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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Reg. 687]

Valencia Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period April 23–29, 1982. Such action is needed to provide for orderly marketing of fresh Valencia oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: April 23, 1982.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202-447-5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291 and has been designated a "non-major" rule. To minimize disruption as much as possible and still bring this marketing order into compliance with the Secretary's guidelines for fruit, vegetable, and specialty crop marketing orders, issued January 25, 1982, this regulation (and subsequent weekly regulations throughout the shipping season) is being issued with the understanding that the Valencia Orange Administrative Committee will initiate certain actions during 1982. These actions are necessary so that operations under the program will conform to the guidelines. The guidelines state that prorate programs, like the Valencia orange marketing order, should be used guardedly so as to avoid stifling individual incentive or overly restricting market supplies. In recognition of the Department's guidelines, the committee at a meeting on March 9, 1982, passed a resolution to have a subcommittee; consider appropriate changes in program provisions necessary to conform with the guidelines; evaluate separately the allocative and prorate features of the order; and develop committee tenure and periodic referenda requirements. The resolution also indicated that the committee will periodically report its progress on these issues to the Department.

This regulation is issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

This action is consistent with the marketing policy for 1981–82 which was recommended by the committee following discussion at a public meeting on February 5, 1982. The committee met again publicly on April 20, 1982 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of Valencias deemed advisable to be handled during the specified week. The committee reports the demand for Valencia oranges has improved.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared policy of the act to make this regulatory provision effective as specified, and handlers have been apprised of such provision and the effective time.

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

List of Subjects in 7 CFR Part 908: Agricultural Marketing Service, Marketing Agreements and Orders, California, Arizona, Oranges (Valencia).

1. Section 908.987 is added as follows:

§ 908.987 Valencia Orange Regulation 687.

The quantities of Valencia oranges grown in Arizona and California which may be handled during the period April 23, 1982, through April 29, 1982, are established as follows:

(a) District 1: 217,279 cartons;
(b) District 2: 128,006 cartons;
(c) District 3: unlimited cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 21, 1982.

D.S. Kuryloski,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 82-11246 Filed 4-21-82; 11:58 am]
BILLING CODE 3410-02-M

7 CFR Part 945

Irish Potatoes Grown in Certain Designated Counties in Idaho and Malheur County, Oregon; Change in Fiscal Period and Budget Increase

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule changes the Idaho-Eastern Oregon Potato Committee's fiscal period to August 1 through July 31 of the following year. By making this change the committee's annual audit and total disposition figures will more nearly reflect the actual operation of the order during the season. It also amends the current budget to increase allowable expenses for the 1981–1982 fiscal period. An increase is necessary because the change in fiscal period adds two months to the current fiscal period.

EFFECTIVE DATE: May 15, 1982.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250 (202) 447-2615. The Final

Impact Analysis relating to this rule is available upon request from Mr. Porter.

SUPPLEMENTARY INFORMATION: Information collection requirements contained in this regulation (7 CFR Part 945) have been approved by the Office of Management and Budget under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB #0581-0069. This final rule has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291 and has been designated a "nonmajor" rule. William T. Manley, Acting Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

Marketing Agreement No. 98 and Order No. 945, both as amended (7 CFR Part 945) regulate the handling of potatoes grown in designated counties in Idaho and Malheur County, Oregon. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The Idaho-Eastern Oregon Potato Committee, established under the order, is responsible for its local administration.

Notice was published in the February 22, 1982, **Federal Register** (47 FR 7676). It afforded interested persons an opportunity to file written comments through March 31, 1982. None was filed.

The committee has requested that the fiscal period be changed from June 1-May 31 to August 1-July 31 of each year. The current fiscal period of June 1-May 31 has been in effect for more than three decades. During that time better varieties and newer storage techniques and equipment have extended the shipping season for Idaho potatoes until today these potatoes are available all year. The first of the new crop potatoes are usually harvested in early August. The committee can begin operations on assessment income generated during that fiscal period, and not need to rely on a reserve from the previous year's funds for the first two months. The committee believes that the change in the fiscal period will make the fiscal year concurrent with the crop year. Because of this, the fiscal and statistical information generated during the year will more closely follow the actual shipping season. Both the financial audit performed at the end of the year and the total disposition figures would more nearly coincide.

