEDERAL PURCHASE,'' and ''U.S.D.A. EXAMINED AS CERTIFIED.''

The program proposes to substitute ''Certification service'' for ''Acceptance service''—in all locations—because not all work performed results in accepted products, and proposes to add the newly-developed Quality Systems Certification and Contract Verification Programs, which are not currently defined under the regulations and require explanation. The Quality Systems Certification Program (QSCP) evaluates processes to assure that vendors produce acceptable products without evaluating end products on a full-time basis. The Contract Verification Program evaluates contractually purchased products, and provides purchasers an evaluation of how accurately a contractor is adhering

to contractual requirements. Both programs will be available on a single-use consultation-fee basis or on a retainer-fee basis for long term usage. In conjunction with the new QSCP service, the program developed a new identification mark. The program provides for the new mark to be used on advertising materials but not directly on retail packaging.

List of Subjects in 7 CFR Part 54

Food grades and standards, Food labeling, Meat and meat products.

For the reasons set forth in the preamble, 7 CFR part 54 is proposed to be amended as follows:

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

1. The authority citation for part 54 continues to read as follows:

Authority: 7 U.S.C. 1622 and 1624.

2. In § 54.1, the term ''Acceptance service'' is revised to read ''Certification service'' and three new definitions are added to read as follows:

§ 54.1   Meaning of words.

*   *   *   *   *

Contract verification. A program allowing institutions or other large purchasers of commodity products to have those products compared to contractual requirements.

Institutional meat purchase specifications. Specifications describing various meat cuts, meat products, and meat food products derived from all livestock species, commonly abbreviated ''IMPS'', and intended for use by any meat procuring activity. For labeling proposes, only product certified by the Meat Grading and Certification Branch may contain the letters ''IMPS'' on the product label.

Quality systems certification. A multifaceted program allowing all aspects of the livestock industry to have quality systems, or processes within quality systems, verified by AMS agent(s) to effectuate use of such quality systems to meet contractual requirements, or as a marketing tool.

*   *   *   *   *

3. In § 54.4, the words ''Acceptance Services'' are revised to read ''Certification service'' and a new sentence is added at the end of the paragraph to read as follows:

§ 54.4   Kind of service.

* * * The Contract Verification Service, under the regulations, provides wholesale buyers of noncertified commodity products a method of determining whether procurement(s) meet contractually specified requirements. The Quality Systems Certification Program, under the regulations, provides meatpackers, processors, producers, or other businesses in the livestock and meat trade the ability to have special processes or documented quality management systems verified.

*   *   *   *   *

4. In § 54.14, paragraphs (a) and (b) are revised to read as follows:

§ 54.14   Official certificates.

(a) The official grader shall prepare, sign, and issue an Agricultural Products Certificate Form LS–5–3 (Figure 1) covering products for which that grader determined final specification compliance.

(b) *Forms.* Figure 1 is the official certificate for products under the regulations. Where weight or count is verified, the grader shall initial in the block titled ''Weights and Total Count Verified''. Figure 2 is an Applicant Charges Certificate Form LS–5–5, and will be used to reduce paperwork for applicants assigned multiple graders. Assigned graders will complete one Form LS–5–5. Each grader will enter their code letters and signature in the appropriate location(s) to indicate certificate completion.

BILLING CODE 3410–02–M

Figure 1. Agricultural products certificate.

U. S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

APPLICANT CHARGES

This certificate is receivable by all officers and all courts of the United States as prime facie evidence of the truth of the statements therein contained. (This certificate does not excuse failure to comply with any of the regulatory laws enforced by the U.S. Department of Agriculture.)
The conduct of all services and the licensing of grading personnel under the regulations governing such services shall be accomplished without discrimination as to race, color, religion, sex, or national origin.

WEEK BEGINNING DATE | **DOCUMENT NO:**

CY | MONTH | DAY

C

APPLICANT INFORMATION NO. 4 4

NAME, CITY, STATE

Figure 2. Applicant charges.

