Proposed Rules

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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

Food Safety and Inspection Service

9 CFR Chapter III

[Docket No. 95–041N]

Withdrawal of Obsolete Proposed Rules

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice of withdrawal.

SUMMARY: The Food Safety and Inspection Service (FSIS) is withdrawing a number of regulatory proposed rules published in the Federal Register at various times between 1969 and 1993, but never promulgated as final rules. These proposed rules cover a wide range of issues, including labeling, inspection operations, and added substances. All have either become obsolete or have been superseded by other rulemakings.

ADDRESSES: Send comments to: FSIS Docket Clerk, DOCKET # 95–041N, Room 3806, 1400 Independence Avenue, SW, Washington, DC 20250–3700. Any comments received will be available for public inspection in the FSIS Docket Room from 8:30 a.m. to 1:00 p.m. and from 2:00 p.m. to 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Dr. Paula M. Cohen, Director, Regulations Development, Policy, Evaluation and Planning Staff; (202) 720–7164.

SUPPLEMENTARY INFORMATION: FSIS is in the process of conducting a comprehensive review of its regulatory procedures and requirements to determine which are still needed and which should be modified, streamlined, or eliminated. This review is needed to prepare for the implementation of the Agency's final rule, ''Pathogen Reduction; Hazard Analysis and Critical Control Point (HACCP) Systems'' (61 FR 38805, July 25, 1996) and FSIS's new food safety strategy. FSIS is revising its regulations to reduce reliance on command-and-control regulations by shifting, wherever possible, to performance standards.

As part of its regulatory reform initiative, FSIS examined proposed rules published over the last 25 years in the Federal Register which, for a variety of reasons, were never promulgated in final form. These proposed rules covered a wide range of issues, including labeling, inspection operations, and added substances. FSIS determined that 45 of these proposals were either superseded by other rulemakings or obsolete under FSIS's new food safety strategy and should be withdrawn.

FSIS is officially withdrawing the following proposed regulations:

1. ''Inedible Animal Fats-Federal Meat Inspection Regulation Requirements'' (1/16/69; 34 FR 207)
2. ''Retail Meat Stores and Restaurants in the District of Columbia'' (2/12/69; Extended: 34 FR 15362)
3. ''Reinspection and Preparation of Product'' (2/21/69; 34 FR 2506)
4. ''Labels of Meat Food Products-Proper Use of the term 'FARM' or Similar Terms'' (4/15/69; 34 FR 6538)
5. ''Inspection of Poultry Products'' (5/27/72; 36 FR 9716)
6. ''Reinspection and Preparation of Products'' (2/4/70; 35 FR 2527)
7. ''Meat Cuts and Chopped Meat Products-Injection or Mixing of Water Base Solutions'' (10/8/70; 35 FR 15387)
8. ''Overtime or Holiday Inspection Service-Proposed Schedules of Operations (12/12/72; 37 FR 26429)
9. ''Inspection of Foreign Canned or Packaged Products'' (4/23/73; 38 FR 29215)
10. ''Definition of Importation'' (4/20/73, 38 FR 9829; 40 FR 42338)
11. ''Requirements for Meat Patties and Meat Patty Mixes and Similar Articles'' (5/4/73; 48 FR 52697)
12. ''Official Inspection Marks'' (6/20/73; 38 FR 16077)
13. ''Meatballs and Similar Products'' (7/13/73; 38 FR 18683)
14. ''Labeling Policy for Cured Products'' (8/10/73; 38 FR 21648)
15. ''Federally Inspected Poultry Products-Labeling and Official Marks'' (6/20/74; Extended: 39 FR 22152)
16. ''Certain Products with Meat Ingredients'' (10/2/73; 38 FR 27298)
17. ''Meat Plant Quality Control Programs'' (1974; Extended: 39 FR 10914)
18. ''Poultry Plant Quality Control Programs'' (1974; Extended: 39 FR 10914)
19. ''Information Panel and Nutrition Labeling'' (1/11/74; 39 FR 1606)
20. ''Dry Milk Products Intended for Use as Ingredients of Poultry Food Products'' (2/1/74; 39 FR 4113)
21. ''Interpretation of Term 'Meat' '' (3/21/74; 39 FR 10598)
22. ''Representations Regarding Geographical Origin'' (11/27/74; 39 FR 41318 and 42339)
23. ''Oleo Stock and Edible Tallow'' (5/14/76; 41 FR 19971)
24. ''Standards for Cooked Poultry Sausages'' (7/27/76; 41 FR 31226)
25. ''Exemptions Based on Religious Dietary Laws'' (9/7/76; 41 FR 37592)
26. ''Canning of Meat and Poultry Products'' (9/17/76; 41 FR 40156)
27. ''Water in Poultry Chillers'' (4/4/78; 43 FR 14043)
28. ''Charges for Inspection for Export Certification'' (10/27/78; 43 FR 50188)
29. ''Procedures for Prior Label Approval'' (2/26/80; 45 FR 12442)
30. ''Bacon made with Dry Curing Materials'' (6/27/80; 45 FR 43425)
31. ''Net Weight Labeling'' (8/8/80; 45 FR 53002)
32. ''Sale, Transportation, and Marking of Meat and Meat Food Products'' (7/31/81; 46 FR 39159)
33. ''Reimbursement for Preparation and Cleanup Time'' (5/7/82; 47 FR 19701)
34. ''Definitions and Standards of Identity or Composition for Misc. Pork Products and Misc. Beef Products'' (4/13/83; 48 FR 15927)
35. ''Labeling for Meat and Poultry Products with Cheese Substitutes; Revised Pizza Standard'' (8/5/83; 48 FR 35654)
36. ''Transportation of Inedible Product for Use as Animal Food'' (8/8/83; 48 FR 35884)
37. ''New Line Speed Inspection System for Broilers and Cornish Hens'' (1/20/84; 49 FR 2473)
38. ''Total Plant Quality Control for Labeling'' (9/25/85; 50 FR 38824)
39. ''Disposal of Livestock Carcasses and Parts Condemned for Biological Residues'' (6/8/87; 52 FR 21561)
40. ''Control of Added Substances and Labeling Requirements for Turkey Ham Products'' (2/21/89; 54 FR 7434)
41. ''Additional Methods for Destroying Trichinae'' (4/20/89; 54 FR 15946)
42. ''Ante-Mortem Inspection of Disabled Animals and Other Animals Unable to Move on Transport Vehicles'' (10/22/89; 55 FR 42578)