Because the current fiscal period is extended for two months, it is necessary to increase the committee's budget in order to provide for the necessary expenses incurred during this period. The committee therefore recommends the budget be increased from $68,487 to $80,487, an increase of $12,000. The rate of assessment of $0.0026 per hundredweight remains unchanged.

Findings. After consideration of all relevant matters, including the proposal set forth in the notice, it is hereby found that the amendment will tend to effectuate the declared purpose of the act.

List of Subjects in 7 CFR Part 945

Marketing Agreements and Orders, Potatoes, Idaho, Oregon.

PART 945—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Sections 945.111 and 945.234 are revised to read as follows:

§ 945.111 Fiscal period.

The fiscal period that began June 1, 1981, shall end July 31, 1982. Each year thereafter "fiscal period" shall mean the period beginning August 1 and ending the following July 31.

§ 945.234 Expenses and assessment rate.

Expenses of $80,487 by the Idaho-Eastern Oregon Potato Committee are authorized, and an assessment rate of $0.0026 per hundredweight is established for the fiscal period ending July 31, 1982. Unexpended funds shall be carried over as a reserve.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

Dated: April 16, 1982. To become effective May 15, 1982.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 82-11059 Filed 4-21-82; 8:45 am]

BILLING CODE 3410-02-M

Food Safety and Inspection Service

[Docket No. 76-706 F]

9 CFR Parts 320, 322, and 325

Sale, Transportation and Marking of Meat and Meat Food Products

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This rule deletes provisions for several certificates currently required for the transportation of U.S. inspected and passed edible meat and meat food products and properly denatured and identified inedible meat and meat food products. It also establishes a new procedure for returning meat and meat food products which may have become adulterated or misbranded to an official establishment and deletes a provision currently requiring a permit for the transportation of these products. This rule reduces the paperwork requirements imposed on industry in the transportation of certain edible and inedible meat and meat food products.

EFFECTIVE DATE: May 24, 1982.

FOR FURTHER INFORMATION CONTACT: Dr. John C. Prucha, Director, Slaughter Inspection Standards and Procedures Division, Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-3219.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This rule is issued in conformance with Executive Order 12291, and has been determined to be not a "major rule" since no new costs or additional requirements are being imposed on the affected industry or others. The rule will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Effect on Small Entities

The Administrator, Food Safety and Inspection Service, has determined that this rule will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601). The rule is designed to reduce the paperwork required to be completed by industry with respect to the distribution of meat and meat food products and is expected to reduce the operating costs of members of the industry.

Background

It is in the public interest that meat and meat food products distributed to consumers are wholesome, not adulterated, and properly marked, labeled, and packaged. Section 10 of the Federal Meat Inspection Act (FMIA) (21 U.S.C. 610) prohibits the sale, transportation, offer for sale or transportation, or receipt for transportation, in commerce, of meat and meat food products which are adulterated or misbranded at the time of such sale, transportation, or offer for sale or transportation or receipt for transportation. In order to prevent the distribution of meat and meat food products which are adulterated or misbranded within the meaning of the Act, the Department is required to inspect all meat and meat food products prepared at federally inspected establishments.

On July 31, 1981, the Food Safety and Inspection Service (FSIS) published a proposed rule in the **Federal Register** (46 FR 39159) to amend Part 322 and Part 325 of the Federal meat inspection regulations (9 CFR Parts 322 and 325) by deleting provisions for several certificates currently required for the transportation of U.S. inspected and passed edible meat and meat food products and properly denatured and identified inedible meat and meat food products. This action was intended to reduce FSIS imposed paperwork requirements on the industry without measurably affecting the Department's ability to assure the proper distribution of such meat and meat food products. In addition, FSIS proposed to amend other related sections of the Federal meat inspection regulations to clarify the wording and delete references to the certificate requirements.