1	SUNDAY		MONDAY		TUESDAY		WEDNESDAY		THURSDAY		FRIDAY		SATURDAY		TOTAL	
	GRAD	CERT	GRAD	CERT	GRAD	CERT	GRAD	CERT	GRAD	CERT	GRAD	CERT	GRAD	CERT	GRAD	CERT
BASE																
PREMIUM																
HOLIDAY																
LAB FEE	$		$		$		$		$		$		$		$	
PER DIEM	$		$		$		$		$		$		$		$	
MILES																
TOTAL OTHER	$		$		$		$		$		$		$		$	

GRADERS EQUIPMENT CODE ☐ COMMITMENT ☐ NONCOMMITMENT SIGNATURE

2	SUNDAY		MONDAY		TUESDAY		WEDNESDAY		THURSDAY		FRIDAY		SATURDAY		TOTAL	
BASE																
PREMIUM																
HOLIDAY																
LAB FEE	$		$		$		$		$		$		$		$	
PER DIEM	$		$		$		$		$		$		$		$	
MILES																
TOTAL OTHER	$		$		$		$		$		$		$		$	

GRADERS EQUIPMENT CODE ☐ COMMITMENT ☐ NONCOMMITMENT SIGNATURE

3	SUNDAY		MONDAY		TUESDAY		WEDNESDAY		THURSDAY		FRIDAY		SATURDAY		TOTAL	
BASE																
PREMIUM																
HOLIDAY																
LAB FEE	$		$		$		$		$		$		$		$	
PER DIEM	$		$		$		$		$		$		$		$	
MILES																
TOTAL OTHER	$		$		$		$		$		$		$		$	

GRADERS EQUIPMENT CODE ☐ COMMITMENT ☐ NONCOMMITMENT SIGNATURE

4	SUNDAY		MONDAY		TUESDAY		WEDNESDAY		THURSDAY		FRIDAY		SATURDAY		TOTAL	
BASE																
PREMIUM																
HOLIDAY																
LAB FEE	$		$		$		$		$		$		$		$	
PER DIEM	$		$		$		$		$		$		$		$	
MILES																
TOTAL OTHER	$		$		$		$		$		$		$		$	

GRADERS EQUIPMENT CODE ☐ COMMITMENT ☐ NONCOMMITMENT SIGNATURE

5	SUNDAY		MONDAY		TUESDAY		WEDNESDAY		THURSDAY		FRIDAY		SATURDAY		TOTAL	
BASE																
PREMIUM																
HOLIDAY																
LAB FEE	$		$		$		$		$		$		$		$	
PER DIEM	$		$		$		$		$		$		$		$	
MILES																
TOTAL OTHER	$		$		$		$		$		$		$		$	

GRADERS EQUIPMENT CODE ☐ COMMITMENT ☐ NONCOMMITMENT SIGNATURE

LS 5-6 (02-93)

5. § 54.17 is amended by:

(1) revising paragraph (b) text only.

(2) revising paragraph (c) and ''Figure 1.''

(3) revising paragraph (d) and ''Figure 2.''

(4) revising paragraph (e) introductory text and ''Figure 1'' and removing ''Figures 2 through 5.''

(5) revising paragraph (f), adding a ''Figure 1'' immediately following it, and removing ''Figure 6.''

(6) revising paragraph (g) and revising ''Figure 1'' immediately following it, and

(7) adding new paragraphs (h), (i), (j), and (k) to read as follows:

§ 54.17 Official identifications.

*   *   *   *   *

(b) A shield enclosing the letters ''USDA'' as shown in Figure 1 with the appropriate quality grade designation ''Prime,'' ''Choice,'' ''Select,' ''Good,'' ''Standard,'' ''Commercial,'' ''Utility,'' ''Cutter,'' ''Canner,'' or ''Cull,'' as provided in the Official United States Standards for Grades of Beef, Veal and Calf, Lamb, Yearling Mutton, and Mutton Carcasses and accompanied by the class designation ''Bullock,'' ''Veal,'' ''Calf,'' ''Lamb,'' ''Yearling Mutton,'' or ''Mutton,'' constitutes a form of official identification under the regulations to show the quality grade, and where necessary the class, undersaid standards, of steer, heifer, and cow beef, veal, calf, lamb, yearling mutton and mutton. The code identification letters of the grader performing the service will appear intermittently outside the shield.