43. ''Preventing Cross-Contamination of Meat Products Heat-Processed to 130 Degrees F. or Higher and Poultry Products Processed to 155 Degrees F. or Higher by Other Products not Similarly Heat Processed'' (8/14/91; 56 FR 40274)

44. ''Streamlined Inspection System-Cattle and Staffing Standards'' (11/30/88; 53 FR 48262)

45. ''Policy for Differentiating Between Calves and Adult Cattle'' (8/27/93; 58 FR 45296)

Comments regarding the withdrawl of these proposed rules should be sent to the FSIS Docket Clerk (see **ADDRESSES**). If needed, FSIS will publish another notice addressing any comments received.

Done at Washington, DC on November 12, 1996.

Thomas J. Billy,

Administrator.

[FR Doc. 96–29448 Filed 11–15–96; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. NM–134; Notice No. SC–96–7–NM]

Special Conditions: Empresa Brasileira de Aeronautica S.A., (EMBRAER) Model EMB–145 Airplane; Thrust Reverser Systems

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This notice proposes special conditions for the Empresa Brasileira de Aeronautica S.A., (EMBRAER) Model EMB–145 airplane. This airplane will have a novel or unusual design feature associated with thrust reversers as optional equipment. This notice contains the additional safety standards which the Administrator considers necessary to establish a level of safety equivalent to that established by the airworthiness standards of Part 25 of the Federal Aviation Regulations (FAR).

DATES: Comments must be received on or before January 2, 1997.

ADDRESSES: Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, Attention: Rules Docket (ANM–7), Docket No. NM–134, 1601 Lind Avenue SW, Renton, Washington 98055–4056; or delivered in duplicate to the Office of the Assistant Chief Counsel at the above address. Comments must be marked: Docket No. NM–134. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Colin Fender, FAA, Flight Test and Systems Branch of the Transport Standards Staff, ANM–111, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW, Renton, Washington 98055–4056; telephone 206–227–2191.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of these proposed special conditions by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before further rulemaking action on this proposal is taken. The proposals contained in this notice may be changed in light of the comments received. All comments received will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested parties. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must include a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. NM–134.'' The postcard will be date/time stamped and returned to the commenter.

Background

EMBRAER first made application for a US Type Certificate for the Model EMB–145 on August 30, 1989, to the FAA Atlanta Aircraft Certification Office through the Brazilian Centro Técnico Aeroespacial (CTA). On June 2, 1992, EMBRAER filed for an extension of that application. The EMB–145 is a 50 passenger, pressurized, low-winged, ''T'' tailed, transport category airplane with retractable tricycle type landing gear. The airplane is powered by two Allison Model AE3007A high bypass ratio turbofan engines mounted on the aft fuselage, which are controlled by a Full Authority Digital Engine Control (FADEC). The cockpit will include a complete set of Electronic Flight Instrumentation and Engine Indication and Crew Alerting Systems (EFIS and EICAS).

EMBRAER has proposed to certificate and market the EMB–145 with thrust reversers as optional equipment. Thrust reversers have been shown to play a significant role in reducing accelerate-stop distances on wet and contaminated runways and have contributed to the transport category airplane fleet's accelerate-stop safety record.

The establishment of the transport category airplane safety record, with regard to accelerate-stop and landing overruns, is tied to the availability of auxiliary braking means that are independent of wheel-brake, tire, and runway surface interaction. On early transport category airplanes with propellers driven by reciprocating engines or turbine power plants, auxiliary braking was provided by commanding the propellers to a reverse pitch position, causing a deceleration, rather than acceleration, of air through the propeller disk. Due to the large diameter of the propellers, this was quite an effective braking means. Though these early transport did not have the high operating speeds of today's jet fleet, they also did not benefit from the sophisticated wheel-brake antiskid systems available today. As runway friction conditions degrade to those associated with a surface covered by ice, even today's antiskid systems will provide little in the way of stopping force. As runway friction conditions degrade, the braking contribution of reverse pitch systems increase considerably.

As the first generation turbojet-powered transport category airplanes went into service in the latter half of the 1950s, thrust reverser systems were developed to provide this same type of auxiliary braking as reverse pitch propellers by reversing the engine exhaust flow. As powerplant technology evolved and low bypass ratio turbofan engines entered commercial service in the early 1960's, thrust reversers were developed to reverse both the fan and core exhaust flows, thus maintaining the availability of auxiliary braking. With the advent of large high bypass ratio turbofan engines in the late 1960s, many thrust reverser systems reversed the fan exhaust flow only, which provided a substantial auxiliary braking effect due to the majority of the total inlet flow going through the fan section. Numerous test programs, by both research organizations and aerospace manufacturers, have substantiated the increased stopping benefit provided by thrust reversers as runway surface friction conditions deteriorate.