As a result of the proposal, FSIS received six comments. The comments came from meat industry companies, an industry association, and one non-meat industry company. All of the commenters supported the proposed amendment. One commenter however, expressed a concern that if adopted, the amendments would render current company shipping documents unusable since these documents incorporate the deleted certification statements. The Administrator has determined that, although the certification statements are no longer required, industry members who have a supply of shipping douments which incorporate the deleted statements may continue to use such documents until the supply is depleted. Subsequent printing orders should request that the certification statements be removed from the shipping documents.

Each of the certificates being eliminated is discussed in the following paragraphs. The function of each certificate and the reasons for eliminating it are identified. The miscellaneous changes needed to clarify the regulations and to delete references to the certificates are also discussed below.

1. *Certificate for Transportation of U.S. Inspected, Passed, and Marked Product.*

Part 316 of the Federal meat inspection regulations (9 CFR Part 316) requires all U.S. inspected and passed meat and meat food products to be conspicuously marked at the time of inspection, prior to the products being offered for sale or transportation. Section 325.4 of the Federal meat inspection regulations (9 CFR 325.4) currently requires a certificate to accompany each shipment of U.S. inspected and passed product. The certificate states that the product offered for transportation in commerce is U.S. inspected and passed and so marked, and is not adulterated or misbranded. Since the products are already required to be federally inspected, passed, and properly marked prior to transportation, the Department has determined that this certificate is unnecessary and is deleting the certification requirement in § 325.4 of the Federal meat inspection regulations.

2. *Permit To Allow Product To Be Returned to an Official Establishment.*

Section 325.10 of the Federal meat inspection regulations (9 CFR 325.10) currently authorizes U.S. inspected and passed product, claimed by an interested party to have become adulterated or misbranded after it has been transported from an official establishment, to be returned to an official establishment for a determination by a USDA inspector whether the product has become adulterated or misbranded. In order to make this determination, the product must be transported to an official establishment where a USDA inspector is located.

Currently, the person desiring to handle the product for this purpose must notify the USDA area supervisor, in the area where the official establishment receiving the returned product is located, and obtain a written permit (Form MP 409-1) allowing the shipment. The product must be stored until a written permit has been obtained to accompany the product to the designated official establishment. This procedure delays the actual determination whether the product has become adulterated or misbranded and may also cause a hardship on the operator of the premises where the product is being held prior to transportation to an official establishment.

In order to expedite the transportation of the product to an official establishment where an official determination can be made whether the product has become adulterated or misbranded, the Department is deleting the requirement for this permit. In its place, the Department will require oral permission to be obtained from the FSIS, Meat and Poultry Inspection Program area supervisor of the area in which the official establishment is located. The area supervisor will maintain a record of the authorization and also notify the inspector at the official establishment to which the product will be transported.

Section 325.10 currently requires a certificate to be provided by the shipper to the carrier to accompany each shipment stating that the product has been U.S. inspected, passed, and properly marked, and is alleged to be adulterated or misbranded. This requirement was originally established as a means to allow the Department to control the movement of the product. However, the Department believes this certificate would not be needed under the procedure outlined above and that the new procedure would allow for adequate control over the movement of the product. Therefore, the Department is also deleting the requirement for this certificate.

3. *Certificate for Transporting Inedible Articles; Denaturing and Other Means of Identification.*

Section 325.11(b) of the Federal meat inspection regulations (9 CFR 325.11(b)) requires a certificate to accompany a shipment of inedible meat or meat food product certifying that the inedible product has been denatured or otherwise identified as specified in the Federal meat inspection regulations. In addition, § 322.5 of the regulations (9 CFR 322.5) requires the filing of a certificate by the exporter of certain inedible product stating that the product has been denatured or otherwise identified as specified in the regulations. The regulations currently require inedible meat or meat food products to be denatured or shipped with specific labeling on the shipping containers in order to identify the product as not intended for use as human food. Since the denaturing of the product or the specified labeling properly identifies the product as inedible, the Department believes the certification requirement is unnecessary. Therefore, the Department is deleting the certification procedure for these products.

Section 325.8 of the regulations (9 CFR 325.8) currently contains specific provisions concerning transactions in undenatured lungs or lung lobes. As a result, the general requirements contained in § 325.11 of the regulations (9 CFR 325.11) are not applicable to lungs or lung lobes. Therefore, § 325.11

of the regulations is amended to contain a reference to the specific requirements for lungs or lung lobes.