*   *   *   *   *

(c) A shield enclosing the letters ''USDA'' and the words ''Yield Grade,'' as in Figure 1, with the appropriate yield grade designation ''1,'' ''2,'' ''3,'' ''4,'' or ''5'' as provided in the Official United States Standards for Grades of Fresh Beef Carcasses and the Official United States Standards for Grades of Lamb, Yearling Mutton, and Mutton Carcasses constitutes a form of official identification under the regulations to show the yield grade under said standards. When yield graded, bull and bullock carcasses will be identified with the class designation ''Bull'' and ''Bullock,'' respectively. The code identification letters of the grader performing the service will appear outside the shield.
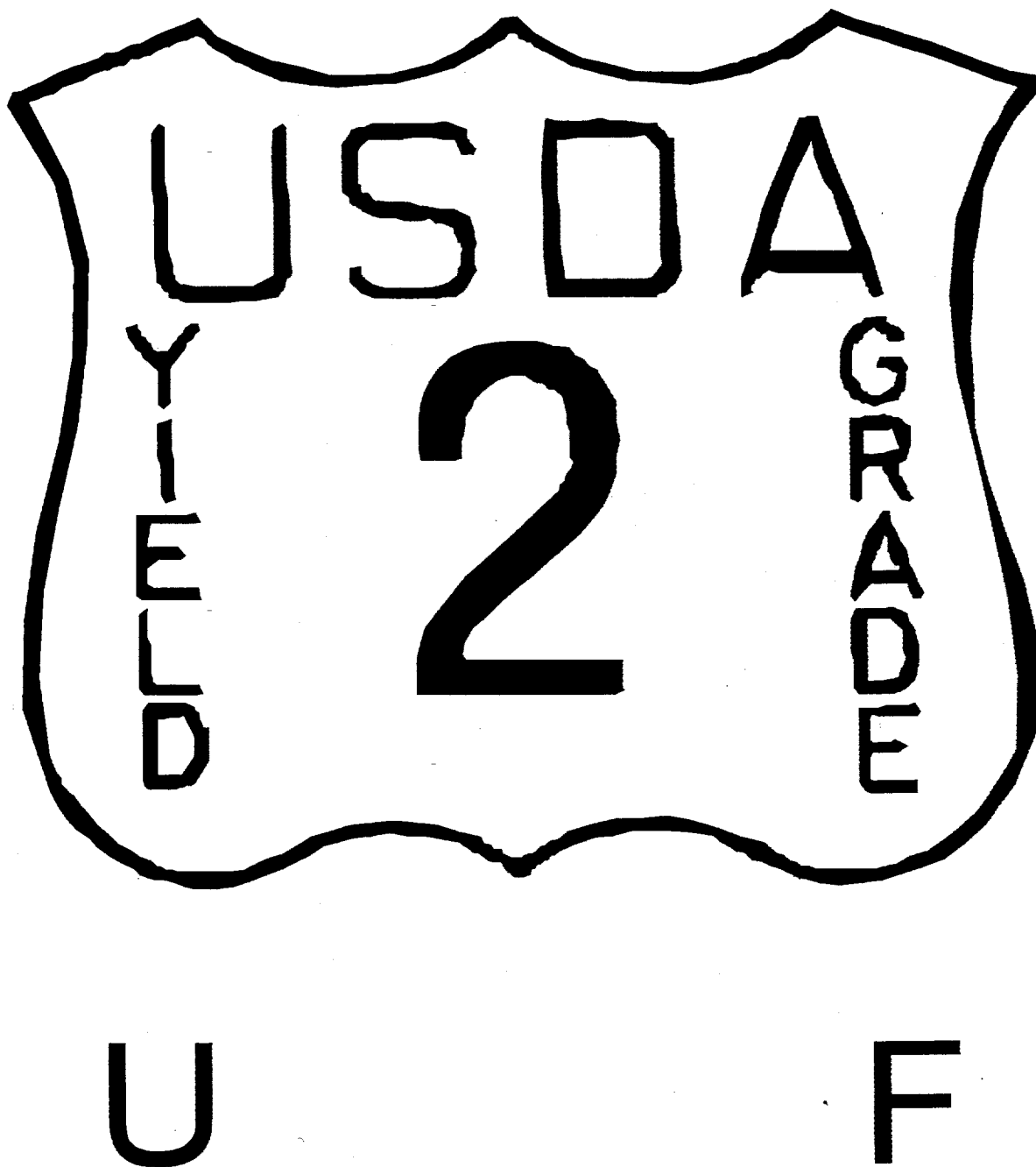
BILLING CODE 3410–02–M

Figure 1.