4. *Miscellaneous Changes.*

Changes are also being made to clarify the wording of §§ 325.1 and 325.10 of the Federal meat inspection regulations (9 CFR 325.1 and 325.10). The proposed changes are not substantive and are intended simply to clarify the regulations.

Changes in §§ 320.1, 322.5, 325.1, 325.11, and 325.15 of the Federal meat inspection regulations are being made to delete other references to the certificate requirements which are eliminated by these amendments.

5. *Information Collection Requirements:*

Information collection requirements contained in this regulation under Title 9, Code of Federal Regulations, § 320.1(b)(3) (9 CFR 320.1(b)(3)), have been approved by the Office of the Management and Budget under the Provisions of 44 U.S.C. Chapter 35 and have been assigned OMB #0583–0015.

For the reasons set out in the preamble and in consideration of the comments received by FSIS on the July 31, 1981, proposed rule, all of which supported the proposed amendments, the Federal meat inspection regulations are amended as follows.

List of Subjects in 9 CFR Part 320

Meat inspection, Reporting and recordkeeping requirements.

List of Subjects in 9 CFR Part 322

Meat inspection.

List of Subjects in 9 CFR Part 325

Meat inspection, Official establishment, Certificates, Transportation.

Done at Washington, DC, on March 26, 1982.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

PART 320—RECORDS REGISTRATION AND REPORTS

1. The authority citation for Parts 320, 322 and 325 reads as follows:

Authority: 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 438 (21 U.S.C. 71 *et seq.*, 601 *et seq.*, 33 U.S.C. 466–466k).

2. Section 320.1(b)(3) (9 CFR 320.1 (b)(3)) is revised to read as follows:

§ 320.1 Records required to be keep.

* * * * *

(b) * * *

(3) A record of seal numbers required to be kept by consignees of inedible products shipped under unofficial seals under § 325.11(b) or (e) of this subchapter, and a record of new consignees of inedible products diverted under § 325.11(e) of this subchapter.

* * * * *

PART 322—EXPORTS

§ 322.5 [Amended]

3. Section 322.5 (9 CFR 322.5) is amended by removing the phrase following the last comma and replacing that comma with a period.

PART 325—TRANSPORTATION

4. Section 325.1 (9 CFR 325.1) is amended by revising its heading and revising paragraph (b) to read as follows:

§ 325.1 Transactions in commerce prohibited without official inspection legend or certificate when required; exceptions; and vehicle sanitation requirements.

* * * * *

(b)(1) No carrier shall transport or receive for transportation in commerce (including transportation in the course of importation) and no person shall offer for transportation any carcass, part thereof, meat or meat food product until a certificate, if required for such transportation by this Part, is made and furnished to the carrier in one of the forms prescribed in this Part.

(2) Product offered for importation into the United States may be transported and offered and received for transportation if such product is conveyed, prior to inspection, to an authorized place of inspection, as provided in § 327.6 of this Part, in railroad cars, trucks, or any other means of conveyance, or in packages sealed with special official import meat seals of the Department or with customs or consular seals or otherwise identified as provided in Part 327 of this subchapter.

* * * * *

§ 325.4 [Removed]

5. Part 325 (9 CFR 325) is amended by removing the heading and text of § 325.4 (9 CFR 325.4), but the section number is reserved, and the Table of Contents for Part 325 is amended to reflect this change.

6. Section 325.10 (9 CFR 325.10) is amended by revising its heading and paragraph (a) to read as follows:

§ 325.10 Handling of products which may have become adulterated or misbranded; authorization and other requirements.

(a) When it is claimed that any inspected and passed product, marked with an inspection legend, has become adulterated or misbranded after it has been transported from an official establishment, such product may be transported in commerce to an official establishment after oral permission is obtained from the area supervisor of the area in which that offical establishment is located. The transportation of the product may be to the official establishment from which it had been transported or to another official establishment designated by the person desiring to handle the product. The transportation shall be authorized only for the purpose of officially determining if the product has become adulterated or misbranded and making the appropriate disposition. The area supervisor shall make a record of the authorization and such other information which will effectively identify the shipment and shall provide a copy of the record to the inspector at the establishment receiving the product. The shipper shall be furnished a copy of the authorization record upon request.

7. Section 325.10 (9 CFR 325.10) is further amended by removing paragraph (b).

8. Section 325.10 (9 CFR 325.10) is further amended by redesignating paragraph (c) as paragraph (b).

9. Section 325.11 (9 CFR 325.11) is amended by removing paragraph (b).

10. Section 325.11 (9 CFR 325.11) is further amended by revising its heading and the text of paragraphs (c) and (e).

Paragraph (a) is amended by inserting a reference to § 325.8 of the regulations (9 CFR 325.8). Section 325.11 is further amended by relettering paragraphs (c) through (f) as (b) through (e) and revising the text of the section as appropriate to reflect the relettering. The revised heading and text of § 325.11 reads as follows:

§ 325.11 Inedible articles: denaturing and other means of identification; exceptions.

(a) Except as provided in § 325.8 and § 325.10, no carcass, part of a carcass, rendered grease, tallow, or other fat derived from the carcasses of livestock, or other meat food product, that has not been inspected and passed at an official establishment under the provisions of this subchapter and is not exempted from such inspection, and no carcass, part of a carcass, fat or other meat food product that is adulterated or misbranded, shall be offered for transportation in commerce by any person unless it is handled in accordance with paragraphs (b), (c), (d), or (e) of this section or is denatured or otherwise identified as prescribed in § 325.13, § 314.1, § 314.3, § 314.9, § 314.10, or § 314.11 of this subchapter.

(b) Inedible rendered animal fats from official or other establishments in the

United States having the physical characteristics of a meat food product fit for human food may be transported in commerce without denaturing, if the following conditions are met:

(1) Such inedible rendered fat shall not be bought, sold, transported, or offered for sale or offered for transportation in commerce, or imported, except by rendering companies, dealers, brokers, or others who obtain a numbered permit for such activities from the Regional Director.

(2) Such inedible rendered animal fat may be so distributed only if consigned to a domestic manufacturer of technical articles other than for human food or to an export terminal for exportation or storage for exportation as an inedible article, and provided, in the case of such fat consigned to a domestic manufacturer, the product is for use solely by the consignee for manufacturing purposes of nonhuman food articles and may not be further sold or shipped without first receiving approval of the Regional Director: *And provided further,* That such fat intended for export and stored at a terminal point prior to export will be subject to review by Program employees to assure that it is exported as inedible.

(3) When transported in commerce, or imported, such inedible rendered fat shall be marked conspicuously with the words "technical animal fat not intended for human food" on the ends of the shipping containers, in letters not less than 2 inches high; in the case of shipping containers such as drums, tierces, barrels, and half barrels, and not less than 4 inches high in the case of tank cars and trucks. All shipping containers shall have both ends painted with a durable paint, if necessary, to provide a contrasting background for the required marking.

(4) Such inedible rendered fat shall be transported only in sealed shipping containers bearing unofficial seals applied by the shipper, which shall include the identification number assigned by said Director for the permit holder. The number shall appear on the bill of lading or other transportation documents for the shipment. The consignees in the United States must retain the seals in their records as prescribed in Part 320 of this subchapter.

(5) Any diversion or effort to divert inedible rendered fat contrary to the provisions of this paragraph (b) or other violation of the provisions of this section may result in the revocation of the permit for shipment of technical animal fat at the discretion of the Administrator.

(c) Inedible rendered animal fat derived from condemned or other inedible materials at official or other establishments in the United States may be transported in commerce if mixed with low grade offal or other materials which render the fat readily distinguishable from an article of human food, and if the outside container bears the word "inedible."

(d)(1) Except as provided in paragraphs (d) (2), (3), and (4) of this section, or in §§ 314.10 and 314.11 of this subchapter, no animal food prepared, in whole or in part, from materials derived from the carcasses of livestock in an official establishment or elsewhere, shall be transported in commerce, unless:

(i) It is properly identified as animal food;

(ii) It is not represented as being a human food; and

(iii) It has been denatured as prescribed in § 325.13(a)(2) so as to be readily distinguishable from an article of human food.