(d) Under the regulations, for carcass grade identification purposes only, a shield enclosing the letters ''USDA'' with the appropriate yield grade designation number of ''1,'' ''2,'' ''3,'' ''4,'' or ''5'' between the ''US'' and ''DA'', with the appropriate quality grade designation of ''Prime,'' ''Choice,'' or ''Select,'' below both as shown in Figure 1. The code identification letters for the grader performing the service will appear outside underneath the shield.
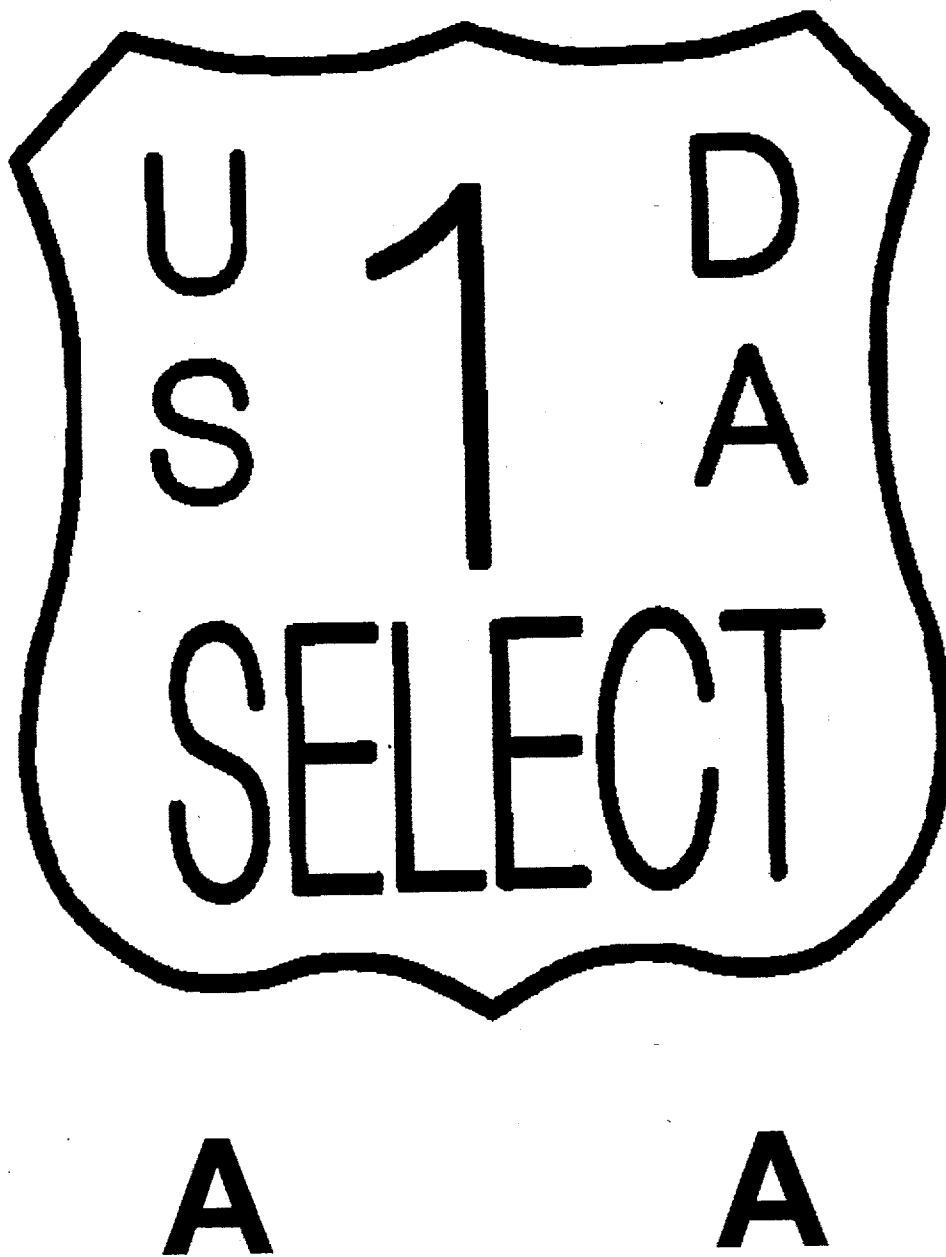
BILLING CODE 3410–02–M

Figure 1.

(e) Under the regulations, for yield grade identification purposes only, a shield enclosing the letters ''US'' on one side and ''DA'' on the other, with the appropriate Yield Grade designation number of ''1,'' ''2,'' ''3,'' ''4,'' or ''5'' as shown in Figure 1. The code identification letters for the grader performing the service will appear outside underneath the shield.

BILLING CODE 3410–02–M

A   A

Figure 1.

(f) Under the regulations, for quality grade identification only, a shield enclosing the letters ''US'' on one side and ''DA'' on the other with the appropriate Quality Grade designation of ''Prime,'' ''Choice,'' or ''Select'' as shown in Figure 1. The code identification letters for the grader performing the service will appear outside underneath the shield.
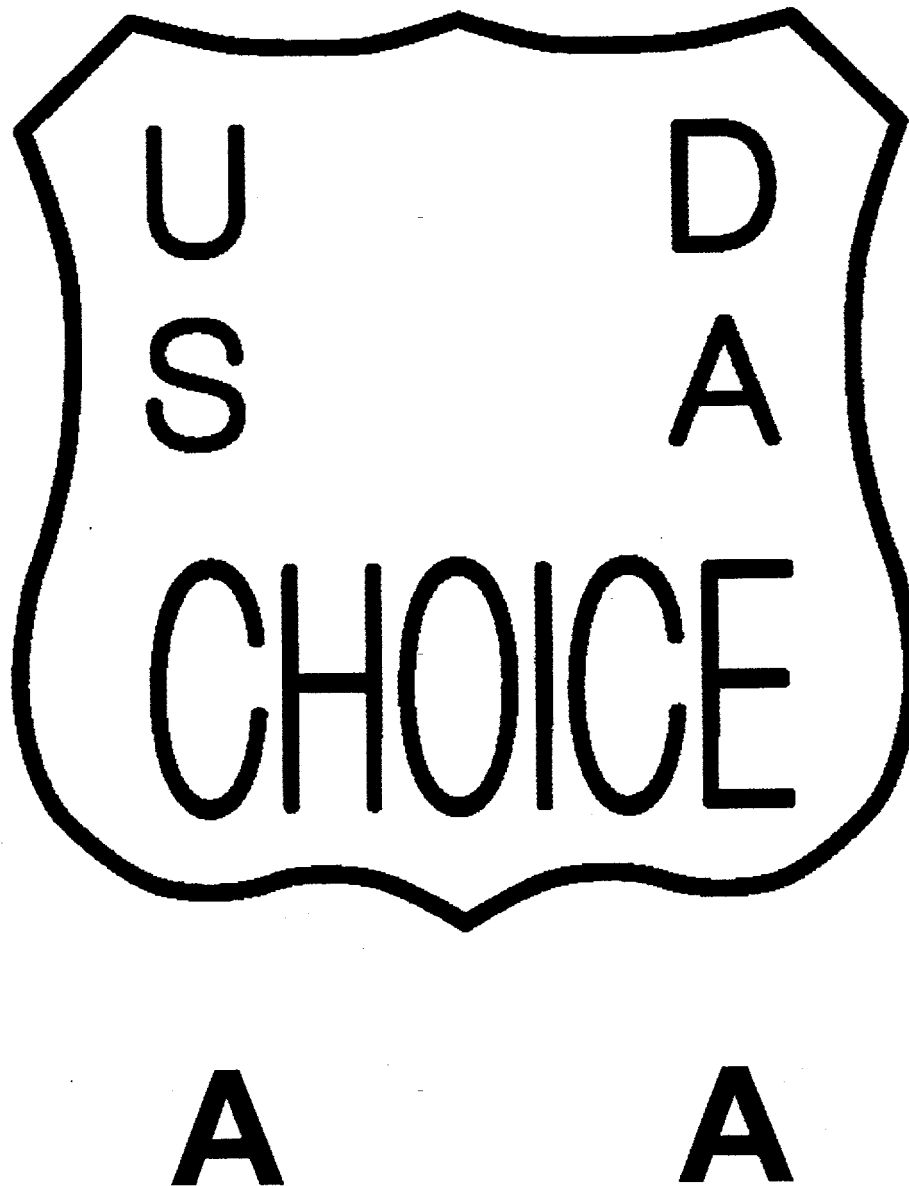
BILLING CODE 3410–02–M

Figure 1.

(g) The letters ''USDA'' with the appropriate grade designation ''1,'' ''2,'' ''3,'' ''4,'' ''Utility,'' or ''Cull'' enclosed in a shield as shown in Figure 1, as provided in the Official United States Standards for Grades of Pork Carcasses, constitutes a form of official identification under the regulations to show the grade under said standards of barrow, gilt, and sow pork carcasses.

BILLING CODE 3410–02–M

Figure 1.