(2) Notwithstanding the provisions of paragraph (d)(1) of this section, an animal food that consists of less than 5 percent of parts or products of the carcasses of livestock and that is not represented by labeling or appearance or otherwise as being a human food or as a product of the meat food industry need not be denatured in accordance with § 325.13(a)(2).

(3) Notwithstanding the provisions of paragraph (d)(1) of this section, animal food packed in hermetically sealed, retort processed, conventional retail-size containers, and retail-size packages of semimoist animal food need not be denatured in accordance with § 325.13(a)(2) if the name of the article, as for example, "Dog and Cat Food" or "Animal Food," appears on the label in a conspicuous manner. To be considered conspicuous, the letters in the name of the articles must be at least three times as high, wide, and thick as the letters in the words denoting the use, as ingredients in the article, of the materials derived from the carcasses of livestock. The letters in the name of such article shall contrast as markedly with their background as the letters in the words denoting the use of such ingredient materials contrast with their background.

(4) The requirements of this part do not apply to any animal food which does not consist of any parts or products of the carcasses of livestock, or to livestock or poultry feed which does not consist of any such articles other than processed livestock byproducts (such as meat meal tankage, meat and bone meal, blood meal and feed grade animal fat).

(e) Except for inedible rendered animal fats and lungs or lung lobes, inedible products (including condemned products only if condemned for causes specified in § 314.11 of this subchapter) which were prepared at any official establishment, or at any State inspected establishment in any State not listed in § 331.2 of this subchapter, and which have the physical characteristics of a product fit for human food, may be transported from an official establishment or in commerce, without denaturing as required by this subchapter, if the following conditions are met:

(1) The shipper must have obtained a numbered permit for such activity from the appropriate Regional Director, as identified in § 301.2 of this subchapter. Such permit may be obtained upon written application to the appropriate Regional Director and his determination that the proposed transportation would be authorized under this paragraph (e). The application shall state the name and address of the applicant, a description of the type of his business operations, and the purpose of making such application.

(2) Such inedible products may be transported under this paragraph (e) only if consigned to a manufacturer in the United States of articles other than for human food and if the product is for use solely by the consignee for manufacturing articles not for human food. Such products may not be transported in commerce to any consignee other than the one to which they were originally shipped unless prior notice of the diversion is given to the appropriate Regional Director and a record identifying the new consignee is maintained by the shipper as required by § 320.1 of this subchapter.

(3) When transported from an official establishment or in commerce under this paragraph (e), the outside container of such inedible products shall be marked conspicuously with the words "Inedible—Not Intended for Human Food" in letters not less than 2 inches high, in the case of containers, such as cartons, drums, tierces, barrels, and half barrels, and not less than 4 inches high in the case of tank cars and trucks used to transport such products not in other containers.

(4) Such inedible products shall be transported from an official establishment or in commerce under this paragraph (e) only in railroad cars, trucks, or containers which bear unofficial seals applied by the shipper, which shall include the identification number assigned to the permit holder and an individual seal serial number

assigned by the shipper; and the product so transported shall be accompanied by an invoice or bill of lading specifying the permit holder's identification number. The consignee in the United States must retain a record of the identification and serial numbers shown on the seals in his records as prescribed in Part 320 of this subchapter.

(5) Any diversion, or effort to divert, undenatured, inedible product contrary to the provisions of this paragraph (e) or other violation of the provisions of this section may result in the revocation of the permit for shipment of inedible products under this paragraph (e), at the discretion of the Administrator.

11. Section 325.15 is revised to read as follows:

§ 325.15 Evidence of proper certification required on waybills; transfer bills, etc., for shipment by connecting carrier; forms of statement.