(h) The following constitute forms of official identification under the regulations to show compliance of products:
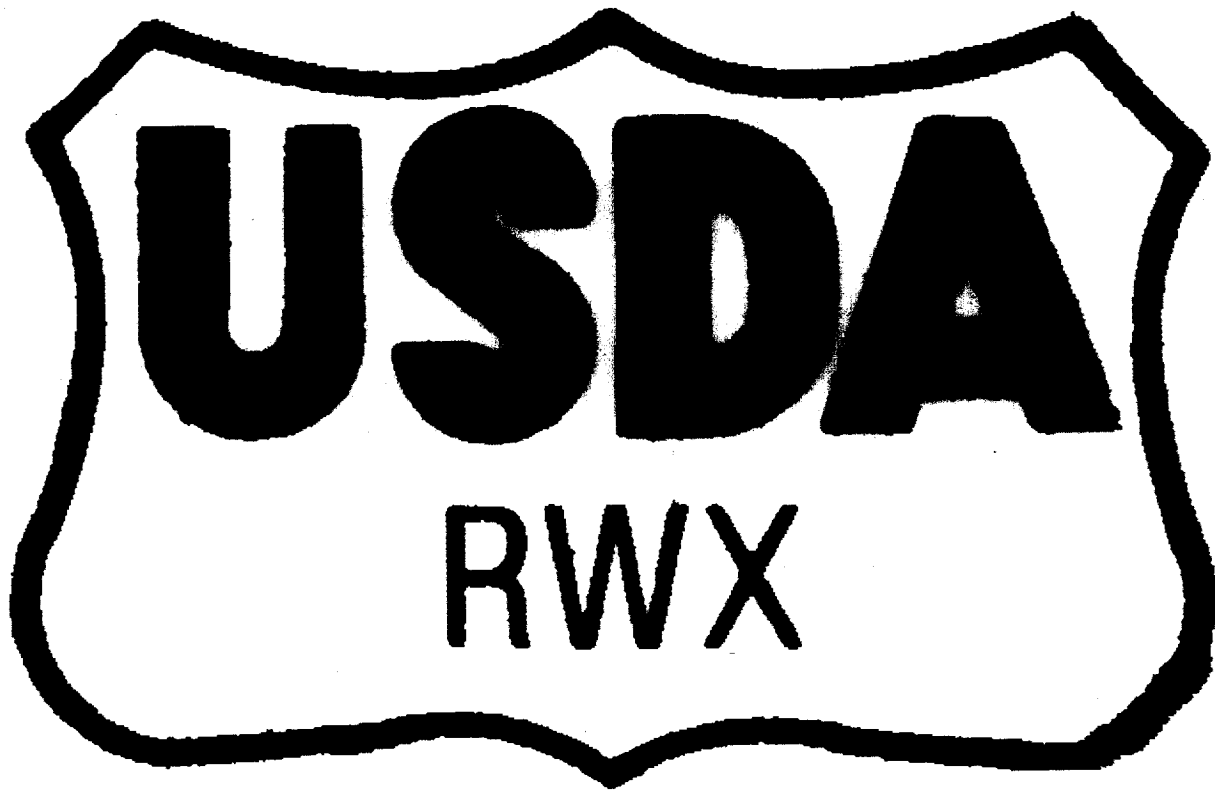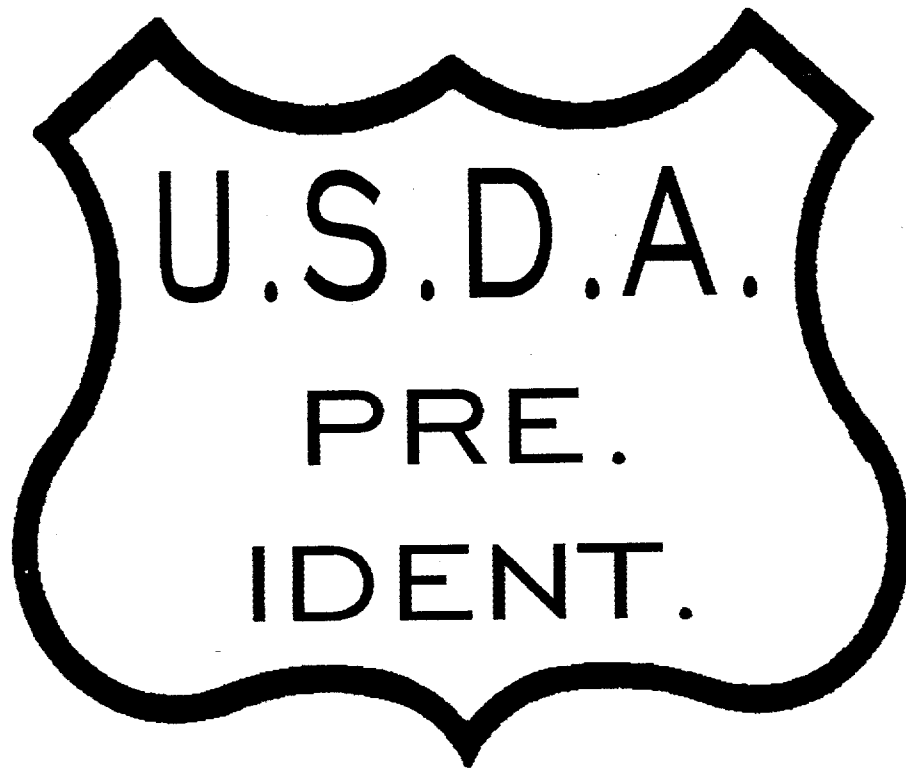
BILLING CODE 3410–02–M