(a) All waybills, transfer bills, running slips, conductor's cards, or other papers accompanying a shipment, in the course of importation or otherwise in commerce, of any product shall have embodied therein, stamped thereon, or attached thereto a signed statement which shall be evidence to connecting carriers that the proper shipper's certificate, as required by § 325.5, 325.6, or 325.7, is on file with the initial carrier. No connecting carrier shall receive for transportation or transport in the course of importation or otherwise in commerce any product unless the waybill, transfer bill, running slip, conductor's card, or other papers accompanying the same includes the signed statement in the following form:

(Name of transportation company)
U.S. inspected and passed, as evidenced by shipper's certificate on file with initial carrier.
(signed) ————————
Agent

(b) Signatures of agents to statements required under this section shall be written in full.

[FR Doc. 82-11057 Filed 4-21-82; 8:45 am]
BILLING CODE 3410-DM-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-NW-70-AD; Amdt. 39-4364]

Airworthiness Directives: Boeing Model 707/720, 727, 737 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new Airworthiness Directive (AD) which requires inspection, and repair if necessary, of the control cabin "E-F" window post on certain Boeing Model 707/720, 727, 737 series airplanes. The AD is prompted by reports of fatigue cracking of the steel doubler sandwiched between the window post outboard chord and the body skin. Failure to detect the cracking prior to reaching critical length could result in failure of the window post and rapid decompression of the aircraft.

DATE: Effective date May 21, 1982.

ADDRESSES: The alert service bulletins and documents specified in this Airworthiness Directive may be obtained upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124, or may be examined at FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT: Mr. Don Gonder, Airframe Branch, ANM-120S, Seattle Area Aircraft Certification Office, FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, 98108, telephone (206) 767-2516.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an AD requiring the inspection and repair as necessary of the E-F window post on certain Boeing Model 707/720, 727, 737 series airplanes was published in the **Federal Register** on November 2, 1981 (46 FR 54381). The comment period for the proposal closed on December 1, 1981. The Airline Transport Association (ATA) requested that the comment period be extended due to the unavailability of one of the service bulletins referenced in the proposal. A notice was published in the **Federal Register** on December 14, 1981, (46 FR 60828) which extended the comment period to January 4, 1982.

The proposal was prompted by numerous reports of fatigue cracking in the steel doubler sandwiched between the "E-F" window post outboard chord and the body skin in the general area of the body skin splice on certain Boeing Model 707/720, 727, and 737 airplanes. The "E-F" post structure on these airplane models is identical.

In addition, The Boeing Company has conducted a structural reassessment of the B707/720, 727, and 737 airplanes as part of their program to develop a supplemental inspection document (SID) for these airplanes. In conducting this reassessment, Boeing used advanced analysis techniques which were not available during the original design and certification and used as guidelines the requirements of FAR 25.571 (25-45). The reassessment included structural details that have a history of cracking. The analysis has revealed that certain of these details should receive increased emphasis in the maintenance program of operators to maintain the structural integrity of the airplane. The E-F window post is one such detail.

Failure to detect window post structure cracking prior to reaching critical size could result in the structure being incapable of carrying the fail-safe load and subsequent failure of the window post. Failure of the window post could result in rapid decompression.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to all comments received.

The ATA commented on behalf of its member operators. The ATA states that the substitution of mostly theoretical calculations for service experience is not logical and that the manufacturer did not consider service experience during their reassessment of the structure. The ATA further stated that the E-F window post cracking is a typical airplane structural problem which has been successfully controlled for over ten years. The ATA cites the experience of one of their members who has been inspecting this area for ten years at approximately 9,000 landings. The ATA recommends that the proposed AD be withdrawn.

The FAA does not agree. During the structural reassessment, consideration was given to the service history of this structural detail. As a result, the thresholds for the initial inspections are heavily dependent upon the airplane's total number of landings at which cracks were reported. The repeat intervals are based, when possible, on an examination of cracked parts. When cracked parts are not available, as in the case of the E-F window post, the repeat interval is based on calculation of a crack growth rate. The foundation for these calculations is based partly on actual material tests and is not purely theoretical. The criteria for deciding which structural details with an adverse service history warrant AD action include whether or not the damage is obvious or apparent during routine maintenance. The E-F window post cracks are neither obvious nor apparent. At least one operator failed to detect cracking until it had progressed into both chords of the post structure. The purpose of this AD is to require inspections at frequent enough intervals