Figure 1.

Figure 2.

Figure 3.

Note: The letters ''RWX'', and ''UF'' shown in figures 1, and 2 are examples, respectively, of the code identification letters of the official grader performing the service.

(i) The following, as shown in Figure 1, constitutes official identification to show quality system certification:

BILLING CODE 3410–02–M

Figure 1.

(j) A shield-shaped ear tag enclosing the letters ''USDA'', the words ''Carcass Data Service,'' as shown below (Figure 1), and a serial number constitutes a form of official identification under the regulations for livestock and carcasses. Other information may appear on the backside of the ear tag at the option of the purchasers.
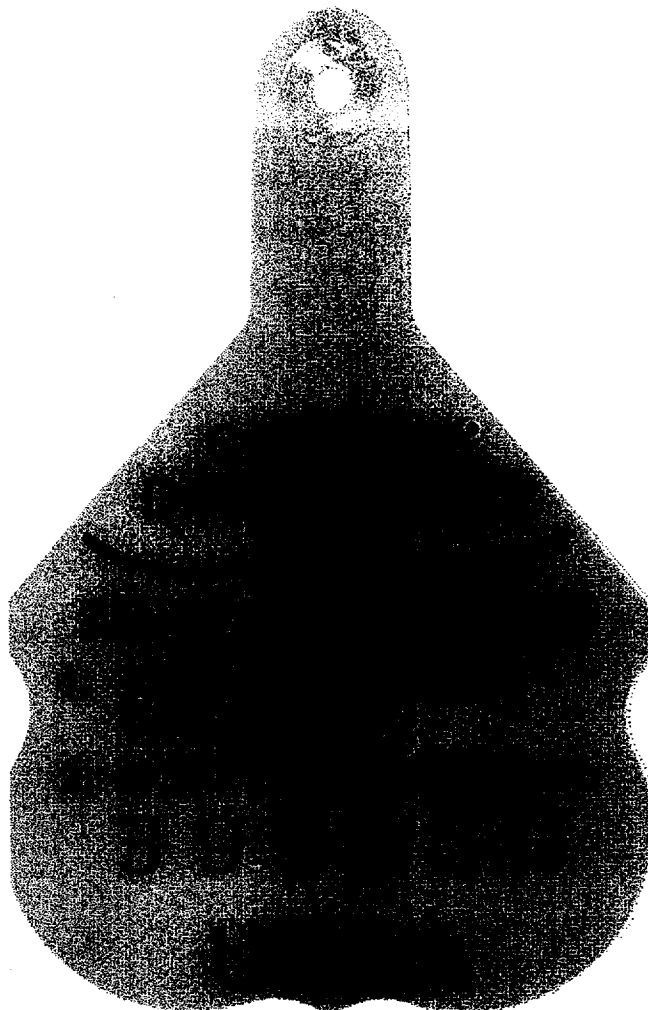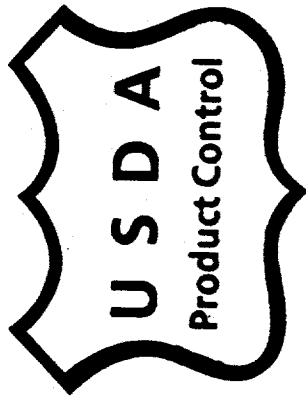
BILLING CODE 3410–02–M

Figure 1.

(k) One device used by USDA graders is a rectangular, serially numbered, orange tag on which a shield encloses the letters ''USDA'' and the words ''Product Control'' as shown in Figure 1, constitutes a form of official identification under the regulations for meat and meat products.

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The product(s) or container(s) to which this tag is attached is (are) controlled under authority of the Agricultural Marketing Act and is (are) not to be used, moved or altered in any manner without the expressed permission of an authorized representative of the United States Department of Agriculture. The unauthorized removal or alteration of this tag or utilization of the tagged product(s) is a violation of the Agricultural Marketing Act of 1946, as amended and regulations issued thereunder

REMARKS

AUTHORIZED EMPLOYEE

DATE

PRODUCT CONTROL

LOCATION AND REMARKS

AUTHORIZED EMPLOYEE

DATE

FORM LS-10   Reverse

US DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
LIVESTOCK AND SEED DIVISION

USDA
Product Control

DO NOT REMOVE TAG
OR
USE PRODUCT
WITHOUT AUTHORIZATION

(SEE REVERSE)

PRODUCT TAGGED

NO OF CONTAINERS

NO

FORM LS-10
(4-85)

Figure 1.   Form LS-10.   USDA Product Control.

Official graders and supervisors of grading may use ''Product Control'' tags or other methods and devices as approved by the Administrator for the identification and control of meat and meat products which are not in compliance with the regulations or are held pending the results of an examination. Any such meat or meat product so identified shall not be used, moved, or altered in any manner; nor shall official control identification be removed, without the express permission of an authorized representative of the USDA.

* * * * *

Dated: September 27, 1995.

Lon Hatamiya,

Administrator.

[FR Doc. 95–25122 Filed 10–12–95; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95–NM–117–AD]

Airworthiness Directives; Boeing Model 737–300, –400, and –500 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 737–300, –400, and –500 series airplanes. This proposal would require inspection for damage of a wire bundle and clamp that are located in the electronic/electrical (E/E) equipment bay, and repair of any damaged wire bundle or clamp. This proposal also would require replacement of the existing steel clamp with a nylon clamp, and rearrangement of the clamp installation. This proposal is prompted by a report of fire in the E/E equipment bay due to electrical arcing caused by chafing of a wire bundle. The actions specified by the proposed AD are intended to prevent chafing of a wire bundle that could cause short circuiting of the wire bundle, and could result in smoke and fire in the E/E equipment bay.

DATES: Comments must be received by December 11, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103,

Attention: Rules Docket No. 95–NM–117–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207.

This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Stephen Oshiro, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington; telephone (206) 227–2793; fax (206) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 95–NM–117–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No.

95–NM–117–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received a report indicating that six circuit breakers tripped during a flight of a Boeing Model 737–300 series airplanes, and that shortly after landing, maintenance personnel discovered smoke and flames coming from the insulation blanket at the left side of the electronic/electrical (E/E) equipment bay. Investigation revealed the source of ignition to be electrical arcing caused by chafing of a wire bundle by a wire bundle clamp at body station (BS) 360, water line (WL) 200, left buttock line (LBL) 55. Tension in the wire bundle caused deformation of the rubber cushioning material surrounding the metal portion of the clamp. Short circuiting and the resultant electrical arcing occurred when the metal portion of the clamp chafed through the insulation on the wires. Further investigation revealed that the wire bundle had been incorrectly routed and improperly clamped at the time of original manufacture. Improper clamping of the wire bundle resulted from the use of a rubber cushioned metal clamp instead of the nylon clamp specified by the design data. These conditions, if not corrected, could cause a fire and smoke in the E/E equipment bay, as a result of short circuiting of the wire bundle.

The FAA has reviewed Boeing Service Letter 737–SL–24–106, dated March 10, 1995, which describes procedures for performing a visual inspection for damage of the wire bundle and the clamp that contains the wire bundle in the E/E equipment bay, and repair, if necessary. Additionally, the service letter describes procedures to reclamp wire bundle W2132 (or W0132) by removing the rubber cushioned steel clamp and installing a nylon clamp on the aft side of the existing nut and bolt hole at BS 360, WL 203, LBL 57. The service letter also describes procedures for installing the clamps in a new arrangement as a precaution to prevent contact at the crossover point between wire bundle W2132 (or W0132) and W0142, the power feed wire bundle.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require a visual inspection for damage of the wire bundle and clamp in the E/E equipment bay, and repair, if necessary. Additionally, the proposed AD would require replacement of the rubber cushioned steel clamp with a nylon clamp, and the installation of additional clamps to prevent contact